

JChaissonProcNPEm Resource

From: Campbell, Vivian
Sent: Friday, March 04, 2011 2:15 PM
To: R4ALLEGATION Resource
Subject: BEPR
Attachments: TGR PEC 03022011_BEPR.doc

Importance: High

Here ya go

Hearing Identifier: JChaisson_Proc_NonPublic
Email Number: 74

Mail Envelope Properties (Vivian.Campbell@nrc.gov20110304141500)

Subject: BEPR
Sent Date: 3/4/2011 2:15:12 PM
Received Date: 3/4/2011 2:15:00 PM
From: Campbell, Vivian

Created By: Vivian.Campbell@nrc.gov

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

Post Office:

Files	Size	Date & Time
MESSAGE	12	3/4/2011 2:15:00 PM
TGR PEC 03022011_BEPR.doc		105470

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

Branch Evaluation, Plan, & Recommendation			
Allegation Number: RIV-2011-A-0XXX			
Facility Name:	Texas Gamma Ray	Docket/License No:	030-37780/42-29303-01
Responsible Div:	DNMS	ARB Date:	
Overall Responsible Branch:	Branch A	(As assigned by the ARB)	

Received Date	30 Days	70 Days	90 Days	120 Days
3/2/2011	4/1/2011	5/11/2011	5/31/2011	6/30/2011

Purpose of this ARB:	
Basis for a Subsequent ARB:	

Does the CI OBJECT to the NRC requesting information from the licensee to support our evaluation?	Yes	No	X	N/A
--	-----	----	---	-----

If any of the following inhibiting factors apply, this allegation shall not be submitted to the licensee for investigation or review.

- Information cannot be released in sufficient detail to the licensee without compromising the identity of the alleged or confidential source.
- The licensee could compromise an investigation or inspection because of knowledge gained from the discussions.
- The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
- The basis of the allegation is information received from a Federal or State agency that does not approve of the information being released.
- The licensee's allegation trend, quality of response(s), problem identification and resolution, and/or cycle review results are such that the NRC should independently evaluate the concern(s).
- The NRC evaluation would be more timely and efficient – there is an ongoing or upcoming inspection which could evaluate the concern or a similar/same concern is already being evaluated by the NRC.
- Significant public/Commission interest warrants independent assessment of concern(s).
- The alleged has taken the concern(s) to the licensee with unsatisfactory results.

ARB PARTICIPANTS			
Chairman:			

Chairman Approval:	Date:
--------------------	-------

Brief Overall Allegation Summary - if more than 3 Concerns, use keywords, topics, subject, etc.: Provide a summary or selected keywords/topics/subject for the whole allegation's contents below. ***See the BEPR Desktop Guide for assistance.

Branch Evaluation, Plan & Recommendation

Allegation Number: RIV-20XX-A-0XXX

Concern:	1.	Former employee knowing stored a radiographic device at location that was not on the licensee's radioactive material license.	
*RX Code or Functional Area:		OI Case No.:	4-20XX-0XX
*Discipline:		*OI Priority:	
*Security Category:		*OI Priority Basis:	
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 Background, Supporting Information, & Comments			
<p>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.</p> <p>Chasson later contacted the NRC to identify the storage of the camera in an unauthorized location</p>			
Regulatory Requirement (fill in below)			
License condition 11 of NRC license 42-29303-01 related to storage of radioactive material and IC-2(b) of the Increased Controls Order			
Describe the concern's safety significance. (fill in below – REQUIRED)			
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.			
Check each question as applicable to this concern.			
Y	Is it a declaration, statement, or assertion of impropriety or inadequacy? Is there a potential deficiency?		
Y	Is the impropriety or inadequacy associated with NRC regulated activities or policy (e.g. SCWE)?		
Y	Is the validity of the issue unknown?		
If all of the above statements are checked, the issue is an allegation.			
*Technical Staff Recommendation(s)			
Date	Recommended Action	Assigned Branch	Planned Date
03/00/11	Consider OI investigation into actions of former employee		
NOTE: Submit Draft NOV, RFI questions/requests, and/or an inspection plan as a <u>separate</u> document.			
★ For an ARB decision to RFI, any INHIBITING FACTOR(S) that are overruled from the first page must have a justification documented in the ARB Decision(s). Document INHIBITING FACTOR(S) that not applicable to the concern or are not noted on first page. First page reviewed? Yes: No: N/A:			
ARB Date	ARB Decision(s)	Assigned to	Accepted Planned Date

* See [R:\#ACES\ ALLEGATIONS\ ALLEGATION FORMS\ How to fill out a BEPR.doc](#) for Field Inputs.

