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November 30, 2006

VIA E-MAIL

DOCKETED  
USNRCMichael C. Farrar, Chairman  
E. Roy Hawkens  
Nicholas G. Trikouros  
Administrative Judges  
United States Nuclear Regulatory Commission  
Atomic Safety and Licensing Board  
Mail Stop: T-3 FD23  
Washington, DC 20555

December 1, 2006 (4:06pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

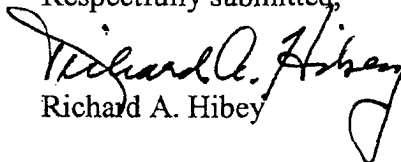
Re: In the Matter of David Geisen, Docket No. IA-05-052

Dear Honorable Judges Farrar, Hawkens and Trikouros:

As the Board requested at the November 14, 2006 hearing in the above-referenced matter, I am attaching a proposed pre-hearing and hearing schedule on behalf of Mr. Geisen. I believe the parties are in agreement regarding the sequence and substance of certain events referenced in the attached schedule. However, as I mentioned in my letter to the Board dated November 30, 2006, there are several aspects of the schedule on which the parties have not agreed, including those I listed in my letter. Most particularly, the parties disagree over the commencement date for the hearing. We have proposed March 5 whereas NRC Staff most recently proposed March 19. We believe that our proposed commencement date is consistent with the views that we expressed at the November 14 hearing and the directions the Board gave to the parties. *See, e.g.*, Transcript of November 14, 2006 Hearing at p. 418 (Board expresses intent to hold hearing in mid-February to early March).

We appreciate the Board's willingness to hold a telehearing on these scheduling issues on Monday, December 4, starting at 3:00 p.m. If the Board would like us to submit further information regarding our proposed schedule prior to that time, please let us know.

Respectfully submitted,


  
Richard A. Hibey
cc: NRC Staff Counsel  
Charles F. B. McAleer, Jr.  
Andrew T. Wise  
Matthew T. Reinhard

**PRE-HEARING AND HEARING SCHEDULE**  
**PROPOSED BY COUNSEL FOR DAVID GEISEN**

<b>DATE</b>	<b>PARTY</b>	<b>EVENT</b>
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.
12/11/06	ALL	File responses to 12/1/06 motions to compel.
TBD	NRC STAFF	File motion to compel on any unresolved issues relating to November 29, 2006 document production by Counsel for Mr. Geisen.
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 include impeachment or rebuttal witnesses 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 facts, documents or witnesses NRC Staff may use in its case-in-chief relating to the allegations and claims in the January 2006 Order.

1/5/07	NRC STAFF	NRC Staff identifies any expert witnesses and discloses expert witness information specified in 10 CFR § 2.704(b).
1/12/07	GEISEN	Mr. Geisen identifies any expert witnesses and discloses expert witness information specified in 10 CFR § 2.704(b).
1/12/07	ALL	Parties comply with any additional discovery required by Board based on motions to compel. Subject to on-going duty of supplementation, written discovery is complete.
1/15/07- 2/16/07	ALL	Parties conduct fact and expert 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). Pre-filed written direct testimony shall not be submitted, and it will not be received into evidence at the hearing.
2/28/07	ALL	Parties file pre-hearing motions, any deposition testimony counter-designations and any evidentiary objections.
3/2/07	ALL	Hearing on pre-hearing motions and discovery objections.
3/5/07	ALL	Evidentiary hearing commences.