

November 13, 2008

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

DAVID GEISEN

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Docket No. IA-05-052

ASLBP No. 06-845-01-EA

NRC STAFF'S APPLICATION FOR THE ISSUANCE OF A SUBPOENA  
TO PRASOON GOYAL

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 proceedings, issue a subpoena, attached hereto, requiring Prasoon Goyal, to attend and give testimony at the hearing on December 8, 2008.

DISCUSSION

The Staff requests the Board to issue a subpoena for Prasoon Goyal in order to ensure the Staff's ability to obtain this individual's relevant testimony at the hearing. Mr. Goyal's testimony is relevant to the issue raised by this enforcement action. In 2001, Mr. Goyal was a Design Engineer at Davis-Besse Nuclear Power Station. Mr. Goyal was a subordinate of Mr. Geisen and worked on some of the FirstEnergy Nuclear Operating Company's responses to NRC Bulletin 2001-01. Mr. Goyal was personally involved in some of the reactor pressure vessel head inspections at Davis-Besse. Furthermore, Mr. Geisen was the recipient of several documents authored by Mr. Goyal relating to the issue of circumferential cracking of the reactor pressure vessel (RPV) head nozzles and the condition of the Davis-Besse RPV head.

CONCLUSION

In light of the foregoing, the Staff requests the Board to issue the attached subpoena to Mr. Goyal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shahram Ghasemian', written in a cursive style.

Shahram Ghasemian  
Counsel for the NRC Staff

Dated at Rockville, MD  
this 13th day of November, 2008.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matters of:

David Geisen

Docket No. IA-05-052  
ASLBP No. 06-845-01-EA

TO: Prason Goyal  
c/o James C. Howarth, Esq.  
535 Griswold, Suite 1030  
Detroit, MI 48226

YOU ARE HEREBY COMMANDED to appear to testify at a hearing  
to be conducted at the U.S. Nuclear Regulatory Commission  
Headquarters, 11555 Rockville Pike, Rockville, MD 20852  
on the 8th day of December, 20 08 at 9:00 am.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY: \_\_\_\_\_  
Michael C. Farrar, Chairman ASLB

\_\_\_\_\_  
Date

ATTORNEY FOR THE NRC STAFF:  
Shahram Ghasemian

TELEPHONE: (301) 415-3591

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  
  
DAVID GEISEN

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Docket No. IA-05-052  
  
ASLBP No. 06-845-01-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S APPLICATION FOR THE ISSUANCE OF A SUBPOENA TO PRASOON GOYAL" 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 13th day of November, 2008.

Michael C. Farrar \* \*\*  
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A handwritten signature in black ink, appearing to read 'Shahram Ghasemian', written over a horizontal line.

Shahram Ghasemian  
Counsel for the NRC Staff