

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Deposition of James Chaisson

Docket Number: IA-14-025-EA

ASLBP Number: 14-932-02-EA-BD01

Location: teleconference

Date: Thursday, January 8, 2015

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Pages 1-88

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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In the Matter of: : Docket No.

JAMES CHAISSON : IA-14-025-EA

(Enforcement Action) : ASLBP No.

-----x 14-932-02-EA-BD01

Thursday,

January 8, 2015

Teleconference

DEPOSITION OF:

**JAMES CHAISSON**

called for examination by Counsel for the Agency,  
pursuant to Notice of Deposition, when were present on  
behalf of the respective parties:

**NEAL R. GROSS**

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9                On Behalf of the Nuclear Regulatory

10               Commission:

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19        ALSO PRESENT:

20                        ROBERT CARPENTER, NRC Office of Enforcement

21

22

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P-R-O-C-E-E-D-I-N-G-S

(11:00 a.m.)

1  
2  
3 MR. HAIR: All right. Good morning, Mr.  
4 Chaisson and thanks for attending the deposition today.  
5 My name is Christopher Hair. I am a lawyer that  
6 represents the NRC staff in this proceeding. Along  
7 with me today is Robert Carpenter, the Enforcement  
8 Specialist assigned to this matter.

9 I will spell both of our names. I guess  
10 right now would be a good chance. My last name is  
11 spelled H-A-I-R and Robert's last name is spelled  
12 C-A-R-P-E-N-T-I-E-R.

13 MR. CARPENTER: No I.

14 MR. HAIR: No I. I'm sorry. T-E-R.

15 We are currently located in NRC  
16 Headquarters in Rockville, Maryland. As you know, we  
17 have a court reporter on the line to transcribe our  
18 conversation today. And this deposition is being  
19 taken pursuant to 10 CFR Section 2.706.

20 I have a couple of questions I plan to ask  
21 you today, Mr. Chaisson but I promise not to take any  
22 more of your time than absolutely necessary.

23 And before we start, we have some  
24 housekeeping issues to take care of. First of all, Mr.  
25 Chaisson you may be accompanied, represented, or

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1 advised by legal counsel. I know you have been  
2 representing yourself thus far. Are you currently  
3 represented by counsel?

4 MR. CHAISSON: No, sir. I'm unemployed.  
5 I can't afford it.

6 MR. HAIR: Okay. And second, before any  
7 questioning, you must be sworn in to affirm the  
8 truthfulness of your answers. And if you object to any  
9 questions, please just make note of that and we will do  
10 our best to deal with it during the deposition.

11 And third, when the deposition is fully  
12 transcribed, the transcript must be submitted to you,  
13 Mr. Chaisson, for your examination and signature. Is  
14 that okay with you, Mr. Chaisson? You will receive a  
15 copy and you will just have to review it and sign off  
16 on it.

17 MR. CHAISSON: Yes, sir.

18 MR. HAIR: Okay. So, at this point, court  
19 reporter, could you please swear in Mr. Chaisson for the  
20 record?

21 WHEREUPON,

22 JAMES CHAISSON  
23 was called as a witness by the Counsel for the Agency,  
24 and having been first duly sworn, assumed the witness  
25 stand, was examined and testified as follows:

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1 MR. HAIR: Okay, great. So, we will get  
2 started. And first I should note, Mr. Chaisson, I  
3 realize that you have been interviewed by our office of  
4 investigations a number of times and provided testimony  
5 about the 2012 confirmatory order and also the initial  
6 deliberate misconduct alleged violation that sort of  
7 underpins this entire matter. So, I will do my best not  
8 to make you repeat yourself with respect to those  
9 questions. I just have some follow-up questions for  
10 you. And I kind of wanted to work from kind of present  
11 day back.

12 DIRECT EXAMINATION

13 BY MR. HAIR:

14 Q So, I wanted to start with the 2012  
15 confirmatory order. That is the settlement order that  
16 we issued to you back in 2012. Are you familiar with  
17 that?

18 A Yes, sir.

19 Q All right. So, my first question is, did  
20 you voluntarily agree to enter into mediation with the  
21 NRC Staff?

22 A How would I explain this to you? When the  
23 first investigation went with some doctors way back in  
24 2010, I believe it was, I was told that I would be  
25 informed of any further proceedings or anything, any

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1 further issues or orders that would be given on that  
2 matter. Then I left employment with Texas Gamma Ray,  
3 went to Quality Inspection and Testing and then went  
4 back to Texas Gamma Ray. And then I didn't hear from  
5 the NRC again until 2012.

6 Q Okay, Mr. Chaisson, I'm sorry. I just kind  
7 of need kind of a simple answer.

8 Prior to the confirmatory order, you  
9 entered into mediation with the NRC Staff. Is that  
10 correct?

11 A Yes, sir.

12 Q Okay, did you voluntarily agree to enter  
13 into that mediation?

14 A Yes, sir.

15 Q Okay. And did the NRC coerce you in any way  
16 to enter into that mediation against your will or did  
17 you do so voluntarily?

18 A Well, that is what I was saying. I felt I  
19 had no other options. Yes, I felt coerced. I felt  
20 bullied. I mean I was told I adequately performed my  
21 career that I had been doing since 1984. So yes, I felt  
22 like I had no other option but to do that. I mean I was,  
23 you know, very how would you say not well-informed of  
24 how these procedures go. Because throughout my whole  
25 career I have never had no issues with it. I have always

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1 done my job properly so I had never had to deal with you  
2 all. And then all of a sudden I am told I can't work  
3 for five years. And I was like, what? And I have tried  
4 to even to have the lawyer at the company I was employed  
5 at the time. And I hate to say it but he was dumber than  
6 a bag of hammers. So, that didn't help none.

7 And people who I have talked with are  
8 helping me.

9 Q Okay, Mr. Chaisson --

10 A They wasn't helping me either.

11 Q Was it the circumstances that sort of  
12 counseled you to enter into mediation or was it --

13 A Yes, sir.

14 Q -- an individual from the NRC that coerced  
15 you?

16 A I'm sorry. I would have to say the  
17 circumstances, sir, not no individual person. You  
18 know, I can't point out one individual. I would say the  
19 circumstances.

20 Q Okay, thank you. That helps.

21 And did you understand, when you entered  
22 into the mediation, that it wouldn't be binding on you  
23 unless you agreed to be bound by the settlement  
24 agreement that you reached?

25 A No, sir, but I mean the mediator that was

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1 assigned to me, you know, like he told me, he didn't even  
2 know what he was mediating about. He knew nothing about  
3 the performance or any aspects of the x-ray industry or  
4 how we perform or the guidelines or specifics of it.

5 So, I mean I felt like it was like he told  
6 me whenever we was in the mediation, this was his exact  
7 words. He said this is the best I can do for you. So,  
8 if you want my advice, I would take it. It is either  
9 this order or the previous order. That is the only two  
10 options you have. I didn't know I could turn down that  
11 mediation and request another hearing. No, sir, I  
12 wasn't aware of that until here recently when I started  
13 digging into all of that.

14 Q And Mr. Chaisson, you signed a hearing  
15 waiver when you agreed to the settlement agreement. Is  
16 that correct?

17 A I signed quite a few documents, sir, yes,  
18 sir. I mean, did I read them all? No, sir.

19 And so if there is one with my signature on  
20 it, yes, sir, I signed it. There is no doubt anything  
21 you have with my signature I did sign from 2012 in that  
22 office, yes, sir.

23 Q Okay. What I want to make sure I have is  
24 did you understand that you could agree to the -- or that  
25 the settlement agreement that you came to with the NRC

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1 Staff that day was something that you both, you and the  
2 NRC Staff had agreed to at that -- during that day and  
3 that you could leave that and request a hearing. But  
4 instead, you chose to enter into that settlement. Is  
5 that correct? Even if the circumstances were such that  
6 you felt compelled to do so, I just want to make sure  
7 that there was no one bullying you into entering into  
8 the order or if there was an actual agreement reached  
9 during that day.

10 A No, sir, I can't say any individual or the  
11 group of individuals that was there bullied me into it.  
12 I can't say that. All I can say is it was lack of  
13 knowledge.

14 I did not know and the mediators did not inform  
15 me that I could have rejected that and got me another  
16 hearing. Because from my understanding was they  
17 already had the hearing and that they was trying to  
18 suspend me for five years. So, the mediator came in and  
19 he got it knocked down to what we agreed upon and then  
20 that was it. I didn't know that I -- I had no knowledge  
21 or was I told by the mediator or anyone else that I could  
22 have rejected that 2012 agreement we had and would have  
23 been granted another hearing. No one informed me of  
24 that, no, sir.

25 Q But you did reach agreement with the NRC

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1 Staff that day?

2 A Yes, sir. I mean we finally came to some  
3 sort of an agreement. You know it was something I had  
4 to live with because, like I said, seeing that I have  
5 three kids, that was important.

6 Q I understand. And the confirmatory order,  
7 did that memorialize that agreement?

8 A Yes, sir. I mean I was --

9 Q Did what you agreed to that day appear in  
10 the confirmatory order?

11 A Yes, sir. And then some other things that  
12 I didn't ever agree to an RSO 40-hour refresher because  
13 I was told I couldn't use that RSO license for five  
14 years, no matter what.

15 So, like I told that mediator, I said well,  
16 then there is no reason for me to have to go and take  
17 money out of my pocket to do a 40-hour refresher for a  
18 radiation safety officer, which is about \$1,100 if I  
19 can't never use the license for five years anyway.

20 I told them, I said, I fell that whenever  
21 I am able to use that license again, then yes, sure, if  
22 you want me to go a refresher, I will. But I am not going  
23 to do it within this 18-month time because I can't use  
24 it anyway.

25 Q And is that something that you thought

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1 after the confirmatory order was issued or was this  
2 during the ADR session?

3 A Yes, this was during the mediator session.  
4 I mean they had, the NRC had an office building, a big  
5 place downtown Salt Lake City. And it was like you all  
6 had a bunch of people there. I had myself and the  
7 mediator. And it was like we was on a time schedule.  
8 So, we drew up a rough draft. And what was written down  
9 on the rough draft and we agreed upon, when I received  
10 the typed document wasn't the same stuff that was  
11 written down in the rough draft.

12 Q Did you receive a copy of the final draft  
13 prior to the issuance of the confirmatory order?

14 A Yes, sir, I did. Yes, sir, I did and I --

15 Q Did that contain the RSO training in it?

16 A If it was in there, I didn't notice it. I  
17 just saw the 40-hour refresher for the radiographer.  
18 So, that was negligence on my part by not reading it  
19 thoroughly. But I had read over it with the RSO of the  
20 company I was working for at the time, which was Quality  
21 Testing and Inspection out of Lindon and he just told  
22 me, he said well, that ain't too bad. You have got to  
23 a 40-hour radiographer refresher and then he told me,  
24 he said you can't be an RSO for five years.

25 Q So, you are not sure what was in that final

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1 draft. Is that correct?

2 A Sir?

3 Q I said you're not sure what was in that  
4 final draft. Is that correct?

5 A No, sir, I didn't get a copy of the rough  
6 draft after we went out of the building that day. I  
7 didn't, no, sir.

8 Q I'm sorry. I was asking about the final  
9 draft. Did the NRC staff provide you with a draft of  
10 the confirmatory order prior to its issuance?

11 A Yes, when I received a copy of it, the lady  
12 mailed me one to the company I was working for and me  
13 and the lawyer went over. And he didn't notice the RSO  
14 refresher in there and neither did I.

15 So, I agreed to it and I faxed paperwork  
16 back and forth with the young lady out of the Austin  
17 Office.

18 So, everything was done over there in  
19 Quality Inspection. And I looked over it. I just  
20 didn't look over it well enough and neither did the RSO  
21 I was working for. So, that would be negligence on my  
22 part.

23 Q Okay. So, you said that you looked over  
24 the final draft with an RSO at the company you were  
25 working for at the time. Did you, yourself, review the

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1 final draft?

2 A Yes, sir, me and him both did. I mean when  
3 I received mail, I went and opened it because it stated  
4 that I had to inform the company I was working for of  
5 this order that I was about to agree to.

6 Q Right. And so after you received the final  
7 draft, you agreed to the order. Is that correct?

8 A Yes, sir, I did sign it. Yes, sir.

9 Q Okay. All right. I will move on.

10 A You know I ain't going say I agreed to it  
11 but I signed it because like I explained to you, I have  
12 to work to pay for my children, to support my children.  
13 I never agreed -- I was all whole heartedly from Day 1,  
14 I have always spoke my opinion that I only done what I  
15 was told in order to do --

16 Q I understand, Mr. Chaisson. I guess what  
17 I am getting at is I just want to make sure I understand  
18 the difference between whether or not circumstances  
19 sort of dictated your agreeing to something or whether  
20 or not you know you actually didn't sign something or  
21 that something was added without your permission later.

22 I could understand if you disagree with the  
23 end result.

24 A Yes.

25 Q Or I should say it a different way, that you

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1 didn't like the end result of the mediation session.  
2 But I just want to make sure we all understand whether  
3 or not you actually agreed to something or if something  
4 just appeared out of thin air at the end.

5 A Yes, and like I said, again, that is my  
6 fault. I tend not to recollect the 40-hour RSO  
7 refresher training in that draft. And unfortunately  
8 what I was saying at the time when we went through all  
9 this, I moved from that location to the home I have been  
10 in since then for the last three years and I don't have  
11 the very original draft that I have signed off on with  
12 the lady. All I have is the one that when I got a copy  
13 emailed to me from Mr. Maltese when I was working for  
14 Paramount NDT in 2014 until -- I stayed with that one  
15 company from 2012 until my card expired and then I was  
16 out of work for ten months until I could get somebody  
17 to get me another job.

18 And I don't have the very original copy and  
19 that is my fault. So, if what I signed, like you are  
20 saying, didn't have the 40-hour RSO training on it, I  
21 don't have documentation to dispute it. So, I just have  
22 to say that whatever you all have, I signed because I  
23 don't have anything to dispute it otherwise.

24 Q Okay and just one last question on this  
25 issue. So, the rough draft, I think at the end of the

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1 ADR session, everyone signed what we call an agreement  
2 in principle, kind of what I will call the rough draft,  
3 as I referenced before --

4 A Yes, sir.

5 Q -- of the terms of the settlement  
6 agreement.

7 A Yes.

8 Q Could you let me know did that include the  
9 non-destructive testing, the NDT -- oh, I'm sorry -- the  
10 RSO training?

11 A No, sir. That is what I am saying. I  
12 never agreed to that during the mediation. So, I was  
13 surprised when I saw it on the draft that Mr. Maltese  
14 gave me because it was like I don't ever remember the  
15 40 hours. I remembered the 40-hour radiographer  
16 because I had spoke to Ms. Laurie McGowan about going  
17 down there and doing it with her when I was in where  
18 someone I knew was going to go down there. But I never  
19 spoke to her about the RSO refresher because I didn't  
20 never recollect agreeing to that.

21 And I know in that rough draft, it wasn't on there.  
22 But like I said, I never got a copy of the rough draft.  
23 What we did was we all signed it and then I was told it  
24 was all going to be put and formatted and professionally  
25 done and then I would get a copy of it, of that.

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1 I should have asked for a copy of the rough  
2 draft that day. There was a lot of things I was just  
3 figured I am dealing with the Nuclear Regulatory  
4 Commission, I felt this is my government, that I would  
5 be treated fairly, which, unfortunately, I don't feel  
6 I have been treated fairly at all.

7 Q Okay, Mr. Chaisson, I guess what I want to  
8 clarify is so, in your opinion, you agreed -- I want to  
9 get to what you actually agreed to. You agreed to the  
10 non-destructive testing training?

11 A Yes, the 40-hour radiographer training.

12 Q Radiographer training, which is -- let me  
13 just call your attention to the confirmatory order.

14 So, this is what we are going to have to talk  
15 about at the hearing. Just so I am clear on the issue  
16 here. So, Section B on Page 8 of the order talks about  
17 individual training. And there is two trainings here.  
18 Number one is the 40-hour formal training course  
19 designed for qualifying radiation safety officers. Is  
20 that the training that you say was not discussed at the  
21 ADR session or agreed to at the end?

22 A Yes, that is the one that wasn't agreed to.  
23 The 40-hour radiographer training was agreed to but not  
24 the radiation safety officer.

25 Q And so number two of that was the 40-hour

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1 formal training course for non-destructive testing.  
2 Yes, or no, was that the only one that you agreed to?

3 A Yes, sir.

4 Q Okay, Mr. Chaisson. I want to talk, moving  
5 on a little bit to the training requirements after the  
6 issuance of the confirmatory order.

7 Would you agree that you did not complete  
8 the requirements of attending the two courses listed in  
9 the confirmatory order?

10 A I would agree that I didn't complete them.  
11 I did do -- the company I was working for at that time,  
12 Quality Testing and Inspection right here, I had to go  
13 perform a job in Nevada right after this mediation and  
14 all. And for me to go into another state, the company  
15 has to give you a radiographer refresher course that was  
16 supposed to be 40 hours but they had put a bid in on a  
17 job and the job started earlier than they thought it  
18 would. I ended up getting I think a total of 12 hours  
19 is what I received an email from the company from, from  
20 the RSO. I finally got on them enough after I got back  
21 from North Dakota to where he emailed me breaking down  
22 the amount of training we went through per course. And  
23 it breaks down 10 or 12 different courses like one hour  
24 here, a half hour on this, three-quarters of an hour on  
25 this. I got all of it and he put it down and it totaled

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1 12 hours, if I am not mistaken. But unfortunately, my  
2 hard drive crashed. I had to bring my laptop to the  
3 computer store yesterday. He is going to try to save  
4 everything, I think he can.

5 So, I do have that and I am sure what I have  
6 is right close to QTI. If I have to, I will go over there  
7 and get a copy of them physically. But I had no problem  
8 completing it. I was working on doing it.

9 And like there is a letter that they  
10 received. It was awful funny they didn't receive that  
11 letter on the incident but they received the other  
12 letter that I wrote because the other letters I can do  
13 electronically. That is one letter I didn't -- that was  
14 the one thing I didn't understand in the order was like  
15 why do I have to physically mail this one and I can  
16 electronically submit other things but this one letter  
17 I had to mail only? I didn't agree with that because  
18 I knew something like this was going to happen, that they  
19 would say well, we haven't received it. You didn't do  
20 it.

21 Q All right, I want to get back to the  
22 training courses. So, you said that you ultimately did  
23 not complete the training courses that are listed in the  
24 confirmatory order. Were these -- you know, I  
25 understand, based on your previous testimony to the

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1 Office of Investigations that it was primarily based on  
2 one, you didn't think that you would be working in the  
3 industry again and two, there were financial barriers  
4 to taking the course.

5 A Yes, sir.

6 Q Were there any other circumstances that  
7 prevented you from completing this requirement within  
8 the 18 months?

9 A Yes, the finances. I mean like I said, the  
10 company I was working for was supposed to give it to me.  
11 They promised me all kind of things that I didn't get.  
12 They cut me off when I was on the job in Nevada. I mean  
13 when my card expired that was it, I was done. I was  
14 unemployed.

15 Then for the rest of that time, I didn't get  
16 back employed until 2014. My card expired on April 30th  
17 of 2013. So from April 30, 2103 until February of 2014,  
18 I was unemployed. So, I was unable to afford to go down  
19 there to Ms. Laurie to get the 40-hour refresher or the  
20 remaining hours I needed. And they don't offer that  
21 nowhere up here in Utah. Utah is an agreement state but  
22 you can't find no radiation safety training classes.  
23 You can't -- they rarely do the IRSP state card, you know  
24 radiographer card test here and they are an agreement  
25 state.

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1           Q       Okay.  And I am curious.  I understand you  
2           asked for an extension after the deadlines to complete  
3           the courses.  What prevented you from contacting the  
4           NRC to ask for an extension prior to the 18-month  
5           deadline?

6           A       Because I couldn't find no one to hire me.  
7           So, I didn't think I would ever get a chance to get hired  
8           again.  I mean everyone I applied to, when they looked  
9           my name up --

10          Q       No, I understand, Mr. Chaisson.  What I am  
11          asking is why didn't you contact the NRC to ask for more  
12          time?  Because you couldn't find -- you know, I  
13          understand there may have been difficulties in signing  
14          up for the course but did anything prevent you from  
15          calling the NRC prior to the 18-month deadline to ask  
16          --

17          A       There was nothing preventing me, sir.  I  
18          mean I really wasn't aware of the time line.  So,  
19          actually, I got employed again and when I showed the  
20          paperwork to Paramount NDT owner, Mr. Chris Schaan, that  
21          is when I realized the time frame.  And it was like oh,  
22          gosh.

23                       And I called Ms. Laurie McGowan immediately  
24          and she told me what to do.  She told me to write a letter  
25          or to contact the NRC and then ask them who do I need

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1 to write a letter to asking for an extension. So, that  
2 is what I have done.

3 But other than that, nothing prevented me,  
4 except for I was actually looking into trying to do  
5 something else because I didn't feel anybody would ever  
6 give me a chance again.

7 Q Okay, so, again, is this the circumstances  
8 kind of prevented you from understanding the time line  
9 but you still had the copy of the confirmatory order and  
10 it states --

11 A No, I didn't have my original copy, like I  
12 said, that was mailed to me over at Quality and I agree  
13 the point that I signed off on. I didn't get another  
14 -- I didn't read the confirmatory order again until Mr.  
15 Maltese emailed it to me and showed me the date on it.  
16 And I was like oh, my God! And then that is when --

17 I was just hired by Mr. Chris Schaan at  
18 first just to overview the film and all that. And then  
19 it ended up that he needed me to be in the truck. And  
20 I told him I said well, I have got to get a copy of this  
21 order. And when he hired me, he read my name up on the  
22 thing and he said what is this? You got an order against  
23 you. What does it involve? So, I explained to him what  
24 happened and he still wanted to hire me.

25 So, I told him, I said well, I will drive

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1 up there but we are going to have to get a copy of this  
2 thing.

3 Q Was this before or after you filed the --  
4 (Simultaneous speaking.)

5 BY MR. HAIR:

6 Q You mentioned Mr. Maltese. He is my  
7 co-counsel on this case. He represents the NRC Staff.  
8 He is an attorney as well. Did you say that you didn't  
9 read the confirmatory order again until after your  
10 hearing request or was that maybe a different  
11 individual?

12 A No, I didn't overview the 2012 confirmatory  
13 order until Mr. Maltese emailed me one. Because when  
14 I called him about this, whenever Ms. Laurie McGowan  
15 told me, she said well when does it expire. When is the  
16 deadline up? I said well, I'm not completely sure of  
17 that, ma'am. And she told me, she said well contact the  
18 NRC and I believe that is the number she gave me.

19 So, I called there --

20 Q She might be talking about, and correct me  
21 if I am wrong, Michael Vasquez at the NRC Region IV.

22 A Yes, sir. That is who I contacted. I'm  
23 sorry.

24 Q Okay, thank you. I was confused for a  
25 minute.

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1           A        Yes, I'm sorry. I mean I dealt with him for  
2 everything and now it is all with Mr. Maltese. And his  
3 name is stuck in my head.

4           Q        Got you. Yes, Mr. Maltese is on training  
5 this week. So, that is why he is not here. But yes,  
6 we know Michael Vasquez. He is the Region VI Point of  
7 Contact. So, he is down in Texas and I know you have  
8 spoken with him a couple times.

9           A        Yes, sir. And then he was the one who got  
10 me -- yes, he was the one who sent me that copy.

11          Q        Okay. So, this was after the 18 month  
12 deadline had passed. You had spoken with Mr. Vasquez  
13 to talk about the training requirements of the  
14 confirmatory order and that is when you started to look  
15 into potentially taking a course with Ms. McGowan?

16          A        Yes, sir, I was going to. You know I talked  
17 to Mr. Schaan about it and he said well, he said, could  
18 you get away with doing 40 hours radiographer for now  
19 and just be -- like he told me he was going to put me  
20 with someone who had a state card and he was an RSO. So,  
21 he had told me to ask the question about would he be  
22 certified to get me the 40-hour refresher too or not.

23                    But I really wanted to do it with Ms.  
24 McGowan because I mean I know highly viewed she is in  
25 the industry.

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1           Q       All right, thanks, Mr. Chaisson. I want to  
2 move on and we are about half-way through my questions  
3 at this point. But the article that you had to submit  
4 to the NRC and this is under Section C of the  
5 confirmatory order, you know I know you have talked to  
6 OI, Office of Investigations, that is, about the  
7 article. But I just want to get it on the record for  
8 my clarification. Did you write the article?

9           A       Yes, sir, I wrote an article about --

10          Q       Did you write it by hand or on a computer?

11          A       It was a handwritten article I wrote and  
12 mailed it to the address I was told to mail it to. That  
13 is when I worked for Quality Testing and Inspection. I  
14 had Mr. Kevin Smith help me out with everything he could  
15 help me out with as far as --

16          Q       Somebody helped you out with the article?  
17 What was that individual's name?

18          A       His name is Mr. Kevin Smith. He gave me  
19 advice on what to put in the article. He said -- I said  
20 do I write the whole story or do I write -- and what he  
21 told me to write was write down what the reasons why you  
22 should follow NRC guidelines and restrictions and do  
23 what you know -- do what you know and not what people  
24 -- even if someone tells you to do different and they  
25 were your supervisor, do what you know to do.

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1 Q Okay. When did you send the article to the  
2 NRC?

3 A That was when I was still at QTI. I was in  
4 --

5 Q I'm looking for a date.

6 A Oh, gosh, that would have been -- let's see.  
7 I'm feeling somewhere around early mid-December. It  
8 was after November. So, right in December of 2012.

9 Q All right, so December 2012, you sent the  
10 article to the NRC via mail?

11 A Yes, sir. I mailed it in an envelope,  
12 stamped envelope to the address. So, what that Mister  
13 -- I believe it was actually Mr. Roy, wasn't it?  
14 Zimmerman. Attention Roy Zimmerman or Mr. Zimmerman,  
15 was it?

16 Q Okay. Do you have a copy of the article  
17 with you now or do you have a copy of it anywhere, either  
18 on your computer or another copy anywhere else?

19 A No, sir. I mean I could say I don't even have  
20 the original order. All that stuff was together and  
21 when I moved, I ain't got none of that.

22 Q Could you describe how long the article  
23 was, the number of pages?

24 A Two pages.

25 Q How many pages?

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1           A       Two pages. Well, it was a whole front page  
2 and probably a half to three-quarters of another page.

3           Q       Do you recall what the article said?

4           A       It was first it started off about, I started  
5 off about my name is James Chaisson. I have a  
6 confirmatory order against me for and I described I was  
7 -- how was that worded? I used the wording which said  
8 deliberate misconduct of the storage of radioactive  
9 materials. And I spoke about how I was working for a  
10 company, my truck broke down, and that was the only truck  
11 for that company I was working on was four states away  
12 from it. We had an office with a vault. My truck broke  
13 down, was put in the shop for 19 days. I was told to  
14 store the source at the office that the RSO and the  
15 manager told me to store it at. And that to my  
16 knowledge, I thought we was approved to do that because  
17 they told me they submitted the letter to the NRC. And  
18 as long as the letter was submitted to be audited, that  
19 we was in compliance to store a source there.

20                   But come to find out, my not paying  
21 attention to the newer, the new Enforcement Act, that  
22 the source should have never been there. So, what I put  
23 in there was like before you do anything that you are  
24 not positive of, my advice is to check, go back and ask  
25 for a copy of the guidelines of all this, proof that you

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1 are able to do this there, or contact your local state  
2 agency or the Nuclear Regulatory Commission because in  
3 the end, you could get burned for it. That is why we  
4 are given state cards because it takes the  
5 responsibility away from the company and puts it on the  
6 individual. All the people out there need to  
7 understand that when you are given the state card, you  
8 go and take that test, and it is issued to you, you are  
9 putting responsibility on yourself that you are going  
10 to follow these guidelines.

11 Well, don't just go and do this and think  
12 that the company has got your best interest at heart.  
13 If something comes down, trust me, your head will be put  
14 on a chopping block like mine was.

15 Q Okay, I would like to move on to a couple  
16 more questions I have for you.

17 First is, when you agreed to mediate with  
18 the NRC, did you understand that you were agreeing to  
19 a settlement of the deliberate misconduct violation  
20 that started off this matter, that that was to settle  
21 that matter? The NRC agreed to disagree with you and  
22 that we would walk away from enforcement action in lieu  
23 of issuing this confirmatory order, the 2012  
24 confirmatory order. Is that your understanding as  
25 well?

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1           A        I'm not completely sure what you meant by  
2           that.  I mean --

3           Q        In other words, did you understand that  
4           entering into mediation would be a settlement of that  
5           matter, of the deliberate misconduct alleged violation?

6           A        Yes, my understanding, yes, I mean my  
7           understanding was that I was trying to get my side of  
8           the story in because for the original hearing that was  
9           held on it was they only wrote a letter to it because  
10          I wasn't able to attend it in Austin.

11          Q        So, did you understand that it was a  
12          settlement agreement?  In other words, that you were  
13          settling the alleged violation that the NRC had  
14          initially issued that initial order, I believe it was  
15          a three-year ban in 2012, that we were settling that  
16          matter?  That that order would be rescinded and that the  
17          new one would settle that matter and the NRC would walk  
18          away from enforcement action, provided that you did the  
19          things in the confirmatory order.  Is that your  
20          understanding as well?

21          A        Yes, sir.  I mean I understood that the  
22          mediation was to try and get something better than a  
23          three-year suspension.  Yes, I mean, to my  
24          understanding, it was like either I took the one that  
25          we all agreed, that we hammered it out and hammered it

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1 out in mediation and especially come up with what the  
2 guy told me.

3 So, to my understanding, it was either I  
4 took that one here in Salt Lake or I took the one for  
5 three years.

6 Q So, I mean you understand that although you  
7 may disagree with the NRC regarding the alleged  
8 violations related to your time with Texas Gamma Ray,  
9 that the 2012 confirmatory order settled and superseded  
10 that matter.

11 A Yes, it superseded the first total  
12 suspension one. Yes, sir, I did understand that. Yes,  
13 sir.

14 Q Okay, thanks. Okay, one question I wanted  
15 to ask you and I know that this was a subject of the  
16 initial OI investigation but were you acting as a  
17 radiation safety officer at any time for Texas Gamma  
18 Ray?

19 A How do I put this? When I worked for Texas  
20 Gamma Ray, I was working for another company before I  
21 ran into one of the Texas Gamma Ray guys up there --

22 Q I just want to know --

23 A I mean, no, sir. I mean because all of the  
24 RSO duties like when we rented the building to get all  
25 the stuff put into the building, the containers and all

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1 that, no, Robert didn't go up there to do it.

2 Q But you were not an RSO at any time for Texas  
3 Gamma Ray?

4 A Not up there. I didn't -- I mean, he came  
5 up there and got the first LLEA agreement signed off.  
6 Anytime we had an audit up there and things needed to  
7 be addressed, Mr. Robert didn't address them, I didn't  
8 address -- I mean I was working the trucks. That is all  
9 I was there doing. And then they had other workers up  
10 there that was screwing up on jobs. And Mr. Pete Moss  
11 asked me, he said James, would you mind helping me keep  
12 these clients happy. So, James was doing four jobs in  
13 a day.

14 Q Okay. Did you understand what an RSO would  
15 be responsible for?

16 A Oh, yes, I know what an ROS's  
17 responsibilities are and there was no way I could do all  
18 that and four jobs in a day.

19 Q Were you performing any RSO duties at the  
20 Rock Springs location in Wyoming?

21 A No, sir. I mean no, sir, I have done  
22 usually Level 2 duties. They sent me a source, a source  
23 change. I change my source out. But I didn't do  
24 everybody else's. Them Level 2s were responsible for  
25 theirs.

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1                   And then at the time of this so-called  
2 incident, I was the only truck there and I had been the  
3 only truck there for four months.

4                   Q       Okay.  And so as part of understanding what  
5 an RSO is responsible for, you understood that prior  
6 approval of a local law enforcement agency is required  
7 for storage locations, other than temporary locations,  
8 based on the NRC increased controls order.  Are you  
9 aware of that, Mr. Chaisson?

10                  A       I was aware that we had to inform the police  
11 department of like Mr. Robert Denton told me.  He said,  
12 look, just as a letter, let them know where you live --

13                  Q       I just want to get back to when the truck  
14 broke down.

15                  A       Right.

16                  Q       So, after the truck broke down, you rented  
17 a car and removed the camera from your truck.  Is that  
18 correct?

19                  A       Well, yes, sir, because my truck was being  
20 towed to a transmission place.

21                  Q       Okay.  And where did, at that point, where  
22 did you take the camera right at that time?  I  
23 understood you put the camera in the rental car and  
24 whatever other equipment you had to remove from the  
25 truck.  Where did it go right from the point of where

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1 the truck broke down?

2 A Right to the Rock Springs office and into  
3 the vault.

4 Q All right. That is the 1535 Elk Street  
5 location. Is that correct?

6 A Yes, sir.

7 Q Okay.

8 A And I didn't rent the car, sir. Texas  
9 Gamma Ray rented the car.

10 Q Okay, thank you. And so, did you call  
11 anybody after the truck broke down to sort of coordinate  
12 what would happen from then on, Mr. Chaisson?

13 A Yes, sir. If you would look at the copy of  
14 the phone records I sent you all, it took me a while to  
15 get them from Verizon, but I called Mr. Steve Steen. He  
16 was the manager. He arranged for the two truck. He  
17 arranged for the rental car. I called Mr. Pete Moss  
18 because I couldn't get a hold of Steve Steen at first.  
19 He didn't answer, so I called Pete. Pete didn't answer.

20 And then Pete called me back first. He  
21 said well, hold on, I will get a hold of Steve. And then  
22 right when me and Pete was talking, I said oh, there is  
23 Steve beeping in, Pete. I said let me talk to him and  
24 I will call you back.

25 He said all right, let me know what is going

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1 on. He said you know, let's get this handled. Do we  
2 need to send you another truck? I said well I don't know  
3 exactly what is wrong with it, Pete. I will have to get  
4 it looked at.

5 So, when I switched over to Mr. Steve Steen,  
6 I asked him, I asked him, I said, Steve what do you want  
7 to do? He said I have got a wrecker, a flatbed truck  
8 coming to get the truck. They are going to bring it --  
9 it was late afternoon in Salt Lake City. He said they  
10 are going to bring it to their shop. They will have it  
11 looked at in the morning. Can you get someone to come  
12 get you to go get a rental car at Thrifty Rental Car?  
13 I said yes, sir.

14 So, I had a former employee of mine, Mr. Von  
15 Lofgreen come over there. He picked me and my helper  
16 up. We took the camera out of the truck right then and  
17 there and I put it in the cab with us. And we drove to  
18 Thrifty Rental Car and they rented me a little bitty  
19 compact car. And my nephew put the camera in the trunk  
20 of that little car.

21 And I called Steve. I said so what do we  
22 do, Steve? He said well, Robert Denton sent the letter  
23 to the NRC to have the site audited. And he said, so  
24 as long as that letter is in the NRC's possession, we  
25 are not in violation of storing a source there

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1 temporarily for an emergency. I said okay.

2 So, that is what I did. I drove straight  
3 to Thrifty Rental Car by the airport to Rock Springs,  
4 Wyoming, went in the shop, set the alarm, made sure the  
5 cameras was on, checked the battery pack on the cell  
6 phone pack of our system and locked it into a box first  
7 --

8 Q Okay, I think I have your answer. So, was  
9 Steve Steen, was he the RSO for Texas Gamma Ray?

10 A No, sir. He was the manager for the  
11 Pasadena office.

12 Q Okay. So, he wouldn't necessarily  
13 understand all the requirements for proper storage of  
14 the source. Is that right? Would that have to be Mr.  
15 Denton?

16 A No, sir, Mr. Steve Steen is an RSO also. He  
17 was and RSO for H and G Inspections for the years when  
18 I worked there. So, Mr. Steve Steen does hold an RSO  
19 certificate as well.

20 Q Okay, so we have the certificate and I  
21 understand you did at the time as well. Is that right?

22 A Yes, sir.

23 Q But Steve Steen was not the RSO of Texas  
24 Gamma Ray. That is what I want to make sure on.

25 A No, sir. No, sir, he was the General

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1           Manager.

2                   Q       Okay.  So, was the --

3                   A       RSO couldn't be reached.  He didn't answer  
4           his phone, if you want to know.  I called Robert Denton  
5           over and over again.  He couldn't be reached.

6                   Q       Okay.  So, at what point did you -- so the  
7           local law enforcement agency plan you knew was not  
8           secured for that location.  Correct?

9                   A       No, sir, I did not know because Mr. Robert  
10          Denton, when we had the alarms set in that day on the  
11          30th, Mr. Robert Denton sat down on his laptop at the  
12          shop at our little office and he wrote the letter out.  
13          And he told me, he said when I get back, because I didn't  
14          have a printer at that shop, that is all I had was a  
15          little cheap fax machine that didn't have paper or  
16          nothing, you know the roll paper, it was a roll type fax  
17          machine with all rolled paper in it.  And he told me when  
18          I get back to the shop tomorrow, he was flying out the  
19          very next morning, he said when I get back to Pasadena,  
20          I will get this printed off and sent to the local law  
21          enforcement and I will let you know to go pick up a copy  
22          of it.  Go pick it up and then you can mail back one to  
23          me and you keep one here.

24                  Q       Okay.  And did he actually, to your  
25          knowledge, did he actually do that?  Did he come back

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1 and provide that letter to the police department for  
2 approval?

3 A To my knowledge, I wasn't sure if he did or  
4 not, I mean not until after this happened I realized no,  
5 he never did send them the letter.

6 Q Okay but at the time, you had no idea  
7 whether or not they actually had the letter.

8 A No, sir, I did not have no knowledge that  
9 they had it or they didn't have it. That is what I am  
10 saying. Mr. Robert Denton couldn't have always been  
11 reached.

12 Q All right, I understand. And you said he  
13 was leaving the next day for a flight. I understand he  
14 was in Canada on vacation or something to that effect  
15 during the incident with the truck breaking down. Was  
16 that the trip that you were speaking of or was this a  
17 different matter?

18 A No, sir. He was in Canada during the  
19 Christmas holidays and off for goose hunting. During  
20 April, he wasn't in Canada. I don't know where Mr.  
21 Denton was because whenever the truck broke down, it was  
22 awful funny that all of a sudden Mr. Larry Donovan showed  
23 up there to audit the building and he called him. I  
24 guess he called the Pasadena office and asked him where  
25 I was so I could go open up the building for him to

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1 inspect it and approve it. And that is when Robert  
2 Denton and Steve Steen, both were -- when I finally heard  
3 back from Robert Denton, Robert Denton called me up  
4 and said hey, look, I have been handling stuff. I am  
5 not going to say where he said he was. If I am not  
6 mistaken, I think he was at the Port Lavaca Office for  
7 some kind of stuff, problems they was having out of the  
8 office in Formosa Plastics or one of the other offices.  
9 I know he was handling some affairs elsewhere with one  
10 of the other offices. And that is what he told me. He  
11 said you know, we was doing it because the truck is going  
12 to be broke down for a couple of days so here is what  
13 he said was if Mr. Larry Donovan comes to your house,  
14 don't answer the door. I said, why? He said well  
15 because the source has been in there for quite a long  
16 time and you know the truck is still in the shop. So,  
17 I told him you was in Montana on a job.

18 And I said you all told this man I was in  
19 Montana on a job? Why? And he said well, because we  
20 can't have -- and I was like hold on here. Now you all  
21 trying to -- right then and there, Mr. Larry Donovan  
22 knocked on my door because he knew where I lived. And  
23 he looked at me, he said James, when did you get back  
24 from Montana. And I told him, I said, I looked dead in  
25 face. I said Mr. Larry, I haven't been to Montana. And

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1 I was on the phone with them right then and there and  
2 they hung up the phone.

3 He said I kind of knew that. He said  
4 Montana is an NRC state. You all would have had to have  
5 reciprocity to be there. I said correct.

6 So, --

7 Q I just have a couple of questions about Mr.  
8 Denton, then. So, you were not able to get in touch with  
9 Mr. Denton prior to storing the source at the 1535 Elk  
10 Street location. Is that correct?

11 A No, sir, I was not. I followed the orders  
12 of --

13 Q And the storage location was, you called it  
14 a temporary storage but your truck was broken for longer  
15 than you expected. Is that right?

16 A Yes. Well, Steve Steen told me, he said  
17 tomorrow morning I will have a diagnosis. And he said  
18 even if it is a transmission or whatever, he said I am  
19 figuring four days, three days at the top.

20 I said, Steve, that is a 2007 truck. I  
21 don't know if they can redo any transmissions or not yet  
22 because it was the first year they used the Allison  
23 transmissions.

24 Q Okay, so Steve Steen told you that it was  
25 okay to store it there temporarily. Is that what you

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1 are saying?

2 A Yes, I asked him -- I told it like this.  
3 Either you want me to leave the camera in the truck and  
4 let it got to the tow yard with them or do you want to  
5 send me voucher tomorrow to ship it to you? Because  
6 like I told him, you rented me a compact car that has  
7 no alarm system on it or anything. I knew that we was  
8 good to store the source at my house because that is  
9 where it always stayed at in my truck outside my home.

10 Q All right. So, you are saying that,  
11 basically, you chose the safest route, right? That you  
12 were trying to store it in the safest way that you knew  
13 how. Was that right?

14 A I chose, I even chose -- they did. They  
15 told me where the source -- like Pete told me, when I  
16 called Pete about it, Pete said I will pay \$1,500 a month  
17 for that building. We have got a dog in there. We have  
18 got cameras. We have got security. He said that is  
19 where you put the camera. He said the truck will be done  
20 in a couple of days from what Pete said.

21 Q Okay but it didn't have a local law  
22 enforcement agency plan or anything that you were aware  
23 of at that time. Is that right?

24 A I wasn't aware that Robert didn't send the  
25 letter in ahead of time.

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1 Q All right. And Mr. Steen would be aware of  
2 that at all or no?

3 A Sir?

4 Q Was Mr. Steen, at the time, was he aware of  
5 any local law enforcement agency plan for that location  
6 or no?

7 A He told me the letters were sent in that  
8 needed to be sent in and we would be fine to store it  
9 there until the truck got fixed.

10 Q I thought that you said that you didn't know  
11 whether or not the location had the letter at the time.

12 A I didn't know that Robert didn't send the  
13 letter. Steve told me the letter was sent to the NRC  
14 to get the building audited and that as long as you all  
15 had that paper, that Texas Gamma Ray was in compliance  
16 to store a source there.

17 Q Okay, just give me one second.

18 A Now, as far as for the local law enforcement  
19 one, like I said, when Robert Denton left, he told me  
20 he was going to handle that because he had it on his  
21 laptop and nowhere to print it at my office, just like  
22 the very first LLEA agreement we had with the local law  
23 enforcement was also done by Robert Denton.

24 Q Okay. So, Mr. Denton was responsible for  
25 making sure that the local law enforcement plan was

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1 secure. Is that correct?

2 A He done every other prior one. So, why  
3 wouldn't he be in charge of that one?

4 Q Okay, I understand. But what I am failing  
5 to understand is if he wasn't able to be contacted prior  
6 to storing the source at the Elk Street location, then  
7 how would Mr. Steen or yourself know for sure that that  
8 was an acceptable storage location, given that you both  
9 had RSO qualification at the time?

10 A Okay, this is where the communication is  
11 breaking down. I couldn't get in touch with Robert  
12 Denton. I did not know if Steve Steen talked to Robert  
13 Denton. I did not know if Pete Moss talked to Robert  
14 Denton. So, all I know is the two people I was able to  
15 get in touch with was the owner and my manager. And I  
16 done what they told me to do. That is all I done.

17 Q Oh, I understand. I understand, Mr.  
18 Chaisson. You have to rely on the people you work with  
19 in order to get something done here. I can appreciate  
20 that.

21 A I am talking to the owner and the manager.

22 Q I guess what I am getting at and I know we  
23 can only speculate as to what they knew at the time but  
24 did you understand -- was it your understanding at the  
25 time when it was stored at the source, did they really

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1 know one way or the other whether or not the LLEA plan  
2 was signed off by the police department or not? Or did  
3 they have the same problem that you had in that it sounds  
4 like Mr. Denton was kind of a difficult person to get  
5 a hold of.

6 A That is what I am saying. I don't want to  
7 speculate on what they understand or what they knew was.  
8 I mean I don't know. That is what I am saying. I wasn't  
9 aware if they were in contact with Mr. Denton or  
10 anything, because I had this happen to me prior before  
11 when I ran their Port Lavaca office that I was having  
12 trouble with the crews there.

13 This is just an example in that I kept  
14 trying to get in touch with the RSO at that time was the  
15 man was Tim Hopkins. And the reason he would never  
16 answer his phone was because he was on his way down to  
17 Port Lavaca to fire me. So, that is why he wasn't  
18 answering his phone. And John Wood, Pete Moss was lying  
19 to me and telling me oh, no, he is doing something.

20 So, I mean that is what I am saying, I don't  
21 know what their knowledge was and I really don't want  
22 to guess on it. So, I don't want to speculate on  
23 anybody's.

24 Q I appreciate that. We don't want to get  
25 into that really either. But I am just curious. Do you

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1 have any emails from that time period from the Texas  
2 Gamma Ray folks like Mr. Denton or Mr. Steen or Moss?

3 A Sir, I didn't even own a laptop then. I  
4 still had the old flip cell phone.

5 Q Okay. Just so I can kind of understand the  
6 gist of what went on then because I am new to this issue,  
7 to be honest. And I am kind of playing catchup a little  
8 bit.

9 You are storing the source at the Elk Street  
10 location. I think you said this in the email to us  
11 recently was the safest thing you could have done.

12 A Out of the options I had available to me  
13 because it was the safest thing -- I felt it was safe  
14 because it was either leave it in the truck at the  
15 Chevrolet place, bring it to my home with my three minor  
16 children who were all under the age of 16, --

17 Q Right.

18 A -- or leave it in the car with no alarm that  
19 at night somebody could have got it without me hearing  
20 it, or put it in a vault that I knew no one could get  
21 into, that an alarm would go off. It was right in front  
22 of a motel. They had cameras. They had a monitor.

23 When we had that whole system hooked up,  
24 when Robert Denton had that cell phone battery pack  
25 system put in there in case the power went off, I mean

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1 he handled all of that stuff, sir. I had nothing -- all  
2 I did was when he came up there to hook all that stuff  
3 up was unlock the door for him and give him a key to  
4 that office, and I went to work.

5 He handled everything. I had no hands on  
6 none of that because I was not the RSO. I was trying  
7 to keep one truck working. I had went down from five  
8 trucks to one truck. So, I was concentrating on  
9 working.

10 Robert Denton was in charge of handling  
11 everything on that. That is why Steve Steen sent him  
12 like that.

13 Q Okay and you mentioned that storing the  
14 camera at the Elk Street location was sort of an  
15 emergency situation, I think you called it earlier.

16 A Yes, sir.

17 Q Also like a temporary storage location, as  
18 in not a place where you intended to store it for longer  
19 than a couple days. Is that right?

20 A Correct because --

21 Q How long did it actually get stored there,  
22 do you know?

23 A Nineteen days.

24 Q Nineteen days total, okay. I'm guessing  
25 that was a little longer than anyone might have

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1 envisioned.

2           A       -- they showed you all because they only  
3 showed you all the repair bill from the GMC place. They  
4 didn't show you all the repair bill from the first two  
5 places that Mr. Steve Steen, the first transmission he  
6 bought, he bought a used transmission out of a truck that  
7 had caught on fire. And he tells me, well, it was a  
8 brand new truck. The only thing that caught on fire was  
9 the engine. So, the transmission is still good. And  
10 I am sitting here trying to tell him, Steve, if the  
11 engine catches on fire, the heat transfers back. A  
12 transmission has really thin bands in it, because I am  
13 a mechanic, I said trust me, that transmission is burnt.

14                       Well, he bought it anyway and the guy put  
15 it in. He put it in and guess what? It didn't work.  
16 So, he had to pay for him to take it back out and then  
17 they tried putting another one in there. It didn't  
18 work.

19                       Then they tried bringing it to a  
20 transmission place and, like I told him, that was a  
21 fairly new style of transmission and the transmission  
22 repair places up here didn't know how to rebuild them.

23                       So, that is when I finally had enough of it.  
24 That was after about 10-12 days and I got a hold of Mr.  
25 Pete Moss again because my client was climbing down my

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1 back. And I told him, I said look, this truck has been  
2 in the shop. He said why is it still in the shop? I  
3 said Pete, we got two used transmission put in them and  
4 both of them was junk. I said now, the client is getting  
5 made. He said we ain't got a truck in two days, he's  
6 running out.

7 Well, they had it towed to GMC in Salt Lake  
8 City, a GMC dealership and they called him up and they  
9 said your transmission and your transfer case is both  
10 out. And I said call the owner. He is the man that is  
11 going to pay the bill. And I explained, I said all I  
12 need to know is how long is this going to take you. He  
13 said probably about five or six days, sir. And that is  
14 how long it took Chevrolet to put a brand new engine and  
15 transmission in it.

16 Well, when this first happened, Steve  
17 called me. He said look, he said just like we was  
18 talking about, he said put your camera in, he said and  
19 if we see that the truck is going to be a while, I will  
20 send you a shipping container and shipping papers so you  
21 can ship the camera back to me or we will send you another  
22 truck to use while your truck gets fixed. Well, he did  
23 neither one of them things.

24 And I think a lot of that had to do with at  
25 the time all this happened, Steve Steen was actually in

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1 the midst of quitting Texas Gamma Ray to go work for his  
2 father-in-law, Harry Gibson, at Diamond G Inspections.  
3 So, I don't think he had the best interests of Texas  
4 Gamma Ray at heart anyway.

5 Q Okay, I understand. I think we are getting  
6 a little off topic. So, I just want to ask a follow-up  
7 question. You mentioned that you didn't store it at  
8 your house for reasons that you had children in the home,  
9 that you didn't want to bring that risk home with you.  
10 But from what I understand, your residence was an  
11 acceptable place to store the camera. Is that right?  
12 It was listed on the license or something to that effect?

13 A Well what it was when I lived in a trailer  
14 court and I had a spot that had an open field behind my  
15 trailer and the landlord wanted me to park my truck in  
16 the back back there. I didn't have to force it in the  
17 front driveway.

18 Q Was it okay with the NRC?

19 A Yes.

20 Q I understand there might be specific  
21 details about location but what I am trying to get at  
22 is would it have been acceptable in terms of the license  
23 requirements that you store the source at your residence  
24 versus -- I understand you can store at a temporary job  
25 site in the truck.

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1           A       Well that is what it was stored in at my  
2 residence, in the truck. There was no building or  
3 nothing there. I mean like I said, to store it in my  
4 residence while the truck was parked outside --

5           Q       I understood that the license itself had  
6 authorized other storage locations, other than in the  
7 truck as temporary locations.

8           A       Yes, that was my home residence. It wasn't  
9 nothing but the truck that it was stored in there. So,  
10 the NRC agreed upon it because where my truck was parked  
11 at, there was no -- neither one of my neighbors would  
12 have picked up more than 2 mR per hour.

13                    Because one of my residents, when they came  
14 and checked it, the dosimeter and said the readings were  
15 too high so we had to build better boxes in the truck.

16           Q       Okay, so there are really two requirements  
17 at play here. And we talked about the local enforcement  
18 agency plan and, I believe we had come to the conclusion  
19 that we weren't sure whether or not that agreement had  
20 been put in place prior to the storage at the time.

21                    One thing that I wanted to follow-up on was  
22 the license. The license didn't authorize the Elk  
23 Street location. Obviously, we all know that now  
24 looking back. And I assume that is your understanding  
25 as well. Correct?

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1           A       Yes. I mean after I got the knowledge of  
2 it later, yes.

3           Q       Right.

4           A       I mean I didn't --

5           Q       I guess just looking back at the time, we  
6 didn't know or I should say Texas Gamma Ray, your  
7 colleagues, Mr. Steen and Mr. Moss, did they have  
8 knowledge that the Elk Street location, in your opinion,  
9 did they have knowledge that that was an approved  
10 location via the NRC license?

11          A       Well, I can tell you this about Mr. Pete  
12 Moss. I mean, a lot of people I work for, he is pretty  
13 honest, one of the most honest people I've met. I guess  
14 he was under the assumption that Robert Denton did send  
15 an amendment to the license and to you all to add it like  
16 Robert told him he was going to do. There was a lot of  
17 things that Pete and folks at Gamma Ray and all of the  
18 old locations in Oklahoma and all the ones in Texas that,  
19 of course, you know when you own all these offices, you  
20 have got to depend on the people that you hired that they  
21 are doing their job properly.

22          Q       Okay, that is what I want to get at. So,  
23 basically, you weren't sure whether or not Mr. Denton  
24 had done his job correctly. Is that right?

25          A       Correct. None of us were.

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1           Q       Nobody was certain whether or not Mr.  
2 Denton had filed the paperwork properly, that he had  
3 secured the LLEA plan as he was supposed to. You  
4 weren't sure whether he actually finalized or finished  
5 adding that location to the license. You were in the  
6 dark. Is that right?

7           A       Correct, sir. I mean I didn't know nothing  
8 until all of this came upon me. It was like -- and that  
9 is when I tried explaining I didn't never any of the  
10 office addresses on this, I didn't get no LLEA signed  
11 or amended through the police department. Robert  
12 Denton done all of that.

13          Q       Well, it was Mr. Denton's job to do all this  
14 stuff.

15          A       Correct.

16          Q       And everybody else was simply relying on  
17 him to get it done.

18                   Now, since nobody had received word from  
19 Mr. Denton that these things were complete, at the time  
20 that the camera was put into this vault, and I understand  
21 that given all the options, maybe that was the safest  
22 place to store the thing. I can appreciate that.

23                   What I wanted to get at is that given that  
24 Mr. Denton may not have done his job at all, we are not  
25 sure at this point, at the time nobody really knew

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1           whether or not that was an okay place to accept or store  
2           the camera. Is that right?

3           A           At that time, I wasn't aware if it was okay.  
4           I was just done what I was told. But that is what I am  
5           saying. I figured that Steve Steen knew that Robert  
6           Denton sent the letters in because I mean that was his  
7           exact wording that well, Robert Denton sent the  
8           paperwork in, the necessary paperwork in, so we should  
9           be good. I said okay, sir.

10                   And that is what I told him. I said so just  
11           put it in. He said yes, we got along with everything  
12           else, you know he said but as far as I know everything  
13           has been done. And I will check with you tomorrow  
14           morning. Because like I said, it was late in the  
15           afternoon when all this got done.

16                   So, the next morning, you see my phone  
17           records, I called Steve Steen again. And I asked him  
18           have you clarified anything. He said it's first thing  
19           in the morning. You are kind of jumping the bird early.  
20           It's like look, dude, I said I need to know if we are  
21           okay. And after he called me back and told me he said  
22           everything is good. I would like somebody to go and  
23           look at the truck and I will --

24                   Q           Who called you and said everything was  
25           good?

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1           A       Mr. Steen said everything was good and he  
2 was having somebody go look at the truck right now.  
3 That was all he told me. He said leave it in there and  
4 -- this is his exact words. He said by the end of the  
5 day, I will let you know if we are going to send you a  
6 shipping containing to ship it back or if we are going  
7 to send you a truck up there to use temporarily until  
8 your truck gets fixed.

9           Q       Right. Okay, so he was just trying to  
10 figure out what to do with the source but he didn't know  
11 what Mr. Denton had done. Is that your understanding  
12 or did you assume that he had talked to Mr. Denton and  
13 that Mr. Denton had done his job?

14                        Because I don't know that is what I have  
15 heard previously. My understanding is nobody really  
16 knew what Mr. Denton had actually done. Is that still  
17 correct?

18           A       Correct.

19           Q       Okay, so at that point, Mr. Steen was just  
20 dealing with a bad situation. Is that right, to figure  
21 out where do we put this thing?

22           A       Yes, I would actually have to say that  
23 because Steve is, he knew that is what he had to do. He  
24 said well, --

25           Q       All right. I think we have exhausted that

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1 topic and we are getting close to the end here.

2 (Simultaneous speaking.)

3 BY MR. HAIR:

4 Q I really appreciate your patience. I know  
5 you have told your story a couple of times now and I am  
6 sure it gets -- it doesn't get any more fun as we go on.

7 A Now, I would like to point out on his behalf  
8 that he did state, he did ask me. He said so, when we  
9 ship you a source, how do you get the other one back?  
10 And I said well, when I get the source changer here, I  
11 said there is always a return shipping paper already  
12 printed out in there, wrote up, ready for me to ship the  
13 other one back.

14 Q Right, for the situations where that would  
15 be the best option. I understand.

16 A Right. And he did ask me, he said do you  
17 have a container there, an overpack to ship the source  
18 to us? I said, Steve, I don't have an overpack and I  
19 don't have any way to print out that document to fill  
20 it out properly. When I first started this you could  
21 hand write them. Now, you can't.

22 Q No, I understand. So, he couldn't really  
23 go that route to have you ship it back because you didn't  
24 have the resources you needed at the time. So, you  
25 needed to do something else in a pinch. Is that a proper

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1           characterization?

2           A           That is exactly what I am getting at.

3           Q           Okay, I understand.  So, I will just pull  
4           back for a second and I just want to ask a couple of  
5           follow-up questions, mostly just for my clarification,  
6           just so I understand and we get it on the record.

7                        But I understand the NRC staff and yourself  
8           agreed to disagree at the mediation about all the things  
9           that we just got done talking about.

10          A           Yes, sir.

11          Q           But I guess the main issue that we are  
12          struggling with is why didn't you contact the NRC  
13          regarding any of the requirements of the confirmatory  
14          order before the deadline had expired for the training  
15          and -- well, I guess the training because you said you  
16          had submitted the article.

17                        But I mean, did anything prevent you from  
18          calling the NRC was it simply that you weren't thinking  
19          about it at the time and it wasn't until Mr. Vasquez had  
20          contacted you about it that you had sort of reminded  
21          yourself about the time frame?

22          A           Yes, sir.  Well, no, nothing prevented --  
23          what prevented me was I was unemployed.  I didn't have  
24          my copy of it so I wasn't certain on the time frame.  And  
25          like I said, during my eight to ten months of

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1 unemployment, sir, I had so many resumes out and no one  
2 would even give me a chance to explain anything. They  
3 wouldn't even talk to me.

4 So, I wasn't aware that the time frame --  
5 because if I would have been aware that the time frame  
6 had expired, I would have sent a letter in because, of  
7 course like I stated from Day 1, this is my career. This  
8 is what I love to do. But I mean, you know, when  
9 something you get done, something you been doing your  
10 whole life and you get, what I felt, like I said,  
11 something to a situation that nothing you can do about  
12 it, you have got to accept what they give you. But if  
13 I would have known that the date that it expired, I would  
14 have sent in a letter and asked for an extension,  
15 explaining the circumstances that I had been unemployed  
16 since then. And after the agreement was done, I was on  
17 the job from that date to the day my card expired in  
18 Nevada.

19 Q Okay.

20 A So, I did try and do something. I mean I  
21 done training with my RSO at QTI. We covered 11 hours  
22 of it.

23 Q Okay. I have a question about an email you  
24 had sent us on Sunday, December 14th. It is responding  
25 back to Jim Maltese about a matter related to the

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1 hearing.

2 But you had said that, I will just read a  
3 section of this email. It was relating to when we were  
4 asking you about your Verizon bill.

5 A Yes, sir.

6 Q It said that you had only done what you were  
7 ordered to do by the owner Pete Moss and Steve Steen.  
8 You said furthermore, the lady whom I said was so nice  
9 and helping myself after her testimony, I realized that  
10 she lied as well as the others.

11 Just for my clarification, which  
12 individual are you referring to there? Who was lying?

13 A Laurie McGowan.

14 Q Oh, Laurie McGowan, okay.

15 A Yes.

16 Q And so what, specifically, in her  
17 testimony, did you think was inaccurate? Could you  
18 give me an idea?

19 A Yes, like when she said that she contacted  
20 me over the incident that she was surprised that Pete  
21 Moss hired me back.

22 Q Well, what did she lie about is what I am  
23 concerned with.

24 A She said that she contacted me when I was  
25 in the Vernal area and all, after all of this, and I went

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1 back to work. I went back to work for them and she was  
2 surprised that Pete Moss would hire me back to work for  
3 him, period. And then how she said that every time they  
4 would James' name, it was like they would all raise their  
5 hands up. They wouldn't all raise their hands up.  
6 They would all put their hand out for the money James  
7 was bringing them.

8 And not only that, when I went and took her  
9 RSO class, I was employed with Texas Gamma Ray. They  
10 are the ones who sent me to do the RSO certificate with  
11 her. And the day she handed me that certificate, she  
12 said I can only give you this advice, because she called  
13 me in Louisiana right off the bat. In her class, I sat  
14 right at the front, right in front of her face so I made  
15 sure I done heard everything she said. And she told me,  
16 she said my best advice I can give you is never put your  
17 name on something you never done. She said and you're  
18 working -- John Wood was the manager at the time. She  
19 said you just listen to what I am telling you and you  
20 can't go wrong. Don't sign nothing if you didn't do it  
21 and follow the guidelines.

22 And that is what I done.

23 Q Okay. So, it doesn't sound like there is  
24 anything specific Ms. McGowan said that could be viewed  
25 as a lie. Is that right or is there something?

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1           A       Yes, she said she spoke to me during all of  
2 this stuff, which she never did.

3           Q       I'm certain Ms. McGowan and yourself had  
4 spoken but is there a particular conversation that you  
5 said never happened that she did that you could point  
6 me in the direction of?

7           A       Just point myself -- let me get my hard copy  
8 out here. I got my hard copy here. Like I said, my  
9 laptop I wish it could be done so I could have just pulled  
10 it right up.

11          Q       Yes, and I should note one of the  
12 disadvantages of having a telephone deposition is I  
13 can't just hand you what is in front of me. I'm not  
14 trying to put you on the spot when you referencing  
15 something. I just wanted to make sure if I have all the  
16 information, if there is a specific statement or a bit  
17 of substance that you disagree with.

18                   I guess am more interested in not  
19 necessarily your differences of opinion with Ms.  
20 McGowan but if there is something she said that is  
21 untrue, I should say that you specifically plan to bring  
22 up in your defense. Just so I understand what your  
23 defense is in the case.

24          A       I would have to say, sir, that it would be  
25 more of I bet she -- I guess she had time frames mixed

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1 up. I mean, we did have these conversations but I think  
2 it was just that she had her time frames mixed up on it.  
3 Because I still have all the respect in the world for  
4 that lady. I think she is the most knowledgeable person  
5 I have ever met in this industry.

6 You know you won't get me to say a bad word  
7 about her because she is very intelligent. I think it  
8 was more just a time framing that she said we had this  
9 conversation at this time when it actually wasn't at  
10 that time. It was later on. And you know or earlier  
11 than the date she said in her deposition.

12 And I'm not saying that she bad mouthed me.  
13 What she said was you know we did talk.

14 But I mean all I dealt with at the time I  
15 worked at Texas Gamma Ray in the Wyoming area was either  
16 John Wood, Steve Steen, Tim Hopkins was the RSO at first,  
17 and Robert Denton. I didn't really deal with people.  
18 Me and people talk all the time but Ms. McGowan didn't  
19 come up there and do anything while I was up there.

20 You know I know that she is their consultant  
21 and they get her advice on a lot of things. But in one  
22 of the conversations I think was something about, I  
23 think when we was in Vernal, it was the time frame that  
24 she had off. Because like I said, even after all this  
25 and I did go to work for Quality Inspection and Testing,

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1 then I went back to Texas Gamma Ray, we wasn't in Rock  
2 Springs anymore, we was in Vernal, Utah, Robert Denton  
3 came up there and done the LLEA with the local law  
4 enforcement there because I was never responsible to do  
5 that.

6 Q Okay. So, you had had some conversations  
7 with Ms. McGowan about taking the training required in  
8 the confirmatory order after it was issued. Is that  
9 right?

10 A Oh, yes, sir. I mean I told her after we  
11 went through all that, I sent her a copy of it. And she  
12 told me, she said if you think I am going to sit down  
13 here and read all of that, I read through the basics of  
14 it. I know what to look for. And I asked her advice  
15 on it and she said --

16 Q Right.

17 A -- so, I would like to get to the training  
18 as soon as we can. I said okay. Then I explained to  
19 her, where I was and with all that was going on at the  
20 Barrick Gold Mine and all of that, where I was going to  
21 be at. And she said well, you have 18 months. She said  
22 I'm sure we can do it. She said make sure you get the  
23 letter wrote as soon as you can.

24 I told her, I said, well I am going to work  
25 with the RSO on that before I go on the job because I

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1 had to get someone over here to come watch my children  
2 since I could only come home on Sundays because it was  
3 like a four-hour drive from where I live but I would come  
4 home and spend each Sunday with my kids.

5 So, I mean yes, I spoke to her prior to all  
6 that about it, yes. She maybe wouldn't have helped me  
7 but back then, like I said, I had went from making \$35  
8 an hour to making \$21 an hour living in one of the most  
9 expensive cities in the United States, Salt Lake City.  
10 So, money had been really, really tight since this.

11 I mean, all this did was cost me a lot of  
12 money, this Texas Gamma Ray episode.

13 Q Okay. You also mentioned that Mr. Denton  
14 and Mr. Steen had potentially given some inaccurate  
15 testimony in your email.

16 A Oh, yes, sir. Yes, sir.

17 Q Could you tell me specifically what you  
18 disagree with them on?

19 A Sir, I have got it right here. I am looking  
20 for it. One second. Denton was the on 22. Steen is  
21 27. And let's see Laurie is 24. Okay?

22 Have you gone through it to find out what  
23 numbers they are on here?

24 Q The exhibit numbers?

25 A Yes, sir.

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1 Q I apologize again. This is kind of --

2 A Well, I have the document right here with  
3 me, too, sir.

4 Q I really appreciate that. And again, I  
5 apologize for the difficulty with that.

6 A Sir, you have been more polite than anyone  
7 I have ever dealt with. You don't have to apologize at  
8 all.

9 Okay, that is from Denton. Okay, it says  
10 right here -- I'm looking at the bottom of it. I guess  
11 it is page or case number and then 7. So, I am looking  
12 at page intentionally left blank. All right, yes, I am  
13 looking at page 7 where it states right there that it  
14 would be the background, under the background, the  
15 second paragraph, willfully established -- failed to  
16 establish rearrange plan.

17 It says background on May 20, 2010,  
18 OI-RI..RIV concluded an investigation on case number  
19 4-2009-006 on an allegation that TGR Rock Springs,  
20 Wyoming willfully failed to establish a prearranged  
21 local law enforcement authorities for the NRC order  
22 imposing increased patrols.

23 On March 1, 2011, discretionary enforcement  
24 conference with regard to NRC violations, Robert  
25 Denton, Corporate RSO, Pasadena that Chaisson, a former

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1 employee of TGR had been delegated the authority to act  
2 as local RSO and operations manager for the Wyoming  
3 operations of TGR.

4 All right, I was not given the RSO -- I was  
5 never -- I mean my little business card said area  
6 supervisor. I was the only truck there. So, it ain't  
7 hard to be the are supervisor --

8 Q But you disagree with Mr. Denton and  
9 whatever conclusions the NRC may have reached that you  
10 were, at any point, acting as an RSO. Is that right?

11 A Correct.

12 Q All right. I can appreciate that. I  
13 think you have been clear on that.

14 Is there anything else? I mean we can pull  
15 -- I'm not expecting you to pull out individual pieces  
16 of the OI report. I wouldn't hold you to that on the  
17 spot today. It is a giant document, as I am sure you  
18 understand.

19 But are there any other like just issues  
20 that you disagree with that I might want to take note  
21 of?

22 A Yes, I had something highlighted. Okay.

23 It says McGowan explained that -- this is  
24 one of Laurie's -- Chaisson wanted to take the  
25 radiographer truck on a personal trip during the holiday

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1 and he did not want to take the source with him, which  
2 is why he left the camera at the source site. Okay?

3 Every time the holidays came around, like  
4 for Christmas, I always, of course, I am taking my  
5 children to Louisiana to see my mother because she was  
6 the one who helped me raise them until we moved up there.  
7 Why would I want to take a rig all the way to Louisiana  
8 with a camera in it with my children? I know, for one,  
9 that is against the law and for two, I wouldn't want my  
10 children around the radiation.

11 I always rented a car from the rental car  
12 place in Rock Springs and when I would go there, the  
13 truck in December and all for the holidays and all, we  
14 did have a couple trucks up there working on other jobs.  
15 So, I left the whole truck, camera, and everything at  
16 their motels while I went home for the holidays. So,  
17 that is a lie right there. I felt like calling and  
18 telling them I was taking the rig for the holidays. I  
19 don't know where they come up with that crock of bullshit  
20 because I had my own personal vehicle. I never wanted  
21 to put that many miles on it driving all the way to  
22 Louisiana so, I rented a rental car. To tell you the  
23 truth, that way it keeps the mileage down on mine. And  
24 I show receipts for all that.

25 I mean all these things that they stated in

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1 here that Denton was dependent on Chaisson to handle it.  
2 So, I mean, if that is what Mr. Denton told Ms. McGowan,  
3 then I can't say that she is a liar for it because I mean,  
4 obviously, Denton told her that.

5 But as I explained before, if NRC was  
6 looking, all the prior LLEAs, they won't see James  
7 Chaisson's name on that. They will see Robert  
8 Denton's.

9 So, for the NRC to come up with the  
10 conclusion that I coordinated all this is simply by they  
11 didn't look at the proper documents, the paperwork that  
12 Robert Denton and him presented on their behalf. Like  
13 he stated, I read in here that he stated that he gave  
14 me the letter or he gave me the letter --

15 Q I think he faxed you the letter, if my  
16 memory is right.

17 A Yes. In his statement he said when he got  
18 back to Pasadena after hooking up all the law  
19 enforcement, that he mailed me the letter to go to local  
20 law enforcement.

21 Well, if you look at it, the receipt that  
22 Robert Denton signed for the guy signed the signed for  
23 the alarms and the cameras and all that for the alarm  
24 company was the same date that he said he mailed me the  
25 letter from Pasadena on. So, how can you be in Rock

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1 Springs, Wyoming paying an alarm company guy to solve  
2 all this and also be in Pasadena mailing me the letter  
3 to go to the local law enforcement with?

4 Q Okay. So, just to clarify on that. I  
5 understand -- am I clear that you did not receive any  
6 letter from Mr. Denton?

7 A No, sir, I never received a letter --

8 Q For the law enforcement agency plan, I  
9 should say. That is the letter, you have no knowledge.  
10 You never saw it before.

11 A No, sir, I didn't see that.

12 Q Right.

13 A I mean I saw the one prior to that for my  
14 address because when he had it done, he sent that to me.  
15 He said you have got to have a copy of this in your truck  
16 at all times. I said yes, sir. So, it stayed in my  
17 clipboard.

18 Q Right. And so you, just in your opinion,  
19 were you supposed to get that letter from Mr. Denton at  
20 some point to go to local law enforcement or no?

21 A No, sir. He told me --

22 Q He was taking care of it. Mr. Denton was  
23 the one responsible for it, as we talked about before.  
24 Is that right?

25 A Yes, sir.

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1           Q       All right, I think we are clear on that.  
2           And I don't want to get bogged down in too much of the  
3           details. I understand there is going to be some things  
4           in there in the OI report that really aren't all that  
5           pertinent to the case at hand. And really, you know  
6           what I want to really get at today is really just focused  
7           on the confirmatory order, what came after all of this.

8                       And you know I realize that at the mediation  
9           session, you may not have liked the mediator and  
10          circumstances may have kind of put you in a tight spot  
11          and now you are agreeing to things that you wouldn't  
12          normally agree to but for the looming enforcement action  
13          that could take place in lieu of a settlement. I think  
14          that is included in all settlements that there is some  
15          pressure under the circumstances to kind of reach an  
16          agreement.

17                      What I want to make sure is that man to man  
18          at the mediation session, that the NRC Staff, I know it  
19          wasn't just one person, I wasn't there, but the people  
20          that represented the NRC Staff and yourself and signed  
21          an agreement in principle on that day, that that  
22          captured what you had actually talked about. Is that  
23          your opinion still or are there differences there?

24                  A       No, no. I mean for the most part, yes, sir.  
25          I mean everything that was in there was what was talked

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1 about. I mean it was to the point, like I said, they  
2 got to the point to where like the mediator told me, he  
3 said, the main thing the NRC wants you to do is accept  
4 responsibility and acknowledge you done wrong. And  
5 that is what I told him, I said, you actually need to  
6 say I done something willfully wrong when I didn't.

7 Q Right and the confirmatory order said you  
8 guys agreed to disagree.

9 A Yes, I wasn't going to agree.

10 Q Okay. Really, I am just focused on the  
11 things that you agreed to do or that are listed in the  
12 confirmatory order that were required of you  
13 afterwards. It sounds to me, based on our conversation  
14 today, that you were aware of certain training but you  
15 weren't exactly sure on what the training requirements  
16 were. Is that right?

17 A Correct.

18 Q Because you may not have been familiar with  
19 the order after a period of time.

20 A Correct, yes, sir. I wasn't aware of the  
21 time line on it. I mean I knew it was 18 months but I  
22 wasn't aware of the date that it was actually affected,  
23 that it went into effect.

24 Q Okay but when you got a copy of the order  
25 before it was issued, you know you had looked into it

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1 and you had read it, at least, I would hope.

2 A Yes, sir.

3 Q And then after it was issued, you attempted  
4 to comply with the training requirements, right, by  
5 seeking out Ms. McGowan and Mr. Schaan, I think his name  
6 was, right to get a couple requirements in?

7 A Yes, well, Mr. Schaan, Schaan, I don't know  
8 how to say that, at Paramount.

9 Q Okay.

10 A I thought the initial training was with the  
11 RSO over here at Quality Testing and Inspection, Mr.  
12 Kevin Smith. Because we looked at it, just like I said,  
13 right after I went to the mediation that day in Salt Lake  
14 City, I left to go to Nevada the very next day and I  
15 stayed there all the way until my card expired at the  
16 Barrick Gold Mine.

17 So, he told me, he said, well, I got to give  
18 you a refresher anyway. He said I can give you -- we  
19 will give you some this afternoon. He said you go over  
20 there, he said, and I have got to come periodically and  
21 do audits on you over there in Nevada because that is  
22 what their state requires for us to have reciprocity of  
23 them. So, we will finish the required 40 hours that you  
24 need. He said and then I'm sure the NRC will accept that  
25 for your 40-hour radiography training.

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1           And that is what I told him. I said well,  
2 if they don't, then I am going to have to go to Laurie  
3 McGowan before the 18 months. And he said well, yes,  
4 you have got 18 months. You know the job is only going  
5 to be six months or so. So, like I said, I done that  
6 that afternoon with him and part of the night.

7           And the next morning, me and my assistant  
8 took off and went to Nevada. I stayed there until my  
9 state card expired that guy didn't come only this one  
10 time. The only time I got called for QTI was because  
11 I was informed that the owner, the guy who hired me, Ken,  
12 had sold the company out and we had new owners. So, he  
13 was calling to introduce himself to me and to thank me  
14 because all of the biggest jobs bringing in money over  
15 in there.

16           Q       Okay and I am just slightly confused and I  
17 would appreciate it if you could clarify it to me. So,  
18 the IT and I talked about this at the beginning. So,  
19 pardon me for going back to this but I just wanted to  
20 make sure we are clear. You know, there are two  
21 training requirements in the confirmatory order. The  
22 first one is that 40-hour training course designed for  
23 qualifying RSOs and that also includes the requirements  
24 for increased controls to be included in that course or  
25 you have to take a separate course.

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1 A Right.

2 Q And the second one is just the 40-hour  
3 training for non-destructive testing.

4 A Correct. Well, --

5 Q So, which ones are you -- were you not --  
6 you said you weren't aware of one of them or you --

7 A The 40-hour RSO one was --

8 Q That is something that it was --

9 A Wait.

10 Q My understanding is that was discussed  
11 during the mediation session. Is that not correct?

12 A No, sir.

13 Q It was not in the agreement in principle  
14 that you signed that day?

15 A No, sir. No, it was discussed. What was  
16 discussed was that if I took a 40-hour radiographer  
17 refresher and it did not include that the 40-hour  
18 refresher I would take didn't have to increase security  
19 control included in that refresher, then I would have  
20 been required to take the RSO one with the increased  
21 security controls in it.

22 Q Right. So, I can understand and  
23 appreciate that it may be sort of a useless exercise if  
24 you already have taken other things or if you -- you  
25 know, I understand that there are other restrictions

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1 that we didn't really talk about today restricting you  
2 from performing RSO duties. So, I can understand and  
3 appreciate that. If you can't be an RSO, then you might  
4 not want to take RSO training. But what I would --

5 A It wasn't a problem, I told them if they  
6 were requiring me to do it before I could use my license  
7 again, I would do that but what we agreed upon was the  
8 first requirement was for me to do a radiographer  
9 40-hour refresher, not the RSO one, the radiographer  
10 40-hour.

11 Q Is the radiographer the same as the  
12 non-destructive testing course or is that something  
13 different?

14 A Yes, sir, that is the same thing. The  
15 radiographer is you get 40 hours and then you go out in  
16 the field and you work with a state card in your hand  
17 and then you get your 40 hours and then you go take a  
18 state test somewhere and then you become a radiographer,  
19 too.

20 Q Okay, but you had mentioned increased  
21 controls, you know, learning about the requirements of  
22 increased controls as part of the training, which is  
23 included in the RSO course.

24 A It is also included in your radiographer  
25 training, too, in some classes.

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1           Q       You mean in some classes, it may be included  
2           in the radiographer class, as well?

3           A       Yes, and some --

4           Q       I can understand that. I just want to get  
5           what your understanding was of the training  
6           requirements at the conclusion of -- you know, we are  
7           not going to get into who said what at the mediation.  
8           I think the Board has kind of cautioned us against that.  
9           You know, those proceedings are confidential and really  
10          all we are talking about is at the end of the day, you  
11          know my understanding is, and I want to make sure that  
12          if you disagree that we can talk about that but my  
13          understanding was at the end of the day, the training  
14          requirements look substantially the same as they appear  
15          in the confirmatory order. That one, you have the RSO  
16          training with increased controls and two, you have this  
17          non-destructive testing course.

18          A       Okay, see, that it was worded different.  
19          What we agreed upon was if I found a radiographer, a NDT  
20          course, which is the 40-hour radiographer class, if I  
21          was able to get one with the increased security control  
22          in that 40 hours, then I wouldn't have been -- I didn't  
23          have no need to do the RSO 40-hour refresher because that  
24          is the main thing they was hounding on was the increased  
25          security controls.

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1 Q Right, and --

2 A They wanted me to go through that. So, if  
3 I was able to cover that with just one 40-hour refresher,  
4 the other one wouldn't have been required. That is what  
5 we agreed upon. I told them, I said if I go to certain  
6 cases, I can get the increased security control with the  
7 40 hours. I won't have to pay the \$1,100 to do the RSO.

8 Q Okay. I guess what my hang-up is, and I'm  
9 sorry, I must sound like a broken record at this point  
10 but so when you signed the agreement in principle or the  
11 settlement agreement, whatever you want to call it, the  
12 document that came out of ADR that sort of set in stone  
13 what we are going to issue in the ultimate order, the  
14 2012 confirmatory order, when you signed that, I assume,  
15 and I believe that we have this requirement in that  
16 document or that that was encapsulated in that  
17 agreement, and I understand that that agreement was  
18 signed during the ADR session, was it just a mistake,  
19 maybe that you didn't realize that it was in there or  
20 what was the --

21 A I didn't understand the wording  
22 terminology of how you all put it because my agreement  
23 with them and with me at that day was as long as I had  
24 a 40-hour refresher with the increased security  
25 control, then I didn't have to do both of them. But if

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1 the radiographer one did not cover, the NDT one didn't  
2 cover the increased security control, then I would have  
3 to do an RSO one which would cover the increased security  
4 control.

5 But like I told them that day at mediation,  
6 there are places you can go to that will cover the  
7 increased security control at the NDT 40-hour training.

8 Q All right, I just wanted to make sure no one  
9 pulled the wool from over your eyes.

10 A No, it is just like I said, you all word  
11 things, I mean, the proper terminologies and all, and  
12 the words you all use are different. I'm just telling  
13 you the way --

14 Q Okay, so that is kind of what I am getting  
15 at. Is it a difference of interpretation of the same  
16 document or --

17 A Yes, sir.

18 Q -- are we working from two substantially  
19 documents?

20 A Oh, no, no! I'm not saying that they  
21 changed the document. I'm saying --

22 Q Okay, that is what I want to know. Thank  
23 you.

24 A Oh, no, no. I'm saying that the  
25 terminology that you all used, what we agreed upon was

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1 training terminology in there. It wasn't all worded  
2 like that. That is what they --

3 Q Right but you had an opportunity --  
4 (Simultaneous speaking.)

5 BY MR. HAIR:

6 Q You had an opportunity to review the  
7 wording and what was actually contained in the order to  
8 sign off on that. Is that right?

9 A Yes, sir, with the RSO over there at QTI,  
10 me and him looked at it --

11 Q Okay.

12 A -- and we -- I guess he is as dumb as me.  
13 Because he said well, that looks like what you said you  
14 all agreed upon.

15 Q All right. So it was really just after it  
16 was all said and done, you may have a difference of how  
17 you interpreted those training requirements.

18 A Exactly.

19 Q Is that the way you are putting it?

20 A Yes, that is exactly what happened because  
21 that is what he said. He said we are going to make sure  
22 when we give you this 40-hour radiographer training, he  
23 said we are going to make sure we cover increased  
24 security controls. He said and then that way, you don't  
25 have to worry about the RSO part of it. And I said good.

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1 So, we both, me, him, and the owner, Ken looked at it  
2 and that is what we all interpreted it to be. That as  
3 long as I covered the 40-hour -- as long as I covered  
4 the increased security control portion of this  
5 requirement, that I could do the one, one of the  
6 40-hours, which was the cheapest one because like he  
7 said, I can't give you an RSO refresher. You will have  
8 to go somewhere and do that with someone who is capable  
9 to give RSO classes, you know, to certify people in an  
10 RSO. He said I can't certify you as an RSO. He said  
11 that is all I am is an RSO. So, you would have to go  
12 to someone like the lady that give it to you for this.

13 He said but what our understanding was if  
14 we covered the increased security control in the 40-hour  
15 NDT training, that we were covered good. Because that  
16 is what we agreed upon in the mediation to my  
17 understanding. And the way we read it, all three read  
18 it and said yes, that is what they mean.

19 So, I mean it is our lack of knowledge of  
20 the terminology of the wording you all used.

21 MR. HAIR: Okay, I think I understand it,  
22 then. So, just to close, and so I have an understanding  
23 -- actually, before I ask the last bit of information  
24 or I'm sorry, the last question I have, another bit of  
25 housekeeping.

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1                   Next week is our next hearing file update  
2 due on January 15th. First it went to the Board  
3 scheduling order. And really all that means is we have  
4 updated information to provide you.

5                   MR. CHAISSON: Okay.

6                   MR. HAIR: So, what you will be receiving  
7 in the mail is another office of investigations report  
8 that was recently concluded. It is case number  
9 4-2014-029. And this was the interview that you sat  
10 down with OI recently about, let me see if I have the  
11 date here, but it was likely --

12                   MR. CHAISSON: With Mr. White?

13                   MR. HAIR: -- the last time you talked with the  
14 Office of Investigation --

15                   MR. CHAISSON: Was that with Mr. White?

16                   MR. HAIR: -- confirmatory order issued.  
17 So, I will be providing you a copy of that report, so  
18 it is coming your way.

19                   MR. CHAISSON: Okay. That was the one  
20 that was done over here in Utah with Mr. White, I  
21 believe, his name was?

22                   MR. HAIR: Yes, Rodney White.

23                   MR. CHAISSON: Yes, sir. Yes, sir.

24                   MR. HAIR: Okay, so I just wanted to let you  
25 know that was coming your way.

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1 MR. CHAISSON: Yes, he did tell me it would  
2 take him quite a while before he closed his  
3 investigation. He did tell me that.

4 MR. HAIR: He would do what now?

5 MR. CHAISSON: He told me that, he said,  
6 look, my investigation, I am not going to come to no  
7 conclusion in the next week or the next month or so. He  
8 said it might take three years or it might only take two  
9 or three months.

10 MR. HAIR: Oh, I see. I see. I mean, the  
11 way it works, just for your knowledge, is the Office of  
12 Investigations sort of wraps up their investigation and  
13 then it goes through all the proper channels of review,  
14 including an attorney like myself and an enforcement  
15 official like Rob Carpenter, who is with us here, --

16 MR. CHAISSON: Right.

17 MR. HAIR: -- to sort of look at. And so  
18 it is not -- we don't officially do anything -- not that  
19 we don't do anything but it runs through that process  
20 before it is final, final.

21 MR. CHAISSON: Right.

22 MR. HAIR: But I just want to let you know  
23 you will get a copy of this. And one thing, you know,  
24 I think it is fair to say that it is somewhat confusing,  
25 based on the report, and again, I have to apologize that

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1 you don't have this in front of you and you will have  
2 it as soon as I can get it to you because we just got  
3 it recently.

4 MR. CHAISSON: Yes, sir.

5 MR. HAIR: It is somewhat confused on  
6 whether or not you wrote the article and sent it to us.

7 MR. CHAISSON: Right.

8 BY MR. HAIR:

9 Q But I just want to clarify you told us today  
10 that you did write the article. Is that right?

11 A Yes, sir, I did write a letter and mailed  
12 it when I was on that job. I mailed it from the motel  
13 we was staying at. And I can get the receipt and find  
14 the name of the motel. We was over there for a big job  
15 in Barrick Gold Mines and like I said, I only got home  
16 on Sundays.

17 So, I wrote it and there was a little, a  
18 basket on the front on the desk that you put it in there  
19 and then the manager or whoever it was, they would bring  
20 all the mail to the post office over there in Elko,  
21 Nevada, where it was mailed from.

22 And that was after, like I said, I spoke  
23 with Mr. Smith on what all I wrote. Because I didn't  
24 want to offend anybody any more than I had already had.  
25 You know I wanted to word it properly. So, a lot of

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1 things I asked him what would I say for this? And that  
2 is what we discussed. And like I said, almost two pages  
3 long.

4 And he said well, in the enforcement, did  
5 it state how long it had to be? And I said well, to my  
6 knowledge, no, it just said I had to write a letter. And  
7 that is what he said. So, that is what was done. And  
8 it was put in the motel basket that morning after I wrote  
9 it. I mean I was working there with along with Richard,  
10 who is now at Level 2 over there.

11 MR. HAIR: Okay, I think we understand. I  
12 think we understand where you are coming from,  
13 absolutely.

14 That is, believe it or not, all I have got  
15 for today. Do you have any questions for me before we  
16 let you go?

17 MR. CHAISSON: Yes. I was wanting to know  
18 why during all the initial depositions and you know when  
19 it was all sorted, why I was never advised that the NRC  
20 was actually even trying to turn this over to a criminal  
21 matter and get me charged criminally.

22 MR. HAIR: Well, I should note, Mr.  
23 Chaisson, I represent the agency in terms of the civil  
24 enforcement proceeding. And hopefully, it has been  
25 made clear that the Office of investigation, whenever

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1 they conclude an investigation, they do coordinate with  
2 the Department of Justice, not to refer any criminal  
3 matter. We did not identify any criminal issues as part  
4 of our review of this matter, I should note. And the  
5 Department of Justice has declined prosecution of any  
6 potential criminal matters in lieu of our civil  
7 enforcement actions, which consist of things like the  
8 enforcement orders, the confirmatory order, that type  
9 of thing.

10 So, just to be clear, I am unaware of any  
11 criminal proceeding being instituted regarding this  
12 case, not to say that I have any final say in that matter  
13 but I am not aware of anything, I do not deal with  
14 criminal cases myself. And this is purely a civil  
15 matter between the NRC and yourself.

16 MR. CHAISSON: Right. And see, that is  
17 what I thought the initial investigation was just a  
18 civil matter until, like I said, then I was told after  
19 that you know it was turned over to the Justice  
20 Department to where if they wanted to, they could have  
21 filed criminal charges against me.

22 MR. HAIR: It is just by way of the Office  
23 of Investigation, coordinating with the Department of  
24 Justice, that is just our normal course of business. We  
25 just do that on routine. So, there is nothing about

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1 this matter or any other matter, necessarily, I should  
2 say, that prompts that action.

3 MR. CHAISSON: My question is, is  
4 shouldn't they have guided me that that was a step that  
5 was going to be taken?

6 MR. HAIR: All I can say, Mr. Chaisson, is  
7 unfortunately this is where I kind of run into -- you  
8 know I represent the NRC Staff in the matter and we did  
9 brief this issue before the Board. But all I can say  
10 really, and I apologize, I can't say much more, that this  
11 is purely a civil matter, as it stands with us.

12 I have no knowledge of any criminal  
13 proceeding being instituted by the Department of  
14 Justice or any other law enforcement agency whatsoever.  
15 And the only reason that the Department of Justice was  
16 consulted at all is because that is standard protocol  
17 for the Office of Investigations upon the completion of  
18 any substantiated investigation for any potential  
19 violations.

20 And Office of Investigations doesn't get to  
21 decide whether or not something is a violation or not.  
22 At this point, we are only dealing with alleged  
23 violations.

24 MR. CHAISSON: Right.

25 MR. HAIR: It is not just a deliberate

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1 misconduct violation. Right? That is just an alleged  
2 violation at this point. We have made no final decision  
3 on that, other than to settle with you, as we  
4 memorialized in the confirmatory order.

5 So, as far as we are concerned, the  
6 confirmatory order nipped that in the bud, so to speak,  
7 so we are purely in a civil standpoint. I really can't  
8 say much more other than that.

9 MR. CHAISSON: I understand your point on  
10 that. Like I said, I just feel my Constitutional  
11 rights were violated. I mean sir, I wasn't advised that  
12 it could have been a criminal matter, and I could have  
13 took the Fifth Amendment. You know, I wasn't advised  
14 of my rights during none of the initial hearings.

15 MR. HAIR: Understood. I think we  
16 understand where you are coming from.

17 MR. CHAISSON: Yes, sir.

18 MR. HAIR: And if you have any questions  
19 about our process, I can appreciate, especially  
20 representing yourself.

21 MR. CHAISSON: Right. Now, that this is  
22 happening again, I have been digging and reading as much  
23 as I can and getting all these here I can and looking  
24 at old things and all. I don't want to be in the blind  
25 again.

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1 MR. HAIR: I understand. And Mr.  
2 Chaisson, there it was a pleasure talking to you today.  
3 I really appreciate you taking the time. I know it was  
4 a long time to sit down and talk about this. We don't  
5 have any plans, at this point, to have any follow-up  
6 depositions.

7 If you need anything from us, please feel  
8 free to call my cell for Jim Maltese. I know you have  
9 talked with Jim before. He will be back in the office,  
10 shortly but, in the meantime, I am at 301-415-2174.

11 And if there is any questions you have about  
12 this deposition or any further discovery matters  
13 related to the hearing, please let me know and I will  
14 do my best to help.

15 MR. CHAISSON: Yes, sir. Mr. Maltese has  
16 been helpful, too. So, that is what I said, I just want  
17 to get this done and put behind me. Because like I said,  
18 this is my career. I wouldn't do it if I don't love it.

19 You know my past should speak volumes  
20 because since 1984 not one single incident and no  
21 violations in my whole career. So, I think my past  
22 needs to be looked at really good.

23 MR. HAIR: All right. Well, with that  
24 said, I think we can go off the record and conclude  
25 today's deposition. And again, we want to thank you for

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1 your time.

2 MR. CHAISSON: Thank you, too, sir.

3 (Whereupon, at 12:49 p.m., the taking of  
4 deposition in the above-entitled matter was concluded,  
5 signature NOT having been waived.)

6

7

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