

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)

Docket No. IA-14-025-EA  
ASLBP No. 14-932-02-EA-BD01  
May 22, 2015

MEMORANDUM AND ORDER

(Proposed Schedule for Telephone Conference and Denying  
NRC Staff Request to Make Enforcement Order Effective)

In a prompt response to the Licensing Board's May 19, 2015 issuance, on May 20 the NRC staff submitted a report providing additional information regarding hearing requestor James Chaisson's status. See NRC Staff Response to Board Request for Additional Information Regarding Mr. Chaisson's Status (May 20, 2015) [hereinafter Staff Report]; see also Licensing Board Memorandum and Order (Requesting Additional Status Information) (May 19, 2015) (unpublished). Specifically, the staff advised that Mr. Chaisson is incarcerated until approximately June 10, 2015, but provided an address where he can receive mail during that period. See Staff Report at 1-2.

Given this information, the Board will attempt to schedule a post-June 10 teleconference to discuss the parties' proposed settlement agreement, as well as the impact on that agreement of recent events regarding Mr. Chaisson. The Board is available for a telephone conference at 11:00 a.m. Eastern Time (9:00 a.m. Mountain Time) on Monday, June 22, Tuesday, June 23, or Wednesday, June 24. Promptly after Mr. Chaisson's period of incarceration is over, he and the

staff should get in contact and discuss which of these dates/times are mutually acceptable for a telephone conference. On or before Wednesday, June 17, 2015, one of the parties should contact Board law clerk Matthew Zogby (e-mail: [matthew.zogby@nrc.gov](mailto:matthew.zogby@nrc.gov); telephone: 301-415-5880) regarding the parties' availability on these dates/times.<sup>1</sup>

Once we have heard from the parties' concerning their availability, the Board will issue an order establishing a date/time for the telephone conference and providing an agenda/list of topics for that conference.

Additionally, given Mr. Chaisson's current situation, the Board sees no basis at this juncture for making the staff's July 2014 enforcement order effective and we deny that request as set forth in the staff's May 18 report on Mr. Chaisson's status. See NRC Staff Response to Board Request for Report Regarding Joint Settlement Agreement (May 18, 2015) at 2-3. If, however, the staff subsequently obtains information that it believes provides grounds for making

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<sup>1</sup> As the Board noted previously, a failure by Mr. Chaisson following his incarceration to make a prompt, good faith effort to communicate with the staff regarding his availability for a teleconference could result in a default being entered against him, which ultimately could have the effect of nullifying the proposed settlement agreement so that the staff's July 2014 order would become the operative directive with which Mr. Chaisson would have to comply. See Licensing Board Memorandum and Order (Rescheduling Prehearing Conference and Suspending Evidentiary Hearing Schedule) (Apr. 29, 2015) at 3 (unpublished).

that order effective prior to a Board ruling on the parties' pending April 17, 2015 joint motion to approve their proposed settlement agreement and terminate this proceeding, the staff may renew its request with the Board.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

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G. Paul Bollwerk, III, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 22, 2015

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<sup>2</sup> In addition to being served by e-mail, a copy of this memorandum and order, along with the staff's May 20 report, is being sent today to Mr. Chaisson by overnight express service at his home address in Orem, Utah, and at the Salt Lake City, Utah address provided by the staff for sending mail to Mr. Chaisson during his incarceration.

And in this regard, if during the period of Mr. Chaisson's incarceration the staff makes any filings in this proceeding, in addition to sending Mr. Chaisson an electronic copy of its submission by e-mail per the Board's March 19 directive, see Licensing Board Memorandum and Order (Allowing E-Mail Filing and Service by James Chaisson) (Mar. 19, 2015) at 2-5 (unpublished), the staff also should send a copy of the filing to Mr. Chaisson by overnight express service at both the Orem and Salt Lake City addresses noted above.

UNITED STATES OF AMERICA  
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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 (Proposed Schedule for Telephone Conference and Denying NRC Staff Request to Make Enforcement Order Effective)** have been served upon the following persons by Electronic Information Exchange or via Electronic Mail where indicated by an asterisk.

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

Dated at Rockville, Maryland,  
this 22<sup>nd</sup> day of May, 2015