

January 14, 2015

Alex S. Karlin, Chairman  
Atomic Safety and Licensing Board  
Mail Stop: T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Gary S. Arnold, Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop: T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Michael M Gibson, Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop: T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
JAMES CHAISSON  
Docket No. IA-14-025-EA; ASLBP No. 14-932-02-EA-BD01

Dear Administrative Judges,

The NRC Staff provides notice that it has updated its disclosures in this proceeding pursuant to 10 C.F.R. § 2.709(a)(6)(ii). The Staff has provided (1) an updated index of each item in the hearing file, and (2) a deliberative process privilege log. Also, the Staff has attached the Affidavit of Robert Carpenter certifying the Staff's disclosures and Declaration of Patricia Holahan asserting the deliberative process privilege. The Staff is continuing to preserve and maintain required privileged documents during the pendency of this proceeding.

Respectfully submitted,

**/RA/**

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Christopher C. Hair  
Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index  
Attachment 2: Privilege Log – Deliberative Process  
Affidavit of Robert Carpenter  
Declaration of Patricia Holahan

cc: Attached Service List

**ATTACHMENT 1  
JAMES CHAISSON  
HEARING FILE INDEX  
Updated Disclosures – Jaunaury 14, 2015**

<b>ID No.</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
1-1	N/A (Hardcopy delivered on 1/14/2015)	12/04/2015	Report of Investigation: Texas Gamma Ray, LLC (Failure to Comply With a Confirmatory Order), Case No. 4-2014-029

**ATTACHMENT 2  
 JAMES CHAISSON  
 DELIBERATIVE PROCESS PRIVILEGE LOG  
 Updated Disclosures – January 14, 2015**

<b>ID No.</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>	<b>Author Name/ Affiliation</b>	<b>Document Type</b>	<b>Addressee/ Addressee Afiliation</b>	<b>Comment</b>	<b>Page Count</b>
1-1	N/A (Hardcopy delivered on 1/14/2015)	12/4/2014	Report of Investigation: Texas Gamma Ray, LLC (Failure to Comply With a Confirmatory Order), Case No. 4-2014-029	Rodney D. White, NRC/OI	Office of Investigations Report	N/A	Contains pre-decisional NRC Staff deliberations regarding enforcement action (Exhibit 3, pages 19-21)	3

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
JAMES CHAISSON ) Docket No. IA-14-025-EA  
 )  
 ) ASLBP No. 14-932-02-EA-BD01  
 )

AFFIDAVIT OF ROBERT CARPENTER CONCERNING  
MANDATORY DISCLOSURE  
REQUIREMENT OF 10 C.F.R. § 2.709(a)(6)(i)

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I, Robert Carpenter, do hereby state as follows:

1. I am employed as an Enforcement Specialist in the Nuclear Regulatory Commission's ("NRC") Office of Enforcement. I serve as the Enforcement Specialist for the enforcement actions taken by the NRC Staff regarding Mr. James Chaisson. Among other things, I am managing the preparation of the hearing file and mandatory disclosures in connection with the enforcement actions at issue in this proceeding.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.709(a)(6)(i) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

***/Original signed by/***

\_\_\_\_\_  
Robert Carpenter

Executed in Rockville, MD  
this 14th day of January, 2015.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

JAMES CHAISSON )

) Docket No. IA-14-025-EA

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

DECLARATION OF PATRICIA HOLAHAN

I, Patricia Holahan, do hereby state as follows:

1. I am employed as the Director of the Office of Enforcement of the United States Nuclear Regulatory Commission (“NRC”). My supervisory responsibilities include oversight of the NRC Staff’s enforcement actions taken with respect to Mr. James Chaisson.

2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for these proceedings, NRC Staff members under my supervision identified a document as privileged because it contains information concerning the Staff’s deliberative process. This document is listed in Attachment 2 to the Initial Disclosures submission of the Staff’s Hearing File.

3. I have personally reviewed the document identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains predecisional information concerning the Staff’s review of its enforcement actions with respect to Mr. Chaisson. The document contains the Staff’s analyses, recommendations, opinions, and evaluations, and may not necessarily reflect the final agency position with respect to the matters discussed therein. The document comprises part of the deliberative process necessary to the Staff’s review of its enforcement actions.

4. Further, I have determined that the disclosure of the document could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual

Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to the document listed in Attachment 2 to the Updated Disclosures submission of the Staff's Hearing File.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

**/Original signed by/**

\_\_\_\_\_  
Patricia Holahan

Executed in Rockville, MD  
this 14th day of January, 2015.

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  
Date: January 14, 2015

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NRC STAFF'S UPDATED DISCLOSURES, dated January 14, 2015, has been served over the Electronic Information Exchange, the NRC's E-Filing System, this 14th day of January 2015.

**/Signed (electronically) by/**

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Christopher C. Hair  
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