

January 30, 2007

Richard A. Hibey
Miller & Chevalier
655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701

Mr. Hibey:

I received your email concerning scheduling depositions during the housekeeping stay currently in place for the Geisen proceeding. We moved for the housekeeping stay specifically to prevent potential harm from the taking of depositions while the criminal proceeding is pending and while the Commission is considering our stay request. This should not, however, be taken to mean that the NRC Staff is not prepared to move forward as expeditiously as possible -- as we have tried, so far, to do within reason at every juncture of this proceeding -- should the Commission deny the NRC Staff's petition for stay.

Logistical realities, such as scheduling travel, meeting rooms, and court reporters, and common courtesy to deponents dictate that we cancel depositions at least 48 hours ahead of the scheduled time. Yesterday, when I called counsel for Mr. Moffitt, Ms. Jane Penny, to announce that we had to cancel Mr. Moffitt's deposition due to the housekeeping stay, she represented to me that Mr. Moffitt was planning to leave for the airport in an hour's time. Such last-minute notification to the scheduled deponent is neither fair nor a reasonable burden for the deponent to bear and should be reasonably avoided. Accordingly, we will continue to leave depositions on the schedule as currently planned, but we plan to cancel depositions 48 hours in advance of the scheduled time for depositions as long as the housekeeping stay is in place. This should avoid any repeat of the circumstances we encountered where a deponent might have commenced travel for a deposition that cannot reasonably take place as scheduled.

We will continue to work with you in regard to deposition issues.

Sincerely,

/RA by Brett Klukan/

Brett Klukan
Counsel for the NRC Staff

cc: Nicholas G. Trikouros,
Administrative Judge
Michael C. Farrar,
Administrative Judge
E. Roy Hawkins,
Administrative Judge

Charles F. B. McAleer, Jr.
Matthew Reinhard
Andrew Wise