



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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## **NRC ISSUES CONFIRMATORY ORDERS TO EARTH EXPLORATION AND ITS RADIATION SAFETY OFFICER**

The Nuclear Regulatory Commission has issued Confirmatory Orders requiring Earth Explorations Inc., and the company's radiation safety officer (RSO) to correct deficiencies that resulted in the company's failure to follow NRC regulations for the possession and use of nuclear materials. The company is headquartered in Indianapolis, Ind.

The company is licensed to work with nuclear gauges used to measure the moisture and density of compacted soil at construction sites. In July 2008, a routine NRC inspection identified violations of NRC regulations such as following procedures, properly securing and handling nuclear gauges and failing to ensure the RSO abided by NRC regulations. The NRC found that the RSO did not adhere to agency regulations in areas such as performing checks on the radiation protection program, ensuring nuclear gauge users did not receive an excess radiation dose and meeting the conditions of the NRC license. There was no harm caused to members of the public or employees in these cases.

The Confirmatory Order requires Earth Exploration to perform independent audits of the radiation safety program for five years, make sure the RSO assistants and managers receive training to understand program requirements, conduct specialized training sessions for employees, and develop a plan to inform other organizations about the steps taken by the company for ensuring a robust radiation safety program. After the NRC identified the violations, the company took immediate action to correct all of them.

A separate Confirmatory Order requires the RSO to conduct a lessons learned training session for employees, inform other organizations of the lessons learned so they can avoid similar problems, inform the NRC and Earth Explorations of completed activities, and submit a plan of action on how the RSO will ensure these duties will be accomplished.

The Confirmatory Orders document the commitments to the NRC reached as a result of the Alternative Dispute Resolution (ADR) process. The ADR process uses a neutral mediator with no decision-making authority to assist the NRC and its license holders in resolving differences regarding enforcement actions. Often, the ADR process is more effective than traditional enforcement in developing broad, long-term corrective actions, thus producing a

greater benefit for employee and public safety than a one-time fine or other enforcement action.

“As a result of the successful ADR process both Earth Exploration and the RSO will be required to take additional actions to ensure these violations of NRC requirements don’t happen again,” said NRC Region III Administrator Mark A. Satorius. “The use of nuclear materials is a big responsibility and we want to make sure it is done safely.”

The NRC will not issue any violation or take other enforcement actions for these issues. However, the NRC staff will evaluate the commitments during future inspections. Copies of the Confirmatory Orders issued will be available on the NRC Web Site at:

<http://www.nrc.gov/reading-rm/adams.html>.

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