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**Docket Nos. 50-413/414-OLA**

**RAS 7764**

**From:** Diane Curran <dcurran@harmoncurran.com>  
**To:** Office of Secretary <hearingdocket@nrc.gov>, "Susan L. Uttal" <slu@nrc.gov>, "David A. Repka" <drepka@winston.com>, Mary Olson <nirs@main.nc.us>, Janet and Lou Zeller <BREDL@skybest.com>, Ann Marshall Young <AMY@nrc.gov>, "Lisa F. Vaughn" <lvaughn@duke-energy.com>, Antonio Fernandez <AXF2@nrc.gov>, NRC Office of Appellate Adjudication <hrb@nrc.gov>, "Anthony J. Baratta" <AJB5@nrc.gov>, "Thomas S. Elleman" <elleman@eos.ncsu.edu>, "Anne W. Cottingham" <acotting@winston.com>, "Margaret J. Bupp" <mjb5@nrc.gov>  
**Date:** Thu, May 13, 2004 9:06 AM  
**Subject:** Request for time on 5/14/04 to make oral motion

Dear Judges Young, Elleman, and Baratta,

I am writing to request an opportunity to make an oral motion for a change in the schedule for litigation of Contentions I and II, at tomorrow's meeting. The reason for the motion is that Dr. Lyman's father is still in critical condition, and during the past week Dr. Lyman has had to spend most of his time at the hospital with his family. Because of this, BREDL will not be able to meet today's deadline for filing discovery responses, nor will Dr. Lyman be prepared for his deposition on Tuesday May 18. These delays will also make it impossible to meet the deadline for filing testimony on May 25.

Dr. Lyman remains uncertain as to when he will be able to return to Washington and resume his work on this case, but he hopes to be back at work by the end of May or early June.

I have consulted with counsel for both Duke and the NRC Staff regarding this situation. Although I have not yet heard back from the NRC Staff, counsel for Duke and I have agreed on the following general principles regarding a schedule adjustment:

1. Complete discovery and file testimony as soon as possible, hopefully during the month of June;

2. Undertake settlement negotiations regarding Contention II, which both BREDL and Duke have agreed is capable of informal resolution (BREDL to make a written proposal to Duke when Dr. Lyman returns to Washington);

3. Hold a one or two day hearing in July or August. If Contention II is settled, one day should suffice.

I respectfully request an opportunity to present this request in the form of an oral motion at tomorrow's meeting.

Thank you for your consideration.

Sincerely,  
Diane Curran

**CC:** Ed Lyman <elyman@ucsusa.org>, Janet and Lou Zeller <[BREDL@skybest.com](mailto:BREDL@skybest.com)>

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