

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

September 29, 2009
EN-09-047

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Earth Exploration, Inc. (EA-09-114)
Indianapolis, Indiana
Docket No. 030-32764

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Confirmatory Order will be issued on or about October 1, 2009, to Earth Exploration, Inc., confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement. Based on information developed during an inspection and investigation, several apparent violations were identified involving the failure to: (1) perform annual reviews of the radiation protection program; (2) perform leak testing of sealed sources; (3) perform physical inventories every six months of sealed sources; (4) process and evaluate dosimetry; (5) ensure compliance with NRC requirements and license conditions through the Radiation Safety Officer; (6) secure portable gauges using two independent physical barriers; and (7) lock the gauge or gauge case when in storage. The NRC preliminarily determined that the first five violations were due to the deliberate actions of the Radiation Safety Officer.

The ADR mediation session was conducted on August 25, 2009, and a settlement agreement was reached. As part of the agreement, Earth Exploration, Inc., acknowledged the technical violations and agreed to take a number of actions including, but not limited to, retaining a qualified consultant to audit the radiation safety program on an annual basis for a period of five years, receiving training on radiation safety program management, and developing a plan to inform other organizations of the lessons learned and the importance of developing the necessary infrastructure and communication paths to identify and resolve competing priorities. In recognition of these and other actions, the NRC agreed to not categorize the violations as deliberate and to not pursue any further enforcement action against Earth Exploration, Inc., for these violations.

The schedule of issuance and notification is:

Mailing of Notice	October 1, 2009
Telephone Notification of Licensee	October 1, 2009

The State of Indiana will be notified.

Contacts: Kerstun Day, OE, 415-1252 Greg Bowman, OE, 415-2939

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