

## JChaissonProcNPEm Resource

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**From:** Campbell, Vivian  
**Sent:** Friday, March 04, 2011 12:09 PM  
**To:** R4ALLEGATION Resource  
**Subject:** Allegation for ARB next week  
**Attachments:** Allegation Receipt Form TGR.doc

**Importance:** High

Judith,

See attached. We may need to break this out into 2 concerns, but for expediency, it is prepared as 1.

**Hearing Identifier:** JChaisson\_Proc\_NonPublic  
**Email Number:** 73

**Mail Envelope Properties** (Vivian.Campbell@nrc.gov20110304120900)

**Subject:** Allegation for ARB next week  
**Sent Date:** 3/4/2011 12:09:14 PM  
**Received Date:** 3/4/2011 12:09:00 PM  
**From:** Campbell, Vivian

**Created By:** Vivian.Campbell@nrc.gov

**Recipients:**  
"R4ALLEGATION Resource" <R4ALLEGATION.Resource@nrc.gov>  
Tracking Status: None

**Post Office:**

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	120	3/4/2011 12:09:00 PM
Allegation Receipt Form TGR.doc		103422

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

**ALLEGATION RECEIPT FORM**

Allegation Number: RIV-2011- A- \_\_\_\_\_

Facility/Outside Org Name: Texas Gamma Ray/Former Employee Receipt Date: 3-2-2010

Received By: NRC PEC Participants (M. Poston, V. Campbell, R. Caniano, C. Maier, K. Fuller)

**CONCERN 1.****Concern: (A concern is one or two sentences.)**

Former employee stored a radiographic device at location that was not on the licensee's radioactive material license knowing that the facility had not been approved by NRC and did not meet the Increased Controls requirements.

**Concern Details and Comments: Background material, supporting information, etc. Narrative concern description. What occurred? When did it occur? Where did it occur (location)? How/why did it occur?**

Licensee was in the process of renovating a location in Rock Springs, Wyoming (1535 Elk Street), including implementing the necessary IC security requirements to allow for storage of radiographic devices at the location and to meet the licensing requirements to add the location to the license. A former employee (James Chaisson) who was designated as the local RSO and operations manager for TGR's Wyoming operation was aware of the building work and that the location was not approved on the license but chose to store a radiographic device at the location rather than return the device to Pasadena, TX for storage during the off-season. Weather in Wyoming usually results in radiography "off season" from December to March. Chaisson also knew that an agreement had not been established with LLEA because he had been delegated to responsibility to obtain this agreement. Chaisson had been trained in the IC requirements and had established an LLEA agreement, even though not required, for two other Rock Springs, Wyoming locations, 2601 Artesian Circle and 1804 Elk Street. The corporate RSO indicated that he had numerous conversations with Chaisson about needing the LLEA agreement to satisfy the licensing requirements.

Chaisson later contacted the NRC to identify the storage of the camera in an unauthorized location.

**What other individuals (witnesses or other sources) could the NRC contact for information?**

Current Texas Gamma Ray Management (RSO – Robert Denton, Managing Director – Tommy Jacobs, President – Pete Moss) and current Texas Gamma Ray Radiation Consultant – Laurie McGowan

**What records, documents, or other evidence should the NRC review?**

Inspection Report 030-37780/2009-001 and Investigation Report 4-2009-001 for background information. Information about the storage facility at 1535 Elk Street, Rock Springs, Wyoming, including records associated with the installation of equipment such as work orders, receipts and technical specifications associated with the security alarm system. Pictures of the security controls provided by TGR management during the PEC. Any documentation demonstrating that TGR delegated supervisor and local RSO authority to James Chaisson, for operations in Wyoming. TGR operating and emergency procedures that describe storage of radioactive material. Training records that demonstrate that Chaisson was trained in the O&E procedures as well as the IC requirements.

**What is the potential safety impact? Is this an ongoing concern? Is it an immediate safety or security concern?** If the concern is an immediate and/or ongoing concern, the issue must be called in promptly to your Branch Chief.

Storage of the radiographic device at an unauthorized location increases the potential for loss and theft of the material and hinders the NRC's ability to protect the safety and health of the public from exposure to an uncontrolled source of radioactive material.

**Was the concern brought to management's attention? Was it entered into the Corrective Actions Program (CAP#)? What actions have been taken? If not, why not?**

Not applicable

**What requirement/regulation governs this concern?**

Potential willful (perhaps deliberate misconduct) disregard of the license requirements, specifically License Condition 11 on NRC license 42-29303-01 and IC-2(b) of the Increased Controls Order.

Regulations prohibit NRC licensees, contractors, & subcontractors from discriminating against, harassing or intimidating (H&I) individuals who engage in protected activities (alleging violations of regulatory requirements, refusing to engage in practices made unlawful by statutes, etc.).

\_\_\_\_\_ YES  No Does the concern involve discrimination or H&I? If "No," proceed to Contact Info.

\_\_\_\_\_ YES \_\_\_\_\_ No Was the individual advised of the DOL process?

What was the protected activity? When did it occur?

## ALLEGATION RECEIPT FORM

Allegation Number: RIV-2011- A- \_\_\_\_\_

Facility/Outside Org Name: Texas Gamma Ray/Former Employee Receipt Date: 3-2-2010

Received By: NRC PEC Participants (M. Poston, V. Campbell, R. Caniano, C. Maier, K. Fuller)

### **CONCERN 1.**

Who in management/supervision was aware of the protected activity? When did they become aware?  
How were they made aware?

What adverse actions have been taken (termination, demotion, not being selected for position)? When did it occur?

What was management's reason for the adverse action?

Why does the individual believe the actions were taken as a result of engaging in a protected activity?

## ALLEGATION RECEIPT FORM

Allegation Number: RIV-2011-A-\_\_\_\_\_

### ALLEGER INFORMATION

**Full Name:** \_\_\_\_\_ \*NRC or Licensee Identified\*  X

**Telephone** Office: \_\_\_\_\_ \* If marked, no need to fill out rest of Alleger Information

Home: \_\_\_\_\_ **Email Address:** \_\_\_\_\_

Mobile: \_\_\_\_\_

Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_

Relationship to Facility: \_\_\_\_\_

For "Relationship", select: Licensee Employee; Former Licensee Employee; Contractor Employee; Former Contractor Employee; Private Citizen; News Media; Special Interest Group; Other Federal Agency; State Agency; Municipal Government; Fed/State/Local Govt Employee; OI Confidential Source; IG Confidential Source; Other (describe)

### CONCERNED INDIVIDUAL CORRESPONDENCE METHOD AND TIME

**TIME** \_\_\_\_\_ : \_\_\_\_\_ ← AM or PM    **Telephone** \_\_\_\_\_    **Email** \_\_\_\_\_    **Postal Service** \_\_\_\_\_

Other/Specific Requests/Comments: \_\_\_\_\_

### LICENSEE INFORMATION REQUEST & INDIVIDUAL IDENTITY PROTECTION

Explain that if the concerns are discussed with or information is requested from the licensee, that allegor's identity will not be revealed. This contact is necessary for the NRC to conduct our independent evaluation for the concerns. If the concerns are an agreement state issue or the jurisdiction of another agency, explain that we will transfer the concern to the appropriate agency, and if the allegor agrees, we will provide the allegor's identity for follow-up.

\_\_\_\_\_ YES    \_\_\_\_\_ No    Does the CI **OBJECT** to the NRC requesting information from the licensee to support our evaluation?

\_\_\_\_\_ YES    \_\_\_\_\_ No    Does the individual **OBJECT** to the release of their identity? Explain that in certain situations (such as discrimination cases), their identity will need to be released in order for the NRC to obtain specific and related information from the licensee.

### ALLEGATION SUMMARY

Provide a short summary or keywords/topics/subject (for large number of concerns) for the allegation's contents below. This summary is to provide an overview or quick reference in allegation tracking reports:

During the course of a discussion with licensee's representatives at a PEC, it was indicated that a former employee of TGR (James Chaisson) had been delegated the authority to act as local RSO and Operations Manager for the Wyoming Operations of TGR. In this capacity the individual decided to store a radiographic device in a facility that was being renovated to allow for storage of cameras (to meet the ICs) in mid-December 2009, even though he knew the location had not been added to the license and did not fully meet the IC requirements. He indicated that the local RSO knew that if he was not able to maintain control of the device while stored in the truck darkroom, he was required to return the device to the only approved permanent storage facility in Pasadena, Texas. The corporate RSO also indicated that the local RSO knew that TGR did not have an agreement with local law enforcement and that the site did not satisfy the Increased Controls requirements. The corporate RSO indicated that he had numerous conversations with the local RSO about the LLEA agreement, but the local RSO continued to tell the corporate RSO that he had not been able to contact LLEA. When the corporate RSO became aware of the storage of the camera (April 2010), he went to Wyoming and retrieved the camera from the unapproved storage location.

### RECEIPT METHOD – HOW RECEIVED

Telephone/Voice Mail \_\_\_\_\_ Inspection \_\_\_\_\_ In-Person  X Letter \_\_\_\_\_ Email \_\_\_\_\_ Fax \_\_\_\_\_

Licensee \_\_\_\_\_ Other Method/Comments: During PEC held with licensee on 3/1/2011

### FACILITY

Facility Name: Texas Gamma Ray Location/Address: 215 Lilac Pasadena, TX

Docket(s)/License #: 030-33780/42-29303-01

#### Additional Contact Information:

OSHA: 1-800-321-OSHA    Regional Offices: <http://www.osha.gov/html/RAmap.html>

DOL Main Call Center Number: 1-866-4-USA-DOL    Monday – Friday 8 am to 5 pm (<http://www.dol.gov>)

Discrimination/Wage – Back Pay Issues: 1-866-487-9243

TTY number for all Department of Labor Questions: 1-877-889-5627

HOO (Immediate Safety Concerns): 1-301-816-5100    \*Non-emergency Toll Free Hot Line: 1-800-695-7403

RIV Allegation Hotline: 1-800-952-9677 ext. 245    FAX: 1-817-276-6525    EMAIL: R4Allegation@nrc.gov

\*Note: The Hot Line is not recorded during business hours (7 am – 5 pm Eastern). However, during non-business hours the HOO will answer and will be on a recorded line, please mention this fact when providing this number.