

June 8, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matters of)	
)	
DALE L. MILLER)	Docket No. IA-05-053
)	ASLBP No. 06-846-02-EA
)	
STEVEN MOFFITT)	Docket No. IA-05-054
)	ASLBP No. 05-8457-03-EA

JOINT MOTION TO AMEND DISCOVERY SCHEDULE

INTRODUCTION

The Atomic Safety and Licensing Board's April 18, 2006, Initial Scheduling Order established a schedule for discovery in the above-captioned proceeding. Counsel for the Staff of the Nuclear Regulatory Commission ("Staff") and counsel for Mr. Miller & Mr. Moffitt jointly move to amend the Initial Scheduling Order as stated below.

BACKGROUND

The Board's Initial Scheduling Order established the following discovery schedule:

1. All parties will make initial disclosures on or before April 26, 2006.
2. All written discovery (interrogatories, requests for admissions, document requests) will be served on or before June 1, 2006.
3. Replies to written discovery will be served on or before June 15, 2006.
4. Discovery will be completed on or before September 15, 2006.

In accordance with the Board's Order, the parties made initial disclosures by April 26, 2006 and served written discovery requests on June 1, 2006.

DISCUSSION

The parties now jointly move to modify the Initial Discovery Order to allow 30 days from the date of service of written discovery requests for service of replies to written discovery requests. This would move the deadline for replies to the pending written discovery requests served on June 1 to June 30, and would allow the parties to serve additional requests for written discovery as necessary during the discovery period. The parties believe that this schedule change will allow the parties to give more thorough and complete answers, which would ultimately increase the efficiency of the proceeding. The parties believe that a second round of written interrogatories may reduce the number of depositions ultimately needed, thereby increasing the efficiency of the proceeding. This schedule change would not alter the discovery deadline of September 15, 2006.

CONCLUSION

Therefore, the parties request that the Board amend the Initial Discovery Order to reflect that replies to pending written discovery requests are due June 30, 2006 and replies to any further written discovery requests must be filed within 30 days of service of the request.

Respectfully Submitted,

/RA by Sara E. Brock/

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Mary C. Baty
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***/RA by Sara E. Brock
on behalf of Jane G. Penny/***

Jane Gowen Penny
Thomas W. Scott
Counsel for Mr. Miller & Mr. Moffitt

Dated at Rockville, Maryland
this 8th day of June, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT MOTION TO AMEND DISCOVERY SCHEDULE" in the above captioned proceeding have been served on the following persons by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 8th day of June, 2006.

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