

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

September 29, 2009
EN 09-048

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Individual: Mr. Christopher S. Loyd (IA-09-044)

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 Mr. Christopher S. Loyd, confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement. Mr. Loyd is the Radiation Safety Officer (RSO) at Earth Exploration, Inc., Indianapolis, Indiana. The NRC preliminarily concluded that the individual engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1), which caused the licensee to be in violation of regulatory requirements. 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; and (5) ensure compliance with NRC requirements and license conditions through 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, Mr. Loyd agreed to take a number of actions including, but not limited to, conducting a "lessons learned" training to address oversight of the radiation safety program, submitting a report describing the radiation safety activities completed every three months for a period of two years to the licensee and NRC, and submitting a plan on how he will accomplish all of the duties assigned to him as RSO and what steps he will take to ensure that the infrastructure exists for those duties with a long periodicity. 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 Mr. Loyd for these violations.

The schedule of issuance and notification is:

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

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

The State of Indiana will be notified.

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

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

Distribution: EN-09-048, September 29, 2009

<u>OWFN</u>	<u>OWFN</u>	<u>TWFN</u>	<u>Regional Offices</u>	
Chairman Jaczko	EDO	OCFO	RI	RII
Comm. Svinicki	DEDR	OP CENTER	RIII	RIV
Comm. Klein	DEDMRT	NMSS		
SECY	OE	OIG		
OCA	OGC	RES	<u>MAIL</u>	
OPA	NRR	ACRS	ADAMS	
OIP	OI	FSME	OE staff	
	NSIR			

DISTRIBUTION: (Hard copy)

C. Carpenter
N. Hilton
G. Bowman
K. Day
OE r/f
EN Binder

ADAMS ML092720133

X PUBLIC X NON-SENSITIVE

OFFICE	OE:ES	OE:BC
NAME	KDay	GBowman
DATE	9/25/2009	09/29/2009

OFFICIAL RECORD COPY