

RAS 12074

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 08/04/06

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:

SERVED 08/04/06

Michael C. Farrar, Chairman
E. Roy Hawkens
Nicholas G. Trikouros

In the Matter of

DAVID GEISEN

Docket No. IA-05-052

ASLBP No. 06-845-01-EA

August 4, 2006

ORDER
(Setting Conference Call,
Granting Leave to File Reply Brief,
and
Reserving Date for Oral Argument)

In response to the Board's July 27 call for a Joint Status Report, the parties submitted such a report on August 2. That report indicates that the parties have been conferring to resolve various matters, and addresses much of what was contemplated in our July 27 Order by setting out (1) a proposed briefing process for resolving a privilege dispute about a key document, and (2) a proposed partial schedule for the remaining phases of the discovery process. The joint report also addresses the status of the parallel criminal case. The Board appreciates the cooperative efforts the parties have made to resolve many matters amicably.

Accepting the parties' view that it would be timely to hold a prehearing conference after "fact discovery" is completed (around year-end, according to one possible reckoning of the parties' plans), the Board would benefit from a much earlier clarification of certain matters, including -- before passing upon the proposed schedule -- the need for such an extensive time for discovery as the parties envision. To that end, a prehearing teleconference call, expected to last approximately 30-45 minutes, is hereby SET for Thursday, August 17, at 1:00 PM.

During that call, the Board will also advise the parties whether, in light of the Motion to Compel contemplated to be filed on behalf of Mr. Geisen by August 11, it expects to hold oral argument thereon. If so, argument on the motion would likely be set for the afternoon of Wednesday, September 6, following the late-August submittal of the Geisen reply (for which consented-to leave to file is hereby GRANTED) to the NRC Staff's response to the motion.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

By Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 4, 2006

Copies of this Order were sent this date by e-mail transmission to counsel for the parties.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DAVID GEISEN) Docket No. IA-05-052
)
)
(Enforcement Action))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SETTING CONFERENCE CALL, GRANTING LEAVE TO FILE REPLY BRIEF, AND RESERVING DATE FOR ORAL ARGUMENT) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Michael C. Farrar, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
E. Roy Hawken
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Nicholas G. Trikouros
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Bradley W. Jones, Esq.
Sara E. Brock, Esq.
Michael A. Spencer, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard A. Hibey, Esq.
Andrew T. Wise, Esq.
Mathew T. Reinhard, Esq.
Miller & Chevalier Chtd.
655 Fifteenth Street, NW, Suite 900
Washington, DC 20005-5701

[Original Signed by R. L. Giitter]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 4th day of August 2006