

RAS 11952
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 07/11/06

SERVED 07/11/06

ATOMIC SAFETY AND LICENSING BOARDS
Before Administrative Judges:
Michael C. Farrar, Chairman
E. Roy Hawkens
Nicholas G. Trikouros

In the Matter of

DALE L. MILLER

Docket No. IA-05-053

ASLBP No. 06-846-02-EA

July 11, 2006

In the Matter of

STEVEN P. MOFFITT

Docket No. IA-05-054

ASLBP No. 06-847-03-EA

July 11, 2006

ORDER
(Summarizing Prehearing Conference)

During the April 13 prehearing conference in these companion enforcement matters, the identically-constituted Boards planned to hold a subsequent conference call during the latter part of June to track the pace of the parties' progress in implementing the schedule that emerged from that first conference (see unpublished April 18, 2006 Initial Scheduling Order at 3, § 4). The contemplated status teleconference was in fact held on June 22.¹

That teleconference turned out to be quite brief, in that it revealed that the parties were working in a cooperative spirit to move the matter along in accordance with the governing schedule and to resolve, without Board intervention, any problems that arose (see, e.g., Tr. at 25, 32). The Boards expressed appreciation for those efforts and encouraged counsel to continue to take that approach (Tr. at 27, 32).

¹ The status teleconference, initially scheduled for June 20, was informally deferred to June 22 (see Tr. at 24), all having recognized from the outset (April 18 Order at 3, § 4) that the timing would necessarily be "subject to change depending on any conflicts that may arise before then (see April 13 Tr. at 10-12)."

The parties indicated they were not yet in position to know whether they might be filing motions for summary disposition on particular issues (Tr. at 30-32).² The Boards encouraged them in any event to focus instead on limiting the scope of the hearing by arriving at one or more stipulations as to matters upon which there is no real controversy (Tr. at 32).

With no matters requiring Board action, the next status call was tentatively SET for 10:00 A.M. on Wednesday, September 20, a few days after discovery is scheduled to conclude (Tr. at 33-34). The parties are to endeavor to present at that time an agreed-upon suggested schedule for the hearing of the contested matters (Tr. at 34-35). In that regard, the Boards discussed briefly with counsel the possible length of the hearing(s) (Tr. at 35-36). We were also informed there will likely be little overlap between these two proceedings (Tr. at 36-37).

In conclusion, we repeated the gist of our earlier directive that “if any matters develop before [the next scheduled teleconference] that threaten the orderly progress of the proceedings, the parties are encouraged to bring them promptly to the Boards’ attention for early resolution (*id.* at 10-11, 20).” April 18 Order at 3, § 4, citing April 13 transcript; see June 22 Tr. at 34, 38.

It is SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARDS

/RA/

By Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 11, 2006

Copies of this Order were sent this date by e-mail transmission to counsel for Messrs. Miller and Moffitt and to counsel for the NRC Staff.

² See, in this regard, the suggested “milestones” in 10 C.F.R. Part 2, Appendix B, § 1.

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(Enforcement Action))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SUMMARIZING PREHEARING CONFERNECE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 11th day of July 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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