

July 31, 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. 06-847-03-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 Robert Rishel in order to ensure the Staff's ability to depose this individual on the date specified. Mr. Rishel is a former First Energy Nuclear Operating Company employee who worked in the Plant Engineering at Davis-Besse. Mr. Rishel's testimony is relevant to the issues raised by this enforcement action. Mr. Rishel was identified as a person with relevant information by Mr. Moffitt in responses to written discovery questions.

CONCLUSION

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

Respectfully submitted,

/RA by Mary C. Baty/

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

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matters of:

STEVEN P. MOFFITT

Docket No. IA-05-054

ASLBP No. 06-847-03-EA

TO: Robert Rishel
c/o Donald P. Ferraro
Timothy P. Matthews
Morgan Lewis and Bockius, LLP
1111 Pennsylvania Ave, NW
Washington, D.C. 20555

YOU ARE HEREBY COMMANDED to appear to testify at a deposition in the
above captioned proceeding
to be conducted at the United States Nuclear Regulatory Commission
Headquarters, One White Flint Building, location O-14 B8
11555 Rockville Pike, Rockville, Maryland 20852
on the 18th day of August, 2006 at 10:00 AM.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY: _____
Michael Farrar, Chairman ASLB

Date

ATTORNEY FOR THE NRC STAFF:

Sara E. Brock, Mary C. Baty, Michael A. Spencer

TELEPHONE: 301-415-8393/301-415-1324/301-415-4073

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.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
STEVEN P. MOFFITT) ASLBP No. 06-847-03-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 31st day of July, 2006.

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E. Roy Hawkens * **
Administrative Judge
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Office of the Secretary * **
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/RA/

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