

November 3, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
DAVID GEISEN

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Docket No. IA-05-052

ASLBP No. 06-845-01-EA

NRC STAFF REQUEST TO FILE A BRIEF REPLYING TO DAVID
GEISEN'S OPPOSITION TO NRC STAFF MOTION FOR STAY
OF PROCEEDING OR IN THE ALTERNATIVE FOR A PRECLUSION ORDER

Pursuant to 10 C.F.R. § 2.323(c), the NRC Staff requests leave to file a brief replying to the "Opposition of David Geisen to NRC Staff Motion for Stay of Proceeding or in the Alternative for a Preclusion Order," (Second Stay Answer) filed November 2, 2006. The Staff believes that a reply brief is necessary for the following reasons: (1) Geisen's Second Stay Answer raises several arguments not already addressed by the Staff in its "NRC Staff Motion for Stay of Proceeding or in the Alternative for a Preclusion Order" (Second Stay Motion), and (2) the Second Stay Answer's characterization of the discussions between Geisen and the Staff and of the collaboration between DOJ and the NRC requires a response. In order to file a complete and adequate reply, the Staff respectfully requests leave to file on Monday, November 8, 2006.

Respectfully submitted,

Lisa B. Clark
Michael A. Spencer
Counsel for the NRC Staff

Dated at Rockville, MD
this 3rd day November, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF REQUEST TO FILE A BRIEF REPLYING TO DAVID GEISEN'S OPPOSITION TO NRC STAFF MOTION FOR STAY OF PROCEEDING OR IN THE ALTERNATIVE FOR A PRECLUSION ORDER " 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 3rd day of November, 2006.

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