

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Michael M. Gibson
Dr. Gary S. Arnold

In the Matter of JAMES CHAISSON (Enforcement Action)
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Docket No. IA-14-025-EA
ASLBP No. 14-932-02-EA-BD01
March 19, 2015

MEMORANDUM AND ORDER
(Allowing E-Mail Filing and Service by James Chaisson)

In several previous issuances, the Licensing Board noted that hearing requestor James Chaisson, who is not represented by counsel, has reported that because his computer hard drive crashed and financial limitations precluded him from replacing that computer, he has been unable to use the agency's E-Filing system. In those same issuances, the Board has asked Mr. Chaisson to contact the E-Filing system help desk in an effort to get reconnected to the system using one of his children's computers, which Mr. Chaisson indicated he is using to gain internet access and send e-mails. See Licensing Board Memorandum and Order (Memorializing March 11, 2015 Prehearing Conference) (Mar. 16, 2015) at 2 (unpublished) [hereinafter March 16 Order]; Licensing Board Memorandum and Order (Second Scheduling Order) (Feb. 27, 2015) at 2 (unpublished). Most recently, the Board requested that Mr. Chaisson contact the help desk by March 17 and report to the Board on what progress, if any, he has made in getting reconnected to the E-Filing system. Based on a March 18 e-mail, which is incorporated in an e-mail that is included as Attachment A to this issuance, it appears Mr.

Chaisson has not reconnected to the E-Filing system.¹ See E-Mail from James Maltese, NRC Staff Counsel, to James Chaisson and Matthew Zogby, Licensing Board Law Clerk (Mar. 19, 2015, 12:18 p.m. EDT) [hereinafter March 19 E-mail].

Under the circumstances, the Board will grant Mr. Chaisson an exemption from the requirement to file pleadings and other submissions using the E-Filing system and, as set forth below, establish procedures for e-mail submission and service of documents, as appropriate.² See Tr. at 227–28; see also 10 C.F.R. § 2.302(a), (g).

¹ In his March 18 e-mail, a copy of which was sent to NRC staff counsel, Mr. Chaisson also raised the issue of settlement, which the staff indicated in a March 19 reply it is willing to consider. See March 19 E-mail. The Board has made Judge Ryerson, who has been assigned as the settlement judge for this matter, aware of these e-mails. At this point, however, the current schedules set by the Board in its March 16 order, which includes a deadline tomorrow (Friday, March 20, 2015) for a filing by Mr. Chaisson, see March 16 Order at 5, remain in effect. As the Board also noted in its March 16 order, a next step in this proceeding will be to set various schedules associated with the evidentiary hearing, including deadlines for filing prefiled testimony and supporting exhibits. See id. at 7. Absent a joint request from the parties indicating that settlement negotiations would be aided by a brief delay, the Board intends to move forward with such schedules.

The Board would also remind the parties that Judge Ryerson and his law clerk, Alana Wase, rather than this Board and its law clerk, Matthew Zogby, should be the recipients of any substantive communications regarding settlement.

² During a February 23, 2015 prehearing conference, the NRC staff declared that it would not object to Mr. Chaisson's use of e-mail as a filing method going forward for any period during which he is unable use the E-Filing system. See Tr. at 149.

A. E-Mail Submission and Service of Documents by Mr. Chaisson

Absent further order of the Board,³ for all filings in this proceeding, Mr. Chaisson shall attach any pleadings and associated enclosures to an e-mail,⁴ which shall be filed and served as follows:

1. The e-mail shall be directed to the NRC Office of the Secretary at the following e-mail address:

hearingdocket@nrc.gov

2. The e-mail shall be copied to the members of this Licensing Board and Board law clerk Matthew Zogby at the following e-mail addresses:

paul.bollwerk@nrc.gov

michael.gibson@nrc.gov

gary.arnold@nrc.gov

matthew.zogby@nrc.gov

³ The list of e-mail addresses below reflects the current e-mail addresses that are being used for service of all E-Filing submissions in this proceeding. The Board notes that these are the addresses that Mr. Chaisson has used for submitting several past filings via e-mail. See E-Mail from James Chaisson to Chaisson Proceeding Service List (Dec. 14, 2014, 05:46 a.m. EST).

⁴ In his recent communications to Board law clerk Matthew Zogby, Mr. Chaisson has placed the information he wishes to impart into the body of his e-mail. See March 16 Order attach. A. Going forward, the better practice would be for Mr. Chaisson (1) to create a separate document that contains this information, as he did with his initial hearing petition; (2) at the end of the document, type the date and “sign” the document by typing his name and address along with the statement “Executed in Accord with 10 CFR 2.304(d),” see 10 C.F.R. § 2.304(d)(1)(ii) (each pleading must be signed, the signature representing that the signer has full authority to submit the document, that he or she has read the document and knows the contents, that the statements in the document are true, and that the document is not intended for the purpose of delay); and (3) attach that file to the e-mail. Creating his submissions as separate files that Mr. Chaisson can attach to an e-mail will become particularly important when he submits his prefiled testimony and any supporting exhibits, each of which should be in a separate file attached to an e-mail. See id. § 2.304(g).

3. The e-mail shall be copied to staff counsel and paralegal personnel at the following e-mail addresses:

catherine.scott@nrc.gov

mauri.lemoncelli@nrc.gov

christopher.hair@nrc.gov

michael.clark@nrc.gov

james.maltese@nrc.gov

sabrina.allen@nrc.gov

4. The e-mail shall be copied to the NRC Office of Appellate Adjudication at the following e-mail address:

ocaamail@nrc.gov

4. The e-mail shall be copied to Administrative Judge Ryerson and Licensing Board Panel law clerk Alana Wase at the following e-mail addresses:

paul.ryerson@nrc.gov

alana.wase@nrc.gov

The Board will consider the addressee list and the e-mail system receipt date/time stamp associated with Mr. Chaisson's e-mail as constituting the 10 C.F.R. § 2.305(c)(4) certificate of service for his submission.

B. E-Mail Service of Staff Documents

All staff documents shall continue to be filed and served using the agency's E-Filing system. In addition, all staff documents shall be served on Mr. Chaisson at the following e-mail address:

xrayjames01@yahoo.com

The certificate of service for staff submissions shall reflect the use of e-mail to serve Mr. Chaisson.

C. E-Mail Service of Commission/Board Issuances

Absent some directive from the Commission to the contrary, all Board and Commission issuances shall be docketed and served using the agency's E-Filing system. In addition, all Commission and Board issuances shall be served on Mr. Chaisson at the following e-mail address:

xrayjames01@yahoo.com

The certificate of service for Commission/Board issuances shall reflect the use of e-mail to serve Mr. Chaisson.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 19, 2015

ATTACHMENT A

From: [Maltese, James](#)
To: [James Chaisson](#); [Zogby, Matthew](#)
Subject: RE: NRC E-Filing System
Date: Thursday, March 19, 2015 12:18:47 PM

As we have mentioned previously, the Staff remains open to a possible settlement. We will promptly consider the information Mr. Chaisson has provided.

Mr. Zogby, if you have not already done so, could you please forward this discussion to Judge Ryerson and Alana Wase?

Thanks,

Jim Maltese

From: James Chaisson [mailto:xrayjames01@yahoo.com]
Sent: Wednesday, March 18, 2015 5:43 PM
To: Zogby, Matthew
Cc: Maltese, James
Subject: Re: NRC E-Filing System

Mr. Zogby & Maltese & all others concerned in this issue I have to give 150% of my time and my mind to my rehabilitation and getting back in a position to where I can hopefully provide some kind of a life for myself & my children whom are my main concern. So I am proposing a settlement of suspension of license of a year & before retuning to work have a 40 hr radiographer refresher course. If this is something we can amend on so I can continue to do what priority to my families future. This is what I feel would be in my best interest at this time and moment in my life I am having trouble just paying the necessary bills so I not sure if I can even afford to continue to pay my internet bill any longer. Which I know isn't any concern of ya'll but that's the position I find myself in I await your response. James Chaisson

On Wednesday, March 18, 2015 10:15 AM, "Zogby, Matthew" <Matthew.Zogby@nrc.gov> wrote:

Mr. Chaisson,

As I said in my email to you on Monday, March 16, 2015, you promised to email me by yesterday to give me an update on your efforts to get reconnected to the NRC's E-Filing system. However, I did not hear from you. Please contact me as soon as possible to let me know whether you have reached out to the NRC Help Desk and whether you have been successful at reconnecting to the system.

Sincerely,
Matt Zogby

Matthew T Zogby
Law Clerk, Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
11545 Rockville Pike

Mail Stop T3-F23
Rockville, MD 20852
301-415-5880
matthew.zogby@nrc.gov

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Mr. James Chaisson) IA-14-025-EA
)
(Enforcement Action))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Allowing E-Mail Filing and Service by James Chaisson)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001

G. Paul Bollwerk, III, Chair
Administrative Judge
E-mail: paul.bollwerk@nrc.gov

Dr. Gary S. Arnold
Administrative Judge
E-mail: gary.arnold@nrc.gov

Michael M. Gibson
Administrative Judge
E-mail: michael.gibson@nrc.gov

Paul S. Ryerson
Settlement Judge
E-mail: paul.ryerson@nrc.gov

Matthew Zogby, Law Clerk
E-mail: matthew.zogby@nrc.gov

Alana Wase, Law Clerk
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U.S. Nuclear Regulatory Commission
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Mail Stop: O-15D21
Washington, DC 20555-0001
Catherine Scott, Esq.
Mauri Lemoncelli, Esq.
Christopher Hair, Esq.
Michael Clark, Esq.
James Maltese, Esq.
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U.S. Nuclear Regulatory Commission
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E-mail: hearingdocket@nrc.gov

James Chaisson
E-mail: xrayjames01@yahoo.com

[Original signed by Herald M. Speiser ____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of March, 2015