

January 24, 2007

Charles F. B. McAleer, Jr., Esq.
Miller & Chevalier
655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701

Chas,

Several matters concerning depositions:

1. On page 17 of "DAVID GEISEN'S ANSWER OPPOSING THE NRC STAFF'S PETITION FOR INTERLOCUTORY REVIEW OF THE BOARD'S DENIAL OF MOTION TO HOLD THE PROCEEDING IN ABEYANCE AND FOR A STAY PENDING REVIEW," filed January 22, 2007, you state that "the Staff has not taken a single deposition, instead *cancelling depositions set for January 22 and 23, 2007* despite the availability of all counsel and the prospective deponent" (emphasis added). Again, on page 7 of "DAVID GEISEN'S MOTION TO VACATE ORDER (GRANTING MOTION FOR HOUSEKEEPING STAY) ENTERED BY SECRETARY OF THE COMMISSION," filed today, you make reference to depositions previously scheduled on the week of January 22, 2007. These references are perplexing because we are at a loss to recall any piece of correspondence or instance of conversation in which we discussed the possibility of depositions on January 22 and 23 with you or your associates, and, thus, I'm not sure to whom you could be referring. It is true, as you cite in your Letter to Michael Spencer, dated January 15, 2007, that Brett Klukan discussed the possibility with you and your associate, Andrew Wise, of taking the depositions of Messrs. Miller and Moffitt on January 18-19. Unfortunately, that possibility was foreclosed in the wake of the decision of the Department of Justice to request a stay of the proceeding. If that is what you meant to reference or not, please let me know either way, so as to clear up this confusion.

2. On January 17, 2007, Brett submitted to you and your associates via email a proposed schedule for the depositions of persons the NRC Staff intends to take. On January 19, 2007, you confirmed via email that the proposed schedule posed no insurmountable difficulties to you or your associates. Accordingly, Counsel for the NRC Staff applied for, and obtained, subpoenas as follows:

January 30:

Steven Moffitt: (8:30am / Rockville, MD)

February 2

David Geisen (8:30 AM / Rockville, MD)

February 8:

John Martin: (8:30am / Rockville, MD)

Mark McLaughlin: (12:30pm / Rockville, MD)

February 9:

Ken Byrd: (8:30am / Rockville, MD)

David Lockwood: (1pm / Rockville, MD)

February 13:

Charles Daft: (8:30am / Rockville, MD)

Randall Rossomme: (1pm / Rockville, MD)

As you know, there are additional persons whom the Staff expressed an intention to depose. We have determined available dates and locations for those persons, but we will refrain from making further arrangements while the current housekeeping stay remains in effect. For your information, however, these dates and locations are as follows:

January 29

Dale Miller: (8:30 AM / Rockville, MD)

February 12:

Prasoon Goyal: (8:30am / Rockville, MD)

February 14:

Peter Mainhardt: (8:30am / Rockville, MD)

February 15:

Guy Campbell: (8:30am / Little Rock, AR)

February 19:

Steve Fyfitch: (1pm / Rockville, MD)

You should be aware that Dale Miller would prefer to be deposed on January 31st rather than January 29th. We are amenable to this change, but are aware from your correspondence of today that you wish to depose Messrs. Starkey and O'Brien on that day. These matters can be discussed if the need arises.

Sincerely,

/RA by Michael A. Spencer/

Michael A. Spencer
Counsel for the NRC Staff