

July 11, 2014

IA-14-025

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

SUBJECT: RESPONSE TO REQUEST FOR EXTENSION AND PROHIBITION ORDER

Dear Mr. Chaisson:

The enclosed Prohibition Order is being issued to you as a result of your failure to complete the agreed upon actions issued in the Confirmatory Order dated September 10, 2012 [ADAMS Accession No. ML12256B002]. The Confirmatory Order documented the actions you agreed to take during an alternative dispute resolution (ADR) mediation session conducted on July 26, 2012. The ADR mediation session was conducted at your request after the NRC issued Prohibition Order (ADAMS Accession No. ML12137A311) to you on May 15, 2012. The Order was based on NRC's conclusion that you engaged in deliberate misconduct while employed as an area supervisor and lead radiographer for the Wyoming operations of Texas Gamma Ray, LLC (TGR) who, at the time, was an NRC licensee. This May 15, 2012 Order prohibited you from engaging in NRC-licensed activities for a 3-year period.

The September 10, 2012, Confirmatory Order, which superseded the May 15, 2012 Order, prohibited your involvement in NRC-licensed activities for a period of 18 months and contained other requirements including: (1) taking a formal 40 hour radiation safety officer course; (2) taking a formal 40 hour radiographer course sufficient to comply with 10 CFR 34.43; and (3) writing an article that addressed the importance of following NRC regulations and the importance of providing full and accurate information. These actions should have been completed by March 10, 2014.

By letter dated March 31, 2014, you requested a 6-month extension to complete these three actions. The letter stated that you had been without a job since May 1, 2013 until December 31, 2013, and you were unable to pay the cost to complete the required training. However, we noted the following: (1) you were employed 10 months of the 18-month period provided to complete the training, (2) there was no monetary cost for you to write an article and mail the article to the NRC within the 18-month requirement period, and (3) you waited until after these respective requirements of the Confirmatory Order had expired to contact the NRC and attempt to begin the training course. The NRC has concluded that you have not upheld your agreement, which was made legally-binding in the September 10, 2012, Confirmatory Order. As a result, the NRC has serious concerns regarding your willingness to follow NRC requirements.

Therefore, the NRC has concluded that the enclosed Prohibition Order, which includes prohibiting your involvement in NRC-licensed activities for a minimum 3-year time period from the effective date of this Order is necessary to provide the NRC with a reasonable assurance that the protection of public health and safety and the common defense and security will be assured. In addition, until you provide the NRC with sufficient information relative to the

corrective actions you have taken to address your deliberate misconduct while employed from April 10, 2009, through April 30, 2010, as a former area supervisor and former lead radiographer for the Wyoming operations of Texas Gamma Ray, LLC, the Prohibition Order will remain in effect until the NRC has reasonable assurance that the protection of public health and safety will not be compromised by your involvement in NRC licensed activities. In the absence of any demand or request for hearing, or written approval of an extension of time in which to demand or request a hearing, the terms of the Prohibition Order shall be effective and final 30 days after the date of its issuance without further order or proceedings. If an extension of time for demanding or requesting a hearing has been approved, then the terms of the Prohibition Order shall be final when the extension expires if a hearing demand or request has not been received.

In accordance with 10 CFR 2.202, you are required to provide an answer to this Order within 30 days of its issuance. The failure to respond to this Order could result in additional enforcement action in accordance with the NRC Enforcement Policy. Issuance of this Order does not preclude the NRC from evaluating any non-compliance associated with the activities that prompted the issuance of this Order and taking further enforcement action for violation of NRC requirements. In addition, the failure to comply with the provisions of this Order may result in further civil enforcement action. 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 you to civil monetary penalty.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agencywide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Because this letter references and encloses information related to an enforcement action against an individual, this letter and its enclosures 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 notice, which provides detailed information about this system of records, can be accessed from the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

J. Chaisson

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Questions concerning the enclosed Order should be addressed to the Director of the Division of Nuclear Materials Safety, NRC Region IV, Arlington, Texas, who can be reached at 817-200-1287.

Sincerely,

**/RA/**

Patricia K. Holahan, Acting Director,  
Office of Enforcement

Enclosure:

1. Order Prohibiting Involvement  
in NRC-Licensed Activities

cc w/enclosure:

All Agreement State Radiation Control Program Directors

ATTN: Technical Services Manager  
American Society for Nondestructive Testing, Inc.  
1711 Arlingate Lane  
P.O. Box 28518  
Columbus, OH 43228-0518

Questions concerning the enclosed Order should be addressed to the Director of the Division of Nuclear Materials Safety, NRC Region IV, Arlington, Texas, who can be reached at 817-200-1287.

Sincerely,

**/RA/**

Patricia K. Holahan, Acting Director,  
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| <b>DATE</b>   | 5/5/2014               | 5/9/2014       | 6/2/2014   | 6/9/2014  | 6/23/2014 |
| <b>OFFICE</b> | RIV/RA                 | OE             | FSME       | OGC       | D:OE      |
| <b>NAME</b>   | MLDapas /RA/ LH<br>For | JWray          | MBurgess   | EMichel   | PKHolahan |
| <b>DATE</b>   | 6/23/2014              | 7/10/2014      | 6/27/2014  | 7/3 /2014 | 7/11/2014 |

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