

AUGUST 18, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
STEVEN MOFFITT

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Docket No. IA-05-054

ASLBP No. 05-8457-03-EA

JOINT MOTION TO AMEND DISCOVERY SCHEDULE

INTRODUCTION

The Atomic Safety and Licensing Board's April 18, 2006, Initial Scheduling Order established a schedule for discovery in the above-captioned proceeding. The NRC Staff and Mr. Moffitt jointly move to amend the Initial Scheduling Order as stated below.

BACKGROUND

The Board's Initial Scheduling Order established the following discovery schedule:

1. All parties will make initial disclosures on or before April 26, 2006.
2. All written discovery (interrogatories, requests for admissions, document requests) will be served on or before June 1, 2006.
3. Replies to written discovery will be served on or before June 15, 2006¹.
4. Discovery will be completed on or before September 15, 2006.

In accordance with the Board's Order, the parties made initial disclosures by April 26, 2006 and served written discovery requests on June 1, 2006. The parties responded to written discovery on June 30, 2006.

¹ This date was later altered to June 30, 2006.

DISCUSSION

The parties now jointly move to modify the Initial Discovery Order to allow an additional 28 days for discovery. This modification will move the close of discovery to October 13, 2006. The parties have been making every effort to move discovery along as quickly as possible, but must accommodate the schedules of various different witnesses and counsel. At this point in time the parties have scheduled depositions for every week prior to the current discovery deadline of September 15, 2006. Currently the Staff has five individuals it intends to depose whose depositions have not yet been scheduled. Mr. Moffitt has not yet had the opportunity to schedule any depositions of NRC employees. The parties believe that an additional 28 days will allow sufficient time to complete discovery in this matter.

CONCLUSION

Therefore, the parties request that the Board amend the Initial Discovery Order to reflect that discovery will be completed on or before October 13, 2006.

Respectfully Submitted,

/RA by Sara E. Brock/

Sara E. Brock
Mary C. Baty
Counsel for NRC Staff

/RA by Jane G. Penny/

Jane Gowen Penny
Thomas W. Scott
Counsel for Mr. Moffitt

Dated at Rockville, Maryland
this 18th day of August, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT MOTION TO AMEND DISCOVERY SCHEDULE" 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 18th day of Auguts, 2006.

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