

December 1, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
DAVID GEISEN

)
)
)
)
)
)

Docket No. IA-05-052

ASLBP No. 06-845-01-EA

THE NRC STAFF'S MOTION TO COMPEL MR. GEISEN'S RESPONSE TO STAFF'S
INTERROGATORIES 16-20 AND 22-29 AND REQUESTS FOR ADMISSION (1) - (4) AND TO
CLARIFY OR CORRECT MR. GEISEN'S BLANKET INVOCATION OF OBJECTIONS

INTRODUCTION

Pursuant 10 C.F.R. § 2.705(h), the NRC Staff moves that the Board compel Mr. Geisen to clarify and justify his specific objections, along with his invocation of the Fifth Amendment privilege, as to each and all of the subparts of Staff's Interrogatories and Requests for Admission; compel Mr. Geisen to disclose any and all applicable contentions in response to Staff Interrogatories (16)-(20) and (22)-(29); and compel Mr. Geisen to respond to the NRC Staff's Requests for Admission (1), (2), (3), and (4).

BACKGROUND

On August 2, 2006, the NRC Staff and Mr. Geisen agreed and submitted to the Board a "Joint Status Report" that detailed the further course and composition of the discovery process in this proceeding. The Joint Status Report envisioned the submission of written discovery requests on September, 1, 2006, with responses to any and all such written discovery requests due thirty days thereafter. On September 1, the parties did exchange written discovery requests: the NRC Staff submitted to Mr. Geisen a series of interrogatories, requests for admission, and document requests; Mr. Geisen submitted to the NRC Staff interrogatories and documents requests. Responses were filed by both parties on October 3.

Mr. Geisen, in addition to invoking the Fifth Amendment privilege to the majority of Staff's Interrogatories, also invoked the privilege to all of the Staff's Requests for Admission.¹ Among Staff's Interrogatories to which Mr. Geisen asserted his Fifth Amendment privilege are those, (16)-(20) and (22)-(29), which request Mr. Geisen to enumerate any and all of his claims, contentions, and defenses as to specific events or factual statements. Additionally, the first four of Staff's Requests for Admission dealt solely with factual matters and occurrences whose substance is widely available and known to the public. Finally, even though Mr. Geisen "incorporated by reference" his General Objections to each and every of his invocations of the Fifth Amendment privilege, he does not specify why any or all of his General Objections apply to any or all of Staff's Interrogatories or Requests for Admission, as to which he has asserted the Fifth Amendment privilege.

DISCUSSION

A. The Board Should Compel Mr. Geisen to Clarify and Justify His Specific Objections, Along with His Invocation of The Fifth Amendment Privilege, as to Each and Every of The Subparts of Staff's Interrogatories and Requests for Admission

As a general principle, a party asserting objections to discovery "bears the burden of demonstrating that its objections should be sustained."² To satisfy this burden, a party asserting an objection "must clearly set forth the specifics of the objection and how that

¹ Aside and apart from the seven instances in which Mr. Geisen responded to parts of Staff's Interrogatories (2, 3(a), 3(c), 3(e), 3(f), 4(b), and 4(c)), the following language comprised the entire response to each and every of Staff's Interrogatories and Requests for Admission: "With respect to [Interrogatory or Request for Admission X], Geisen incorporates herein by reference the foregoing Objections and General Response and declines to answer [Interrogatory or Request for Admission X] on the basis of his rights under the Fifth Amendment to the U.S. Constitution."

² *In re Priceline.com Inc. Securities Litigation*, 233 F.R.D. 83, 85 (D.Conn. 2005); *Roesberg v. Johns Manville Corp.*, 85 F.R.D. 292, 297 (E.D.Pa. 1980) (citing *Gulf Oil Corp. v. Schlesinger*, 465 F.Supp. 913, 916-17 (E.D.Pa. 1979) and *In re Folding Carton Antitrust Litigation*, 83 F.R.D. 260, 265 (N.D.Ill. 1979) and *Robinson v. Magovern*, 83 F.R.D. 79, 85 (E.D.Pa. 1979) and *Flour Mills of America, Inc. v. Pace*, 75 F.R.D. 676, 680 (E.D.Okl.1977)).

objection relates to the [information or] documents being demanded.”³ A party cannot satisfy this burden by “simply inton[ing] the familiar litany that the [discovery requests] are burdensome, oppressive, or overly broad.”⁴ Thus, “the mere statement by a party that the [discovery requests were] ‘overly broad, burdensome, oppressive and irrelevant’ is not sufficient to raise a successful objection to [discovery requests].”⁵

Regarding the objections nominally outlined by Mr. Geisen in his General Objections to Staff’s Interrogatories and Requests for Admission, Mr. Geisen has not satisfied the burden put upon him to sufficiently demonstrate why those objections apply specifically to any or all of Staff’s Interrogatories or Requests for Admission. Because he has failed to satisfy this burden, the Board should compel Mr. Geisen to properly clarify and justify his objections to Staff’s Interrogatories and Requests for Admissions.

Furthermore, a party invoking the Fifth Amendment privilege bears the additional burden of ensuring that it is manifestly clear that a reasonable fear of incrimination⁶ attaches to a response by the party to the specific inquiry to which the privilege is asserted.⁷ As set out by

³ *Priceline.com*, 233 F.R.D. at 85 (quoting *Obiajulu v. City of Rochester*, 166 F.R.D. 293, 295 (W.D.N.Y. 1996)).

⁴ *Id.* (quoting *Compagnie Francaise d’Assurance Pour le Commerce Exterieur v. Phillips Petroleum Co.*, 105 F.R.D. 16, 42 (S.D.N.Y. 1984)).

⁵ *Josephs v. Harris Corp.*, 677 F.2d 985, 992 (3rd.Cir. 1982) (citing *Roesberg*, 85 F.R.D. at 296-97).

⁶ *Hiibel v. Sixth Judicial District Court of Nevada, Humboldt County*, 542 U.S. 177, 190 (2004) (citing *Kastigar v. United States*, 406 U.S. 441 (1972)); *Ohio v. Reiner*, 532 U.S. 17, 21 (2001) (citing *Hoffman v. United States*, 341 U.S. 479, 486 (1951) (citing *Mason v. United States*, 244 U.S. 362 (1917))).

⁷ See e.g., *Estate of Fisher v. CIR*, 905 F.2d 645, 649 (2d. Cir. 1990) (“When the danger is not readily apparent from the implications of the question asked or the circumstances surrounding the inquiry, the burden of establishing its existence rests on the person claiming the privilege.”); *Steinbrecher v. CIR*, 712 F.2d 195, 198 (5th. Cir. 1983) (“...unless the danger of self-incrimination is readily apparent, the burden of proving that the danger exists lies on the claimant.”); *In re Morganroth*, 718 F.2d 161, 167 (6th.Cir. 1983); *United States v. Neff*, 615 F.2d 1235, 1240 (9th. Cir. 1980) (“If the trial judge decides from the examination of the questions, their setting, and the peculiarities of the case, that no threat of self-incrimination exists, it then becomes incumbent ‘upon the defendant to show that answers to (the

(continued...)

the Supreme Court in *Hoffman v. United States*, the standard for determining whether such a reasonable fear of incrimination exists is as follows:

To sustain the privilege, it need only be evident from the implications of the question, in the setting in which it is asked that a responsive answer to the question or an explanation of why it cannot be answered might be dangerous because injurious disclosure could result. The trial judge in appraising the claim 'must be governed as much by his personal perception of the peculiarities of the case as by the facts actually in evidence.'⁸

Ultimately, though, the determination as to whether the party has properly demonstrated the existence of a reasonable fear of incrimination—and thereby whether the Fifth Amendment privilege has been properly invoked—is not left to the party asserting the privilege.⁹ “[A] [party’s] assertion [of the privilege] does not by itself establish the risk of incrimination”—“that inquiry is left to the court.”¹⁰ In order for a reviewing court to be able to engage in the highly “particularized” analysis required by the *Hoffman* standard,¹¹ the Fifth Amendment privilege must be asserted in response to specific inquiries.¹² Thus, as the “only way the privilege can be asserted is on a question-by-question basis.”¹³ A invocation of the privilege “necessarily attaches only to the question being asked and the information sought by that particular

⁷(...continued)
questions might incriminate him.”) (quoting *United States v. Weisman*, 111 F.2d 260, 261 (2d. Cir. 1940)).

⁸ *Hoffman*, 341 U.S. at 486-87 (quoting *Ex Parte Invine*, C.C.S.D.Ohio, 1896, 74 F. 954, 960 and cited with approval by *Reiner*, 532 U.S. at 20-21).

⁹ *Reiner*, 532 U.S. at 21 (citing *Hoffman*, 341 U.S. at 486 (“The [party] is not exonerated from answering merely because he declares that in so doing he would incriminate himself—his say-so does not of itself establish the hazard of incrimination.”)).

¹⁰ *Id.*

¹¹ See *United States v. Tsui*, 646 F.2d 365, 367 (9th. Cir. 1981); *United States v. Pierce*, 561 F.2d 735, 741 (9th. Cir. 1977); *United States v. Malnik*, 489 F.2d 682, 685 (5th. Cir.1974).

¹² See e.g., *Doe ex rel. Rudy-Glanzer v. Glanzer*, 232 F.3d 1258, 1265 (9th.Cir. 2000); *In re Morganroth*, 718 F.2d 161, 167 (6th. Cir. 1983); *Pierce*, 561 F.2d at 741; *Malnik*, 489 F.2d at 685.

¹³ *Glanzer*, 232 F.3d at 1265.

question.”¹⁴ Consequently, a party is precluded from asserting the Fifth Amendment privilege on a generalized, blanket basis that would, in effect, disrupt or prevent the particularized analysis required of a reviewing court.¹⁵ If a reviewing court cannot augur a reasonable fear of incrimination arising out of a response to a particular inquiry, the burden is upon the party asserting the privilege to make such reasonable fear manifest in the invocation of the privilege.¹⁶

Given these principles, Mr. Geisen's blanket invocation of the Fifth Amendment privilege is improper, as the invocation fails to provide the Board with the ability to engage in the particularized analysis as required by the *Hoffman* standard. Although Mr. Geisen explicitly asserted his Fifth Amendment privilege as to particular Staff Interrogatories and Requests for Admissions, he did so with the same phraseology. Thus, it is unclear, given the complex, often multi-part structure of the Staff's Interrogatories and Requests for Admission, whether his invocation as to a particular Interrogatory or Request for Admission applies to each and every subpart of that Interrogatory or Request for Admission. Mr. Geisen's blanket invocation does not manifest, as to each and every subpart of Staff's Interrogatories and Requests for Admission to which the privilege is purportedly asserted, a reasonable fear of incrimination. For these reasons, including that of simple clarification, the Staff moves that the Board compel

¹⁴ *Id.*

¹⁵ See e.g., *United States v. Vernon*, 187 F.3d 884, 887 (8th. Cir. 1999); *United States v. Drollinger*, 80 F.3d 389, 392 (9th. Cir. 1996); *United States v. Bodwell*, 66 F.3d 1000, 1001-02 (9th. Cir. 1995); *United States v. Argomaniz*, 925 F.2d 1349, 1356 (11th. Cir. 1991); *Morganroth*, 718 F.2d at 167; *National Life Insurance Co. v. Hartford Accident & Indem. Co.*, 615 F.2d 595, 599 (3d. Cir. 1980).

¹⁶ See supra note 6.

Mr. Geisen to invoke the Fifth Amendment privilege in response to each specific subpart of the Staff's Interrogatories and Requests for Admission.¹⁷

B. The Board Should Compel Mr. Geisen To Respond To The Staff's Interrogatories (16) - (20) and (22) - (29), Insofar as These Interrogatories Request Mr. Geisen's Claims And Defenses

Mr. Geisen has invoked the Fifth Amendment privilege against self-incrimination in response to the majority of Staff's Interrogatories and to all of Staff's Requests for Admission, including even those parts of Staff's Interrogatories that ask for Mr. Geisen's contentions and positions regarding factual assertions set out in the Order against him. Given the representations made during the oral argument in this proceeding, held on November 14, 2006, it is evident that the disclosure of Mr. Geisen's contentions and positions would not necessarily expose him to a reasonable fear of incrimination.¹⁸

Thirteen of the Staff's interrogatories—Interrogatories (16) through (20) and Interrogatories (22) through (29)—focus on Mr. Geisen's claims, contentions, and defenses regarding particular claims in the Staff's order. As the Board noted at the recent oral argument, it is not reasonably apparent why the disclosure of Mr. Geisen's claims, contentions, and defenses would expose him to a reasonable fear of incrimination,¹⁹ and, as to that end, Mr. Geisen has not explained why the disclosure of his claims and defenses would fall within the purview of the Fifth Amendment. At a minimum, the Fifth Amendment's protections do not extend to Mr. Geisen's positions without some explanation justifying his implicit claim, marked

¹⁷ Upon initial review of Mr. Geisen's response to Staff's Interrogatories, and, in addition, that Counsel for Mr. Geisen had orally represented that Mr. Geisen was, in fact, invoking the Fifth Amendment privilege as to each and every subpart of the Staff's Interrogatories, the Staff did not expect to dispute Mr. Geisen's invocation of the privilege. See Letter from Lisa Clark to Charles F. B. McAleer, Jr. (October 19, 2006). However, given discussions between the Board and the parties during the recent oral argument in this proceeding, the Staff believes that certain contention interrogatories should be answered as discussed further below. See November 14, 2006 Oral Argument Transcript, p. 366-75.

¹⁸ See November 14, 2006 Oral Argument Transcript, p. 366-76.

¹⁹ See November 14, 2006 Oral Argument Transcript, p. 366-76.

by his invocation of the privilege, that disclosing his positions could lead to a revelation incriminating evidence.

Mr. Geisen's prior filings in this proceeding, including his Answer to the Order, demonstrate that the Fifth Amendment privilege does not apply to the disclosure of his claims and defenses. Specifically, in his Answer and Demand for an Expedited Hearing, filed on February 21, 2006, Mr. Geisen did, in fact, set forth through his counsel, albeit with limited detail, a few of his claims and defenses. For example, in his Answer, Mr. Geisen:

(1) "[D]enies he was aware of all the details of previous RPV head inspections . . ." (pp. 2-3).

(2) Denies "the allegation that he reviewed videos of inspections in preparation for interacting with the NRC in August, 2001" (p. 3).

(3) "[D]enies that FENOC's responses to Bulletin 2001-01, taken in their entirety, were incomplete and/or inaccurate" (p. 4).²⁰

Responses of this type are precisely what the Staff seeks to explore in greater detail in its Contention Interrogatories: these Interrogatories seek to explore the substantive basis of Mr. Geisen's claims. It would be wholly inconsistent for Mr. Geisen to now argue that providing the Staff with his claims and defenses would expose him to a reasonable fear of incrimination, when, in his Answer, Mr. Geisen set forth defenses, albeit generally, without any concern for a potential waiver of the Fifth Amendment privilege he now asserts to apply to his claims and defenses.

Consistent with the foregoing analysis, the Staff additionally submits that it is entitled to receive notice of these claims and defenses from Mr. Geisen himself: the representations of Mr. Geisen's counsel are insufficient to discharge his client's discovery obligations. As to this point, the Staff has sought to discover Mr. Geisen's claims and defenses through interrogatories. The Commission's rules grant to each party the right to "serve upon any other

²⁰ Geisen, "Answer and Demand for an Expedited Hearing," p. 2-4 (February 23, 2006).

party (other than the NRC staff) written interrogatories *to be answered in writing by the party served* . . .²¹ These rules set forth the discrete roles of the party and the party's attorney in the discovery process and, with respect to interrogatories, make clear that "*answers must be signed by the person making them*, and the objections by the attorney making them."²² In other words, to comply with the Commission's rules, the party himself must answer and sign Staff's Interrogatories—his attorney cannot discharge that duty. The language of 10 C.F.R. § 2.706(b)(1) and (2) is almost exactly the same as that of the federal provisions governing interrogatories, Federal Rules of Civil Procedure 33(b)(1) and (2).²³

Neither the Commission's rules nor the Federal Rules contain any exception whereby counsel can personally attest to a discovery response in lieu of the client's signature. That is because the opponent is entitled to know whether the party himself—not the party's attorney—intends to raise particular claims or defenses, or has in his or her possession information, documents or other discoverable items. Many of the goals of discovery—ascertaining facts, narrowing issues, and reducing the possibility of surprise among them—would be frustrated if a party could avoid his discovery obligations by withholding information from counsel, or by timing carefully the disclosure of that information. In the absence of some attestation by a party that the party's stated claims and positions are true and

²¹ 10 C.F.R. § 2.706(b)(1) (emphasis added).

²² 10 C.F.R. § 2.706(b)(2) (emphasis added).

²³ See also *McDougall v. Dunn*, 468 F.2d 468, 472 (4th. Cir. 1972) (rejecting party's argument that his attorney could properly answer interrogatories, concluding that argument "disregards entirely the flat statement set forth in the text of [Fed. R. Civ. P. 33(b)] to the effect that the interrogatories must be answered by that party").

accurate, a statement by the party's counsel represents no more than a strategic position that could be changed or abandoned without consequence.²⁴

For these reasons, it is essential that Mr. Geisen provide the Staff with all the discovery to which the Staff is entitled under the Commission's rules. Mr. Geisen's discovery obligations in this proceeding should not be considered satisfied in the absence of compliance with the Commission's rules. At the November 14, 2006 oral argument, the Board asked Mr. Geisen's counsel whether the Fifth Amendment would be implicated if counsel himself prepared for the Staff a one or two-page summary of Mr. Geisen's claims and defenses.²⁵ The Staff did not understand the Board to be suggesting that such a summary could substitute for Mr. Geisen's discovery obligations, because Mr. Geisen must provide discovery in accordance with the Commission's rules. In particular, Mr. Geisen must answer the Staff's Interrogatories and Requests for Admission, and he must also disclose all documents encompassed by the Staff's Discovery Requests. Allowing Mr. Geisen's counsel to craft an abbreviated statement of Mr. Geisen's positions—a statement that need not even respond to the Staff's specific discovery requests and which would, in all likelihood, list nothing more than *potential* claims and defenses in broad and all-encompassing terms—would in no way help the Staff direct its future discovery or narrow the issues for hearing. This very limited form of discovery would directly contravene the Commission's procedural rules; it would also result in exceedingly one-sided discovery that greatly prejudices the Staff's ability to prepare for the hearing.

²⁴ In a recent letter to the Staff, Counsel for Mr. Geisen implicitly concedes to just this point, the importance of personal attestation. See Letter from Charles F.B. McAleer, Jr. To Lisa B. Clark, p. 1 (November 30, 2006).

²⁵ See November 14, 2006 Oral Argument Transcript, p. 368-70.

C. The Board Should Compel Mr. Geisen To Respond To The Staff's Requests for Admission (1), (2), (3), and (4)

The Staff also asks the Board to compel responses to Staff's Requests for Admission (1), (2), (3), and (4), on the grounds that the information sought by these Requests cannot, in any circumstances, create a reasonable fear of incrimination. The factual materials and events addressed by Staff's Requests for Admission (1), (2), (3), and (4) have been widely disseminated and are easily accessible within the public domain. Staff's Request for Admission (1), (2), (3), and (4) relate to two general categories of factual material: (A) the content of publicly-available NRC documents or regulations, and (B) the occurrence of events widely known and available to the public, such as the dates which the NRC Staff issue specific Bulletins. As an example of Category (A), the text of Request for Admission (1)(a)-(b) follows:

- a. On August 3, 2001, The NRC issued Bulletin 2001-01, "Circumferential Cracking of Reactor Pressure Vessel Head Penetration Nozzles" (Bulletin).
- b. In the Bulletin, the NRC requested that all holders of operating licenses for pressured water nuclear power reactors (PWR), including FENOC for the Davis-Besse facility, provide information to the NRC relating to the structural integrity of the reactor pressure vessel (RPV) head penetration nozzles at their respective facilities.

All these subparts of Staff's Request for Admission (1) require of Mr. Geisen is to read and interpret the contents of a publicly-available NRC document. Even if Mr. Geisen disagrees with the Staff's interpretation of what that Bulletin required of licensees, such disagreement does not, in any sense, subject Mr. Geisen to a reasonable fear of incrimination, nor should it, thereby, impinge upon Staff's discovery entitlement to know if Mr. Geisen is basing one or more of his defenses on a different interpretation of this bulletin.

As an example of Category B, the text of Request for Admission (3)(a)-(b) follows:

- a. On February 16, 2002, FENOC shut down Davis-Besse for refueling and inspection of control rod drive mechanisms (CRDM) RPV head penetration nozzles.
- b. Using ultrasonic testing, the licensee found cracks in three CRDM RPV head penetration nozzles.

It is unclear why attestation of these well-documented factual events would expose Mr. Geisen to a reasonable fear of further incrimination. To that end, Mr. Geisen has previously even cited the occurrence of these events in at least one of his submissions to the Board in this proceeding.²⁶ Thus, if Mr. Geisen truly thought that his attestation to these events would expose him to a reasonable fear of incrimination, it is perplexing why he would have cited such events in a previous motion before the Board.

In light of the above-outlined analysis and examples, the Staff asserts that no reasonable fear of incrimination could ever attach to Mr. Geisen's responses to Staff's Requests for Admission (1), (2), (3), and (4), and, thus, the Staff moves that the Board compel Mr. Geisen to respond to Staff's Requests for Admission (1), (2), (3), and (4).

CONCLUSION

In light of the foregoing, the NRC Staff moves that the Board compel Mr. Geisen to clarify and justify his specific objections, along with his invocation of the Fifth Amendment privilege, as to each and all of the subparts of Staff's Interrogatories and Requests for Admission; compel Mr. Geisen to disclose any and all applicable contentions in response to Staff Interrogatories (16)-(20) and (22)-(29); and compel Mr. Geisen to respond to the NRC Staff's Requests for Admission (1), (2), (3), and (4).

Respectfully submitted,

/RA by Lisa B. Clark/

Lisa B. Clark
Counsel for the NRC Staff

Dated at Rockville, MD
this 1st day of December 2006

²⁶ "David Geisen's Opposition to the NRC Staff's Motion to Hold This Proceeding In Abeyance," p. 2 (March 30, 2006).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DAVID GEISEN) Docket No. IA-05-052
)
) ASLBP No. 06-845-01-EA
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "THE NRC STAFF'S MOTION TO COMPEL MR. GEISEN'S RESPONSE TO STAFF'S INTERROGATORIES 16-20 AND 22-29 AND REQUESTS FOR ADMISSION (1) - (4) AND TO CLARIFY OR CORRECT MR. GEISEN'S BLANKET INVOCATION OF OBJECTIONS" 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 1st day of December, 2006.

Michael C. Farrar * **
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-mail: mcf@nrc.gov

E. Roy Hawkens * **
Chief Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-mail: erh@nrc.gov

Nicholas G. Trikourous * **
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-mail: ngt@nrc.gov

Office of Commission Appellate Adjudication *
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
Washington, D.C. 20555

Adjudicatory File *
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

Richard A. Hibey, Esq. **
Charles F.B. McAleer, Jr., Esq.
Andrew T. Wise, Esq.
Mathew T. Reinhard, Esq.
Miller & Chevalier
655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
E-Mail: rhibey@milchev.com
awise@milchev.com
mreinhard@milchev.com

Office of the Secretary * **
Attn: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16 C1
Washington, D.C. 20555
E-Mail: hearingdocket@nrc.gov

Margaret Parish * **
Board Law Clerk
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555
E-Mail: map4@nrc.gov

Libby Perch * **
Board Staff
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: emp1@nrc.gov

/RA by Lisa B. Clark/

Lisa B. Clark
Counsel for the NRC Staff