

2/22/2016

Memo to File: EA-14-222

From: G. Michael Vasquez, RIV / DNMS

SUBJECT: Handouts for Meeting with Mr. James Chaisson

The purpose of this Memo to file is to place into ADAMS a copy of the handouts the NRC provided to Mr. Chaisson during the meeting between Mr. Chaisson and the NRC in New Orleans on February 18, 2016. The handouts are enclosed with this memo. The meeting was conducted as required by Condition 1.a(i) of the NRC's Atomic Safety and Licensing Board Panel's Memorandum and Order (Approving Settlement Agreement and Terminating Proceeding) dated July 2, 2015 [Docket No. IA-14-025-EA and ASLBP No. 14-932-02-EA-BD01]. That Order (ADAMS ML15106A914) approved a settlement agreement dated June 30, 2015 between the NRC and Mr. James Chaisson.

Enclosures: As stated



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 E. LAMAR BLVD
ARLINGTON TX 76011-4511

NRC Meeting with Mr. James P. Chaisson February 18, 2016

Participants

- G. Michael Vasquez, Technical Assistant
- Linda Howell, Deputy Division Director
Division of Nuclear Materials Safety
- James P. Chaisson

Topics

- Opening introductions
- Reliable communications with the NRC
- Quarterly reports to the NRC
- Other requirements in the Order
- Importance of Compliance with NRC Regulations



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

February 16, 2016

SUBJECT: NON-PUBLIC MEETING WITH MR. JAMES CHAISSON

FACILITY: NA

DATE & TIME: Thursday, February 18, 2016
10:30 a.m. – 11:30 a.m. (CST)

LOCATION: Hale Boggs Federal Building
500 Poydras Street, Suite 1044
Lafayette Conference Room
New Orleans, LA 70130

PURPOSE: The meeting with Mr. Chaisson is to review and discuss the importance of compliance with NRC regulations with emphasis on industrial radiography. This meeting is discussed in a Memorandum and Order (Approving Settlement Agreement and Terminating Proceeding) between the NRC and Mr. Chaisson dated July 2, 2015 (EA-14-222) (ADAMS ML15106A914)

CATEGORY: This meeting is closed for public observation because it is a meeting with an individual related to a potential enforcement action.

PARTICIPANTS: Participants from the NRC include members from the Division of Nuclear Materials Safety, NRC Region IV.

NRC

Linda L. Howell, Deputy Director,
Division of Nuclear Materials Safety (DNMS)

Michael Vasquez, Technical Assistant, DNMS

INDIVIDUAL

James Chaisson

MEETING CONTACT: Michael Vasquez, NRC Region IV
(817)200-1130
Michael.Vasquez@nrc.gov

ADAMS: ML16047A394
Memorandum and Order (Approving Settlement Agreement and Terminating Proceeding) between the NRC and Mr. Chaisson dated July 2, 2015 (EA-14-222) (ADAMS ML15106A914)

**SETTLEMENT AGREEMENT BETWEEN
U.S. NUCLEAR REGULATORY COMMISSION
AND
JAMES P. CHAISSON**

Whereas, on July 11, 2014, the U S. Nuclear Regulatory Commission (NRC) Staff issued an Order (Prohibiting Involvement in NRC-licensed Activities) banning Mr. James P. Chaisson from engaging in any licensed activities for a period of three years;

Whereas, on August 4, 2014, Mr. James P. Chaisson filed a request for hearing challenging the NRC Staff's issuance of the July Order;

Whereas, both the NRC Staff and Mr. Chaisson wish to enter into a settlement agreement to resolve the matters referenced by rescinding the July Order and withdrawing the request for hearing;

Therefore, on this 30th date of June, 2015, the NRC Staff and Mr. James Chaisson agree to the following terms and conditions:

1. Work Restriction (Contingent on Completion of Certain Requirements)

a. Mr. Chaisson may continue to perform work as a radiographer's assistant. However, Mr. Chaisson is prohibited from performing work as a radiographer while in NRC jurisdiction (*i.e.*, Mr. Chaisson must always be under the supervision of a certified radiographer) until he successfully completes the following requirements:

i. Mr. Chaisson shall meet, in person, with NRC Staff representatives to review and discuss the importance of compliance with NRC regulations with an emphasis on industrial radiography. The location of this meeting shall be the Region IV office in Arlington, Texas, or at an alternate location agreed to by Mr. Chaisson and the NRC Staff. The meeting will be held on a mutually agreed upon date.

- ii. Mr. Chaisson must complete a 40-hour formal training course designed for qualifying radiation safety officers, or demonstrate that he has done so within the past 18 months from the date of this Settlement Agreement. The course must include training on the security requirements of Title 10 Code of Federal Regulations (C.F.R.) Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material." If the radiation safety officer training course does not include instruction on NRC security requirements, Mr. Chaisson must attend a separate course on the requirements of 10 C.F.R. Part 37. Within 10 days of completion of the training course(s), Mr. Chaisson shall provide a copy of the course completion certificates, or similar proof of attendance, by mail to the Director, Division of Nuclear Materials Safety, NRC Region IV.
- iii. Mr. Chaisson must "shadow" and observe a radiation safety officer (RSO) for a minimum of 40 hours as the RSO performs his oversight of the radiation safety program for a radiography company. Prior to shadowing an RSO, Mr. Chaisson must request and receive NRC approval of the RSO he proposes to observe. Mr. Chaisson must send his request by e-mail [EA-14-222@nrc.gov] or by mail to the Director, Division of Nuclear Materials Safety, NRC Region IV. At a minimum, Mr. Chaisson's observations of the RSO must include conducting audits of: (1) at least three different crews performing work activities in the field at a temporary jobsite; (2) a storage location for radiography cameras and the security systems at the storage location; and (3) a security system for radiography trucks. Upon completion of the observations listed above, Mr. Chaisson must notify the Director, Division of Nuclear Materials Safety, NRC

Region IV, by e-mail or in writing, of the dates that the shadowing observations occurred as well as the details of the observations.

2. Limited Work Restrictions

a. The following restrictions shall persist from the date of this settlement agreement until April 14, 2018:

- i. Mr. Chaisson shall contact NRC Region IV, via e-mail [EA-14-222@nrc.gov] once per quarter regarding his engagement in NRC-licensed activities and provide a brief summary of these activities. The summary shall include an overview of activities completed within the previous quarter and identification of known or intended work projections and locations for the next quarter. NRC-licensed activities include those activities that are conducted pursuant to a specific or general license issued by the NRC (e.g., industrial radiographic operations conducted pursuant to 10 C.F.R. Part 34), and activities of Agreement State licensees conducted pursuant to the authority granted by 10 C.F.R. § 150.20.
- ii. Mr. Chaisson shall notify the Director, Division of Nuclear Materials Safety, NRC Region IV, via e-mail [EA-14-222@nrc.gov], of any employment with an NRC licensee, within 3 days of each acceptance of employment with each NRC licensee.
- iii. Mr. Chaisson shall notify the Director, Division of Nuclear Materials Safety, NRC Region IV, via e-mail [EA-14-222@nrc.gov], prior to working in NRC jurisdiction during employment with an Agreement State licensee that provides notification to the NRC of its intent to perform work in NRC jurisdiction. Mr. Chaisson's notification must be separate and apart from the notification provided by the agreement state licensee, and must

include the dates and specific location where Mr. Chaisson will be conducting NRC-licensed activities. The notification must be made at least 3 days prior to working in NRC jurisdiction.

- iv. Mr. Chaisson must provide, at least 3 days prior to starting work with any NRC licensee, a copy of this settlement agreement to the licensee. This includes Agreement State licensees who conduct activities pursuant to the authority granted by 10 C.F.R. § 150.20.
- v. Mr. Chaisson is prohibited from working for any NRC licensee (or an Agreement State licensee performing work in NRC jurisdiction under reciprocity) while in NRC jurisdiction in the following capacities:
 - 1. Manager, Area Supervisor, any other position providing supervision or oversight of industrial radiographic operations;
 - 2. Radiation Safety Officer; and
 - 3. Instructor of industrial radiographic operations.

This restriction does not apply to the circumstance where Mr. Chaisson performs work as a radiographer (following the successful completion of the requirements in Section 1 of this Settlement Agreement) with the support of a radiographer's assistant. Nothing in this settlement agreement prohibits an Agreement State licensee from listing Mr Chaisson as a "trainer" on its license, subject to the requirements of the Agreement State.

3. Penalties

- a. If Mr. Chaisson fails to abide by the requirements listed above (or submit a timely request for an extension, relaxation, or rescission of these requirements), or otherwise fails to comply with NRC requirements, regulations, or license conditions while engaged in NRC-licensed activities (as defined in section 2.a.i

above), the NRC may issue an order prohibiting him from engaging in all NRC-licensed activities for a period up to a lifetime ban. This provision shall remain in effect until completion of the requirements in Section 1 of this Settlement Agreement, or until the expiration of the restrictions in Section 2 of this Settlement Agreement, whichever is later.

4. Requests for Extension, Relaxation, and Rescission

- a. The Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, may relax or rescind any provisions of this settlement agreement upon a showing of good cause by Mr. Chaisson. Mr. Chaisson must send any relaxation or rescission requests, in writing, to the Director, Office of Enforcement, Washington, DC 20555, or by e-mail [EA-14-222@nrc.gov] prior to the expiration of a deadline listed above. The NRC Staff will not consider any requests for extension, relaxation, or rescission of any requirements submitted after the expiration of a deadline.

5. Board Approval

- a. The parties will submit this Settlement Agreement to the Atomic Safety and Licensing Board Panel assigned to this proceeding with a joint motion requesting approval of the settlement and termination of the proceeding with prejudice based on the resolution of matters in this Settlement Agreement. This Settlement Agreement will become effective upon its execution by both parties; however, the agreement is contingent upon approval by the Board pursuant to 10 C.F.R. § 2.203. Upon approval by the Board, this Settlement Agreement will have the same force and effect as an Order made after a full hearing.

6. Correspondence and Telephone Contact with NRC

- a. All written notifications required in this settlement agreement shall be addressed and mailed to the Director, Division of Nuclear Materials Safety, U.S. Nuclear

Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, Texas
76011-4511. Telephone contact with the Director, Division of Nuclear Materials
Safety must be made by calling 817-200-1106. E-mail contact with the NRC
should be sent to: EA-14-222@nrc.gov. Facsimile contact should be sent to 817-
200-1188.

7. Waiver

- a. The parties agree to waive any and all rights to challenge, contest, or seek
judicial review of the validity of the Board Order entered into in accordance with
this Settlement Agreement.

8 Rescission of July 18, 2014 Order

- a. In consideration of the above, complete with the agreement and signature of Mr.
Chaisson, the NRC Staff agrees to withdraw the July 18, 2014 enforcement
order.

IN WITNESS WHEREOF, the parties have executed this agreement as of the last date written
below.



James P. Chaisson

6-29-15

Date



Patricia K. Holahan
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission

6-30-15

Date

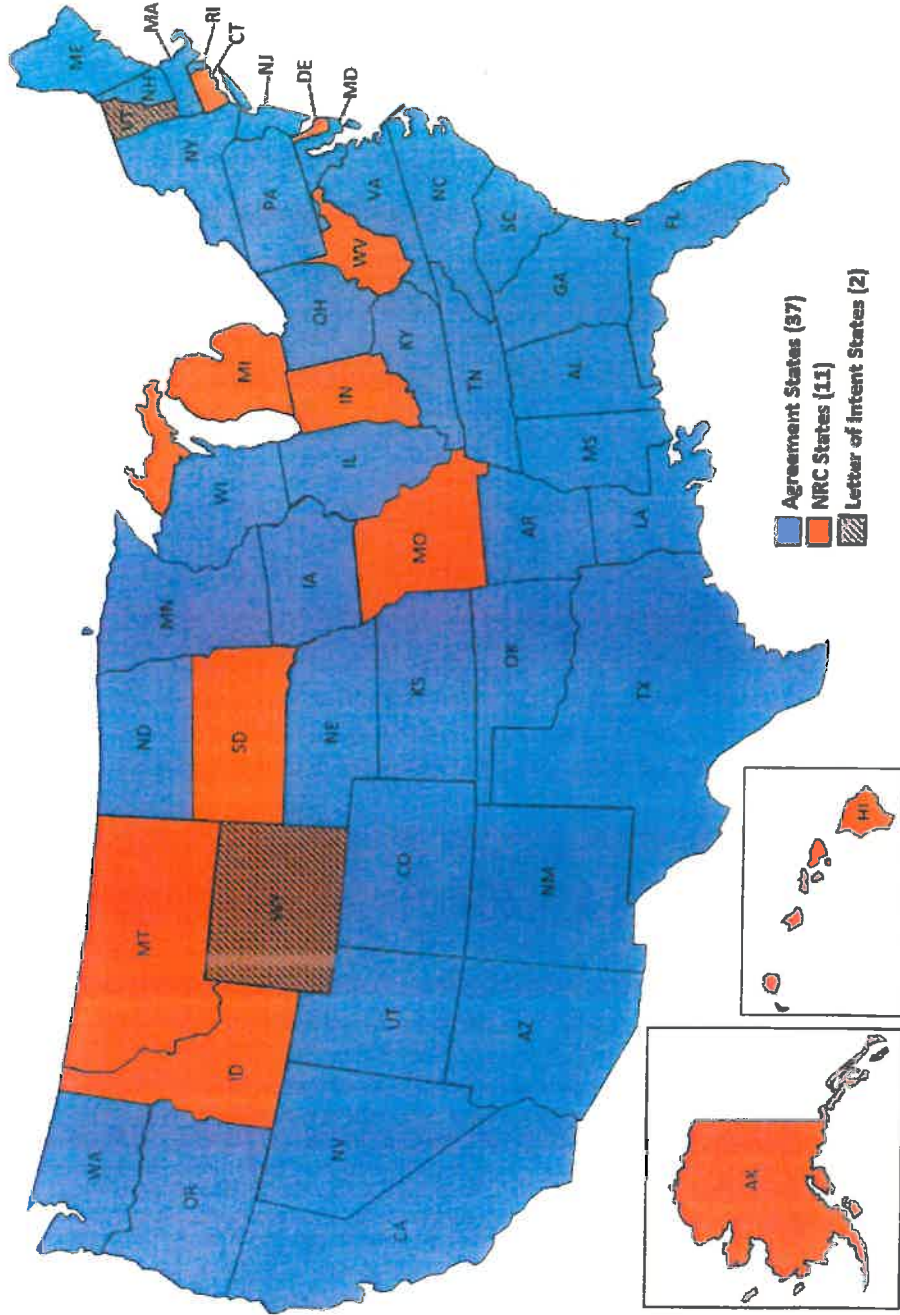


United States Nuclear Regulatory Commission

Protecting People and the Environment

Map of NRC and Agreement States (as of January 1, 2016)

(as of January 1, 2016)



**Summary of June 30, 2015 NRC Staff/James Chaisson
Settlement Agreement Terms**

**Appendix B of the Atomic Safety and Licensing Board Panel Memorandum
and Order dated July 2, 2015**

**Docket No. IA-14-025-EA
ASLBP No. 14-932-02-EA-BD01**

Summary of June 30, 2015 NRC Staff/James Chaisson Settlement Agreement Terms

1. Work Restriction Pending Completion of Certain Requirements. While in NRC jurisdiction, James Chaisson is restricted to performing work as a radiographer's assistant (i.e., he is not to perform work as a radiographer and must perform his work under the supervision of a certified radiographer) until he successfully completes the following three requirements:

<p>a. <u>Meeting with NRC Staff Regarding Compliance with NRC Regulations:</u> Mr. Chaisson must meet in person with NRC staff representatives at the Region IV office in Arlington, Texas, or a mutually agreed alternative location, to review and discuss the importance of compliance with NRC regulations, with an emphasis on industrial radiography.</p>	<p>b. <u>Training:</u> Mr. Chaisson must complete a 40-hour formal training course designed for radiation safety officer (RSO) qualification (or demonstrate he has done so within the past 18 months (i.e., on or after December 30, 2013)) that includes training on security requirements in 10 C.F.R. Part 37.</p> <p>If the RSO course does not include NRC security requirements instruction, Mr. Chaisson must attend a separate course on Part 37 requirements.</p> <p><u>Post-training Notification Requirement:</u> Within 10 days of completing the training course(s), Mr. Chaisson must mail a copy of the course completion certificate(s) (or similar proof of attendance) to the Director, Division of Nuclear Safety, NRC Region IV (per the address in section 5 below).</p>	<p>c. <u>Observation:</u> Mr. Chaisson must "shadow" and observe an RSO for a minimum of 40 hours as the RSO performs radiation program safety oversight for a radiography company. At a minimum, observations must include the RSO conducting audits of (1) at least three different crews performing field work activities at temporary jobsite(s); (2) a radiography camera storage location, including the storage location security system; and (3) a radiography truck security system.</p> <p><u>Observation Pre-approval Requirement:</u> Prior to RSO shadowing, Mr. Chaisson must request and receive NRC approval of the RSO he proposes to observe by sending an e-mail or mail request to the Director, Division of Nuclear Safety, NRC Region IV (per the addresses in section 5 below).</p> <p><u>Post-observation Notification Requirement:</u> Upon completing the above-listed observations, Mr. Chaisson must notify the Director, Division of Nuclear Safety, NRC Region IV, by e-mail or in writing (per the addresses in section 5 below) of the dates of, and details about, the observations.</p>
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2. **Limited Work Restrictions:** For the period through April 14, 2018, James Chaisson is subject to the following five restrictions:

a. **Quarterly Activity Summary:** Once during each quarter of the year (i.e., January-March, April-June, July-September, October-December), Mr. Chaisson must contact NRC Region IV via e-mail (per the address in section 5 below), and provide a brief summary of his engagement in NRC-license activities that (1) includes an overview of the activities he completed during the previous quarter; and (2) identifies known or intended work projections and locations for the next quarter.

Definition of "NRC-licensed activities": Those activities (1) that are conducted pursuant to an NRC-issued specific or general license (e.g., industrial radiographic operations conducted pursuant to 10 C.F.R. Part 34); or (2) of Agreement State licensees conducted pursuant to 10 C.F.R. § 150.20.

b. **Prior Notification of Employment with NRC Licensee:** Mr. Chaisson must notify the Director, Division of Nuclear Safety, NRC Region IV, via e-mail (per the address in section 5 below) of any employment with an NRC licensee.

Notification Timing: Notification to the Director, Division of Nuclear Safety, NRC Region IV, must be given within 3 days of accepting such employment.

c. **Notification of Employment Prior to Working in NRC Jurisdiction with Agreement State Licensee:** Mr. Chaisson must notify the Director, Division of Nuclear Safety, NRC Region IV, via e-mail (per the address in section 5 below) prior to working in NRC jurisdiction when he is employed by an Agreement State licensee that notifies NRC of its intent to perform work in NRC jurisdiction.

Notification Requirements: Mr. Chaisson's notification to the Director, Division of Nuclear Safety, NRC Region IV, must (1) be separate and apart from the NRC notification provided by the Agreement State licensee; and (2) include the dates and specific locations where Mr. Chaisson will be conducting NRC-licensed activities.

Notification Timing: Notification to the Director, Division of Nuclear Safety, NRC Region IV, must be given at least 3 days prior to working in NRC jurisdiction.

d. **Prior Notification to NRC or Agreement State Licensee About Settlement Agreement:** Prior to starting work, Mr. Chaisson must provide a copy of the June 30, 2015 settlement agreement to any NRC licensee or any Agreement State licensee that conducts activities pursuant to 10 C.F.R. § 150.20.

Notification Timing: Notification to an NRC or Agreement State licensee must be given at least 3 days prior to starting work for an NRC or Agreement State licensee.

e. **Prohibition on Working in Certain Capacities:** Mr. Chaisson is prohibited from working while in NRC jurisdiction for (1) an NRC licensee; or (2) an Agreement State licensee performing work in NRC jurisdiction under reciprocity, in the following capacities:

1. Manager, Area Supervisor, any other position providing supervision or oversight of industrial radiographic operations;
2. RSO; and
3. Instructor of industrial radiographic operations.

This restriction does not apply to the circumstances where Mr. Chaisson performs work as a radiographer (following successful completion of the requirements in section 1 above) with the support of a radiographer's assistant. Nothing in the settlement agreement prohibits an Agreement State licensee from listing Mr. Chaisson as "trainer" on its license, subject to the requirements of the Agreement State.

3. Penalties: James Chaisson's failure to (1) abide by any of the requirements listed above, including submitted a timely request for extension, relaxation, or recession of those requirements per the provision below; or (2) comply with NRC requirements, regulations, or license conditions while engaged in NRC-licensed activities (per the definition in section 2.a. above) allows the NRC to issue an order prohibiting him from engaging in all NRC-licensed activities for a period up to a lifetime ban. This provision shall remain in effect until completion of the requirements in section 1 above, or until the expiration of the restrictions in section 2 above, whichever is later.

4. Requests to Extend, Relax, or Rescind Settlement Agreement Provisions: Upon a showing of good cause by James Chaisson, the Director, NRC Office of Enforcement, may extend, relax, or rescind any settlement agreement provision.

Transmitting Extension, Relaxation, or Rescission Request: A request to extend, relax, or rescind must be in writing and must be sent by e-mail or mail to the Director, NRC Office of Enforcement (per the addresses in section 5 below).

Timing of Extension, Relaxation, or Rescission Request: A request to extend, relax, or rescind will not be considered if received by the NRC staff after the deadline involved.

5. Contact Information:

E-Mail (in all instances): EA-14-222@nrc.gov

Mail:

To Director, Division of Nuclear Materials Safety, NRC Region IV:
Director
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission, Region IV
1600 E. Lamar Blvd.
Arlington, Texas 76011-4511

To Director, NRC Office of Enforcement:
Director
Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Telephone: Contact Director, NRC Region IV Division of Nuclear Materials Safety, at 817-200-1106

Facsimile: 817-200-1188