

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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

In the Matter of

DAVID GEISEN

Docket No. IA-05-052-EA

ASLBP No. 06-845-01-EA

November 13, 2008

MEMORANDUM AND ORDER
(Extending Page Limits)

We have the NRC Staff's motion seeking a lengthening of the existing 10-page limit placed upon its motion, due for filing on November 17, concerning the application of the collateral estoppel principle to the circumstances of this proceeding. The motion notes that Mr. Geisen expressed no objection to the request.

The Board believes – as it expressed during the recent prehearing conference (Tr. at 731), as the parties have demonstrated earlier (*id.*), and as our rules generally provide (Standard Practice Manual, referred to in Staff Motion, fn. 3) – that ordinarily shorter briefs are to be preferred where possible. Given, however, the potential significance of the collateral estoppel issue to the conduct and outcome of this proceeding, and the lack of opposition, the motion is hereby GRANTED. The 25 page limit shall apply also to the answer due from Mr. Geisen on November 26.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD
/RA/

Rockville, Maryland
November 13, 2008

By Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Copies of this Memorandum and Order were sent this date by e-mail transmission to counsel for Mr. Geisen and for the NRC Staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
DAVID GEISEN

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Docket No. IA-05-052

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (EXTENDING PAGE LIMITS) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original Signed by Christine M. Pierpoint]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 13th day of November 2008