

JChaissonProcPEm Resource

From: Maltese, James
Sent: Wednesday, March 11, 2015 10:12 AM
To: JChaissonProc Resource
Subject: FW: Chaisson Order--Signed AIP
Attachments: Signed AIP.pdf

From: Fuller, Karla
Sent: Tuesday, March 10, 2015 12:19 PM
To: JChaissonProc Resource
Cc: Maltese, James; Hair, Christopher; Carpenter, Robert; Browder, Rachel
Subject: FW: Chaisson Order--Signed AIP

FYI.
Karla

Karla Smith Fuller
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Hearing Identifier: JChaisson_Proc_Public
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Subject: FW: Chaisson Order--Signed AIP
Sent Date: 3/11/2015 10:12:29 AM
Received Date: 3/11/2015 10:12:31 AM
From: Maltese, James

Created By: James.Maltese@nrc.gov

Recipients:
"JChaissonProc Resource" <JChaissonProc.Resource@nrc.gov>
Tracking Status: None

Post Office: HQCLSTR02.nrc.gov

Files	Size	Date & Time
MESSAGE	629	3/11/2015 10:12:31 AM
Signed AIP.pdf	985497	

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

AGREEMENT IN PRINCIPLE

Pursuant to the Nuclear Regulatory Commission Office of Enforcement's Alternative Dispute Resolution program (ADR), the following are terms and conditions agreed upon in principle by Mr. James P. Chaisson, a former area supervisor and lead radiographer employed by Texas Gamma Ray LLC (TGR), and the Nuclear Regulatory Commission (NRC) relating to the 3 year ban imposed in the NRC's individual action letter (IA-12-009) to Mr. Chaisson dated May 15, 2012 [ML12137A311].

Whereas the NRC's inspection and investigations of TGR and Mr. Chaisson determined that Mr. Chaisson, while employed by TGR in Rock Springs, Wyoming, deliberately failed to comply with NRC regulations and TGR's license by storing a radiographic exposure device at a location not authorized on the license. In addition, Mr. Chaisson deliberately failed to implement NRC's Order implementing Increased Controls (IC Order) by failing to implement an agreement with the Local Law Enforcement Agency (LLEA). Mr. Chaisson's actions constituted a violation of the NRC's deliberate misconduct rule, as defined under 10 CFR 30.10, which prohibits employees from engaging in deliberate misconduct which causes or would have caused if not detected, a licensee to be in violation of NRC requirements.

Whereas the NRC and Mr. Chaisson have agreed to disagree on whether Mr. Chaisson engaged in deliberate misconduct as discussed in the Order (IA-12-009) issued to Mr. Chaisson dated May 15, 2012 [ML12137A311].

Whereas the NRC considers deliberate violations by an individual in a position of authority (e.g., area supervisor or radiation safety officer) to be a significant concern to the regulatory program and the NRC is interested in obtaining comprehensive corrective actions from Mr. Chaisson that would deter future deliberate violations and noncompliance with regulatory requirements.

Whereas these terms and conditions shall not be binding on either party until these terms and conditions are memorialized in an Order issued by the NRC to Mr. James P. Chaisson.

Therefore the parties agree to the following terms and conditions.

- A. Eighteen Month Ban Followed by Four Year Limited Work Restriction
1. Mr. James Chaisson is prohibited for an eighteen-month period from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20. This means that during the eighteen-month prohibition period Mr. Chaisson is prohibited from performing, supervising, assisting or otherwise engaging in (1) industrial radiographic operations in NRC jurisdiction for an Agreement State licensee that are conducted under a general license pursuant to 10 CFR 150.20; (2) industrial radiographic operations for an NRC licensee including but not limited to, radiography conducted under the authority of a license issued pursuant to 10 CFR Part 34; and (3) any other

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licensed activity in NRC jurisdiction. This Confirmatory Order will supersede the Order previously issued to Mr. Chaisson dated May 15, 2012 [ML12137A311].

2. For a 4-year period after the eighteen-month ban has expired, Mr. Chaisson will notify NRC Region IV of any employment with an NRC licensee, within 3 days of each acceptance of employment with each NRC licensee. Mr. Chaisson will provide this notification by fax to the attention of the Director, Division of Nuclear Materials Safety; U.S. Nuclear Regulatory Commission, Region IV, at the fax number 817-200-1188.
3. For a 4-year period after the eighteen-month ban has expired, in the situation where Mr. Chaisson works for an Agreement State licensee that provides notification to perform work in NRC jurisdiction, Mr. Chaisson shall personally, notify NRC Region IV in writing, each time prior to working in NRC's jurisdiction of the dates and specific location where he will be conducting NRC licensed activities. Notification will be made at least 3 days prior to working in NRC jurisdiction by fax to the Attention of the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, at the fax number 817-200-1188. Mr. Chaisson's notification must be independent of any notification required by the licensee pursuant to 10 CFR 150.20,
4. For a 4-year period after the eighteen-month ban has expired, Mr. Chaisson is prohibited from working for any NRC licensee as an Area Supervisor, Radiation Safety Officer, or in any other supervisory position (excluding radiographer) while in NRC jurisdiction. This includes the situation where Mr. Chaisson works for an Agreement State licensee performing work in NRC jurisdiction under reciprocity.
5. In order to ensure NRC licensees are aware of the limitations on Mr. Chaisson's NRC-licensed activities, for a 5 1/2-year period from the date of this Confirmatory Order, Mr. Chaisson must provide, at least 3 days prior to starting work, a copy of the Order to employers who are NRC licensees. This includes Agreement State licensees who perform work in the NRC's jurisdiction under reciprocity.

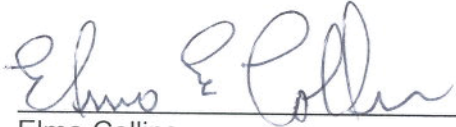
B. Individual Training.

1. Within eighteen-months of the date of this order, Mr. Chaisson shall successfully complete a 40-hour formal training course designed for qualifying radiation safety officers. The course must also include the requirements of the Increased Controls or Mr. Chaisson must attend a separate Increased Controls course. Within 10 days of completion of the required training, Mr. Chaisson shall provide a copy of the course completion certificates by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011.
2. Within eighteen-month of the date of this order, Mr. Chaisson shall successfully complete a 40-hour formal training course for Non-Destructive Testing that meets or exceeds the requirements in 10 CFR 34.43. Within 10 days of completion of the required training, Mr. Chaisson shall provide a copy of the course completion certificates by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011.

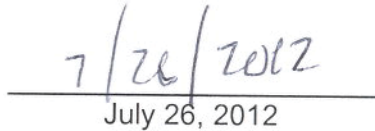
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C. Written Article for NRC Review

Within eighteen-months of the date of this order, Mr. Chaisson agrees to submit an article by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, articulating the importance of compliance with NRC regulations and providing full and accurate information. The article may be included in a future newsletter issued by the Office of Federal and State Materials and Environmental Management Programs (FSME).



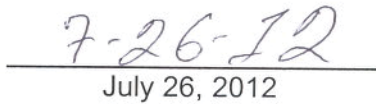
Elmo Collins
Regional Administrator, Region IV
Nuclear Regulatory Commission



July 26, 2012



James Chaisson



July 26, 2012