

June 25, 2012

IA-12-014

Mr. Timothy Goold
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES

Dear Mr. Goold:

The enclosed Order is being issued because the Nuclear Regulatory Commission (NRC) has determined that you, as a former radiographer employed by JANX Integrity Group, Inc., (JANX) engaged in deliberate misconduct while performing radiographic operations at a temporary jobsite on Spy Island, Alaska on July 27, 2011. Specifically, you conducted radiographic operations (cranked the camera) without a second qualified person present in the immediate vicinity to provide assistance if needed. Your failure to ensure that a second qualified radiographer was present before conducting radiographic operations caused JANX to be in violation of NRC regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 34.41(a). This was of considerable concern to the NRC because numerous workers were in the area and it was not possible for one person to see all entrances into the area where the radiographic operations were being conducted. Because your actions were deliberate, they constituted a violation of NRC's rule prohibiting deliberate misconduct, 10 CFR 30.10.

In addition, when an NRC inspector questioned you about the location of the second qualified individual, you deliberately left the area and took refuge in the smoke shack to avoid the inspector until he left the island. Your actions resulted in the NRC not being able to complete its inspection and caused JANX to be in violation of 10 CFR 30.52(a). This violation was also of concern to the NRC because it severely impacted the NRC's ability to ensure that JANX was complying with other regulatory requirements. Because your actions in this area were also deliberate, this also was a violation of 10 CFR 30.10.

Because of the above actions, 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 NRC licensed activities. Consequently, for a period of one year 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 which includes radiographic operations that are conducted pursuant to a specific or general license issued by the NRC. This means that during this one-year prohibition period you cannot perform, supervise, or assist in any NRC licensed activities in any areas under NRC jurisdiction including industrial radiography activities.

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 civil monetary penalty.

You are required to respond to the enclosed Order within 20 days of its publication in the Federal Register 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.

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

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 20 days of its publication in the Federal Register. 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) 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 the NRC's program as an intake neutral.

T. Goold

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Please contact the Institute on Conflict Resolution at (877) 733-9415 if you are interested in pursuing resolution of this issue through the ADR program.

In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." This system, which is not publically-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, may be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Questions concerning this Order should be addressed to Steven Orth, Enforcement Officer, Region III, who can be reached at (630) 810-4373.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Enforcement

Enclosures:

1. Order Prohibiting Involvement in
NRC-Licensed Activities
2. Safety Related Notice of Violation and Proposed Imposition
of Civil Penalties to JANX Integrity Group, Inc.
3. NUREG/BR-0317, Rev. 1, Alternative
Dispute Resolution

cc w/encls: State of Michigan
State of Illinois

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State of Illinois

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Letter to T. Goold from R. Zimmerman dated June, 25, 2012

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