



CHARLES F.B. MCALEER, JR.
202.626.5963
cmcaleer@milchev.com

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BY ELECTRONIC MAIL

Lisa B. Clark, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop: O-15 D21
Washington, D.C. 20555-0001

Re: *In The Matter Of David Geisen*
IA-05-052, ASLBP No. 05-839-02-EA
Before the Atomic Safety and Licensing Board

Dear Lisa:

As you know, pursuant to the Board's ruling at the November 14, 2006 hearing in the above-referenced matter, the parties are required to meet and confer on the remaining pre-hearing schedule and to submit a proposed schedule to the Board on or before December 1.

To that end, I have taken the liberty of preparing the following schedule for discussion purposes. I have based this schedule on the rough outline that Dick Hibey presented to the Board at the hearing, and I have incorporated relevant aspects of the Board's ruling:

DATE	PARTY	EVENT
12/1/06	ALL	File motions to compel on any unresolved issues relating to October 3, 2006 written discovery responses.
12/1/06	ALL	Parties submit joint proposed pre-hearing and hearing schedule.
12/15/06	GEISEN	Counsel for Mr. Geisen serves NRC Staff with a list of the defenses that Mr. Geisen may present in his case-in-chief at the hearing, along with an identification of his possible case-in-chief witnesses and documents relating to the defenses. The list (a) will be signed by counsel for Mr. Geisen, not Mr. Geisen, (b) will not be deemed, or result in, a waiver of Mr. Geisen's Fifth Amendment rights, (c) will

		be based on non-privileged information known to counsel for Mr. Geisen as of the date of service, (d) will not have to include impeachment or rebuttal evidence and (e) will be without prejudice to counsel for Mr. Geisen including additional defenses, witnesses or documents in the pre-hearing statement (<i>see</i> description below) based on information that counsel for Mr. Geisen learns during the course of deposition, expert or supplemental written discovery.
12/15/06	NRC STAFF	NRC Staff serves counsel for Mr. Geisen with supplemental information regarding any additional documents or witnesses NRC Staff may use in its case-in-chief relating to the allegations and claims in the January 2006 Enforcement Order.
12/18/06-1/26/07	ALL	Parties conduct fact deposition discovery.
1/29/07	NRC STAFF	NRC Staff identifies any expert witnesses and discloses expert witness information specified in 10 CFR § 2.704(b).
2/5/07	GEISEN	Mr. Geisen identifies any expert witnesses and discloses expert witness information specified in 10 CFR § 2.704(b).
2/12/07-2/16/07	ALL	Parties conduct expert witness deposition discovery.
2/23/07	ALL	Parties file their respective pre-hearing statements identifying claims (NRC Staff), defenses (Geisen), case-in-chief witnesses (exclusive of impeachment and rebuttal witnesses) (All), deposition testimony to be offered (All), hearing exhibits (exclusive of impeachment and rebuttal exhibits) (All) and stipulations by the parties, if any (All). Parties also file any pre-hearing motions.

2/28/07	ALL	Parties file any deposition testimony counter-designations and any evidentiary objections related to the pre-hearing statements, including proposed witnesses and exhibits listed therein.
3/5/07- 3/9/07	ALL	Evidentiary hearing is held.

Please review this draft schedule and let me know when you are available to discuss it.

Sincerely,



Charles F. B. McAleer, Jr.

cc: Richard A. Hibey, Esq.
Andrew T. Wise, Esq.
Matthew T. Reinhard, Esq.