

GRANTED
For the Atomic Safety and
Licensing Board

Michael C. Lamm
Chairman
10-20-06

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

October 17, 2006

DOCKETED
USNRC

October 20, 2006 (1:44pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED October 20, 2006

In the Matter of)

DAVID GEISEN)

) Docket No. IA-05-052

) ASLBP No. 06-845-01-EA

JOINT MOTION FOR EXTENSION OF TIME

The parties to this proceeding filed written discovery responses on October 3, 2006, upon mutual agreement when computer problems prevented the Staff from filing on the original due date of October 2, 2006. Upon initial review of the responses filed on behalf of Mr. Geisen, the Staff determined that it may file a motion to compel and, additionally, may renew its motion to stay the proceeding. Because it anticipated that the motion for stay would likely require more than ten pages, the Staff filed a "NRC Staff Request to Exceed Page Limits" on October 10, 2006. At the time of the filing, Staff counsel had been unable to contact counsel for Mr. Geisen regarding the request.

Thereafter, counsel agreed to consult further in order to attempt to resolve discovery issues, including issues that Mr. Geisen may have relating to the discovery responses served by NRC Staff, and filed a joint motion for an extension of time to file motions on matters relating to written discovery until Friday, October 20, 2006. In granting the foregoing motions, the Board suggested a prehearing conference to discuss possible approaches to the future course of the proceeding. The parties are continuing to discuss options to resolve discovery issues and therefore request an additional extension of time until Friday, October 27, 2006, to file motions on the discovery responses. The parties appreciate the Board's offer of a prehearing conference, and suggest Wednesday October 25, 2006, for such a conference if the parties are

unable to reach a mutually acceptable resolution by that time.

Respectfully submitted,

/RA by Lisa Clark/

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Counsel for NRC Staff

/RA for Charles McAleer, Jr. by Lisa Clark/

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Andrew T. Wise
Matthew T. Reinhard
Counsel for David Geisen

Dated at Rockville, Maryland
this 17th day of October, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DAVID GEISEN)
)
(Enforcement Action))

Docket No. IA-05-052

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING JOINT MOTION FOR EXTENSION OF TIME) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Dated at Rockville, Maryland
this 20th day of October 2006