

November 12, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
DAVID GEISEN)	Docket No. IA-05-052
)	
)	ASLBP No. 06-845-01-EA
)	

UNOPPOSED NRC STAFF MOTION FOR A PAGE LIMIT EXTENSION

On October 23, 2008, the three judge panel of the Atomic Safety and Licensing Board (“Board”) convened a conference call with counsel for Mr. Geisen and the U.S. Nuclear Regulatory Commission Staff (“Staff”) to determine the schedule for the path forward in this proceeding. During the call, the Board set a schedule for the Staff to file a 10 page collateral estoppel motion by November 17, 2008, with a response from Mr. Geisen by November 26, 2008.¹ The Board set the week of December 1, 2008 for issuance of its ruling.²

Pursuant to a March 27, 2006 Board Order,³ the NRC Staff requests that it be allowed to file its motion for collateral estoppel in 25 pages or less. The NRC Staff believes that it will

¹ Memorandum and Order (Summarizing Conference Call) at 3-4 (Nov. 3, 2008).

² *Transcript of Pre-Hearing Conference ITMO David Geisen* at 731 (Oct. 23, 2008).

³ On March 27, 2006, the Board issued the Memorandum and Order Summarizing Conference Call (Granting All Hearing Requests, Setting Oral Argument on Staff’s Abeyance Motion, and Addressing Related Matters). Appended to that Order was the “Standard Practice Manual,” which set forth the administrative directives that are to apply to this proceeding. Section D.1 states that “Any motion filed after the date of the Board issuance to which this Manual is appended, and any related responsive pleadings to such a motion, shall not exceed ten pages in length (including signature page) absent preapproval of the Licensing Board. A request for Board preapproval to exceed this page limitation shall be sought in writing no less than three business days prior to the time the motion or responsive pleading is filed or due to be filed. A request to exceed this page limitation must (1) indicate whether the request is opposed or supported by the other participants to the proceeding; (2) provide a good faith estimate of the number of additional pages that will be filed; and (3) demonstrate good cause for being permitted to exceed the page limitation.” Memorandum and Order Summarizing Conference Call (Granting All Hearing Requests, Setting Oral Argument on Staff’s Abeyance Motion, and Addressing Related Matters) at 13 (Mar. 27, 2006).

need additional pages in order to fully address the legal issues and to explain the jury's verdict in light of the evidence in the criminal trial. In accordance with 10 C.F.R. § 2.323(b), the NRC Staff has contacted counsel for Mr. Geisen, who expressed no objection to this request.

Respectfully submitted,

/RA/

Kimberly A. Sexton
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 12th day of November, 2008

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CERTIFICATE OF SERVICE

I hereby certify that copies of a letter regarding a supplemental hearing file update and an "UNOPPOSED NRC STAFF MOTION FOR A PAGE LIMIT EXTENSION" in the above captioned proceeding have been served on the following persons by deposit in the United States Mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 12th day of November, 2008.

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