

June 29, 2006

Michael C. Farrar, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

E. Roy Hawkens  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Nicholas G. Trikouros  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matters of  
DALE L MILLER  
Docket No. IA-05-053, ASLBP No. 06-846-02-EA  
STEVEN P. MOFFITT  
Docket No. IA-05-054, ASLBP No. 06-847-03-EA

Dear Administrative Judges:

In responding to discovery requests filed by Messrs. Moffitt and Miller on June 1, 2006, the Staff discovered that Exhibit 140 of the OI Report for Case No. 3-2002-006 dated August 22, 2003, was inadvertently left out of the Staff's production process. In accordance with the 10 C.F.R. § 2.336(d) duty to supplement disclosures, hard copies of Exhibit 140 were sent to counsel to Mr. Moffitt and counsel to Mr. Miller today. Please find attached an update to the Staff's document index and supporting affidavit. In the event that the Staff acquires additional documents, it will supplement its disclosures within two weeks of receipt, as required by 10 C.F.R. § 2.336(d).

Sincerely,

***/RA by Mary C. Baty/***

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

Attachments: As stated

cc: Jane G. Penny  
Thomas W. Scott

June 29, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matters of	)	
	)	
DALE L. MILLER	)	Docket No. IA-05-053
	)	
	)	ASLBP No. 06-846-02-EA
	)	
STEVEN MOFFITT	)	Docket No. IA-05-054
	)	
	)	ASLBP No. 05-8457-03-EA

CERTIFICATION OF THE NRC STAFF'S FIFTH SUPPLEMENTAL  
DISCLOSURES AFFIDAVIT OF ROBERT D. STARKEY

I, Robert D. Starkey, being first duly sworn, do hereby state as follows:

1. I am employed as Senior Enforcement Specialist in the NRC Office of Enforcement (OE). I serve as the Senior Enforcement Specialist for the NRC staff's enforcement actions against employees of FirstEnergy Nuclear Operating Company (FENOC) at the Davis-Besse Nuclear Power Plant.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336(d) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I hereby certify that the foregoing is true and complete to the best of my knowledge, information, and belief.

/RA/

\_\_\_\_\_  
Robert D. Starkey

Subscribed and sworn to before me  
this 29 day of June 2006

Elva Bowden Berry  
Notary Public

My Commission Expires: 12/1/07

**SUPPLEMENTAL MANDATORY DISCLOSURES 5**

<b>Date</b>	<b>Bates - Begin</b>	<b>Bates - End</b>	<b>Full Name</b>	<b>ADAMS Accession Number</b>
08/13/2003			Exhibit 140 Inspection Media Review	