

September 10, 2012

IA-12-009

Mr. James Chaisson
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: CONFIRMATORY ORDER (EFFECTIVELY IMMEDIATELY)

Dear Mr. Chaisson:

The enclosed Confirmatory Order is being issued to you as a result of a successful alternative dispute resolution session conducted on July 26, 2012. The enclosed commitments were made as part of a settlement agreement between you and the U.S. Nuclear Regulatory Commission (NRC) concerning an Order prohibiting your involvement in NRC-licensed activities.

In a letter dated May 15, 2012, the NRC provided you with an Order that prohibited you from engaging in licensed activities conducted pursuant to a specific or general license issued by the NRC for a period of 3 years. The NRC determined that you, as a former area supervisor and lead radiographer employed by Texas Gamma Ray, LLC, a former NRC licensee, engaged in deliberate misconduct while conducting licensed activities. Specifically, while employed by Texas Gamma Ray, LLC, in Rock Springs, Wyoming, you deliberately failed to comply with NRC regulations and Texas Gamma Ray, LLC's license by storing a radiographic exposure device at a location not authorized by the license, from December 2009 to April 30, 2010. In addition, you deliberately failed to implement NRC security requirements for radiographic operations. Since your actions were deliberate, you violated NRC's deliberate misconduct rule, 10 CFR 30.10, which prohibits employees from engaging in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any condition of any license issued by the NRC. In our May 15, 2012, Order, we offered you a choice to (1) submit an answer to the Order, (2) request a Hearing, or (3) request alternative dispute resolution with the NRC to address the terms and conditions of the Order.

In response to our letter dated May 15, 2012, you requested alternative dispute resolution. An alternative dispute resolution mediation session was held on July 26, 2012, at which a preliminary settlement agreement was reached. The elements of the preliminary agreement were formulated and agreed to at the mediation session and are contained within the enclosed Confirmatory Order.

The enclosed Confirmatory Order (Effective Immediately) confirms the commitments made as part of the settlement agreement. As evidenced by your signed "Consent and Hearing Waiver Form" (copy enclosed), dated August 30, 2012, you agreed to the issuance of this letter and Confirmatory Order. Upon issuance of this Confirmatory Order (Effective Immediately), the Order Prohibiting Involvement in NRC-Licensed Activities, IA-12-009, dated May 15, 2012, is rescinded.

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 Confirmatory Order shall be subject to criminal prosecution as set forth in that section. Violation of this Confirmatory Order may also subject the person to monetary civil penalties.

You are not required to respond to this letter. However, if you choose to provide a response, please provide it within 30 days to the U.S. Nuclear Regulatory Commission, Regional Administrator, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. If you have any questions or comments concerning this letter, please contact Dr. Heather Gepford at 817-200-1182.

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's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC will also include this letter and attached Confirmatory Order on its Web site until the Order is no longer effective at <http://www.nrc.gov/about-nrc/regulatory/enforcement.html> under Significant Enforcement Actions.

If you choose to provide a response to this letter, your response will also be made available electronically for public inspection in the NRC Public Document Room or from ADAMS.

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." The NRC-3 system provides information on individuals that have been considered for or have been issued an enforcement action. Information about this system of records can be accessed from our Web site at www.nrc.gov/reading-rm/foia/privacy-systems.html by selecting Republication of Systems of Records Notice January 6, 2009 (74 FR 574).

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Enforcement

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc: See next Page

J. Chaisson

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RIV Materials Docket File (4th floor)

ADAMS Package: ML12249A091
Cover Letter: ML12249A176
Order: ML12249A218
Hearing Waiver Form: ML12249A223

Publicly Available

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