

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:

August 16, 2006 (10:14am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

**CONSENT MOTION FOR LEAVE TO EXCEED THE TEN (10) PAGE  
LIMIT IN DAVID GEISEN'S "MOTION TO COMPEL THE PRODUCTION, OR  
ALTERNATIVELY THE *IN CAMERA* INSPECTION, OF AN UNREDACTED  
COPY OF THE OFFICE OF INVESTIGATIONS REPORT DATED AUGUST 22, 2003"**

Pursuant to 10 C.F.R. § 2.323(b) and the Board's Order dated March 27, 2006 (including Section D.1 of the "Standard Practice Manual" attached as an Addendum thereto), David Geisen ("Geisen"), through undersigned counsel, respectfully moves the Board for entry of an order granting Mr. Geisen leave, *nunc pro tunc*, to exceed the ten (10) page limit set forth in Section D.1 of the Standard Practice Manual in the "Motion To Compel The Production, Or Alternatively The *In Camera* Inspection, Of An Unredacted Copy Of The Office Of Investigations Report Dated August 22, 2003" filed by Mr. Geisen in the above-captioned matter on August 11, 2006 ("Motion to Compel"). In support hereof, the undersigned counsel states as follows:

At the time of the filing of the Motion to Compel, the specific undersigned counsel who filed the Motion to Compel was not aware of the page limit requirement set forth in Section D.1 of the Standard Practice Manual and hereby assures the Board that a similar oversight will not

SECY-02

TEMPLATE= SECY-041

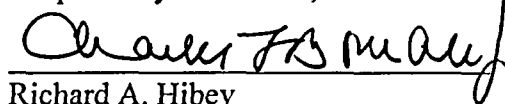
occur in the future. As the Motion to Compel reflects, the factual and legal issues presented in the Motion to Compel are extensive, and the undersigned respectfully submits that those issues could not be adequately addressed in ten pages or less. In filing the Motion to Compel, the undersigned counsel attempted to address those issues as succinctly and directly as possible. The undersigned counsel respectfully submits that good cause existed for exceeding the ten page limit set forth in Section D.1 of the Standard Practice Manual in filing the Motion to Compel.

On August 15, 2006, the undersigned counsel consulted with Sara E. Brock, counsel for NRC Staff, regarding NRC Staff's position on this Motion For Leave To Exceed Page Limits, and Ms. Brock stated that NRC Staff consented to this Motion For Leave To Exceed Page Limits with respect to the "as filed" version of the Motion to Compel dated August 11, 2006 and did not oppose the granting of the requested leave.

WHEREFORE, Mr. Geisen respectfully requests that the Board grant this Motion For Leave To Exceed Page Limits and enter an order granting Mr. Geisen leave, *nunc pro tunc*, to exceed the ten (10) page limit set forth in Section D.1 of the Standard Practice Manual in filing his Motion to Compel dated August 11, 2006. A proposed Order is attached hereto.

Dated: August 16, 2006

Respectfully Submitted,



Richard A. Hibey  
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*Counsel for David Geisen*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16<sup>th</sup> day of August, 2006, a copy of the foregoing Motion to Quash Subpoena was delivered, via electronic mail and first-class mail to the following persons:

Office of the Secretary  
Attn: Rulemaking and Adjudications Staff  
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\_\_\_\_\_  
Charles F. B. McAleef, Jr.

**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	)	Docket No. IA-05-052
	)	
DAVID GEISEN	)	ASLBP No. 06-845-01-EA
	)	
	)	

**[PROPOSED] ORDER GRANTING CONSENT MOTION FOR  
LEAVE TO EXCEED THE TEN (10) PAGE LIMIT IN DAVID GEISEN'S  
"MOTION TO COMPEL THE PRODUCTION, OR ALTERNATIVELY  
THE *IN CAMERA* INSPECTION, OF AN UNREDACTED COPY OF THE  
OFFICE OF INVESTIGATIONS REPORT DATED AUGUST 22, 2003"**

THIS MATTER, having come before the Board on the motion of David Geisen, by counsel, pursuant to 10 C.F.R. § 2.323(b) and the Board's Order dated March 27, 2006 (including Section D.1 of the "Standard Practice Manual" attached as an Addendum thereto), for entry of an order granting Mr. Geisen leave, *nunc pro tunc*, to exceed the ten (10) page limit set forth in Section D.1 of the Standard Practice Manual in the "Motion To Compel The Production, Or Alternatively The *In Camera* Inspection, Of An Unredacted Copy Of The Office Of Investigations Report Dated August 22, 2003" filed by Mr. Geisen in the above-captioned matter on August 11, 2006 ("Motion to Compel"), and

WHEREAS, it appearing to the Board that good causes exists for granting this Motion For Leave To Exceed Page Limit and that counsel for NRC Staff has consented to this Motion For Leave To Exceed Page Limit, it is now therefore

ORDERED that this Motion For Leave To Exceed Page Limit is hereby GRANTED and that Mr. Geisen has leave, *nunc pro tunc*, to exceed the ten-page limit set forth in Section D.1 of the Standard Practice Manual in filing his Motion to Compel dated August 11, 2006.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

By \_\_\_\_\_  
Michael C. Farrar, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

\_\_\_\_\_, 2006