

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

JAMES CHAISSON

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Docket No. IA-14-025-EA

ASLBP No. 14-932-02-EA-BD01

NOTIFICATION OF REVISED SETTLEMENT AGREEMENT

On June 10, 2015, the Atomic Safety and Licensing Board conducted a teleconference with the parties regarding their joint motion to approve their April 14, 2015 settlement agreement and terminate the proceeding.¹ During that conference, the parties agreed to revise the settlement agreement to address certain issues. The NRC staff hereby provides the revised agreement, dated June 30, 2015, between the NRC and James Chaisson as Attachment A. The revised agreement addresses the remaining issues between the parties, and the Board should proceed to rule on the parties' joint motion.

Respectfully submitted,

/RA by James Maltese/

James L. Maltese
Counsel for NRC Staff

¹ See Tr. at 260.

ATTACHMENT A

**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.

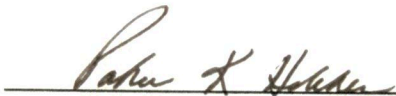
IN WITNESS WHEREOF, the parties have executed this agreement as of the last date written
below.



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 OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. IA-14-025-EA
JAMES CHAISSON)	ASLBP No. 14-932-02-EA-BD01
)	
)	Date: July 1, 2015

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTIFICATION OF REVISED SETTLEMENT AGREEMENT has been served over the Electronic Information Exchange, the NRC's E-Filing System, and by email to James Chaisson, this 1st day of July 2015.

/Signed (electronically) by/

James L. Maltese
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