

September 1, 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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Docket No. IA-05-054

ASLBP No. 06-847-03-EA

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 Saunders in order to ensure the Staff's ability to depose this individual on the date specified. Mr. Saunders was President of FirstEnergy, and his testimony is relevant to the issues raised by these enforcement actions. Furthermore, Mr. Saunders was identified as a person with relevant information on disputed issues 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. Saunders.

Respectfully submitted,

***/RA by Sara E. Brock/***

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

Dated at Rockville, Maryland  
this 1st day of September, 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: Robert Saunders  
c/o David G. Dickman  
Venable LLP  
575 7th Street, NW  
Washington, D.C.  
20004

YOU ARE HEREBY COMMANDED to appear to testify at a deposition in the  
above captioned proceeding  
to be conducted at Venable LLP, 575 7th Street, NW  
Washington, D.C. 20004  
on the 12th day of September, 2006 at 11:00 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 )

) Docket No: IA-05-054

) ASLBP No. 06-847-03-EA

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 \_\_\_<sup>th</sup> day of 2006.

Michael C. Farrar \* \*\*  
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Office of the Secretary \* \*\*  
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Adjudicatory File \*  
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