

August 31, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matters of

DALE L. MILLER

STEVEN P. MOFFITT

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Docket No. IA-05-053
ASLBP No. 06-846-02-EA

Docket No. IA-05-054
ASLBP No. 06-847-03-EA

JOINT STATUS REPORT REGARDING DISCUSSIONS ON
SCHEDULING THE DEPOSITION OF DAVID GEISEN

INTRODUCTION

On August 25, 2006 the Board issued an Order in a related proceeding, *David Geisen*, IA-05-052, ASLBP No. 06-845-01-EA, which called for a joint status report to be filed in the above captioned proceedings summarizing the outcome of discussions among counsel toward resolving issues regarding the deposition of David Geisen and Mr. Geisen's pending Motion to Quash Subpoena. Pursuant to the August 25, 2006 Order, the parties submit the following joint status report.

DISCUSSION

The parties have been unable to resolve issues regarding the deposition of David Geisen in the above captioned proceedings. Both the NRC staff and counsel for Mr. Moffitt are willing to move the deposition of David Geisen from September 11, 2006 to some time during the first two weeks of October 2006. NRC staff has indicated that, even if a deposition of Mr. Geisen in the above-captioned proceedings were delayed until the first two weeks of October, NRC staff would still intend to depose Mr. Geisen a second time later in *David Geisen*, IA-05-052, ASLBP No. 06-845-01-EA. Counsel for Mr. Geisen indicated in response that, under

the circumstances, simply rescheduling the deposition of Mr. Geisen in the above-captioned proceedings for the first two weeks of October 2006 would not resolve all of the issues that Mr. Geisen has raised in his pending Motion to Quash Subpoena, including his need for further discovery beyond simply the possible production of an unredacted Office of Investigations Report dated August 22, 2003, which is the subject of a pending Motion to Compel in *David Geisen*, IA-05-052, ASLBP No. 06-845-01-EA. Thus, the parties were unable to reach an agreement regarding the deposition of Mr. Geisen that would render his pending Motion to Quash Subpoena moot.

Respectfully Submitted,

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Dated at Rockville, Maryland
this 31st day of August, 2006

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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