

January 5, 2012

IA-11-032

Mr. Francis Guilbeau
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES

Dear Mr. Guilbeau:

The enclosed Order is being issued because the Nuclear Regulatory Commission (NRC) has determined that you, as a former radiographer employed by Accurate NDE & Inspection, LLC (Accurate NDE), engaged in deliberate misconduct while performing radiographic operations on an offshore platform during the night of March 14, 2010, and early morning hours of March 15, 2010. During the radiographic operations, you deliberately failed to follow operating procedures by attempting to retrieve a disconnected source without contacting and obtaining authorization from the Accurate NDE radiation safety officer. Your failure to follow procedures caused Accurate NDE to be in violation of paragraph 21A of its Louisiana State license and 10 CFR 150.20(b)(5). Therefore, your actions constituted a violation of NRC's rule prohibiting deliberate misconduct, 10 CFR 30.10.

In addition, you deliberately provided information you knew was incomplete or inaccurate when you recorded on Accurate NDE's Daily Radiation Report a dose exposure for the other radiographer that was also working the night of March 14, 2010, without knowing his true exposure reading. This was also a violation of 10 CFR 30.10.

Because of the above actions, the NRC lacks the requisite assurance that you are willing to comply with NRC requirements and has determined that you should be prohibited from engaging in licensed activities. Consequently, for a period of 1 year from the effective date of the enclosed Order (as defined in Section V of the Order) you will be prohibited from engaging in NRC-licensed activities that are conducted pursuant to a specific or general license issued by the NRC. This means that during this 1-year prohibition period you cannot perform, supervise, or assist in performing radiography on platforms or barges located in offshore waters, engage in any other industrial radiography activities under NRC jurisdiction, or engage in activities of any kind that are licensed by the NRC and in NRC jurisdiction.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this Order may also subject the person to civil monetary penalty.

You are required to respond to the enclosed Order within 30 days of its issuance date and should follow the instructions specified in the enclosed Order when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Order. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Instead of providing a response to the Order, you may request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. This request must also be made within 30 days from the issuance date of the Order. ADR is a general term encompassing various techniques for resolving conflict outside of court using a neutral third party. The technique that the NRC has decided to employ is mediation. Additional information concerning the NRC's program is described in the enclosed brochure (NUREG/BR-0317) and can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution at Cornell University has agreed to facilitate the NRC's program as an intake neutral. Please contact the Institute on Conflict Resolution at (877) 733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through the ADR program.

F. Guilbeau

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Questions concerning this Order should be addressed to Aida Rivera-Varona, Acting Branch Chief, Enforcement Branch, who can be reached at 1-800-426-8096 or (301) 415-4001.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Enforcement

Enclosures:

1. Order Prohibiting Involvement in
NRC-Licensed Activities
2. Letter to Accurate NDE & Inspection,
LCC, Order Modifying License and
Imposition of Civil Penalty
3. NUREG/BR-0317, Rev. 1, Alternative Dispute
Resolution

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OFFICE	DNMS	OGC	OE	FSME	RA	D:OE
NAME	CCain Nonconcur	MSimon	ARivera for NHilton	MBurgess	ECollins	RZimmerman
DATE	12/7/2011	1/3/2012	12/22/2011	12/22/2011	12/29/2011	1/ 5 /2012