

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

December 11, 2006 (9:00am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:
Michael C. Farrar, Chairman
E. Roy Hawkens
Nicholas G. Trikouros

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In the Matter of))	Docket No. IA-05-052
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DAVID GEISEN))	ASLBP No. 06-845-01-EA
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**CONSENT MOTION TO MODIFY CURRENT SCHEDULE
PERTAINING TO CERTAIN DISCOVERY-RELATED EVENTS**

David Geisen ("Geisen"), by counsel, moves the Board to modify the current schedule pertaining to certain discovery-related events as described below. NRC Staff consents to this Motion and the requested relief. In support of this Motion, Mr. Geisen states as follows:

On December 1, 2006, NRC Staff filed a motion to compel seeking an order requiring Mr. Geisen to respond substantively to certain written discovery requests from NRC Staff. See "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" (December 1, 2006) ("NRC Staff's December 1, 2006 Motion to Compel"). Pursuant to 10 C.F.R. § 2.323(c), Mr. Geisen's response to NRC Staff's December 1, 2006 Motion to Compel is due on or before Monday, December 11, 2006.

Pursuant to the Board's rulings at a November 14, 2006 teleconference hearing in this matter, counsel for Mr. Geisen is currently required to perform the following additional discovery -related tasks: (1) on Tuesday, December 12, determine whether they will provide

substantive information in response to the written discovery requests which are the subject of NRC Staff's December 1, 2006 Motion to Compel and, if so, produce such information and (2) on Friday, December 15, file a statement of defenses that they may assert on behalf of Mr. Geisen at the hearing in this matter.

Because there is a possible correlation between the December 12 and December 15 events, and because those two events may render some or all of the issues in NRC Staff's December 1, 2006 Motion to Compel moot, counsel for Mr. Geisen submits that it would be a more effective and efficient use of the Board's and the parties' respective resources (1) to move the deadline for the current December 12 event to December 15 and (2) to extend the deadline for Mr. Geisen's response to NRC Staff's December 1, 2006 Motion to Compel from December 11 to December 19. By placing the deadline for Mr. Geisen's response to NRC Staff's December 1, 2006 Motion to Compel after the December 15 events, the Board will be able to determine what issues raised by NRC Staff's December 1, 2006 Motion to Compel remain for adjudication in light of the additional information provided on December 15.

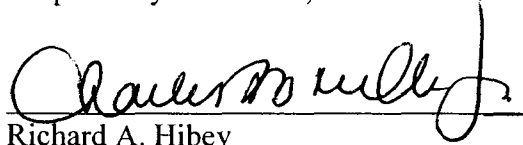
On December 7, counsel for Mr. Geisen proposed the foregoing scheduling changes to NRC Staff, and, on December 8, NRC Staff gave their consent to the proposed changes.

WHEREFORE, Mr. Geisen respectfully requests that the Board grant this Motion and enter an order modifying the current schedule of certain discovery-related events, as follows:

1. Extending, until and including, December 19, 2006, the deadline for Mr. Geisen to file his response to NRC Staff's December 1, 2006 Motion to Compel.
2. Extending, until and including December 15, 2006, the deadline for counsel for Mr. Geisen to determine whether they will provide substantive information in response to the

written discovery requests which are the subject of NRC Staff's December 1, 2006 Motion to Compel and, if so, produce such information.

Respectfully Submitted,



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Dated: December 8, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 8th day of December, 2006, copies of the foregoing were served on the following persons by first-class mail, postage prepaid, as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**):

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