

JChaissonProcNPEm Resource

From: Woods, Susanne
Sent: Monday, June 02, 2014 10:22 AM
To: Michel (OGC), Eric
Cc: Hilton, Nick; Wray, John; Burgess, Michele
Subject: FW: draft Chaisson Order--Section IV details of order provisions, given panel--worth a look (short)
Attachments: Chaisson Order_Section IV.docx
Importance: High

From: Browder, Rachel
Sent: Monday, June 02, 2014 10:19 AM
To: Woods, Susanne
Subject: draft Chaisson Order

Sue,
The Chaisson Order is still going through concurrence here in the Region. I wanted to send you Section IV – so you can look at the language. Let me know what you think – while we’re still processing it!

Thanks,
Rachel

Hearing Identifier: JChaisson_Proc_NonPublic
Email Number: 6

Mail Envelope Properties (DAC719623E968245BD52D03696111100021D26D1CA57)

Subject: FW: draft Chaisson Order--Section IV details of order provisions, given panel--worth a look (short)
Sent Date: 6/2/2014 10:22:17 AM
Received Date: 6/2/2014 10:22:18 AM
From: Woods, Susanne

Created By: s.woods@nrc.gov

Recipients:
"Hilton, Nick" <Nick.Hilton@nrc.gov>
Tracking Status: None
"Wray, John" <John.Wray@nrc.gov>
Tracking Status: None
"Burgess, Michele" <Michele.Burgess@nrc.gov>
Tracking Status: None
"Michel (OGC), Eric" <Eric.MichelOGC@nrc.gov>
Tracking Status: None

Post Office: HQCLSTR02.nrc.gov

Files	Size	Date & Time
MESSAGE	380	6/2/2014 10:22:18 AM
Chaisson Order_Section IV.docx		21930

Options
Priority: High
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

IV

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended and the Commission's regulations in 10 CFR 2.202, and 10 CFR Parts 20 and 34, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT:

1. Mr. James Chaisson is prohibited from engaging in NRC-licensed activities for 3 years from the date of this Order, and thereafter until he provides the NRC with reasonable assurance that he can safely use radioactive materials in accordance with NRC requirements (as described in the specifications of Condition IV.3 below.) NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20. This means that during the 3 year prohibition period, Mr. Chaisson is prohibited from performing, supervising, assisting or otherwise engaging in (1) industrial radiographic operations in NRC jurisdiction for an Agreement State licensee that are conducted under a general license pursuant to 10 CFR 150.20; (2) industrial radiographic operations for an NRC licensee including but not limited to, radiography conducted under the authority of a license issued pursuant to 10 CFR Part 34; and (3) any other licensed activity in NRC jurisdiction. This Order will supersede the Confirmatory Order previously issued to Mr. Chaisson dated September 10, 2012 ([ML12249A218](#)).
2. If Mr. Chaisson is currently involved in any NRC-licensed activities, then he must immediately cease those activities by the date of this Order, and, within 5 days after the date of this Order inform the NRC of the name, address, and telephone number of that licensee, and provide a copy of this Order to the employer.

3. At the end of the 3 year prohibition period, Mr. Chaisson may file a written request with the Director of the NRC Office of Enforcement that this Order be rescinded based upon his establishing and representing to the NRC that he can safely use radioactive material in accordance with NRC requirements, as a means to demonstrate reasonable assurance to the NRC. To demonstrate reasonable assurance, then Mr. Chaisson should satisfactorily complete the following conditions or provide alternatives to the NRC for evaluation and approval, as a means for Mr. Chaisson to demonstrate his understanding and commitment to compliance with NRC requirements and regulations.
 - a. Mr. Chaisson shall, in addition to the training and qualification requirements set forth in NRC regulations applicable to the use of byproduct material, provide documentation showing that he has successfully completed a 40-hour formal training course designed for qualifying radiation safety officers. The course must also include the requirements of the Increased Controls or Mr. Chaisson must attend a separate Increased Controls course. In addition, Mr. Chaisson must provide documentation showing that he has successfully completed a 40-hour formal training course for Non-Destructive Testing that meets or exceeds the requirements in 10 CFR 34.43, "Training." Such documentation shall demonstrate that the training was completed after September 10, 2012, and include training dates, course syllabi, and instructor qualifications.
 - b. Mr. Chaisson shall demonstrate his understanding of the importance of the NRC regulations to the protection of public health and safety or the common defense and security by meeting with NRC representatives, where he can verbally attest to his knowledge of the requirements and regulations under 10 CFR Part 20 and 10 CFR Part 34, and the corrective actions he has taken to address his deliberate

misconduct which occurred while employed from April 10, 2009, through April 30, 2010, as a former area supervisor and former lead radiographer for the Wyoming operations of Texas Gamma Ray, LLC. This will include his understanding of:

(1) the purpose of the safety and security requirements for industrial radiography, (2) his role and responsibility regarding performing activities in accordance with the requirements and regulations, (3) the importance of providing full and accurate information to the NRC, and (4) the corrective actions he has taken to address his deliberate misconduct as described above.

- c. If Mr. Chaisson seeks rescission of this Order under Condition IV.3., then the information required by Condition IV.3.(a) shall be provided to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511. Mr. Chaisson must also request from the Director, Office of Enforcement and the Regional Administrator, NRC Region IV, to meet with the NRC, in accordance with Condition IV.3(b) of this Order.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Chaisson of good cause.