



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

March 28, 2016

IA-16-028

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

SUBJECT: MEETING ON FEBRUARY 18, 2016 AND NOTICE OF VIOLATION

Dear Mr. Chaisson:

This letter refers to the meeting conducted between Ms. Linda Howell, Deputy Director, Division of Nuclear Materials Safety (DNMS), Mr. Michael Vasquez, Technical Assistant, DNMS, and you on February 18, 2016. The meeting was conducted to meet Condition 1.a(i) of the settlement agreement dated June 30, 2015, between the U. S. Nuclear Regulatory Commission (NRC) and you. The NRC's Atomic Safety and Licensing Board Panel's Memorandum and Order (Approving Settlement Agreement and Terminating Proceeding) dated July 2, 2015, approved that settlement agreement (NRC's Agencywide Documents Access and Management System (ADAMS) ML15183A056).

In accordance with Condition 1.a(i) of the settlement agreement, we reviewed and discussed with you the importance of compliance with NRC regulations with an emphasis on industrial radiography. We discussed compliance with Title 10 of the Code of Federal Regulations (10 CFR) Part 34 and we discussed, in detail, the conditions of the settlement agreement. Because you were considering working for an agreement state licensee, we also discussed the conditions in the settlement agreement that pertain to working for an agreement state licensee. You expressed to us that following the regulations is very important; that you had responsibility in what happened to you (referring to the NRC's original enforcement action against you); and that, in the future, you will make sure you comply with NRC regulations. You emphasized that your career and livelihood are important to you, that you will follow NRC requirements when performing radiography, and that you will comply with the settlement agreement.

We also discussed that on January 20, 2016, Mr. Vasquez contacted you and informed you that the NRC had not yet received an e-mail from you which was due by December 31, 2015, in accordance with Condition 2.a(i) of the settlement agreement. That condition states, in part, that Mr. Chaisson shall contact NRC Region IV via e-mail once per quarter and provide a brief summary of his NRC-licensed activities for that quarter as well as identifying to the NRC any known or intended work for the next calendar quarter. During that January 20, 2016, telephone call, you stated that you thought the e-mail was not required because you had not been working in NRC's jurisdiction. Mr. Vasquez explained that there are no exceptions to this requirement. You sent an e-mail on January 23, 2016, that explained, in writing, that you misunderstood the settlement agreement in that you did not think the e-mail was required because you were not employed during that calendar quarter. You stated in your e-mail that you would now send the e-mail every quarter, as required.

During the February 18, 2016 meeting, the NRC representatives encouraged you to review the wording in the settlement agreement to ensure you understand it. In addition, if you have any questions, you should contact the Director, Division of Nuclear Materials Safety. The NRC has determined that the meeting on February 18, 2016, satisfied Condition 1.a(i) of the settlement agreement.

In addition, after reviewing the facts and circumstances surrounding your failure to submit an e-mail to the NRC by December 31, 2015, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy, which may be found on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the failure to submit to the NRC an e-mail by the end of the calendar quarter describing your engagement in NRC licensed activities, providing a brief summary of those activities, and identifying the known or intended work projections and locations in areas under NRC jurisdiction for the next calendar quarter. The violation is cited in the enclosed Notice of Violation (Notice) because the NRC identified it.

Issuance of the attached Notice is within the range of enforcement actions discussed in Section 3, "Penalties," of the settlement agreement, which states, in part, that if Mr. Chaisson fails to abide by the requirements listed above; the NRC may issue an order prohibiting him from engaging in all NRC-licensed activities for a period up to a lifetime ban.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the e-mail you sent to the NRC on January 23, 2016. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

Should you have any questions regarding this letter or the enclosed Notice, please contact Mr. Vasquez, at 817-200-1130 or the undersigned at 817-200-1106.

Sincerely,

/RA by LLHowell Acting For/

Mark R. Shaffer, Director
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation (Notice)

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The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the e-mail you sent to the NRC on January 23, 2016. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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Sincerely,

/RA by LLHowell Acting For/

Mark R. Shaffer, Director
Division of Nuclear Materials Safety

Enclosure: Notice of Violation (Notice)

DISTRIBUTION: See next page

ADAMS ACCESSION NUMBER: ML16075A201

X SUNSI Review By: JEV		ADAMS: X Yes <input type="checkbox"/> No		X Publicly Available <input type="checkbox"/> Non-Publicly Available		X Non-Sensitive <input type="checkbox"/> Sensitive	Keyword:
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SIGNATURE	/RA/	/RA/	/RA/	/RA/	/RA/	/RA by LLHowell Acting For/	
DATE	3/15/16	3/16/16	3/16/16	3/22/16	3/22/16	03/28/16	

OFFICIAL RECORD COPY

Letter to James P. Chaisson from Mark R. Shaffer dated March 28, 2016

SUBJECT: MEETING ON FEBRUARY 18, 2016, AND NOTICE OF VIOLATION

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NOTICE OF VIOLATION

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

IA-16-028

A violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

The NRC's Atomic Safety and Licensing Board Panel's Memorandum and Order (Approving Settlement Agreement and Terminating Proceeding) dated July 2, 2015, approved a revised settlement agreement dated June 30, 2015, between the NRC and James Chaisson. Condition 2(a) of the revised settlement agreement states, in part, that the following restriction 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.

Contrary to the above, by January 1, 2016, Mr. Chaisson had failed to contact NRC Region IV via e-mail [EA-14-222@nrc.gov] regarding his engagement in NRC-licensed activities during the calendar quarter October 1 through December 31, 2015, and failed to provide a brief summary of these activities. Specifically, Mr. Chaisson did not contact NRC Region IV via e-mail, providing a brief summary of his NRC-licensed activities for the calendar quarter October 1 through December 31, 2015, until January 23, 2016.

This is a Severity Level IV violation (Section 6.9)

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in an e-mail dated January 23, 2016. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; IA-16-028," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

Dated this 28th day of March 2016

Enclosure