

JChaissonProcPEm Resource

From: JChaissonProc Resource
Sent: Wednesday, October 29, 2014 3:29 PM
To: JChaissonProcPEm Resource
Subject: 2012-5-14-Cvr-Ltr-Ban-TGR-IA.docx
Attachments: 2012-5-14-Cvr-Ltr-Ban-TGR-IA.docx

Hearing Identifier: JChaisson_Proc_Public
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Mail Envelope Properties (0AA17736E4C4154CA37233EEBFC8DEB201A870707D06)

Subject: 2012-5-14-Cvr-Ltr-Ban-TGR-IA.docx
Sent Date: 10/29/2014 3:28:41 PM
Received Date: 10/29/2014 3:28:42 PM
From: JChaissonProc Resource

Created By: JChaissonProc.Resource@nrc.gov

Recipients:
"JChaissonProcPEm Resource" <JChaissonProcPEm.Resource@nrc.gov>
Tracking Status: None

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Files	Size	Date & Time
MESSAGE	3	10/29/2014 3:28:42 PM
2012-5-14-Cvr-Ltr-Ban-TGR-IA.docx		48168

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Reply Requested: No
Sensitivity: Normal
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May 15, 2012

IA-12-009

Mr. James Chaisson
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES

Dear Mr. Chaisson:

The enclosed Order is being issued because the Nuclear Regulatory Commission (NRC) has determined that you, as a former area supervisor and lead radiographer employed by Texas Gamma Ray, LLC (TGR), a former NRC licensee, engaged in deliberate misconduct while conducting licensed activities. Specifically, while employed by TGR in Rock Springs, Wyoming, you deliberately failed to comply with NRC regulations and TGR's license by storing a radiographic exposure device at a location not authorized by the license, from December 2009 to April 30, 2010. In addition, you deliberately failed to implement NRC security requirements for radiographic operations. Since your actions were deliberate, you violated NRC's deliberate misconduct rule, 10 CFR 30.10, which prohibits employees from engaging in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any condition of any license. In addition, you caused TGR to be in violation of NRC requirements; specifically, license conditions 11 and 19 of its NRC license. A copy of the enforcement action issued to TGR is enclosed.

Because of your actions described above, 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 3 years 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 3-year prohibition period you cannot perform, supervise, assist, or otherwise engage in (1) industrial radiographic operations for an Agreement State licensee that are conducted under an NRC general license granted pursuant to 10 CFR 150.20; (2) industrial radiographic operations for an NRC licensee; or (3) any other licensed activity 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 a 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 evaluate the appropriateness of the enforcement action as well as whether further enforcement action is necessary to ensure compliance with regulatory requirements. 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-collectins/enforcement/actions>.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Because this letter references and encloses information related to enforcement action against an individual, this letter and its enclosures will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

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 of 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, Revision 1) 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 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.

Questions concerning this Order should be addressed to Tison Campbell, Acting Chief, Enforcement Branch, who can be reached at (301) 415-8579.

Sincerely,

Roy P. Zimmerman, Director
Office of Enforcement

Enclosures:

1. Order Prohibiting Involvement in
NRC-Licensed Activities
2. Letter to Texas Gamma Ray, LLC,
Imposition of Civil Penalty
3. NUREG/BR-0317 Rev 1, Alternative
Dispute Resolution

cc: Texas
Louisiana
Utah
Wyoming

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bcc hard copy
 RIV Materials Docket File (4th floor)

ADAMS Package: ML12136A566; Cover Letter and Order:ML12136A559

ADAMS	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: MCM	
Letter/Order:		<input checked="" type="checkbox"/> Publicly Available	<input type="checkbox"/> Non-publicly Available	<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Non-sensitive
KEYWORD: MD 3.4 Non-Public A.3 Choice Letter EA-10-102					
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