

JChaissonProcNPEm Resource

From: Campbell, Vivian
Sent: Thursday, March 31, 2011 1:55 PM
To: R4ALLEGATION Resource; FitzGibbon, Michael; Holland, Crystal
Cc: Poston-Brown, Martha; Vasquez, Michael
Subject: Draft NOV for Texas Gamma Ray
Attachments: TGR APPARENT VIOLATIONS for allegation.doc

Importance: High

Please see attached. Any questions, please call. THX

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Subject: Draft NOV for Texas Gamma Ray
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From: Campbell, Vivian

Created By: Vivian.Campbell@nrc.gov

Recipients:

"Poston-Brown, Martha" <Martha.Poston-Brown@nrc.gov>

Tracking Status: None

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Tracking Status: None

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Tracking Status: None

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Tracking Status: None

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Tracking Status: None

Post Office:

Files	Size	Date & Time
MESSAGE	56	3/31/2011 1:55:00 PM
TGR APPARENT VIOLATIONS for allegation.doc		35838

Options

Priority: High
Return Notification: No
Reply Requested: No
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DRAFT VIOLATION FOR INDIVIDUAL

1. 10 CFR 30.10 (a) (1), requires, in part, that any employee of a licensee may not engage in deliberate misconduct that causes the licensee to be in violation of any rule, regulation or order or any term condition or limitation of any license issued by the Commission.

License Condition 19 of NRC License 42-29303-01 requires, in part, that Texas Gamma Ray LLC comply with the requirements specified in the Order Imposing Increased Controls (Order) when possessing sources containing radioactive material in quantities of concern. Section IC-2(b) of the Order requires the licensee to have a prearranged plan with the local law enforcement agency (LLEA) for assistance in response to an actual or attempted theft, sabotage, or diversion of such radioactive material or of the devices which is consistent in scope and timing with a realistic potential vulnerability of the sources containing such radioactive material.

License Condition 11 of NRC License 42-29303-01 states that the licensee shall store and use radioactive material only at temporary job sites anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material, including areas of exclusive Federal jurisdiction within Agreement States.

Contrary to the above, from mid-December 2009 to April 22, 2010, the licensee's employee, Mr. James Chaisson, engaged in deliberate misconduct that caused the licensee to be in violation of conditions of a license issued by the Commission. Specifically, Mr. Chaisson stored a radiographic exposure device containing quantities of concern at 1535 Elk Street in Rock Springs, Wyoming, a location that he knew did not meet License Condition 19 and the Order Imposing Increased Controls requirements because no prearranged plan with LLEA had been developed for that location. In addition, Mr. Chaisson knew he stored the device at a location that was not a temporary job site and not authorized for storage under License Condition 11.

Specifically, Mr. Chaisson had been delegated as the local RSO and operations manager for Texas Gamma Ray's Wyoming operation. He was a certified radiographer, who had been trained on the Increased Controls requirements, and knew that a prearranged plan was required to meet these requirements. Mr. Chaisson had previously established an LLEA agreement for two other locations in Rock Springs, 2601 Artesian Circle and 1804 Elk Street. He knew that the facility at 1535 Elk Street had been renovated to meet the Increased Controls requirements to allow for storage of radiographic exposure devices at this location. Mr. Chaisson knew that an agreement with the LLEA had not been obtained because he had been tasked by Texas Gamma Ray to make these arrangements. In addition, Mr. Chaisson knew that the facility had not been added to the license because the corporate RSO had numerous conversations with him about needing the LLEA agreement to satisfy the licensing requirements. Mr. Chaisson chose to store the material at this location instead of returning it to the corporate office in Pasadena, Texas, for storage at a location approved by the State of Texas.

**APPARENT VIOLATIONS CAUSED BY AN INDIVIDUAL
THAT WERE MATERIAL TO NRC**

2. License Condition 19 of NRC License 42-29303-01 requires, in part, that Texas Gamma Ray LLC comply with the requirements specified in the Order Imposing Increased Controls (Order) when possessing sources containing radioactive material in quantities of concern

Section IC-2(b) of the Order requires the licensee to have a prearranged plan with the local law enforcement agency (LLEA) for assistance in response to an actual or attempted theft, sabotage, or diversion of such radioactive material or of the devices which is consistent in scope and timing with a realistic potential vulnerability of the sources containing such radioactive material.

Contrary to the above, from mid December 2009 to April 30, 2010, the license failed to have a prearranged plan with the LLEA for assistance in response to an actual or attempted intrusion at the storage facility. Specifically, radioactive materials, in quantities of concern, were stored at 1535 Elk Street, Rock Springs, Wyoming, without an agreement with the LLEA being in place.

3. License Condition 11 of NRC License 42-29303-01 states that the licensee shall store and use radioactive material only at temporary job sites anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material, including areas of exclusive Federal jurisdiction within Agreement States.

Contrary to the above, from mid-December 2009 to April 22, 2010, the licensee stored a source in quantities of concern at 1535 Elk Street, Rock Springs, Wyoming, a location that was not a temporary job site and not authorized for storage under License Condition 11.