

July 21, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

STEVEN P. MOFFITT

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ASLBP No. 06-846-02-EA

Docket No. IA-05-054

NRC STAFF'S APPLICATION FOR THE ISSUANCE OF A SUBPOENA

INTRODUCTION

Pursuant to 10 C.F.R. § 2.702(a) of the Commission's regulations, the Staff of the Nuclear Regulatory Commission (Staff) requests that the Atomic Safety and Licensing Board (Board), designated in the above-captioned proceeding, issue a subpoena, attached hereto, requiring a certain individual, named below, to attend and give testimony at a deposition.

DISCUSSION

The Staff requests the Board to issue a subpoena for Guy Campbell in order to ensure the Staff's ability to depose this individual on the date specified. Mr. Campbell is the former site vice-president at Davis-Besse. Mr. Campbell's testimony is relevant to the issues raised by this enforcement action. Mr. Campbell was identified as a person with relevant information by Mr. Moffitt in his initial disclosures.

CONCLUSION

For the above stated reasons, the Staff requests the Board to issue the attached subpoena to Mr. Campbell.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sara Brock", is written above the printed names.

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

Dated at Rockville, Maryland
this 21st day of July, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:

Steven P. Moffitt

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

TO: Guy Campbell
c/o John F. McCaffrey, Esq.
McLaughlin & McCaffrey, LLP
1111 Superior Ave #1350
Cleveland, OH 44114

YOU ARE HEREBY COMMANDED to appear to testify at a deposition in the
above-captioned proceeding.

to be conducted at the Law Offices of McLaughlin & McCaffrey
1111 Superior Ave #1350 Cleveland, OH

on the 10th day of August, 2006 at 10:00 a.m.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY: _____
Chairman ASLB

Date

ATTORNEY FOR THE NRC STAFF:

Mary C. Baty/Sara E. Brock

TELEPHONE: (301) 415-1324/(301) 415/8393

10 C.F.R. 2.702(f)

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena is issued, the presiding officer,

or, if he is unavailable, the Commission may:
(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) Condition denial of the motion on just and reasonable terms.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

STEVEN P. MOFFITT

ASLBP No. 06-846-02-EA

Docket No. IA-05-054

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S APPLICATION FOR THE ISSUANCE OF A SUBPOENA" 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 21st day of July, 2006.

Michael C. Farrar * **
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Nicholas G. Trikouros * **
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A handwritten signature in black ink, appearing to read "Sara E. Brock", written over a horizontal line.

Sara E. Brock

Counsel for the NRC Staff