

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

March 28, 2006 (1:05pm)

In the Matter of

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IA-05-052

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

David Geisen

**UNOPPOSED MOTION FOR LEAVE TO EXCEED THE TEN (10) PAGE LIMIT IN  
DAVID GEISEN'S RESPONSE TO THE  
NRC STAFF'S MOTION TO HOLD THE PROCEEDING IN ABEYANCE**

David Geisen, through undersigned counsel, respectfully moves the Licensing Board for preapproval to exceed the ten (10) page limitation on a responsive pleading that is set forth in the Addendum to the Memorandum and Order Summarizing Conference Call issued by the Board in the above-captioned matter on March 27, 2006. The NRC Staff does not oppose this request. In support thereof, counsel submits the following:

1. On January 4, 2006, the NRC Staff issued to David Geisen an Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately).
2. On February 23, 2006, Mr. Geisen, through undersigned counsel, filed a response that denied the allegations and requested an expedited hearing on the Staff's Order.
3. On March 20, 2006, the NRC Staff filed a Motion to Hold the Proceeding in Abeyance.
4. On March 27, 2006, this Board issued a Memorandum and Order Summarizing Conference Call that memorialized the topics discussed during a call that occurred on March 20, 2006. Attached to that memorandum was an Addendum that set forth, among other things, a page limitation of ten (10) on motions and responsive pleadings.

TEMPLATE :: SECY-037

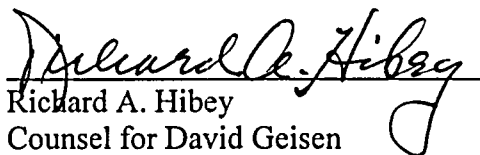
SECY-02

5. Mr. Geisen's response to the Staff's March 20, 2006 motion is due on March 30, 2006.

6. The Staff's motion, which was filed prior to the issuance of the Board's addendum, is sixteen (16) pages in length, not including certificate of service page. In his response, Mr. Geisen must both rebut the allegations set forth in the Staff's motion and, per the request of the Board, address the specific factors that are to be considered in reaching a determination on the abeyance issue. Mr. Geisen would be unable to fashion a complete and responsive pleading if he were forced to adhere to the ten (10) page limitation set forth in the Board's addendum. Mr. Geisen accordingly seeks leave to exceed the limitation by six (6) pages, so that his response can be of the same length as the Staff's motion.

7. Counsel for Mr. Geisen has spoken with Sara Brock, counsel for the NRC Staff, who has indicated that the Staff does not oppose this request.

Respectfully Submitted,

  
Richard A. Hibey  
Counsel for David Geisen

Dated: March 28, 2006

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of David Geisen's MOTION FOR LEAVE TO EXCEED THE TEN (10) PAGE LIMIT IN DAVID GEISEN'S RESPONSE TO THE NRC STAFF'S MOTION TO HOLD THE PROCEEDING IN ABEYANCE in the above-captioned matter have been served on the following persons via email as indicated by an (\*), by facsimile as indicated by an (\*\*), and regular mail as indicated by an (\*\*\*):

Office of the Secretary (\*\*), (\*\*\*)  
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Michael C. Farrar (\*), (\*\*\*)  
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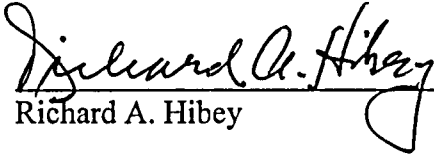
E. Roy Hawkens (\*), (\*\*\*)  
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