

October 10, 2012

IA-12-014

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

SUBJECT: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

Dear Mr. Goold:

The enclosed Confirmatory Order is being issued to you as a result of a successful alternative dispute resolution session conducted on August 24, 2012. The enclosed commitments were made as part of a settlement agreement between you and the U.S. Nuclear Regulatory Commission (NRC).

In a letter dated June 25, 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 1 year. The NRC determined that you, as a former radiographer employed by JANX Integrity Group, Inc. (JANX), an NRC licensee, engaged in deliberate misconduct while conducting licensed activities. Specifically, while employed by JANX on Spy Island Alaska, you conducted radiography without a second person in the vicinity, contrary to the requirements of Title 10 of the Code of Federal Regulations (10 CFR) 34.41(a). Then, when approached by the inspector, you left and prevented him from being able to complete his inspection, contrary to the requirements of 10 CFR 30.52(a). The NRC determined that your actions were the result of deliberate misconduct and, as a result you were in violation of 10 CFR 30.10(a)(1).

In our June 25, 2012, letter with its enclosed 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, you requested alternative dispute resolution. An alternative dispute resolution mediation session was held on August 24, 2012, at which a preliminary settlement agreement was reached. At the session, both parties agreed 1.) to disagree on whether you deliberately violated any NRC requirement and 2.) that the proposed Confirmatory Order would settle the matter for both parties. 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 October 1, 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-12-014, dated June 25, 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 III, 2443 Warrenville Road, Suite 210, Lisle IL, 60532. 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 Mr. Steven Orth at 630 810-4373.

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 at <http://www.nrc.gov/reading-rm/doc-collections/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." This system, which is not publically-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement, 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 www.nrc.gov/reading-rm/foia/privacy-systems.html.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Enforcement

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc w/encls: State of Michigan
State of Illinois

Order Prohibiting Involvement in NRC-Licensed Activities, IA-12-014, dated June 25, 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 III, 2443 Warrenville Road, Suite 210, Lisle IL, 60532. 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 Mr. Steven Orth at 630 810-4373.

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 at <http://www.nrc.gov/reading-rm/doc-collections/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." This system, which is not publically-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement, 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 www.nrc.gov/reading-rm/foia/privacy-systems.html.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Enforcement

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc w/encls: State of Michigan
State of Illinois

Publicly Available

ADAMS Package No.: ML12270A299

FRN/Order: ML12270A331; Order Cover Letter: ML12270A349; EN: ML12277A089; Waiver: ML12279A107

| | | | | | | |
|--------|---------------|----------|-------------|----------|------------|-----------|
| OFFICE | RIII | RIII | RIII | RIII | RIII | RIII |
| NAME | PLougheed | TBloomer | ABoland | JHeck | SOrth | CPederson |
| DATE | 08/28/12 | 08/28/12 | 08/28/12 | 08/30/12 | 09/04/12 | 09/05/12 |
| OFFICE | RIII | D:FSME | D:OGC | BC:OE | D:OE | |
| NAME | CCasto CP for | DWhite | MLemoncelli | NHilton | RZimmerman | |
| DATE | 09/05/12 | 09/13/12 | 09/19/12 | 10/04/12 | 10/10/12 | |

OFFICIAL RECORD COPY

Letter to Timothy M. Goold from Roy P. Zimmerman dated October 10, 2012

SUBJECT: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

DISTRIBUTION:

RidsSecyMailCenter.Resource
OCADistribution
BBorchardt
MWeber
RZimmerman
NHilton
KDay
LSreenivas
CCasto
CPederson
Mltzkowitz
CScott
MLemoncelli
MSatorius
BMcDermott
MBurgess
DWhite
DHolody
CEvans
HGepford
HHarrington
HBell

CMcCrary
Mona Williams
ABoland
PPelke
TBloomer
DPiskura
RMuñoz
MVasquez
SOrth
JHeck
ABarker
HLogaras
JLynch
VMitlyng
PLougheed
PPelke
MGryglak
SBakhsh
PBuckley
TTomczak
OEMAIL Resource
OEWEB Resource