

RAS C-265

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:
Michael C. Farrar, Chairman
E. Roy Hawken
Nicholas G. Trikouros

In the Matter of

DAVID GEISEN

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Docket No. IA-05-052

ASLBP No. 06-845-01-EA

DAVID GEISEN'S REPLY IN SUPPORT OF HIS APPLICATION FOR AWARD OF
ATTORNEYS' FEES

Introduction

On August 28, 2009, by a vote of two to one – after a five-day hearing on the record where witnesses were examined, evidence was submitted and the opposing sides were represented by counsel – this panel of the Atomic Safety and Licensing Board (“Board”) set aside the January 4, 2006 Enforcement Order issued against David Geisen by the Commission Staff (“Order”).¹ At its issuance, the Order had immediately debarred Mr. Geisen from involvement in NRC-licensed activities for five years and charged that he engaged in “deliberate misconduct” by knowingly making false statements to the Commission in violation of 10 C.F.R. 50.5(a)(2).² In setting aside the Order, the Board found that the Staff failed to “demonstrate by a preponderance of the evidence that Mr. Geisen committed the knowing misrepresentations

¹ LBP-09-24, 70 NRC (Aug. 28, 2009) (slip op. at 145) (“Initial Decision”)

² Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately), IA-05-052 (ADAMS accession number ML053560094), 71 Fed. Reg. 2571 (Jan. 17, 2006) (Jan. 4, 2006).

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alleged in the Enforcement Order's several charges against him."³ The Panel's decision has subsequently been upheld by the Commission after the Staff appealed the Board's decision.⁴

On September 27, 2010, Mr. Geisen filed with the Atomic Safety and Licensing Board ("Board") an application seeking an award of attorneys' fees pursuant to the Equal Access to Justice Act, 5 U.S.C. 504 ("EAJA"), and 10 C.F.R. Part 12, which contains the regulations through which the Commission implements the EAJA ("Application"). The application seeks fees in the amount of \$258,187.50 which represents the 3,442.5 attorney hours remunerated at the regulatory maximum of \$75.00 per hour.⁵ On October 27, 2010, the NRC Staff opposed the Application, asserting, in relevant part, that "the EAJA and Part 12 do not apply to NRC enforcement adjudications," that "Mr. Geisen is not eligible to recover under the EAJA and Part 12 because Mr. Geisen has not demonstrated that he incurred the costs for which he is seeking an award of attorney's fees," and "even if Mr. Geisen is eligible to recover under the EAJA, he cannot recover any fees or expenses because the Staff's position was substantially justified."⁶

Contrary to the Staff's assertions, it is less than clear that the proceeding at issue in this case is not one to which the EAJA and Part 12 apply. There is authority indicating that it might be, and authority indicating that it might not be. There is still other authority indicating that this ambiguity augurs for and against application of the EAJA. In any event, there is enough

³ Initial Decision at 144.

⁴ *In the Matter of David Geisen*, CLI-10-23, 72 NRC __ (Aug. 27, 2010) (slip op.).

⁵ See Exhibit 1 (Itemized fees incurred in defense of the Enforcement Action). See also Exhibit 2, Declaration of Richard A. Hibey.

⁶ NRC Staff's Response in Opposition to David Geisen's Application for Award of Attorney's Fees, IA-05-052 (Oct. 27, 2010) ("Opp.") at 1. The Staff also oppose the Application on the ground that the initial application did not include an itemized documentation of expenses. *Id.* As explained *infra*, to the extent that omission constitutes a defect in the Application, it has been cured. See Exhibit 1.

authority to make the good faith argument that EAJA applies and that is sufficient to preserve the request under the Commission's rulemaking. Likewise, there is authority indicating that the fact that Mr. Geisen's legal fees were paid by his former employer pursuant to an indemnification agreement should not preclude his eligibility to recover fees. Case law indicates that there is nothing in the EAJA precluding awards to individuals who have had their legal fees paid by an insurance company pursuant to an insurance contract, and there is no practical difference between such an individual and an individual, like Mr. Geisen, who had his fee paid pursuant to a contingent agreement with his former employer. In addition, precluding Mr. Geisen from recovering fees in this case would contravene the manifest purpose of the EAJA, particularly in light of the overreach demonstrated by the Staff in its issuance of the Enforcement Order and in its litigation positions in the subsequent proceedings regarding the validity of the Order. Finally, the Staff's overreach in the issuance of the Order and in its litigation positions show that its actions were not substantially justified. Consequently, the Board should award him the fees associated with his defense against the Staff's improper action. Such recovery is required if the purposes of the EAJA are to be adequately served.

Argument

I. THE EAJA AND PART 12 APPLY TO THIS ENFORCEMENT PROCEEDING

In relevant part, the EAJA provides that:

[a]n agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency was substantially justified or that special circumstances make an award unjust.⁷

⁷ 5 U.S.C. § 504(a)(1).

An “adversary adjudication” is defined as “an adjudication *under section 554* [of Title 5 of the U.S. Code] in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license.”⁸ Section 554 “delineates the scope of proceedings governed by the formal adjudication requirements of the Administrative Procedure Act.”⁹ In addition, its provisions “apply to ‘every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing.’”¹⁰ The Supreme Court has held that “the most natural reading of the EAJA’s applicability to adjudications ‘under section 554’ is that those proceedings must be ‘subject to’ or ‘governed by’ § 554.”¹¹ While the presence or absence of the “‘magic words’” constituting an express requirement that the hearing be “‘subject to section 554’ or that the hearing be ‘on the record’”¹² is not dispositive to the determination of whether a proceeding is under section 554, the statute should “indicate[] that Congress intended to *require* full agency adherence to all section 554 procedural components.”¹³

Another element to the determination of whether section 554 protections are required at a hearing is whether the hearing “has as its primary purpose the determination of ‘adjudicative

⁸ 5 U.S.C. § 504(b)(1)(C)(i) (emphasis added).

⁹ *Ardestani v. INS*, 502 U.S. 129, 133 (1991) (citing 5 U.S.C. § § 556 and 557).

¹⁰ *Id.* citing 5 U.S.C. § 554(a).

¹¹ *Id.* at 135.

¹² *Friends of the Earth v. Reilly*, 966 F.2d 690, 693 (D.C. Cir. 1992).

¹³ *St. Louis Fuel & Supply Co., Inc. v. FERC*, 890 F.2d 446, 448-49 (D.C. Cir. 1989) (emphasis in original). The Seventh Circuit has determined that for a proceeding to be under section 554, “(1) there must be an adjudication, [*i.e.*] an agency process for the formulation of an order, that is required by statute; (2) it must be on the record; and (3) there must be an opportunity for an agency hearing. *Five Points Rd. J. Venture, v. Johanns*, 542 F.3d 1121, 1125 (7th Cir. 2008) (citing 5 U.S.C. §§ 551(7), 554; *Aageson Grain & Cattle v. USDA*, 500 F.3d 1038, 1043 (9th Cir. 2007).

facts,' *i.e.*, those facts which 'usually answer the questions of who did what, where, when, how, why, with what motive or intent . . . [and] are roughly the kind of facts that go to a jury in a jury case.'"¹⁴ "A section 554 hearing is, in short, like a trial proceeding."¹⁵

As the Staff recognizes, the statutory authority for enforcement actions charging unlicensed persons, such as Mr. Geisen, with deliberate misconduct is Section 161(i)(3) of the Atomic Energy Act of 1954 ("AEA").¹⁶ In relevant part, Section 161(i)(3) of the AEA authorizes the Commission to "prescribe such regulations or order as it may deem necessary . . . to govern any activity authorized pursuant to this [chapter] . . . in order to protect health and to minimize danger to life or property."¹⁷ In making the final rules governing procedures for the issuance of orders against unlicensed persons for deliberate misconduct, the Commission asserted that its authority under Section 161 of the AEA is "extremely broad," but noted there are "few court cases which deal with the scope of the general authority Congress has granted the Commission."

The Commission has determined it has "uniquely broad and flexible authority" to regulate conduct within the Commission's subject matter jurisdiction.¹⁸ This construction of the statute does nothing, however, to determine the degree to which any hearings conducted in response to orders issued pursuant to this authority are to be under 5 U.S.C. § 554. Indeed, the

¹⁴ *Friends of the Earth*, 966 F.2d at 693 (citing 2 Kenneth Culp Davis, *Administrative Law Treatise* § 12.3, at 413 (2d ed. 1979)).

¹⁵ *Id.*

¹⁶ Opp. at 4-5 n.13.

¹⁷ 42 U.S.C. § 2201(i)(3).

¹⁸ See 56 Fed. Reg. 40664 (Aug. 15, 1991).

statute itself is silent with regard to hearings or hearing rights. The Staff has noted this silence and has made the unsupported logical leap that “an individual’s right to a hearing in an enforcement proceeding must originate in section 189(a) of the AEA.”¹⁹ Having made this initial leap, the Staff then leaps to the conclusion that a denial of an EAJA request for fees on the ground that Section 189(a) does not require hearings in materials license suspension proceedings to be on the record pursuant to 5 U.S.C. § 554 should be relied on as precedent regarding the proceedings at issue here.²⁰

There is nothing to suggest, however, that Section 189 of the AEA is relevant statutory authority when the hearing at issue relates to an Enforcement Order issued against an unlicensed person based on allegations of deliberate misconduct. By its terms, Section 189 of the AEA controls

any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 186(c), or 188.²¹

Thus Section 189 clearly applies to a hearing regarding the suspension of a materials license, but there is no indication that it applies to the hearing at issue in this case. Indeed, though the Rule amending 10 C.F.R. § 2.202 to allow the issuance of the Order in this case indicates that Section

¹⁹ Opp. at 5 n.13. Whether or not that may be true for other types of proceedings is irrelevant. What is relevant here is whether Section 189 is the source of Mr. Geisen’s right to a hearing in this case.

²⁰ Opp. at 4 n.13 (citing *Advanced Medical Systems, Inc.* (One Factory Row Geneva, OH 44041), ALAB-929, 31 NRC 271, 282 (1990)).

²¹ 42 U.S.C. 2239(a)(1)(a) (2009).

161(i) is part of the statutory authority for the regulation, it does not at all mention Section 189.²² Even if Section 189 does apply to the proceeding in this case, there is no evidence that the ALAB considered whether the hearing rights under Section 189 would mandate an on-the-record hearing in a debarment proceeding involving the “immediately-effective deprivation of the legally-acknowledged right to pursue one’s livelihood” at issue here.²³ Indeed, to the extent it can at all be read to address the fact situation present in this case, *Advanced Medical Systems* could be fairly read to suggest that the legislative history of the AEA supports the conclusion that “where the AEC’s [the predecessor agency to the NRC] staff is cast in an accusatory role, the precautions prescribed by the Administrative Procedure Act should be carefully observed.”²⁴ Even if one rejects this reading of *Advanced Medical Systems*, it is quite clear that the only holding from *Advanced Medical Systems* that definitely applies in this case – assuming that Section 189 applies here at all – is the ALAB’s determination that the statute is “ambiguous as to the sort of hearing that is required.”²⁵

²² 56 Fed. Reg. 40664 (Aug. 15, 1991) (listing the statutory authority for 10 C.F.R. Part 2, Sections 2.200-2.206). *See also* Authority Note Applicable to 10 C.F.R. § 2.202. The final rule does mention hearing rights under Section 189, but it appears to mention Section 189 as a contrast to the assertion that “neither the 1954 Act nor the Administrative Procedure Act requires a hearing in connection with a document which requires only the submission of information.” *Id.* The final rule does indicate that it “does not eliminate any hearing rights afforded under the statutory provisions of the 1954 Act . . . [but] rather, it continues those rights. *Id.* (citing 10 C.F.R. § 2.202 (a)(3)). But the language does not specifically indicate that hearing rights necessarily rested in Section 189 of the AEA.

²³ Initial Decision at 123.

²⁴ *Advanced Medical Systems*, 31 NRC at ____ (citing 1 Staff of Joint Committee on Atomic Energy, 87th Cong., 1st Sess., Improving the AEC Regulatory Process 72 (Joint Comm. Print 1961). *See also id.* (citing S. Rep. No. 1677, 87th Cong. 2d Sess., reprinted in 1962 U.S. Code Cong. & Admin. News 2207, 2213 (“Without question, more formal procedures are required in contested cases, especially those involving compliance”)).

²⁵ 31 NRC at ____.

Other sources of authority are similarly vague or contradictory as to whether an on-the-record hearing is required in hearings such as the one in this case. It is true, as the Staff points out, that the rulemaking applicable to the enhanced use of informal proceedings indicates ““that formal, on-the-record hearings are not required by the AEA, except for the initial licensing of the construction and operation of a uranium enrichment facility under Section 193 of the AEA.””²⁶ That same rulemaking recognizes, however, that throughout the 1950’s and 1960’s, the “AEC took the official position that on-the-record hearings were not merely permissible under the AEA but required.”²⁷ The Commission in part justifies its about-face on this issue by pointing out that “no court has rendered a definitive holding on the application of the APA’s ‘on-the-record’ hearing requirements to AEA proceedings. Indeed, while some court decisions reflected the agency’s early assumption that ‘on-the-record’ hearings were required, other decisions did not.”²⁸

Adding even more ambiguity to the issue, the Commission has recognized that Section 191 of the AEA, which authorizes the creation of Atomic Safety Licensing Boards, “could be read (and by some, is read) to imply that, by 1962, Congress viewed the Atomic Energy Act as requiring on-the-record adjudication.”²⁹ Section 191 of the AEA authorizes the creation of Atomic Safety and Licensing Boards “to conduct such hearings as the Commission may direct

²⁶ Opp. at 4 n.9 (citing Changes to Adjudicating Process, 69 Fed. Reg. 2182, 2192 (Jan. 14, 2004)).

²⁷ 69 Fed. Reg. at 2183.

²⁸ *Id.* at 2184 (comparing *Union of Concerned Scientists v. NRC*, 735 F.2d 1437, 1444 n.12 (DC Cir. 1984), cert. denied, 469 U.S. 1132 (1984) (“there is much to suggest that the Administrative Procedure Act’s (APA) on-the-record’ procedures . . . apply [to section 189]”) with *Union of Concerned Scientists v. NRC*, 920 F.2d 50, 53 n.3 (DC Cir. 1990) (“it is an open question whether Section 189(a)-which mandates only that a hearing ‘be held and does not provide that such hearing be held on-the-record’-nonetheless requires the NRC to employ in a licensing hearing procedures designated by the [APA] for formal adjudications”).

²⁹ 69 Fed. Reg. at 2183-84.

and make such intermediate or final decisions as the Commission may authorize . . . under the provisions of this Act, any other provision of law, or any regulation of the Commission issued thereunder.”³⁰ The statute grants the authorization “[n]otwithstanding the provisions of [sections] 7(a) and 8(a) of the Administrative Procedure Act.”³¹ Sections 7(a) and 8(a) of the APA are codified as 5 U.S.C. §§ 556 and 557. Section 556 “applies, according to the provisions thereof, to hearings required by section 553 or 554 [of Title 5],” and Section 557 “applies, according to the provisions thereof, when a hearing is required to be conducted in accordance with section 556 [of Title 5].”³² Thus the “notwithstanding” clause of Section 191 can be read to indicate Congressional intent that hearings before the ASLB be conducted pursuant to 5 U.S.C. § 554, otherwise there would be no need to include it in the statute. Such a conclusion is supported by Section 191’s mandate that one member of the each Board panel “shall be qualified in the conduct of administrative proceedings.”³³ The Commission takes the opposite point of view, asserting that in the statute’s legislative history, Congress “took the position that the Commission had latitude under the existing language of Section 189.a. to use informal hearing procedures,” and that “the most plausible explanation for the ‘notwithstanding’ clause[] . . . is that [it was] intended . . . to counter and eliminate potential legal objections to the use of informal hearing procedures that may be raised by the Commission.”³⁴

³⁰ 42 U.S.C. § 2241(a).

³¹ *Id.*

³² 5 U.S.C. §§ 556 and 557.

³³ 42 U.S.C. § 2241(a).

³⁴ 69 Fed. Reg. at 2184.

The Commission's rulemaking implementing the EAJA is similarly ambiguous. On the one hand, the Commission asserts that "it is not unreasonable to conclude that no NRC proceeding other than an appeal to a board of contract appeals under the Contract Disputes Act or a Program Fraud Civil Remedies Act hearing is covered by the EAJA."³⁵ On the other hand, in the same rulemaking, the Commission remarks that it "does not wish to frame its EAJA regulations in such a way as to preclude potential applicants for attorney fee awards from raising the issue of EAJA coverage, if they can make a good faith argument that the proceeding in which they have been involved falls under the EAJA."³⁶

In short, there is no authority in the statutes, case law or regulations that is dispositive on the issue of whether Congress intended an enforcement proceeding of the type conducted in this case to be conducted under 5 U.S.C. 554. This is particularly true with respect to the hearing at issue here, as the relevant statutory, regulatory and common law authorities appear to be silent regarding enforcement proceedings alleging the deliberate misconduct the Staff improperly attributed to Mr. Geisen. Notwithstanding the lack of clear authority on the issue, there are several reasons why the procedural protections of the Administrative Procedure Act should apply to the hearing at which Mr. Geisen prevailed. First, it is undisputed that the Commission has retained the use of "formal, on-the-record hearings" for enforcement proceedings³⁷ and that Mr. Geisen's hearing was an on-the-record hearing that was very much like a trial proceeding.

³⁵ 59 Fed. Reg. 23119, 23120 (May 5, 1994).

³⁶ *Id.* The Staff makes short shrift of this language in its Opposition simply by asserting that "Mr. Geisen, however, has failed to make any argument at all regarding why he believes his enforcement proceeding falls under the EAJA." See Opp. at 4. To the extent this alleged oversight may be interpreted as a failure on Mr. Geisen's part, it is cured by the discussion *infra*.

³⁷ *Id.* 4 n. 9.

Nevertheless, the Staff argues that this is not sufficient to show that the hearing was an adversary adjudication under the EAJA.³⁸

In support of this conclusion, the Staff relies on the District of Columbia Circuit's decision in *Friends of the Earth*, contending that the fact that a "proceeding may be the functional equivalent of a section 554 hearing" is irrelevant to the EAJA analysis unless it can be demonstrated that Congress "compelled" the use Section 554 protections.³⁹ In addition, the Staff maintains that "because the EAJA operates as a waiver of sovereign immunity, its language must be strictly construed."⁴⁰ Consequently, "attorney's fees 'may not be awarded in adversary adjudications that Congress did not subject to that section.'"⁴¹ The Staff also asserts that its position is supported by the Supreme Court's decision in *Ardestani*.⁴²

The dicta from *Friends of the Earth* on which the Staff relies was written after the court determined that Congress "did not intend that the withdrawal hearing [at issue in that case] be 'subject to' or 'governed by' section 554."⁴³ The court did not base its decision on the presence or absence of certain "magic words," rather, it found that "the nature of the issues to be resolved in the withdrawal proceeding [to be] determinative."⁴⁴ Regarding the withdrawal

³⁸ Opp. at 6.

³⁹ *Id.* citing *Friends of the Earth*, 966 F.2d at 695.

⁴⁰ *Id.*

⁴¹ *Id.* citing *Advanced Medical Systems*, ALAB-929, 31 N.R.C. at 291, quoting *St. Louis Feul and Supply Co.*, 890 F.2d at 451. (internal citations omitted).

⁴² *Id.* citing *Ardestani*, 502 U.S. at 137 (indicating that waivers of sovereign immunity "must be strictly construed in favor of the United States)."

⁴³ 966 F.2d at 694.

⁴⁴ *Id.* at 693.

proceeding, the court determined that the factual issues that would arise in withdrawal proceedings “[could] be classified as involving ‘legislative facts’ – those general facts which help the tribunal decide questions of law and policy.”⁴⁵ It is because the court found that “[a] section 554 hearing is rarely necessary to determine such facts,” that it determined that the withdrawal proceeding was not subject to section 554.⁴⁶ In contrast, it is undisputed that the enforcement proceeding at issue here had as its primary purpose the determination of Mr. Geisen’s intent.⁴⁷ Facts related to the determination of intent are classified as “‘adjudicative facts,’” and Section 554 hearings are often required where such facts are at issue.⁴⁸ As a result, despite dicta to the contrary, it is more than reasonable to suggest that under *Friends of the Earth* the hearing at issue in this case was indeed a Section 554 hearing.

The sovereign immunity issues raised in *Advanced Medical Systems* and *Ardestani* are not a barrier to a determination by the Board that Mr. Geisen’s enforcement proceeding was subject to Section 554. As the Seventh Circuit has indicated, the Staff’s position – reliant as it is on the canon of statutory construction that waivers of sovereign immunity must be strictly construed in favor of the sovereign – might be overly dependent on this tenet given the contravening canon of statutory construction that “once Congress has waived sovereign immunity over certain subject matter, a court should be careful not to assume the authority to

⁴⁵ *Id.* at 694. (internal citations omitted).

⁴⁶ *Id.*

⁴⁷ *See Opp.* at 16.

⁴⁸ *Friends of the Earth*, 966 F.2d at 693.

narrow the waiver that Congress intended.”⁴⁹ Given that Congress already waived sovereign immunity with respect to the EAJA, it is reasonable to conclude, without doing violence to *Ardestani*, that if an argument can be made that a proceeding is required by statute to be determined on the record after opportunity for an agency hearing, the EAJA applies to that proceeding even without an unambiguous statement from Congress, as long as there is not an unambiguous statement from Congress to the contrary.⁵⁰

This line of reasoning appears on its face to run headlong into the Seventh Circuit’s decision in *City of West Chicago v. NRC*, which held that “there is no evidence that Congress intended to require formal hearings for all Section 189(a) activities.”⁵¹ *West Chicago*, however, only held that hearings under Section 189(a) were not *always* required to be on the record. The decision did not determine whether a hearing like the one at issue in this case would be subject to Section 554 such that the EAJA would apply. However, it did indicate that “if a formal adjudicatory hearing is mandated by the due process clause, the absence of the ‘on the record’ requirement will not preclude application of the APA.”⁵² As the Board is well aware, the Enforcement Order at issue here immediately deprived Mr. Geisen of his legally-protected right to earn a living, and such a deprivation certainly raises due process and fairness concerns such

⁴⁹ *Five Points*, 542 F.3d at 1124 n.3 (internal citations omitted). See also *United States v. Kubrick*, 444 U.S. 111, 118 (1979).

⁵⁰ *Five Points*, 542 F.3d at 1127.

⁵¹ *City of West Chicago v. N.R.C.*, 701 F.2d 632, 645 (7th Cir. 1983).

⁵² *Id.* at 644 n.11 (citing *Wong Yang Sung v. McGrath*, 339 U.S. 33, (1950)). *Wong Yang Sung* was overruled when Congress specifically decided that the Immigration and Naturalization Act provisions superseded the hearing provisions of the APA with respect to deportation proceedings. *Marcello v. Bonds*, 349 U.S. 302, 310 (1955). This changes the *Wong Yang Sung* analysis only slightly; assuming there is no specific Congressional pronouncement to the contrary, the APA will apply to any proceeding required to be on the record by the due process clause. As demonstrated above, there is no express Congressional pronouncement limiting application of the APA to the proceeding in this case.

that a fair hearing before an impartial tribunal meeting “currently prevailing standards of impartiality” is required to prevent the proceeding from being brought into constitutional jeopardy.⁵³ Consequently, it is reasonable for the Board to conclude that the enforcement proceeding in this case was subject to Section 554 such that the EAJA would apply. For its part, the Staff contends that such a conclusion is foreclosed by *Advanced Medical Systems*, on the ground that the ALAB determined that there is “nothing in the legislative history of the EAJA or the pertinent case law to suggest a congressional intent to extend the EAJA to cases in which due process rather than a statute, requires an APA section 554 hearing.”⁵⁴

First, the ALAB’s decision that it “need not examine here the circumstances in which, although not required directly by statute, a formal, on-the-record hearing might nonetheless be mandated by due process considerations” is based on the misuse of the canons of statutory construction related to sovereign immunity discussed above and is, therefore, hardly dispositive.⁵⁵ Second, it seems strange to allow an overly formalistic reading of the EAJA to defeat an individual’s claim for fees in defense against government overreach when “deter[ring] the unreasonable exercise of Government authority” is one of the manifest purposes of the

⁵³ *Wong Yang Sung*, 339 U.S. at 50. The due process considerations in cases where deliberate misconduct has been alleged because of the high probability that facts and circumstances relevant to the issuance of an Enforcement Order may also give rise to the filing of criminal charges. See Revisions to Procedures to Issue Orders; Deliberate Misconduct by Unlicensed Persons, 56 Fed. Reg. 40664 (Aug. 15, 1991) (“the range of actions that would subject an individual to action by the Commission does not differ significantly from the range of actions that might subject the individual to criminal prosecution.”). Indeed, the NRC and the DOJ have crafted a Memorandum of Understanding on the issue. *Id.* It is the interpretation of this Memorandum of Understanding that contributed to the Staff’s procedural maneuvers that denied Mr. Geisen the expedited hearing to which he was entitled, and unnecessarily prolonged his ultimate exoneration in the administrative proceeding. See Part III *infra*.

⁵⁴ Opp. at 6 (citing *Advanced Medical Systems*, ALAB-929, 31 NRC at 291 n.14).

⁵⁵ 31 N.R.C. at 291 n.14 (“the waiver of sovereign immunity contained in the EAJA is confined to situations in which there is a statutory requirement for such a hearing”).

EAJA. This is true, particularly when the circumstances of the case indicate that, *inter alia*, constitutional considerations mandated the on-the-record hearing that was held.⁵⁶

In summary then, the statutory, regulatory and common law precedents relevant to the application of the EAJA in this case are inconclusive, and allow for the application of the EAJA in this case if a good faith argument can be made that it should apply. In this case, the proceeding at issue should be considered a Section 554 hearing for the purposes of the EAJA because the Commission's regulations require that APA procedural protections apply in hearings such as the one conducted in this case, the hearing in this case was, in fact, conducted according to these procedures; the nature of the issues that were decided in the hearing is of the sort that Congress intended to be examined in a Section 554 hearing, due process considerations mandated the provision of the procedural protections that applied to Mr. Geisen's hearing, sovereign immunity concerns are not a bar to a determination that the EAJA applies, and finally, a determination that the EAJA should apply serves the manifest purpose of the statute. Therefore, the Board should determine that the EAJA applies to the hearing at issue here.

II. MR. GEISEN HAS INCURRED FEES FOR PURPOSES OF THE EAJA

Under the EAJA, "a prevailing party" in an "an adversary adjudication" can be awarded "fees and other expenses *incurred by that party* in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency was substantially justified or that special circumstances make an award unjust."⁵⁷ Based on this statutory language and the fact that the fees for the work performed by the undersigned and their firm were paid by Mr.

⁵⁶ See *Ardestani*, 502 U.S. at 138.

⁵⁷ 5 U.S.C. § 504(a)(1) (emphasis added).

Geisen's former employer, FirstEnergy Nuclear Operating Company ("FENOC") pursuant to an indemnification agreement, the Staff contends that Mr. Geisen is ineligible to recover fees because he was not the individual responsible for those fees.⁵⁸ The Staff asserts that its position is supported by "clear" authority indicating that otherwise eligible individuals who have their fees paid by an employer or an otherwise solvent third party have not incurred fees under the EAJA.⁵⁹

Though the Staff has accurately presented the cases it cites, it fails to account for cases in other Courts of Appeal holding that individuals who have had their attorney fees paid by otherwise ineligible third parties are nonetheless entitled to recovery of fees under the EAJA. For example, the Seventh Circuit and the Federal Circuit have both found that awards under the EAJA can be made to individuals whose attorney fees were paid by their insurance companies.⁶⁰

⁵⁸ Opp. at 7-8. The Staff also contends that Mr. Geisen is ineligible to recover fees because his initial application did not include the itemized statement supporting his request for fees contemplated by 10 C.F.R. § 12.203. *Id.* at 9-10. To the extent the lack of an itemized statement was a deficiency in the initial application, it has been cured by its inclusion as an exhibit to this filing. *See* Exhibit 1. Given that the Board will make its decision on the entire record of this matter, including this Reply and its exhibits, it is difficult to see how the Staff was prejudiced by the inclusion here of the itemized statement. In any event, Mr. Geisen is willing to consent to Staff's request, *see* Opp. at 11 n.41, to have an opportunity to address the "reasonableness" of the documentation provided along with this Reply only if the response is strictly limited to the reasonableness of the requested fees, the opportunity to respond is not taken as an opportunity to file a *de facto* surreply, and Mr. Geisen is given the opportunity to defend against challenges to the inclusion of any particular fee or set of fees.

⁵⁹ *Id.* at 7 n.24 citing *U.S. v. Paisley*, 957 F.2d 1161, 1164 (4th Cir. 1992), *cert denied*, 506 U.S. 822 (1992); *SEC v. Comserv Corp.*, 908 F.2d 1407, 1416 (8th Cir. 1990)).

⁶⁰ *See United States v. Thouvenot, Wade & Moerschen, Inc.*, 596 F.3d 378, 383 (7th Cir. 2010) (Posner, J.) ("an award of attorneys' fees under the Equal Access to Justice Act can include fees incurred by the party's liability insurer."); *Ed A. Wilson, Inc. v. General Services Administration*, 126 F.3d 1406, 1410 (Fed. Cir. 1997) ("whether the linchpin to an award of attorney fees is the actual payment of attorney fees, the existence of an attorney-client relationship, or the incurrence of fees on behalf of an applicant, [the insured applicant] meets the standard [for eligibility under the EAJA]."). In addition, the Eleventh Circuit and the Eighth Circuit (the same Circuit Court of Appeals that decided *Comserv*), have held that individuals whose fees were paid by not for profit legal services companies or who were represented by attorneys working *pro bono* were eligible to recover fees under the EAJA. *See Watford v. Heckler*, 765

(footnote continued on next page)

In determining that an applicant whose legal fees were paid by insurance is nonetheless eligible to recover fees under the EAJA, the Seventh Circuit analogizes the insured to a person who pays his legal fees with funds borrowed from an otherwise ineligible wealthy relative on the condition that he will pay to the relative any fees recovered after success on the merits.⁶¹ The borrower would still be eligible to recover fees, even though he would have the option to keep any recovery.⁶² According to the Seventh Circuit, there is “[n]othing in the Equal Access to Justice Act suggest[ing] a purpose to prevent such a contractual arrangement, or, more broadly, to discourage the purchase of liability insurance.”⁶³ Put another way, the Seventh Circuit found that the insurance premiums could be seen as the fee paid by the insured to the insurance company for the potential payment of legal fees by the insurance company.⁶⁴ Even though “[t]he defense costs that the insurance company will end up paying are probabilistic rather than certain . . . in an actuarial sense the cost of the defense, to the extent borne by the insurance

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F.2d 1562, 1567 n.6 (11th Cir. 1985) (“[I]t is well-settled that, in light of the act’s legislative history and for reasons of public policy, plaintiffs who are represented without charge are not generally precluded from an award of attorneys’ fees under the EAJA.”); *Cornella v. Schweiker*, 728 F.2d 978, 987 (8th Cir. 1984) (persons represented by pro bono counsel not barred from recovery under the EAJA). The Eighth Circuit describes its holding in *Cornella* as an “exception” to its holding in *Comserv*. See 908 F.2d at 1415.

⁶¹ 596 F.3d 383.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.* See also *Wilson, Inc.*, 126 F.3d at 1410-11.

company, is a cost that the insured paid for.”⁶⁵ Although it engaged in the analysis set forth above, the court noted that it “[could not] see what difference it makes who the indemnitor is.”⁶⁶

The Federal Circuit first noted that “[n]either EAJA nor the legislative history provides a definition of the word ‘incur.’”⁶⁷ It then pointed out that “[g]enerally, ‘awards of attorneys’ fees where otherwise authorized are not obviated by the fact that individual plaintiffs are not obligated to compensate their counsel. The presence of an attorney-client relationship suffices to entitle prevailing litigants to receive fee awards.”⁶⁸ The court then noted that courts generally did not disqualify applicants from receiving fee awards under the EAJA or other fee-shifting statutes when they were represented by counsel appearing *pro bono*.⁶⁹ The court also found instructive the fact that it granted fee awards to individuals represented by counsel paid for by their unions.⁷⁰ After considering the cases in which fees were awarded to individuals who were not ultimately responsible for payment of their fees, the Federal Circuit determined that there was no “material distinction” between the union cases and the cases in which an individual’s fees were paid through insurance as in both cases the individual exchanges payment for future protection.⁷¹ In addition, the court found that the purposes of the EAJA would be best served by

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ 126 F.3d at 1408 (citing *Comserv*, 908 F.2d at 1413).

⁶⁸ *Id.* at 1409 (citing *Rodriguez v. Taylor*, 569 F.2d 1231, 1245 (3d Cir. 1977)).

⁶⁹ *Id.*

⁷⁰ *Id.* (citing *Watford and Cornella*).

⁷¹ *Id.* at 1410.

allowing a fee award.⁷² Denying a fee award would punish a resourceful applicant and undermine the deterrent to unreasonable government action represented by the fee award.⁷³ The court noted in passing that “[i]t is [the applicant’s] exposure to increased premiums and our view that it effectively incurred attorney fees by prepaying them via its premium payments that distinguishes this case from [cases in which the applicant’s fees were paid by his employer].”⁷⁴

Though the Federal Circuit’s comments suggest that the insurance cases can be distinguished from the corporate indemnification cases, the better analysis, with respect to the issues in this case, is that of the Seventh Circuit which determined that an applicant whose fees are paid by a third party should be able to recover regardless of who is the indemnitor. From a practical standpoint, it really does not matter who has actually paid the fee, as long as the applicant was the true party in interest during the proceeding. One of the issues about which the Eighth Circuit was concerned in *Comsery* was the problem of the “‘stand-in’ litigant who seeks fees under EAJA that, if received, would be passed on to an ineligible litigant.”⁷⁵ Specifically, the court was concerned that if fee awards were made available to litigants who were not responsible for paying their fees, an ineligible party would force a qualifying party to initiate litigation though the ultimate beneficiary of the litigation was the ineligible party.⁷⁶

There is no such issue in this case. It is clear that Mr. Geisen’s livelihood was at stake in the proceeding, and the fact that he was not ultimately held responsible for paying his fees did

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* at 1411.

⁷⁵ 908 F.2d at 1416.

⁷⁶ *Id.*

nothing to change that fact. Indeed, he was the one who was prejudiced by the immediate effectiveness of the Order and by the unreasonable delay in the proceedings. That jeopardy was his alone. In addition, it is not completely accurate to suggest that Mr. Geisen was never in danger of being held responsible for his fees. As the Staff is aware, the indemnification agreement under which his fees were paid indicates that it could be terminated if "it is later determined by the Company that [he] engaged in deliberate misconduct."⁷⁷ In fact, this risk was more than theoretical. During the course of the proceedings before the NRC and Mr. Geisen was required to sign various sworn "undertakings" requesting advancement of fees.⁷⁸ In an undertaking dated July 11, 2006, Mr. Geisen requested "advancement of reasonable attorneys' fees and related expenses (collectively "Expenses") . . . for a hearing or other appeal from a U.S. Nuclear Regulatory Commission ("NRC") Orders (sic) issued in connection with the Company's response to NRC Bulletin 20001-01 and precluding me from engaging in NRC licensed activities."⁷⁹ As a part of his agreement for advancement of fees, Mr. Geisen swore under oath that he agreed "to repay this advancement of Expenses if the Company, in its reasonable discretion, determines that I am not entitled to be indemnified."⁸⁰ In summary, Mr. Geisen swore to repay fees and expenses advanced in defense of the charges specified in the Enforcement Order if his indemnification agreement was voided, the indemnification agreement could be voided if FENOC determined that Mr. Geisen was guilty of deliberate misconduct, and Mr. Geisen was specifically charged by the NRC with deliberate misconduct. Had Mr. Geisen failed

⁷⁷ See Opp. Attachment 1, Letter from Lew Myers, FENOC to David C. Geisen (Sept. 24, 2002).

⁷⁸ See Exhibit 3, Sworn undertaking by David C. Geisen Seeking Advancement of Fees (Jul. 11, 2006).

⁷⁹ *Id.*

⁸⁰ *Id.*

to prevail at his hearing, he almost certainly would have been held responsible for some or all of the fees associated with this matter. Denying him a fee award in this case is particularly unjust as it would, in effect, punish him for being victorious, a result in clear conflict with the purposes of the EAJA. In addition, just like the individual whose fees are paid by insurance, a denial of an award of fees on the basis of Mr. Geisen's indemnification agreement would undermine the deterrent purpose of the EAJA. If the government knows in advance that an individual has insurance, it can take unreasonable or extreme positions with impunity. There would be no downside risk with pursuit of such a strategy and, there is always the chance the government would prevail. Such an outcome is bad for litigants and for public policy. Finally, to the extent that the formalistic relationship between insured and insurer matters in this case, it can reasonably be argued that Mr. Geisen is in the same position as the insured in that, instead of money, he exchanged the performance of his duties for the protection of the company if the performance of those duties resulted in his involvement in a proceeding against the government. In short, the case law indicates that individuals can receive fee awards under the EAJA and similar statutes even if they are not ultimately responsible for paying the fees. In this case, the equities favor an award and the Board should determine that Mr. Geisen is indeed eligible to recover under the EAJA.

III. THE ORDER HAD NO REASONABLE BASIS IN LAW AND FACT

There is no fundamental disagreement between the parties respecting the principle of substantial justification as set forth in the Staff's brief on the subject. Although the Staff cautions against conflating the concept of reasonableness with the Licensing Board's antecedent evaluation of the merits, it then attempts to bolster its position by doing precisely that. The analysis herein will not indulge in that conflation.

Mr. Geisen is prepared to accept the Staff's equation of substantial justification with the concept of probable cause as a useful analytic tool for determining the ultimate question regarding justification *vel non* for the case against him. While we do not contest the Staff's formulation of when probable cause exists, Mr. Geisen's position in relying on that concept gives further refinement and meaning to the substantial justification principle. Probable cause exists when a reasonably prudent police officer has reason (not a suspicion) to believe that a crime has been committed and (in a case such as this) a certain person, Mr. Geisen – not FENOC, and not anybody else⁸¹ – is the person who committed the crime. The totality of the circumstances to be considered in ascertaining the existence of probable cause are those facts that existed at the time the debarment order was entered in January 2006. Thus, the adequacy or sufficiency of the evidence up to that time is the proper quantum to be examined here. In this way, no attempt is made to rely on the outcome of the case, that is, on Mr. Geisen's prevailing in it, to inform a conclusion that the evidence supporting the bringing of the charge was insufficient. To be sure, the case law requires that the Staff's litigation position be analyzed as well; and this will be done in a later section of this brief.

The discovery of the hole in the reactor vessel head during the 13th refueling outage at Davis Besse set off a flurry of inquiries and investigations that in turn produced a plethora of reports, the thrusts of which attempted to ascertain the root cause of the event. In the process it also attempted to identify personnel whose conduct contributed to it. Neither the corporate entity nor NRC constituency involved in the facts was spared scrutiny. In the end, a pox was visited on

⁸¹ This has special resonance here. The Debarment Order was a "cookie-cutter," worse than boilerplate. On page 18 thereof, NRC enforcement personnel failed to remove Mr. Goyal's name from it. This cut and paste approach to the debarment order against Mr. Geisen is a harbinger of what is to be found about the flawed investigation and prosecution of this case.

all houses: FENOC was held to blame, as were individual employees of the company; the NRC, and particularly its regional office in Illinois with jurisdiction over Davis Besse, were likewise criticized for their failures.

The one investigation that is seminal to Mr. Geisen's case was conducted by the Office of Investigations. In its August 22, 2003 report, OI stated the purpose of the investigation was "to determine whether FirstEnergy Nuclear Operating Company (FENOC) personnel stationed at the Davis-Besse Nuclear Plant (Davis Besse) willfully violated NRC requirements regarding the Reactor Vessel Head." OI Report at 29. The investigation was initiated on April 22, 2002. Mr. Geisen gave testimony in it on October 29, 2002. It is fair to say that if the investigation was to determine willful violations of NRC requirements, then the investigators at that juncture had decided that crimes might have been committed. Indeed, the misleading conduct they were going to examine would be tested according to the standard of willfulness. This necessarily begs the question of what basis, if any, did they have to believe (not merely suspect) that someone had lied to the NRC? OI's Joseph Ulie, who was a member of that investigative team, testified in Mr. Geisen's criminal trial at Tr. 127: 8-129:2,⁸² that he was not convinced his investigation would likely lead to criminal charges. If that were the case, then the purpose of the investigation as set forth in the OI report is misstated. Would it not have been more accurate, and consistent with Mr. Ulie's testimonial statement, to have described the purpose of the investigation to be to determine what happened and why? In October 2002, some six months into the investigation, Mr. Ulie at the beginning of his interview of Mr. Geisen informed him that "The subject matter of this interview regards a Nuclear Regulatory Commission fact-finding investigation into the

⁸² A copy of the transcript of Mr. Geisen's criminal trial is part of the administrative record..

circumstances surrounding the Davis Besse reactor vessel head degradation problem.” Staff Hearing Ex. 79, Geisen OI Interview 10/29/02, at 3:19-22. Mr. Ulie’s only admonition to Mr. Geisen regarding criminal conduct was to warn him not to lie under pain of prosecution for perjury Tr. 4:4-8. Nothing was said about the criminal nature of the OI investigation.⁸³

Textual Analysis of the Debarment Order

The Order sets out seven examples of Mr. Geisen’s “aware[ness] of the results of previous RPV head inspections.” We are to take from those seven examples that his conduct in connection with FENOC’s responses to NRC Bulletin 2001-01 was infused with his knowledge, thereby rendering his participation in FENOC’s conveyance of inaccurate and misleading information to the NRC an act of willful, deliberate misconduct for which he should be debarred immediately for five years.

We propose to demonstrate in this portion of the brief, not that Mr. Geisen is not guilty of such misconduct (that is a given) but rather the allegations in support of the Staff’s accusation are without any basis in fact or law. Necessarily, this approach, well recognized in the case law, will ask the question what did the OI investigators know before the debarment order and did their investigation develop evidence sufficient to establish probable cause.⁸⁴

⁸³ Mr. Geisen’s OI interview is referenced in the OI Report at 97, 123, 160-61, 184, 192, and 194, wherein the investigators address his testimony regarding, *inter alia*, his understanding of the NRC Bulletin 2001-01 at 97; the language in Serial Letter 2731, which he did not author, *id.* at 123; his concerns about crack propagation rates, *id.* at 160-61; the development of a nozzle inspection table for use in Serial Letter 2735, *id.* at 184; and his review of portions of the 1998 video inspection tapes with Andrew Siemaszko, *id.* at 192.

⁸⁴ The fact NRC’s Enforcement Staff chose to wait until January 2006 to debar Mr. Geisen after OI concluded its investigation in 2003 speaks to the question what probable cause is there to debar him immediately. This is especially so because during that entire period he was a valued nuclear power plant engineer, gainfully employed in his profession. We will address this point if requested to do so. We
(footnote continued on next page)

We address herein only those examples cited in the Debarment Order as these were the bases for the Staff alleging Mr. Geisen had guilty knowledge that his statements and those of his employer were false at the time they were made. We contend the test of probable cause is only as to these alleged examples for indeed, that is what the Staff chose to rely on when Mr. Geisen's livelihood was taken from him. Any suggestions at this late date that there were other examples would be a contrivance, a post-hoc justification that ignores the only rationale embodied in the Enforcement Staff's draconian order.

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defer our argument on it as we hope it will follow as a consequence of our proof that this case was not justified, and that waiting so long to bring it exacerbated the injustice visited upon Mr. Geisen.

Staff Example No. 1⁸⁵ – Closing out condition report (CR) 2000-1037.

“On April 27, 2000, Mr. Geisen signed and closed out Condition Report (CR) 2000-1037 which included the following problem statement associated with the identification of five leaking control rod drives:

“Identified at locations: F10, D10, C11, F8, and G9 . . . There are no boron deposits on the vertical faces of the flange of G9 drive. The bottom of the flange of G9 drive is inaccessible for inspection due to the boron buildup on the reactor head insulation, not allowing full camera insertion. Since the boron is evident only under the flange and not on the vertical surfaces, there is a high probability that G9 is a leaking CRD.”

In this instance, the Staff, in the first of many “gotcha” moments that typify the manner of its prosecution, made no effort to give context to this “closed out” language even though the Staff had the evidence to do so. In Mr. Geisen’s October 29, 2002 OI testimony, Staff Hearing Ex. 79, he offered his explanation for why the CR in question was closed out. That explanation is unrebutted. At page 44, lines 1-9, Mr. Geisen explained that what was needed to be done was to “clean the head . . . prior to changing modes.” He believed the head had been cleaned. OI Geisen Dep. at 57-60. Indeed, the party tasked to clean the head was Andrew Siemaszko who signed a statement of completion stating “work performed without deviations.” It is also the case that an in-house publication, entitled the *Outage Insider*, which reported on events during the 2000 refueling outage, contained a story of the cleaning of the reactor head. See Geisen Hearing Ex. 18. The OI had this evidence in the pre-charging period, during its investigation.

⁸⁵ Each of the seven examples cited is directly quoted from the Debarment Order.

Staff Example 2: An Intra-Company Memorandum -- Staff Hearing Exhibit 31.

“On June 27, 2001, Mr. Geisen approved and signed a intra-company memorandum that indicated that “large boron leaking from a control rod drive mechanism (CRDM) flange was observed during 12RFO inspection” and “This leakage did not permit the detailed inspection of CRDM nozzles.”

The Staff’s citation to Exhibit 31 appears on page 2 of the document. The sentences immediately following the quote above are:

“The flange was repaired and the head was cleaned. The MRP interim safety assessment indicates that there is no significant near-term impact on safety for all operating PWR plants (i.e. like plants that have not inspected the RV head for leakage). This would envelop[e] Davis-Besse also.” (emphasis added.)

In addition, the document contains the following “Recommendation” at the end of page 3:

“No catastrophic failures are anticipated in delaying the head inspection from now to 13RFO. There is no short-term safety issue associated with the CRDM nozzle cracking. Based on simplified susceptibility ranking Davis Besse can operate for an additional 2.5 EFPY (July, 2003) prior to reaching the same susceptibility as Oconee 3. Considering these factors, Mode 5 head inspection may be deferred. However, 13RFO head inspection must be performed as scheduled. Davis Besse must continue to participate in industry NRC/meetings to monitor this developing issue.”

That boric acid was found on the head at 12RFO does not conflict with statements made in FENOC’s submissions. That the “flange was repaired and the head was cleaned” was consistent with Mr. Geisen’s understanding (later proven to be mistaken) of Mr. Siemaszko’s efforts. This document, when presented in its entirety, not only failed to support the Staff’s claim that Mr. Geisen intentionally misled the agency -- it contradicts such a claim.

Staff Example No. 3 -- Expanding Mouse Holes -- Staff Hearing Ex. 36.

“On August 11, 2001, Mr. Geisen received an e-mail that stated, in part: “it was pointed out that we cannot clean our head thru the mouse holes and a system engineer is requesting that three large holes be cut in the Service Structure for viewing [inspection] and cleaning.”

The e-mail reports a meeting that Mr. Geisen did not attend. There is no evidence Mr. Goyal spoke to Mr. Geisen about this e-mail. No sense of urgency was noted in the communication. Mr. Geisen was asked about the August 11, 2001 e-mail. In Geisen OI interview 10/29/02, at 73:22-75-2, he provided this explanation:

“MR. GEISEN: First of all, the 8-11 e-mail that I had gotten, what that was really focusing on was the issue of what do we need to do as far as getting stuff in place for doing visual inspections and that we may have to do a hundred percent volume metric. We are anticipating that being the worse case and getting up to speed.

I was working closely at that time with Mark McLaughlin to come up with a plan of attack, action plan, how are we going to do our inspections, and that’s really what this flow path was designed for. This is how we are going to do our inspection going forward in 13RFO.

So when it says about the mouse holes and requesting three large holes cut and all that to do the viewing and the cleaning, one of the things we had done to address that was to basically copy what Arkansas had proven to be effective at their plant, which is using a Rover. It’s actually called Rover, R-o-v-e-r, and we bought the exact same, identical test equipment that they used. We even had a general agreement between myself and the Steering Committee rep from Arkansas that we would borrow theirs if ours crapped out, and in the future, they could borrow ours if theirs broke, and so we viewed that, hey, this is field tested. We are going to go off and we are going to use this.

So at that point, were we looking to do we need three large holes to be cut and everything? That was really just a desire. It wasn’t a must do. I felt we had a path to repair that.”

No one can point to any untrue statement made by Mr. Geisen in his explanation of his understanding and reaction to the issue of expanding holes in the service structure. Indeed, he references the fact that a Rover, a flexible camera device that can crawl over a vessel head,

appeared to be a satisfactory, less expensive, but equally efficient method for inspecting and facilitating the cleaning of a vessel head.

Staff Example No. 4 -- The Piedmont Report

"Mr. Geisen reviewed a Piedmont Management and Technical Services, Inc., report, dated September 14, 2001, that indicated, in part, that at the completion of 12RFO the RPV head had boric acid deposits of considerable depth left at the center top area of the head."

Mr. Geisen offered the following explanation to the OI when asked about what is known as the Piedmont Report.

"This other Piedmont document, this is the document that I said that I became aware of in the fall that, hey, we had left stuff. Unfortunately, this came out after we had made our initial presentation in the September 4th dated submittal. So the subsequent document that we put out, the October 17th or whatever, we tried to go back in and add in a lot more detail into that that had not been in the previous one, and that's when we started putting -- we had put in there the table that went drive by drive that Andrew Siemaszko had worked to put together.

Once again, like I said earlier, the fact that we had boric acid on top of the head and it had been left there, when I did find that information out, I was already in this mode of these were my as-found for each of these outages and this was my model, and did I have blinders on or was I approaching it somewhat narrow? Probably. Looking back on it, most definitely, but I was really focusing on what was my crack propagation rate and when did I have to start that from."

Did I go back to the exact verbiage of the bulletin that said, if you don't know where it's from, you have to assume this? No, I did not.

SENIOR SPECIAL AGENT ULIE: Did you have any specific discussions with Gregg Gibbs, who was the consultant that put out that September 14th report?

MR. GEISEN: No. I mean, he was working real closely with Mark, and the reason this was being done was because Mark was tasked with coming up with the inspection plan for 13RFO. Like I said, I was letting Mark run with that. He knew the head inside and out."

Staff Hearing Ex. 79, 75:3-76:10.⁸⁶

⁸⁶ In later considering whether the Staff's litigation position was justified, the Board should read Hearing Tr. 1890:5-1892:15 which, in pertinent part, quotes at Mr. Geisen's request under the rule of completeness, the criminal trial testimony of Mr. Gibbs.

Mr. Geisen said he read the report in October and it affected and prompted subsequent communication with NRC (Serial 2735) in an effort to correct information Mr. Gibbs' report revealed. Recall, and it is unrebutted, that Mr. Geisen believed the head had been cleaned in 12 RFO in 2000. More is required than merely choosing what or whom to believe when evidence such as this remains unresolved by investigators. This is one of the more egregious examples of how the failure to investigate can lead to a completely erroneous conclusion. The sole authority for the Staff's fourth example is the Piedmont Report. In the OI Report at 138-39, the Piedmont Report alone is offered. Mr. Gibbs was not interviewed by the investigators. Yet, when one reads the OI Report, it is written in a way to lead a reader to believe the investigators talked to Mr. Gibbs when in truth and in fact they had not. The distortion is all the more perverse because of the light Mr. Gibbs did shed on his dealings with Mr. Geisen respecting the Piedmont Report; in a word, NONE. *See* Hearing Transcript at 1888:16-1892:10. The OI investigators were never talked to by the NRC enforcers before the ultimate hammer of debarment without a hearing was dropped on Mr. Geisen, thus compounding the harm to him.

Staff Example No. 5

“A Senior Staff Nuclear Advisor (former inservice inspector), FENOC, at the request of a system engineer from Davis-Besse plant engineering, reviewed a CD ROM video that the system engineer had made from videos of the reactor vessel head. The purpose of the review was to assist in locating or determining the location of some nozzles. Shortly after completing the review, Mr. Geisen asked the Senior Staff Nuclear Advisor what he thought, from a visual standpoint, of the date he had seen on the video. The Senior Staff Nuclear Advisor replied, in part, that, based on an Electric Power Research Institute (EPRI) head examination document being developed, boron on the Davis-Besse head would preclude an examination of that nature [EPRI] from being performed.”

This example apparently references Mr. Geisen’s request to FENOC’s ISI group to look at videotapes to assess whether any kind of inspection could be done. Geisen was told the task was “[n]ot doable,” Staff Ex. 79, at 159:20; no credit for a VT inspection could be given. Mr. Charles Daft’s interview by OI makes no reference to this request. Indeed, Mr. Geisen’s name does not appear in the transcript of the OI’s September 18, 2002 deposition of Mr. Daft. His testimony is not cited in the text of the OI Report. In short, this issue was never developed on the record with Mr. Daft.

Mr. Shepherd was interviewed on October 24, 2002. His deposition is Exhibit 271 to the OI Report. The Report evaluates Mr. Shepherd’s testimony as not having provided any material information. OI Report at 211, 212.

According to Mr. Shepherd, Mr. Daft and he looked at videotapes supplied by Mr. Siemaszko to identify the location of nozzles on the vessel head. They said no inspection criteria were applied by them. OI Report Ex. 271, Shepherd Dep. Tr. 51:1-12. They had no involvement in selecting the pictures they examined and he had no knowledge of the criteria used to select the pictures. *Id.* at 54:5-16. Mr. Shepherd saw boron that under EPRI criteria to be published in the future (and not then in force) would require “360° coverage.” That would

not permit a full inspection of the entire nozzle. *Id.* at 59:19 - 60:14. He so informed Mr. Geisen and Mr. Moffitt. *Id.* at 60:15-61:7.

Four days after Mr. Shepherd had been deposed, Mr. Geisen testified in his deposition (NRC Hearing Exhibit 79) that ISI had told him if it could not get a “360° view of a nozzle “they would decline to declare that a VT inspection.” Geisen Dep. Tr. 159:6-160:2. At the same time, Mr. Geisen testified he was not aware there was a difference in pictures looked at by ISI and those presented to NRC in response to Bulletin 2001-01. Geisen Dep. Tr. 161:1-6.

This Staff example is undeveloped in this investigation, and it is unclear what use the Staff would seek to make of it. Nowhere in the submissions or in Mr. Geisen’s communications with the NRC did he or others claim that their data was based on a 360° view of a nozzle. Indeed, in Serial Letter 2744, the methodology for taking credit for having inspected a nozzle was disclosed along with photographs showing boron on a nozzle that would clearly preclude such a full interface inspection. Taking the record as cited by the Staff in the Order, this event supports the need for cleaning and nozzle inspection in 13RFO, something always intended to be done. Upon review of the entirety of the communications, this exchange cannot constitute reasonable grounds to conclude that the standard necessary to justify substantially this episode as an example of Mr. Geisen’s guilty knowledge has been met.

Staff Example No. 6 -- Jack Martin (Geisen Hearing Ex. 24) and his notes -- Staff

Ex. 63.

“In March 2002, a consultant from Martin Sigmund Consulting Services, Inc., conducted an assessment of reactor head management issues at Davis-Besse. The consultant provided his assessment to the Davis-Besse Site Vice President via a memorandum dated March 28, 2002. The assessment, in part, consisted of interviews with many of the personnel involved with the reactor head corrosion issues. Mr. Geisen was interviewed for this assessment on March 27, 2002, and stated, in part, that some boric acid was left on the head in 2000 and that the condition report was not very thoroughly evaluated. Mr. Geisen also stated that he became aware that the reactor vessel head had not been cleaned completely when reviewing the videos of the inspections in preparation for interacting with the NRC in August, 2001.”

It is important to reiterate that in this section of the brief Mr. Geisen is relying on the state of the record before the debarment order was imposed. In doing so, Mr. Geisen's contention is that Mr. Martin's interview of Mr. Geisen in March 2002 provided no basis upon which it could be concluded that a reasonable basis existed for establishing proof of Mr. Geisen's knowledge regarding the condition of the reactor vessel head through review of videos of inspections.

We can infer from two exhibits identified hereinabove that on March 27, 2007, Jack Martin interviewed Mr. Geisen; made some notes of the interview that were barely legible; gave them to a secretary who was not his own, who typed those notes; the original notes no longer existed; Mr. Geisen was never given the opportunity to review or sign off on the typewritten notes; and his testimony was taken by OI on October 15, 2002, two weeks before Mr. Geisen was interviewed. Mr. Martin's deposition reveals that OI investigators did not ask him any questions about Mr. Geisen by name, nor did Mr. Martin speak of Mr. Geisen.

Mr. Geisen was interviewed by OI on October 29, 2002. In that interview, Mr. Geisen said he learned in the Fall of 2001 that the vessel head had in fact not been cleaned in 2000

during the 12RFO (OI Geisen Interview Tr. 32:19-33:14; 183:6-19). At no time did the OI investigators attempt to get clarification of that statement using the information obtained during Mr. Martin's interview, the typewritten version of which was in the hands of his interviewers two weeks before. Mr. Geisen testified he viewed "portions" of the tapes; he never said that he reviewed them all. While the OI Report states Mr. Geisen has viewed "portions" of the 1998 head inspection tapes, citing to his OI testimony at OI Geisen Interview Tr. 144:14-19 (see also 145:1-4), the agent's "analysis" at page 194 of the OI Report states:

"Geisen reviewed the videotape of the 1998 head inspection with Siemaszko, and therefore knew that the location and extent of the deposits on the head provided in Serial 2735 for the 1998 inspection were inaccurate. Despite this knowledge, he reviewed and approved the final version of Serial 2735 with the inaccurate information included."

The agent's analysis is flawed, to put it mildly. He ascribed no limitations to what Mr. Geisen viewed. Anyone relying on the OI Report and the "analysis" of one of its agents would have concluded Mr. Geisen saw the whole tape, not just portions of it.

Kenneth O'Brien, NRC's enforcement officer in Region III, whose responsibilities involving the implementation of NRC's enforcement policies, necessarily involved him in the process leading to Mr. Geisen's debarment. Mr. O'Brien never spoke to the authors of the OI Report regarding their findings. O'Brien Hearing Testimony, 2153:22-2154:1. Indeed, Mr. O'Brien further testified that the analysis undertaken by his office as to whether Mr. Geisen knowingly provided inaccurate information was done on the basis of the documentary record and nothing else. *Id.* at 2154:15-23. That documentary record was the OI Report.

The OI Report identified Mr. Martin's testimony as having no value in reaching its conclusions. OI Report at 212, Geisen Exh. 23.

Staff Example No. 7 -- Exhibit 64

“On June 18, 2002, the licensee interviewed Mr. Geisen regarding the Davis-Besse responses to Bulletin 2001-001. When asked whether the reactor vessel head was inspected in accordance with plant procedure, Mr. Geisen stated, in part, that we did the inspection but clearly not with [in accordance with] the procedure. Mr. Geisen further stated that Davis-Besse was taking credit for a general inspection which clearly did not meet the requirements in Bulletin 2001-01.”

Based on our review of the record, the referenced interview conducted by Mr. Rossomme, although marked as Staff Exhibit 64, does not appear to have been the subject of any questioning of Mr. Geisen by OI investigators. Indeed, on page 211 of the OI Report, OI identified Mr. Rossomme as someone interviewed who “did not provide any material information.”

It may be that Mr. Rossomme’s memorandum shed no light on his interview of Mr. Geisen on June 18, 2002. Reading said interview, it appears that Mr. Geisen’s responses were based on material he read and information he otherwise obtained after the head degradation event. The time frame of the knowledge Mr. Rossomme was reporting about is not nailed down. Thus, with such ambiguity, we are left to speculate whether what Mr. Geisen had to say was a conclusion he reached after the corrosion event or whether he was offering observations of various failings he witnessed as and when they occurred. In either case, it cannot be counted sufficient evidence in justification of the charges and punishment levied against Mr. Geisen.

IV. THE STAFF'S LITIGATION POSITION WAS UNJUSTIFIED

Since the Staff's charging Mr. Geisen was unjustified according to the standard established by case law interpreting and applying the Equal Access to Justice Act (EAJA), its (post-charge) litigation position derives no justification from its pre-charge position. The case law counsels that no reliance should be placed on the outcome of a trial or hearing to support a claim for fees under EAJA. Nonetheless, the baseless premises for bringing the charge at all should not be ignored. They injected what followed in this litigation.

The Stipulation in the case, NRC Staff Exhibit 77, is cited as a premise for justifying the Staff's litigation position. Opp. at 15. The Stipulation streamlines issues but it does nothing else to support the Staff's litigation position. It is axiomatic that allegations, no matter how damning, are not proof. The fact a statement of charges can be composed adds nothing to the merit of the case; it only starts it. This proposition is easily demonstrated here by posing these questions about the Stipulation: does it state probable cause? Could it by itself be the basis for an arrest of Mr. Geisen? On the face of the document, created after the charge was brought, by the way, the answer must be no. Otherwise, this Board would have entered summary judgment against Mr. Geisen on the stipulated evidence.

Allegations and proof must coincide. Here the proof did not support the allegations. We know the proof could never have fit the allegations because of what is known of the flaws in the investigation. These flaws tainted the case against Mr. Geisen. One need only refer to the Staff's Debarment Order "examples" of Mr. Geisen's "aware[ness]" of the inaccurate and misleading information he purportedly willfully provided to the NRC. See pages 26-36, *supra*. Rather than provide any probative evidence, they exemplify episodes where the OI investigators failed to run down the ultimate outcome of a discrete event.

The issue of credibility cried out for resolution by something more than simply deciding to believe someone, or not. We concede in the end an issue might come down to that; but not here. There was far more to investigate before the only remaining issue was what and whom to believe. Two examples, among others, stand out: (a) the marginalia on the notes of a teleconference on October 3, 2001; and (b) no one in Enforcement spoke to the authors of the OI Report before the Debarment Order issued.

(a) Marginalia

Handwritten notes were taken during the October 3, 2001 telephone call between Davis-Besse personnel, including Mr. Geisen, and NRC personnel. A margin note contained this language: "If NRC comes or sees our tapes we are wide open." Staff Ex. 47. Mr. Geisen knew nothing of this. Hearing Tr. at 1652. In the Initial Decision at 90, the Board stated: "No evidence contradicted this testimony." (emphasis omitted)

This is a perfect example of how evidence that should have been investigated was not; how, if it had been investigated, it might have been powerful proof one way or the other regarding Mr. Geisen's knowledge. There is nothing in the record of this case of the marginalia ever having been investigated and whether Mr. Geisen had any connection to it.

(b) Enforcement Personnel and the OI Report.

The OI Report was the documentary basis for the Debarment Order. Mr. O'Brien's explanation of the "holistic" approach to an enforcement action suffered from a hole as gaping as the one in the Davis-Besse vessel head: no one in the enforcement office spoke to the authors of the OI Report. Therefore, no testing of the findings was ever conducted with the very people who made them in the Report. In effect, going into and throughout the litigation of the

debarment action, the enforcement officers and, sadly, Staff Counsel, took as a given the credibility of the Report and blinded themselves to the kinds of questions that when finally answered would undermine the certitude of their litigation position and the way they carried it out.

They would, nay, should have realized: Mr. Geisen's belief the head had been cleaned in 12RFO was supported by statements made by other personnel (Siemaszko) and an inhouse publication at the time of the 2000 cleaning; that in a similarly unguarded statement the following year, Mr. Geisen stated the head had been cleaned; that others interviewed by OI during the investigation subscribed to the notion the head could be inspected and cleaned without cutting expanded mouse holes; that Mr. Gibbs' September 14, 2001 Piedmont Report was dropped off at Mr. Geisen's desk as a courtesy copy and that Mr. Gibbs and Mr. Geisen never talked about it; that believing as he did the head was cleaned in 2000, it was in mid-October Mr. Geisen learned that was not the case and acted on that new information by reporting it to his superiors so that it might be corrected in the next communication with the NRC. (Thus, nothing Mr. Gibbs said proves Mr. Geisen knew the contents of the Piedmont Report before approximately mid-October); that the unremarkable observation of Mr. Shepherd, whose testimony was not considered by OI as material, that no credit for a 360° VT inspection under to-be-developed (not yet in place) criteria would be given based on photographs of nozzles he looked at.

Finally, there is the Jack Martin interview. The Staff places credibility in the typewritten, unverified formulation of what transpired, knowing of the unreliability of its creation. The Board wrote: "Indeed, no evidence exists to establish any physical connection between Mr. Geisen and any reactor vessel head inspection videotapes until mid-October of 2001." Initial

Decision at 75. (emphasis in original.) This begs the question: since Mr. Martin was interviewed by OI just two weeks before Mr. Geisen was interviewed, why did OI fail to confront Mr. Geisen with Mr. Martin's version of what happened as set forth in his notes and testimony? Surely, enforcement had this information and did nothing to resolve it. Staff counsel had to know the record it was travelling on. The Board's finding says it most trenchantly: "But the document is irrefutably inconsistent with the body of other evidence about Mr. Geisen's activities in August of 2001, and thus can carry no weight, notwithstanding the inherent credibility of its author." Initial Decision at 77. (emphasis in original.)

These examples shatter the Staff's claim that a credibility contest naturally creates a legitimate dispute and imbues litigation position with substantial justification. In *United States v. Hallmark Constr. Co.* 200 F. 3d 1076, 1081 (7th Cir. 2000), the Court cited language from its opinion in *Phil Smidt & Son, Inc. v. NLRB*, 810 F. 2d 638, 642 (7th Cir. 1987), as follows:

"... 'even if an agency's legal argument is perfect... the agency may still be liable for costs, fees and expenses under the EAJA if the agency has knowledge that the presumed facts supporting its position are without merit.'" (emphasis added)

This says it all.

While we have a view on whether the Office of Investigations and the enforcement arm of the NRC were acting in good faith or merely as the result of a toxic combination of incompetence and presumptuousness, we ascribe none of that to the Staff's litigation position taken after the debarment order was entered. That is to be evaluated only within the paradigm of substantial justification. We are not claiming bad faith must be found for Mr. Geisen to prevail.

We simply state the Staff's litigation position never rose to substantiality sufficient to justify it; it was condemned to failure by wooden adherence to what preceded it.⁸⁷

V. THE STAFF DID "UNREASONABLY PROTRACT" THE PROCEEDING.

Mr. Geisen was debarred just days before he was indicted. The timing of these life-altering events is not coincidental. Mr. Geisen refused to sign an agreement that would require him to admit he lied to the NRC in exchange for no prosecution of him for lying to it. Almost invariably, a defendant seeks the stay of the enforcement action pending the outcome of his criminal prosecution. Mr. Geisen, however, sought an expedited hearing. His livelihood had been taken from him summarily, he became immediately unemployed in the only profession he had known, the practice of nuclear engineering. The conduct of which he had been accused occurred in 2001. He was demoted at Davis Besse. Almost a year later, he took employment at another nuclear power facility where for 2 ½ years he performed his duties with diligence, and so much to the satisfaction of his employer, that he was invited to return once his case was successfully resolved. Small wonder Mr. Geisen wanted to contest the charges against him. The Licensing Board recognized this. It repeatedly rebuffed the Staff's requests to stay the administrative case; the Board refused. The truth of the matter is the federal prosecutors were alarmed that the issues of the criminal case would be litigated before their prosecution could get off the ground. This apparently had a higher value than the security of Mr. Geisen's right to due process of law. His ability to continue to pursue his livelihood in his chosen profession was shut down without a hearing and impeded him indefinitely. There was no good excuse for this. The

⁸⁷ One could say OI and NRC's Office of Enforcement were the Staff's Andrew Siemaszko. The Staff relied on them for the truth of what they investigated and concluded. The Staff was OI and OE's David Geisen.

federal criminal case was indicted. Therefore, no more grand jury testimony would be adduced because, once an indictment is returned, no more evidence (except in a situation not applicable here) may be obtained through the grand jury. In short, the government had its case.

The Commission stayed the debarment litigation upon request of the Department of Justice ("DOJ") pursuant to a Memorandum of Understanding ("MOU") between it and the NRC. That disheartening development does not dispose of the contention that the Staff unreasonably protracted the "proceeding." It is the "effect" the stay created that lies at the core of its unreasonableness. The Staff cannot justify an immediate five-year debarment and then support suspension of proceedings in it indefinitely and that after waiting 3 ½ years before bringing the action. This is especially so because during that 3 ½ year period Mr. Geisen practiced his profession with due diligence and at no risk to public safety. So long as the conduct was unproven, the debarment was not justified. Therefore, to impose this penalty and then support pulling the plug on litigating it was wrong. Unless and until it could be shown the charges and the immediate effectiveness of the debarment were justified, it is fair to argue and for the Board to conclude there was no justification for the stay that itself remained in place for 3 ½ years.

Respectfully submitted,

/s/

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Andrew T. Wise
Kevin G. Mosley
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(202) 626-5800
Counsel for David Geisen

November 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that, on the 12th day of November, 2010, true and genuine copies of the foregoing were served on the following persons by electronic mail and, as indicated with an (*), first class mail, postage prepaid:

Michael C. Farrar
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, DC 20555
E-Mail: mcf@nrc.gov

E. Roy Hawken
Chief Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Nicholas G. Trikouros
Administrative Judge
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U.S. Nuclear Regulatory Commission
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Office of the Secretary *
Attn: Rulemaking and Adjudications Staff
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/s/

Richard A. Hibey

EXHIBIT 1

GEISEN SUMMARY OF FEES AND EXPENSES			
CLAIMED UNDER EAJA			
	NO. OF HOURS	HOURLY RATE	
		UNDER EAJA	TOTAL
ATTORNEY HOURS			
April 2005-August 2010	3442.00	\$75.00	\$258,150.00
PARALEGAL HOURS			
April 2005-August 2010	513.00	\$75.00	\$38,475.00
DISBURSEMENTS			
April 2005-August 2010			\$22,778.83
TOTAL	3955.00		\$319,403.83

BREAKDOWN OF HOURS AND DISBURSEMENTS			
MONTH/YEAR	ATTORNEY HOURS	PARALEGAL HOURS	DISBURSEMENTS
	BY MONTH	BY MONTH	
Apr-05	1.50		
Jan-06	79.50		
Feb-06	85.50		\$ 1,883.32
Mar-06	100.00	26.75	\$ 7,490.77
Apr-06	44.00		\$ 148.00
May-06	25.50		
Jun-06	256.00	68.50	\$ 1,009.60
Jul-06	134.25	11.50	\$ 926.70
Aug-06	233.75	21.00	\$ 668.70
Sep-06	188.50	29.25	
Oct-06	180.00	52.50	
Nov-06	289.25	179.75	
Dec-06	257.75		
Jan-07	329.25	80.25	
Mar-07	1.50		
May-07	37.25	26.25	
Jun-07	7.00		
May-08	9.75		
Jun-08	26.25		
Jul-08	49.25	2.75	
Aug-08	20.25		
Sep-08	18.00		
Oct-08	64.25		
Nov-08	107.75		
Dec-08	266.00	2.00	\$ 10,608.74
Jan-09	123.50	1.00	
Feb-09	46.50	0.25	
Mar-09	28.50		
Apr-09	1.75		
May-09	1.50		
Aug-09	8.50		
Oct-09	336.50		
Nov-09	37.25	10.50	
Dec-09	12.00	0.75	
Feb-10	3.50		
Mar-10	0.75		
Jul-10	18.50		
Aug-10	11.75	-	\$ 43.00
	3,442.50	513.00	\$ 22,778.83

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp
76 South main Street
18th Floor
Akron, Ohio
44308

PERIOD: April 2005

INVOICE NO: 281633
CLIENT/MATTER NO.: 311950.000011
DATE: May 31, 2005

FOR PROFESSIONAL SERVICES RENDERED
for the period ending April 30, 2005, in connection with:

NRC Investigation

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
04/21/2005	R. Hibey	Review NRS's NOV's and Press Release; telephone conference with W. Gardner and with J. Conroy.	1.50	550.00 \$	825.00

REDACTED

TIME SUMMARY

Name	Hours	Rate	Amount
R. Hibey	1.50	550.00 \$	825.00

BILLING HISTORY

Legal Fees	Expenses	Totals to Date
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REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: January 2006

INVOICE NO.: 286827
CLIENT/MATTER NO.: 311950.000011
DATE: February 28, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending January 31, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
01/03/2006	R. Hibey	Telephone conference with A. Wise and M. Reinhard.	0.25	600.00	\$ 150.00
* 01/03/2006	A. Wise	Telephone conference with R. Hibey and M. Reinhard; telephone conference with J. Conroy; telephone calls to J. Burge; review documents; telephone conference with client.	2.50	350.00	875.00
* 01/03/2006	M. T. Reinhard	Telephone call with R. Hibey and A. Wise regarding status.	0.25	325.00	81.25
* 01/04/2006	R. Hibey	Telephone conference with the government regarding Deferred Prosecution Agreement; telephone conference with A. Wise and M. Reinhard regarding government's prosecutive intentions.	1.50	600.00	900.00
01/04/2006	A. Wise	Telephone conference with R. Hibey, M. Reinhard and client; telephone conference with J. Conroy; telephone conference with J. Burge; review documents regarding conversations with Sticken, Poole; review documents regarding client proffer; telephone conference with M. Reinhard regarding NRC notice; telephone conferences (x3) with client regarding <u>NRC</u> notice.	4.50	350.00	1,575.00 ✓
01/04/2006	M. T. Reinhard	Meet with A. Wise regarding criminal proceedings; telephone call with R. Hibey regarding <u>debarment</u> ; telephone call with T. Matthews regarding debarment proceedings; review <u>NRC</u> regulations.	4.50	325.00	1,462.50 ✓
01/05/2006	R. Hibey	Telephone conference with D. Geisen regarding DPA and government prosecutive intentions; telephone conference with W. Gardner regarding report of NRC debarring client.	1.00	600.00	600.00 ✓
01/05/2006	A. B. Styles	Conference with M. Reinhard and A. Wise regarding order prohibiting NRC activities; review NRC regulations; review order; discuss regulation and order with M. Reinhard and A. Wise.	1.75	450.00	787.50 ✓

Date	Name	Description	Hours	Rate	Amount
* 01/05/2006	A. Wise	Review NRC order; review Siemaszko transcript; review relevant CFR sections regarding proposed debarment; meeting with A. Styles and M. Reinhard regarding NRC order; telephone conference with client; review documents.	5.25	350.00	1,837.50 ✓
01/05/2006	M. T. Reinhard	Review NRC order; meet with A. Wise and A. Styles regarding NRC order; telephone call to NRC regarding process; research Atomic Energy Act; telephone call with client regarding NRC order.	6.50	325.00	2,112.50 ✓
* 01/06/2006	R. Hibey	Review debarment order; telephone conference with D. Geisen; telephone conference with U.S. Attorney G. White and Deputy U.S. Attorney C. Morford; telephone conference with A. Wise and M. Reinhard regarding legal issues arising out of call.	2.50	600.00	1,500.00
01/06/2006	A. Wise	Meeting with M. Reinhard and telephone conference with R. Hibey regarding conversations with USA White; review NRC order and relevant authority; review Siemaszko NRC transcript; telephone calls with M. Reinhard to NRC; review documents.	4.25	350.00	1,487.50 ✓
01/06/2006	M. T. Reinhard	Review regulations regarding NRC suspension; telephone call to T. Matthews regarding NRC procedures; telephone conference with R. Hibey and A. Wise.	2.50	325.00	812.50 ✓
* 01/08/2006	A. Wise	Draft transmittal letter to G. White; draft Deferred Prosecution Agreement language; redraft Statement of Facts in support of DPA; review documents.	4.00	350.00	1,400.00
* 01/09/2006	R. Hibey	Draft letter to G. White; conference with A. Wise and M. Reinhard regarding letter to White; redraft of proposed DPA request for indemnification.	2.00	600.00	1,200.00

Date	Name	Description	Hours	Rate	Amount	
01/09/2006	A. Wise	Meeting with R. Hibey, M. Reinhard regarding NRC answer; e-mail communication with client regarding approach to NRC; review documents; finalize letter to G. White and revised DPA.	3.25	350.00	1,137.50	✓
01/10/2006	A. Wise	Review documents regarding client proffer session with prosecutors, NRC; review NRC Order; review Seimaszko NRC hearing transcript; telephone conference with R. Hibey regarding communications with government, NRC process issues.	3.75	350.00	1,312.50	✓
01/11/2006	R. Hibey	Sign off on letter to NRC; conference with A. Wise and M. Reinhard regarding procedural steps to be taken with NRC; telephone conference with J. Messerman and T. Matthews regarding discussions with U.S. Attorney.	1.00	600.00	600.00	✓
01/11/2006	A. Wise	Review CFR sections and rule-making documents regarding deliberate misconduct standard; review documents regarding NRC order, government's DPA; meeting with R. Hibey and M. Reinhard regarding response to NRC.	4.50	350.00	1,575.00	✓
01/11/2006	M. T. Reinhard	Draft answer to NRC; meet with R. Hibey and A. Wise regarding answer; review NRC Order.	1.50	325.00	487.50	✓
01/12/2006	R. Hibey	Conference with A. Wise regarding NRC order response.	0.25	600.00	150.00	✓
* 01/12/2006	A. Wise	Telephone conference with J. Conroy regarding client's status, communications with the government; meeting with R. Hibey regarding NRC Order response; review NRC Order responses.	2.25	350.00	787.50	
01/13/2006	A. Wise	Review NRC documents.	1.00	350.00	350.00	✓
01/16/2006	R. Hibey	Conference with A. Wise.	0.25	600.00	150.00	
01/16/2006	A. Wise	Meeting with R. Hibey regarding NRC answer issues; review documents; review CFR provisions.	2.25	350.00	787.50	✓

Date	Name	Description	Hours	Rate	Amount	
01/17/2006	R. Hibey	Telephone conference with W. Gardner regarding NRC matter; attention to NRC response; planning session with A. Wise and M. Reinhard for reply to NRC.	3.50	600.00	2,100.00	✓
01/17/2006	A. Wise	Review NRC Staff filing regarding Geisen answer; telephone calls with T. Matthews regarding same; review CFR sections; meeting with R. Hibey and M. Reinhard regarding NRC issues; e-mail communication with client.	6.75	350.00	2,362.50	✓
01/17/2006	M. T. Reinhard	Meet with A. Wise and R. Hibey regarding answer to NRC order; review NRC filing regarding answer.	1.25	325.00	406.25	✓
01/18/2006	R. Hibey	Conference call with various counsel; meeting with A. Wise and M. Reinhard regarding position to be taken with NRC.	1.50	600.00	900.00	✓
01/18/2006	A. Wise	Legal research regarding immediate effectiveness issues; telephone conference with D. Jenkins, W. Gardner, others regarding indemnification issues and strategy for NRC response; review NRC staff filing; draft amended answer to NRC Order; conference with R. Hibey.	5.75	350.00	2,012.50	✓
* 01/19/2006	R. Hibey	Telephone conference with A. Wise; attention to indictment; edit press release.	2.50	600.00	1,500.00	

REDACTED

Date	Name	Description	Hours	Rate	Amount
* 01/19/2006	A. Wise	Telephone conference with J. Conroy, W. Gardner regarding case status; telephone conference with T. Matthews, J. Penny regarding NRC issues; telephone call to M. Johnson regarding withdrawal of answer and extension; telephone conference with R. Hibey regarding status of NRC responses; draft letters to NRC regarding withdrawal of answer and request for extension; telephone call with client regarding indictment; review indictment; draft press release in response to indictment; draft e-mail to R. Hibey, M. Reinhard regarding indictment; telephone conference with R. Hibey regarding indictment.	9.25	350.00	3,237.50
* 01/19/2006	M. T. Reinhard	Review indictment.	0.50	325.00	162.50
* 01/20/2006	R. Hibey	Call to U.S. Attorney's office; telephone conference with A. Wise regarding indictment and press release; contact with client; review indictment.	1.50	600.00	900.00
* 01/20/2006	A. Wise	Telephone conference with J. Conroy regarding indictment; finalize and transmit letters to NRC; telephone call to M. Johnson and S. Hamrick regarding same; e-mail correspondence with T. Matthews, J. Penny regarding same; review indictment and relevant documents; telephone conference with R. Hibey regarding indictment and press responses; transmit press release to reporters; telephone call with client regarding indictment, arraignment and pre-trial interview; telephone call with Court clerk regarding arraignment date; review press reports.	8.25	350.00	2,887.50
* 01/21/2006	R. Hibey	Telephone conference with client and wife; telephone conference with A. Wise; respond to contacts regarding indictment.	1.00	600.00	600.00

Date	Name	Description	Hours	Rate	Amount	
01/23/2006	R. Hibey	Meeting with A. Wise and M. Reinhard regarding case developments; attention to document from a former NRS Region III Officer regarding authority of NRC OI in criminal cases.	2.50	600.00	1,500.00	✓
01/23/2006	A. Wise	Review indictment, review interview memoranda; telephone conference with client and K. Geisen regarding indictment and arraignment; telephone call with chambers of Mag. J. Armstrong regarding arraignment and pre-trial contact; review NRC filings and contact NRC regarding extension of time to file answer.	3.25	350.00	1,137.50	✓
* 01/24/2006	R. Hibey	Attention to DPA issues and prosecution misconduct.	0.50	600.00	300.00	
01/24/2006	A. Wise	Review communication regarding NRC investigations; communication with client regarding arraignment; review indictment and research issues regarding multiplicity and pleading of section 1001 claims.	2.75	350.00	962.50	✓
01/25/2006	A. Wise	Legal research regarding NRC stay issues; review indictment; telephone conference with J. Conroy; review Siemazsko documents and witness interview memoranda.	2.25	350.00	787.50	✓
* 01/26/2006	R. Hibey	Conference with J. Conroy; telephone conference with J. Penny; conference regarding analysis of indictment.	5.00	600.00	3,000.00	
* 01/26/2006	A. Wise	Meeting with J. Conroy; R. Hibey; M. Reinhard regarding indictment; review P. Goyal DPA and Statement of Facts; review same for R. Cook; review documents relating to meetings with NRC and Technical Assistants.	5.25	350.00	1,837.50	
* 01/26/2006	M. T. Reinhard	Meet with J. Conroy, A. Wise and R. Hibey regarding indictment; review indictment and Goyal DPA.	4.75	325.00	1,543.75	

Date	Name	Description	Hours	Rate	Amount
01/27/2006	A. Wise	Meeting with J. Penny regarding NRC issues, indictment; review documents; e-mail correspondence with client regarding NRC and employment issues; review indictment and relevant documents.	2.25	350.00	787.50 ✓
* 01/27/2006	M. T. Reinhard	Meet with A. Wise, R. Hibey and J. Penny to discuss indictment issues; arrange for document reproduction.	1.75	325.00	568.75
* 01/30/2006	R. Hibey	Prepare for hearing and meetings with client; telephone conference with J. Conroy regarding arraignment of his client.	2.00	600.00	1,200.00
* 01/30/2006	A. Wise	Review documents; legal research regarding multiplicity, pleading issues related to 18 U.S.C. 1001.	2.00	350.00	700.00

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	36.25	600.00
A. B. Styles	1.75	450.00
A. Wise	91.25	350.00
M. T. Reinhard	29.50	325.00
C. Martin	0.75	110.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
12/19/2005	Filing Fee	Filing Fee - Cash Filing Fee, re: Certificate of Good Standing for R.Hibey, A.Wise, & M.Reinhard, 1/25/06	\$ 15.00
01/10/2006	Air Courier	Fedex airbill: 791829612174 To: David W. Jenkins, Esq. Company: First Energy Corp. Address: 76 South Main Street City: AKRON OH 44308	13.41
01/18/2006	Lexis/Westlaw	Lexis/Westlaw	53.73
Total Expenses			\$ <u>82.14</u>

EXPENSE SUMMARY

Description	Amount
Air Courier	\$ 13.41
Filing Fee	15.00
Lexis/Westlaw	53.73
Total Expenses	\$ <u>82.14</u>

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberely Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: February 2006

INVOICE NO.: 287420
CLIENT/MATTER NO.: 311950.000011
DATE: March 30, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending February 28, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
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REDACTED

02/07/2006	R. Hibey	Attention to NRC letter regarding jurisdiction of NRC to conduct criminal investigation; conference with M. Reinhard and A. Wise.	0.50	600.00	300.00 ✓
* 02/07/2006	A. Wise	Review discovery materials; review documents; legal research regarding multiplicity and duplicity challenges to indictment; meeting with R. Hibey regarding discovery issues, case investigation.	4.50	350.00	1,575.00

Date	Name	Description	Hours	Rate	Amount
* 02/07/2006	M. T. Reinhard	Review briefing materials; conference with R. Hibey and A. Wise regarding discovery.	1.50	325.00	487.50
* 02/08/2006	R. Hibey	Conference with A. Wise regarding discovery.	0.25	600.00	150.00
02/08/2006	A. Wise	Review NRC filings and NRC investigative reports; meeting with R. Hibey regarding case development issues; prepare for 2/9 meeting at Morgan Lewis.	5.25	350.00	1,837.50 ✓
02/08/2006	M. T. Reinhard	Review Morgan Lewis letter; review NRC OI transcript.	4.50	325.00	1,462.50 ✓
02/09/2006	A. Wise	Meeting with counsel at Morgan Lewis; review documents relating to client interviews and facts surrounding NRC meetings in 10/01; review NRC reports and Root Cause interview notes.	7.25	350.00	2,537.50 ✓
REDACTED					
02/10/2006	A. Wise	Review documents regarding Siemaszko statements, submissions from sources regarding NRC investigation issues; review notes from meeting at Morgan Lewis and draft outline of issues for upcoming meeting; e-mail communications with client.	4.00	350.00	1,400.00
02/12/2006	M. T. Reinhard	Review OI transcript.	1.00	325.00	325.00 ✓
* 02/13/2006	R. Hibey	Review and analysis of documentation.	4.00	600.00	2,400.00
02/13/2006	M. T. Reinhard	Review NRC OI investigation transcript.	4.00	325.00	1,300.00 ✓
* 02/14/2006	R. Hibey	Document review and analysis; telephone conference with Gutierrez and W. Gardner; attention to correspondence from Department of Justice regarding discovery.	4.50	600.00	2,700.00
* 02/14/2006	M. T. Reinhard	Review OI transcript; review discovery letter from U.S. Attorney's Office; e-mail with Morgan Lewis attorneys.	5.50	325.00	1,787.50

Date	Name	Description	Hours	Rate	Amount
* 02/15/2006	R. Hibey	Conference with M. Reinhard and A. Wise regarding legal and factual analysis of trial issues; review and analysis of materials from Davis-Besse.	5.00	600.00	3,000.00
02/15/2006	A. Wise	Telephone conference with client regarding undertaking and NRC Order issues; review documents; e-mail correspondence with D. Ferraro regarding outstanding document needs; preparation for 2/16 meeting at Morgan Lewis; review NRC Order draft answers; meeting with R. Hibey and M. Reinhard regarding strategy and discovery.	5.50	350.00	1,925.00 ✓
REDACTED					
* 02/16/2006	R. Hibey	Attention to materials from the government and from Morgan, Lewis & Bockius; analysis of NRC post event studies; attention to Siemazcko deposition; conference with A. Wise and M. Reinhard regarding Answer.	6.00	600.00	3,600.00
02/16/2006	A. Wise	Meeting with D. Ferraro, T. Matthews, J. Conroy, M. Reinhard at Morgan Lewis; meeting with R. Hibey, M. Reinhard regarding <u>NRC Answer</u> strategy; draft Answer; review J. Penny drafts of answers for Moffitt and Miller; review documents.	6.75	350.00	2,362.50 ✓
02/16/2006	M. T. Reinhard	Meet with Morgan Lewis attorneys regarding strategy and NRC proceedings; review briefing books; meeting with R. Hibey and A. Wise.	4.50	325.00	1,462.50 ✓
* 02/17/2006	R. Hibey	Review, analysis of materials; conference with A. Wise and M. Reinhard regarding approach to pleading in administrative case; telephone conference with T. Matthews regarding same; telephone conference with J. Penny regarding same.	7.00	600.00	4,200.00

Date	Name	Description	Hours	Rate	Amount	
02/17/2006	A. Wise	Meeting with R. Hibey and M. Reinhard regarding NRC answer, telephone conference with J. Penny regarding same; telephone conference with T. Matthews regarding expedited hearing issues; review document and draft answer.	6.00	350.00	2,100.00	✓
02/17/2006	M. T. Reinhard	Meet with L. Butler regarding document management; meet with R. Hibey and A. Wise regarding Answer to NRC Order; telephone call with J. Penny regarding NRC Answer.	3.75	325.00	1,218.75	✓
REDACTED						
02/19/2006	A. Wise	Draft NRC Answer.	5.00	350.00	1,750.00	✓
02/19/2006	M. T. Reinhard	Review Siemaszko deposition; review OI transcripts.	1.50	325.00	487.50	✓
* 02/20/2006	R. Hibey	Analysis of government reports; conference with A. Wise regarding answer.	4.00	600.00	2,400.00	
02/20/2006	A. Wise	Review documents; edit NRC Answer draft; review revised draft answers for co-respondents; meeting with R. Hibey regarding answer strategy and responses.	4.75	350.00	1,662.50	✓
02/21/2006	R. Hibey	Attention to draft and edit of pleading before NRC; conference with M. Reinhard and A. Wise; telephone conferences with J. Gutierrez regarding representation issues.	3.50	600.00	2,100.00	✓

Date	Name	Description	Hours	Rate	Amount
02/21/2006	A. Wise	Draft NRC answer; meeting with R. Hibey and M. Reinhard regarding same; e-mail communication with J. Penny and T. Matthews regarding draft answer; e-mail correspondence with client regarding NRC answer issues, affirmation; review documents.	6.50	350.00	2,275.00 ✓
02/21/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise regarding NRC response; meet with L. Butler regarding document management; review NRC Answer.	2.50	325.00	812.50 ✓

REDACTED

* 02/22/2006	R. Hibey	Review of Deferred Prosecution Agreement for FENOC; email correspondence to J. Gutierrez; meet with A. Wise and M. Reinhard regarding NRC answer.	0.50	600.00	300.00
02/22/2006	A. Wise	Telephone conference with T. Matthews regarding NRC Answer issues; meeting with R. Hibey, M. Reinhard regarding NRC answer, criminal discovery; draft and edit NRC answer.	4.50	350.00	1,575.00 ✓
* 02/22/2006	M. T. Reinhard	Meet with A. Wise and R. Hibey regarding NRC Answer; meet with L. Butler regarding document management.	0.50	325.00	162.50

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 02/23/2006	R. Hibey	Telephone conference with J. Conroy; meeting with A. Wise and M. Reinhard; finalize and sign off on NRC pleading.	3.50	600.00	2,100.00
02/23/2006	A. Wise	Finalize and file NRC answer; meeting with R. Hibey and M. Reinhard regarding case issues, preparation for 2/24 telephone conference; review documents; review Moffitt and Miller NRC answers.	4.75	350.00	1,662.50 ✓
02/23/2006	M. T. Reinhard	Review briefing books; meet with R. Hibey and A. Wise regarding strategy and planning and NRC filing; review FENOC by-laws; review and file Answer to NRC Order.	3.50	325.00	1,137.50 ✓

REDACTED

* 02/24/2006	R. Hibey	Conference call; draft letter to FENOC and finalize; attention to materials.	4.50	600.00	2,700.00
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Date	Name	Description	Hours	Rate	Amount
* 02/24/2006	A. Wise	Participate in conference call; meeting with M. Reinhard regarding discovery issues; review documents.	3.25	350.00	1,137.50

REDACTED

* 02/28/2006	R. Hibey	Telephone conference with J. Conroy; conference with M. Reinhard regarding discovery and document management.	0.50	600.00	300.00
* 02/28/2006	M. T. Reinhard	Meet with R. Hibey regarding document discovery and management; meet with L. Butler regarding database construction; review Ikon confidentiality agreement.	2.00	325.00	650.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	56.00	600.00
A. Wise	87.75	350.00
M. T. Reinhard	63.50	325.00
D. D. Edwards	4.25	175.00
K. Polk	0.50	175.00
L. E. Butler	21.25	145.00
J. Jordan	5.75	110.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
02/02/2006	Copying	Copying	\$ 1.20
02/04/2006	Copying	Copying	0.50
02/08/2006	Lexis/Westlaw	Lexis/Westlaw	9.85
02/08/2006	Travel	Travel - Matthew Reinhard Transportation/Lodging Expenses for Toledo OH 01/31-02/01/06	633.91
02/08/2006	Travel Meals	Travel Meals - Matthew Reinhard FB&E for Toledo OH 01/31-02/01/06	231.07
02/09/2006	Lexis/Westlaw	Lexis/Westlaw	9.41
02/10/2006	Lexis/Westlaw	Lexis/Westlaw	162.84
02/13/2006	Lexis/Westlaw	Lexis/Westlaw	14.43
02/13/2006	Travel	Travel - Andrew Wise Transportation/Lodging Expenses for Toledo OH 01/31-02/01/06	484.53
02/13/2006	Travel Meals	Travel Meals - Andrew Wise FB&E for Toledo OH 01/31-02/01/06	60.20
02/15/2006	Copying	Copying	0.30
02/17/2006	Copying	Copying	0.60
02/17/2006	Copying	Copying	0.20
02/17/2006	Copying	Copying	1.60
02/20/2006	Lexis/Westlaw	Lexis/Westlaw	33.09
02/21/2006	Copying	Copying	1.00
02/21/2006	Lexis/Westlaw	Lexis/Westlaw	166.36
02/24/2006	Copying	Copying	0.10
02/24/2006	Copying	Copying	0.10
02/24/2006	Local Transportation/Taxi	Local Transportation/Taxi - Sunny's Executive Sedan Service, Inc. From: M&C DC Office, To: DCA, Res. #103536, 1/31/06	57.77
02/27/2006	Lexis/Westlaw	Lexis/Westlaw	14.26
Total Expenses			\$ <u><u>1,883.32</u></u>

EXPENSE SUMMARY

Description	Amount
Copying	\$ 5.60
Lexis/Westlaw	410.24
Local Transportation/Taxi	57.77
Travel	1,118.44
Travel Meals	291.27
Total Expenses	\$ <u>2,604.10</u>

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: March 2006

INVOICE NO: 288072
CLIENT/MATTER NO.: 311950.000011
DATE: April 28, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending March 31, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME-DETAIL

Date	Name	Description	Hours	Rate	Amount
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REDACTED

03/06/2006	R. Hibey	Attention to NRC orders.	1.00	600.00	600.00 ✓
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REDACTED

* 03/07/2006	R. Hibey	Analysis of R-III lessons learned reports.	2.00	600.00	1,200.00
03/08/2006	R. Hibey	Telephone conference with NRC regarding extending case consideration until end of criminal case; analysis of lessons learned reports.	2.25	600.00	1,350.00 ✓

Date	Name	Description	Hours	Rate	Amount	
03/08/2006	M. T. Reinhard	Meet with L. Butler and A. Wise regarding database and discovery issues; review NRC filings; telephone conference with NRC regarding motion for stay.	1.00	325.00	325.00	✓
03/08/2006	L. E. Butler	Meet with M. Reinhard, A. Wise regarding status of database project, Grand Jury transcripts, and IKON Statement of Work; DVDs received: discuss loading of videos with D. Edwards; discuss Statement of Work with S. Murray/IKON; database review (CDs received from UCS mislabeled by IKON - review for correct range.)	1.75	145.00	253.75	X
* 03/09/2006	R. Hibey	Discussion of legal issues with A. Wise and M. Reinhard and the research assignment regarding same with L. Frazier.	0.50	600.00	300.00	
REDACTED						
* 03/13/2006	A. Wise	Meeting with M. Reinhard, R. Hibey regarding discovery and NRC issues; review GJ transcripts.	3.00	350.00	1,050.00	
* 03/13/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise regarding discovery; e-mail with T. Matthews regarding RFO and site visit.	0.75	325.00	243.75	

Date	Name	Description	Hours	Rate	Amount
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REDACTED

03/16/2006	R. Hibey	Meeting with A. Wise and M. Reinhard.	0.50	600.00	300.00 ✓
* 03/16/2006	A. Wise	Review documents; meeting with R. Hibey, M. Reinhard regarding case issues, discovery, motions.	3.00	350.00	1,050.00
03/16/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise regarding site visit and NRC proceedings.	0.50	325.00	162.50 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

03/20/2006	A. Wise	Review NRC motion for stay of proceedings; legal research; review and edit response to government's motion regarding G.J. materials; review documents.	5.25	350.00	1,837.50 ✓
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Date	Name	Description	Hours	Rate	Amount
03/22/2006	M. T. Reinhard	Telephone conference with NRC Panel; meet with R. Hibey regarding responses to Motion to Hold in Abeyance.	2.00	325.00	650.00 ✓
03/22/2006	L. E. Butler	Requested case/document to A. Wise; database project: review Lotus Notes, Corr-Pleadings; discuss same with J. Jordan; review/update briefing book documents chronology index; communication to S. Murray, IKON regarding status of Statement of Work.	5.75	145.00	833.75 X
* 03/23/2006	R. Hibey	Attention to issue development in opposition motion to limit use of grand jury testimony.	1.00	600.00	600.00
* 03/23/2006	A. Wise	Meeting with M. Reinhard, R. Hibey regarding responses to government's GJ motion and NRC's motion to stay; legal research; edit and draft responses.	5.00	350.00	1,750.00
* 03/23/2006	M. T. Reinhard	Meet with A. Wise and R. Hibey; review motion to extend motions cutoff; review motions practice; telephone call with J. Conroy regarding motion to extend time; meet with L. Butler regarding document issues.	4.00	325.00	1,300.00
03/23/2006	L. E. Butler	Statement of Work: review and revise document for coding per IKON rep; conference with M. Reinhard; discuss same with J. Jordan, D. Edwards; discuss procedures to send finalized version of database to IKON for coding; discuss additional database issues (remaining documents to be loaded, files to be fixed) with J. Jordan; review/update briefing book documents chronology index.	6.25	145.00	906.25 X
* 03/24/2006	A. Wise	Review GJ transcripts, review and edit response to government's motion for protective order; outline and draft response to NRC motion to abate proceedings.	3.50	350.00	1,225.00
* 03/24/2006	M. T. Reinhard	Draft and edit opposition to protective order.	1.50	325.00	487.50

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 03/27/2006	R. Hibey	Attention to order from NRC; conference with M. Reinhard and A. Wise; edit and finalize pleading in criminal case; analysis of Rod Cook interviews.	4.50	600.00	2,700.00 ✓
03/27/2006	A. Wise	Meeting with R. Hibey, M. Reinhard regarding response to government's motion for protective order; legal research and outline draft of response to NRC's motion to abate.	4.50	350.00	1,575.00 ✓

REDACTED

* 03/28/2006	R. Hibey	Attention to document analysis.	5.00	600.00	3,000.00
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Date	Name	Description	Hours	Rate	Amount	
03/28/2006	A. Wise	Legal research regarding NRC motion to abate proceedings; draft Opposition to NRC motion; meeting with L. Frazier regarding legal issues in Opposition; review Licensing Board Memorandum and Order regarding conference call; telephone call with S. Brock (NRC Staff); telephone call with T. Matthews; draft and file Motion to Exceed page limits.	7.25	350.00	2,537.50	✓
03/28/2006	L. Frazier	Conference with A. Wise; research for opposition to motion to hold in abeyance; draft paragraph regarding discovery issues.	6.00	225.00	1,350.00	✓
03/29/2006	R. Hibey	Document analysis; drafting and editing pleading for NRC; conference with A. Wise.	6.50	600.00	3,900.00	✓
03/29/2006	A. Wise	Draft and research Opposition to NRC Staff Motion; meeting with R. Hibey, M. Reinhard regarding same; telephone calls with M. Reinhard regarding Opposition edits; conference with L. Frazier.	9.50	350.00	3,325.00	✓
03/29/2006	M. T. Reinhard	Review draft NRC filing; telephone call with A. Wise regarding edits; meet with A. Wise regarding filing.	2.00	325.00	650.00	✓
03/29/2006	L. Frazier	Research for opposition to motion to hold in abeyance.	0.50	225.00	112.50	✓
03/29/2006	D. D. Edwards	Correct load files received from IKON for the FE001 and GJPD image collection.	1.25	175.00	218.75	

REDACTED

03/30/2006	R. Hibey	Edit and finalize pleading; attention to NRC documents for analysis.	4.00	600.00	2,400.00	✓
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Date	Name	Description	Hours	Rate	Amount	
03/30/2006	A. Wise	Edit, finalize, and file Opposition to NRC Staff's Motion to Stay; meetings with R. Hibey, M. Reinhard regarding same; draft declaration of D. Geisen in connection with Opposition; telephone calls with client regarding Opposition and declaration; telephone call with T. Matthews.	9.50	350.00	3,325.00	✓
03/30/2006	M. T. Reinhard	Edit and file Opposition to NRC Motion to Hold Pleadings in Abeyance.	2.50	325.00	812.50	✓
03/30/2006	L. Frazier	Review opposition to government's motion to hold in abeyance; meet with A. Wise to discuss.	0.75	225.00	168.75	✓

REDACTED

03/30/2006	L. E. Butler	Opposition to NRC Staff Motion to Hold Proceeding in Abeyance: cite check and proofread per A. Wise; calls to D. Edwards, S. Murray regarding electronic files/database issues; conference with IKON representatives, D. Edwards regarding same; discuss database issues with D. Edwards.	6.00	145.00	870.00	X
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TIME SUMMARY

Name	Hours	Rate
R. Hibey	44.25	600.00
A. Wise	74.75	350.00
M. T. Reinhard	35.00	325.00
L. Frazier	28.25	225.00
D. D. Edwards	5.25	175.00
K. Polk	0.50	175.00
L. E. Butler	92.75	145.00
K. Pegram	0.50	135.00
D. Nunley	0.50	110.00
J. Jordan	7.50	110.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
02/24/2006	Local Courier	Local Courier From: Miller & Chevalier To: 1111 \$ Penn Tracking Number: mc3622	6.95
02/28/2006	Copying	Copying	0.20
02/28/2006	Copying	Copying	0.10
03/06/2006	Copying	Copying	0.20
03/06/2006	Lexis/Westlaw	Lexis/Westlaw	51.27
03/07/2006	Travel	Travel - Richard A. Hibey Transportation/Lodging Expenses for Cleveland OH 01/31-02/01/06	1,743.56
03/08/2006	Telephone	TEL EXT 5894 NUMB (717) 238-5430	0.20
03/13/2006	Telephone	TEL EXT 5888 NUMB (419) 893-5555	0.20
03/13/2006	Lexis/Westlaw	Lexis/Westlaw	51.39
03/14/2006	Copying	Copying	0.40
03/15/2006	Telephone	TEL EXT 6017 NUMB (305) 539-0042	0.40
03/17/2006	Copying	Copying	1.40
03/18/2006	Lexis/Westlaw	Lexis/Westlaw	882.15
03/19/2006	Lexis/Westlaw	Lexis/Westlaw	1,125.67
03/20/2006	Telephone	TEL EXT 5888 NUMB (717) 238-5430	7.60
03/20/2006	Lexis/Westlaw	Lexis/Westlaw	42.11
03/21/2006	Telephone	TEL EXT 5894 NUMB (717) 238-5430	0.20
03/21/2006	Lexis/Westlaw	Lexis/Westlaw	13.35
03/21/2006	Lexis/Westlaw	Lexis/Westlaw	29.40
03/21/2006	Lexis/Westlaw	Lexis/Westlaw	4.00
03/21/2006	Lexis/Westlaw	Lexis/Westlaw	8.68
03/21/2006	Lexis/Westlaw	Lexis/Westlaw	267.05
03/22/2006	Lexis/Westlaw	Lexis/Westlaw	20.03
03/22/2006	Lexis/Westlaw	Lexis/Westlaw	26.56
03/24/2006	Telephone	TEL EXT 2065 NUMB (419) 213-5500	3.20
03/24/2006	Telephone	TEL EXT 2065 NUMB (216) 357-7009	0.40
03/24/2006	Telephone	TEL EXT 5893 NUMB (419) 241-1200	1.20
03/25/2006	Lexis/Westlaw	Lexis/Westlaw	137.54
03/26/2006	Lexis/Westlaw	Lexis/Westlaw	154.90
03/27/2006	Lexis/Westlaw	Lexis/Westlaw	4.01
03/27/2006	Lexis/Westlaw	Lexis/Westlaw	32.76
03/28/2006	Lexis/Westlaw	Lexis/Westlaw	68.55

Date	Expense	Detail	Amount
03/28/2006	Lexis/Westlaw	Lexis/Westlaw	2,204.28
03/28/2006	Lexis/Westlaw	Lexis/Westlaw	97.16
03/29/2006	Copying	Copying	0.40
03/29/2006	Copying	Copying	1.20
03/29/2006	Lexis/Westlaw	Lexis/Westlaw	103.08
03/29/2006	Lexis/Westlaw	Lexis/Westlaw	258.55
03/30/2006	Telephone	TEL EXT 5818 NUMB (920) 339-3227	0.20
03/30/2006	Telephone	TEL EXT 5818 NUMB (920) 366-9255	3.60
03/30/2006	Lexis/Westlaw	Lexis/Westlaw	121.97
03/30/2006	Lexis/Westlaw	Lexis/Westlaw	14.70
Total Expenses			<u>\$ 7,490.77</u>

EXPENSE SUMMARY

Description	Amount
Copying	\$ 3.90
Lexis/Westlaw	5,719.16
Local Courier	6.95
Telephone	17.20
Travel	1,743.56
Total Expenses	<u>\$ 7,490.77</u>

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberely Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: April 2006

INVOICE NO.: 288552
CLIENT/MATTER NO.: 311950.000011
DATE: May 25, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending April 30, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
* 04/03/2006	A. Wise	Review Grand Jury transcripts; telephone calls with T. Ballantine regarding Grand Jury transcripts issue and proprietary information designation issues.	4.50	350.00 \$	1,575.00
REDACTED					
* 04/04/2006	R. Hibey	Analysis of Morgan, Lewis & Bockius' 2005 submission and NRC 12/02 evaluation; conference with A. Wise and M. Reinhard.	6.00	600.00	3,600.00
* 04/04/2006	A. Wise	Meeting with R. Hibey and M. Reinhard; telephone calls with T. Ballantine regarding discovery issues; prepare for 4/11 NRC argument; review Grand Jury transcripts.	4.75	350.00	1,662.50
* 04/04/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise regarding litigation planning; NRC hearing.	1.00	325.00	325.00
REDACTED					
04/05/2006	R. Hibey	Review of materials in preparation for hearing next week.	3.50	600.00	2,100.00 ✓
04/05/2006	A. Wise	Prepare for 4/11 NRC hearing; compile and organize briefing book for same; review Grand Jury transcripts.	5.50	350.00	1,925.00 ✓
04/05/2006	M. T. Reinhard	Telephone call with J. Penny regarding NRC proceedings.	0.25	325.00	81.25 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

04/07/2006	R. Hibey	Telephone conference with A. Wise regarding NRC letter.	0.25	600.00	150.00 ✓
04/07/2006	A. Wise	Prepare for 4/11 hearing; review NRC Order regarding status reports in Seimazsko matter, NRC Staff letter regarding presence of T. Ballantine at hearing; telephone call with R. Hibey regarding same; review Board order regarding conference call; review case law.	5.75	350.00	2,012.50 ✓

REDACTED

04/10/2006	R. Hibey	Prepare for hearing; telephone conference with A. Wise and M. Reinhard.	4.50	600.00	2,700.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount	
04/10/2006	A. Wise	Prepare for 4/11 hearing; review ODR, USAM provisions relating to Ballantine appearance at hearing; review NRC Staff pleading; telephone call with R. Hibey and M. Reinhard regarding hearing preparation; review Grand Jury transcripts.	4.75	350.00	1,662.50	✓
04/10/2006	M. T. Reinhard	Review briefing materials in preparation for NRC hearing; telephone conference with R. Hibey and A. Wise regarding hearing.	1.50	325.00	487.50	✓
REDACTED						
04/11/2006	R. Hibey	Attend hearing at NRC; posthearing conference with M. Reinhard, A. Wise, J. Penny and J. Conroy.	5.50	600.00	3,300.00	✓
04/11/2006	A. Wise	Hearing at NRC on Staff motion to stay; meeting with J. Penny and J. Conroy regarding documents; review Grand Jury transcripts; review OIG transcripts; telephone call with T. Matthews regarding NRC hearing and related issues; communication with client regarding hearing.	6.50	350.00	2,275.00	✓
04/11/2006	M. T. Reinhard	Attend NRC hearing; review Grand Jury transcripts; meet with R. Hibey, A. Wise and J. Penny regarding NRC hearing; telephone call with D. Geisen.	6.00	325.00	1,950.00	✓

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	56.00	600.00
A. Wise	61.75	350.00
M. T. Reinhard	11.25	325.00
L. Frazier	1.25	225.00
D. D. Edwards	18.50	175.00
L. E. Butler	72.00	145.00
J. Jordan	3.25	110.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
04/05/2006	Copying	Copying	\$ 20.00
04/05/2006	Copying	Copying	8.90
04/05/2006	Copying	Copying	13.50
04/05/2006	Copying	Copying	3.60
04/05/2006	Copying	Copying	75.30
04/07/2006	Telephone	TEL EXT 2065 NUMB (330) 761-4209	1.00
04/10/2006	Copying	Copying	1.20
04/10/2006	Copying	Copying	0.30
04/10/2006	Telephone	TEL EXT 2065 NUMB (419) 213-5500	0.40
04/11/2006	Telephone	TEL EXT 5894 NUMB (920) 339-3227	0.20
04/14/2006	Telephone	TEL EXT 5888 NUMB (330) 384-5037	8.60
04/19/2006	Copying	Copying	10.50
04/19/2006	Copying	Copying	3.50
04/20/2006	Telephone	TEL EXT 2065 NUMB (419) 213-5517	0.60
04/21/2006	Telephone	TEL EXT 5894 NUMB (419) 241-1200	0.40
Total Expenses			\$ <u>148.00</u>

EXPENSE SUMMARY

Description	Amount
Copying	\$ 136.80
Telephone	11.20
Total Expenses	\$ <u>148.00</u>

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: May 2006

INVOICE NO: 289131
CLIENT/MATTER NO.: 311950.000011
DATE: June 29, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending May 31, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees
Expenses

Total Amount Due

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

05/19/2006	R. Hibey	Conference with A. Wise regarding strategy and conference call with NRC.	0.50	600.00	300.00 ✓
05/19/2006	A. Wise	Meeting with R. Hibey regarding approach to NRC Licensing Board and resolution of issues in advance of 5/24 conference call; draft communication with J. Rund (NRC) regarding Staff motion to stay.	0.75	350.00	262.50 ✓

REDACTED

05/20/2006	A. Wise	Review NRC Licensing Board opinion regarding Staff motion to stay; e-mail communications with R. Hibey and M. Reinhard regarding same; e-mail communication with T. Matthews regarding same.	1.25	350.00	437.50 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
05/22/2006	A. Wise	E-mail correspondence with M. Reinhard regarding NRC proceeding; review CFR sections regarding discovery procedures.	1.25	350.00	437.50 ✓
05/22/2006	M. T. Reinhard	Review NRC Order; meet with R. Hibey; e-mail with A. Wise.	2.00	325.00	650.00 ✓
REDACTED					
* 05/23/2006	R. Hibey	Telephone conference with Siemazcho's lawyer regarding conference call on Wednesday; conference with M. Reinhard regarding conference call; attention to grand jury materials.	1.50	600.00	900.00
* 05/23/2006	M. T. Reinhard	Multiple telephone calls regarding scheduling of status conference call; meet with R. Hibey regarding conference call.	2.00	325.00	650.00
REDACTED					
* 05/24/2006	R. Hibey	Conference call with Magistrate Judge Armstrong, prosecutor, and co-defendants counsel; team meeting.	1.50	600.00	900.00
REDACTED					

Date	Name	Description	Hours	Rate	Amount
* 05/24/2006	A. Wise	Conference call with attorneys and Mag. Judge Armstrong; meeting with R. Hibey, M. Reinhard and K. Mosley regarding NRC proceeding and criminal discovery issues; meeting with M. Reinhard and T. Archer regarding legal research project; review Licensing Board decision; telephone calls with S. Brock regarding discovery in NRC proceeding; research regarding CFR sections regarding procedure; review discovery materials.	3.75	350.00	1,312.50
* 05/24/2006	M. T. Reinhard	Conference call with Magistrate Judge; meet with A. Wise and R. Hibey regarding discovery; telephone call to D. Ferraro; meet with T. Archer regarding hearsay issues.	2.00	325.00	650.00
REDACTED					
* 05/25/2006	A. Wise	Review NRC OI exhibits; telephone calls with S. Brock regarding Staff filing and discovery issues in NRC proceeding; review Grand Jury transcripts and discovery materials.	4.00	350.00	1,400.00
REDACTED					

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 05/30/2006	R. Hibey	Attention to grand jury materials; conference with A. Wise.	6.00	600.00	3,600.00
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05/30/2006	A. Wise	Meeting with R. Hibey regarding NRC matter and criminal discovery issues; telephone calls with S. Brock (NRC) regarding discovery and NRC Staff petition for review; conference with K. Mosley; review NRC filings in Seimaszko matter; review documents.	4.50	350.00	1,575.00 ✓
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REDACTED

05/31/2006	R. Hibey	Attention to discovery materials; attention to motion from NRC staff; conference with M. Reinhard and A. Wise regarding motion.	7.00	600.00	4,200.00 ✓
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05/31/2006	A. Wise	Review NRC Staff Petition for Interlocutory Review; meeting with R. Hibey and M. Reinhard regarding same; telephone calls with T. Matthews; legal research regarding standards for review, requirements of deference to Board decisions.	6.00	350.00	2,100.00 ✓
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05/31/2006	M. T. Reinhard	Meet with D. Ferraro of Morgan Lewis regarding science issues; meet with R. Hibey and A. Wise regarding NRC filing; telephone call with T. Matthews regarding NRC; research NRC filing issues.	2.25	325.00	731.25 ✓
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REDACTED

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	62.75	600.00
A. Wise	61.50	350.00
M. T. Reinhard	17.00	325.00
J. Harriot	7.00	185.00
T. Archer	10.00	185.00
D. D. Edwards	8.75	175.00
L. E. Butler	75.50	145.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
05/02/2006	Copying	Copying	\$ 1.20
05/08/2006	Copying	Copying	4.90
05/08/2006	Copying	Copying	3.70
05/11/2006	Copying	Copying	2.50
05/15/2006	Copying	Copying	0.40
05/15/2006	Copying	Copying	0.50
05/25/2006	Copying	Copying	48.20
05/25/2006	Copying	Copying	2.60
Total Expenses			\$ <u>64.00</u>

EXPENSE SUMMARY

Description	Amount
Copying	\$ <u>64.00</u>
Total Expenses	\$ <u>64.00</u>

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: June 2006

INVOICE NO: 289748
CLIENT/MATTER NO.: 311950.000011
DATE: July 31, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending June 30, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
* 06/01/2006	R. Hibey	Attention to materials; team meeting.	5.50	600.00	\$ 3,300.00
* 06/01/2006	C. F. B. McAleer	Attend technology review and fact summary presentation by R. Hibey, A. Wise, M. Reinhard; review materials regarding same.	1.50	450.00	675.00
06/01/2006	A. Wise	Team meeting regarding status of case and fact development; telephone conversations with D. Ferraro regarding NRC Staff pleadings and arguments in Siemazsko matter; review draft motion regarding complex case designation; telephone call with J. Conroy regarding same; review NRC protective order; e-mail correspondence with S. Brock (NRC Staff) regarding same; review Staff petition for interlocutory review.	6.25	350.00	2,187.50 ✓
06/01/2006	M. T. Reinhard	Team meeting regarding Davis-Bessie reactor issues and NRC proceedings; review materials.	2.50	325.00	812.50 ✓
REDACTED					
06/01/2006	J. Harriot	Attended technical overview with R. Hibey, A. Wise, M. Reinhard, K. Mosley and C. McAleer; present and discuss research on summary witness in 6th Circuit.	0.75	185.00	138.75 ✓
* 06/01/2006	T. Archer	Meeting with A. Wise regarding evidence.	0.25	185.00	46.25
REDACTED					
* 06/02/2006	R. Hibey	Attention to materials.	6.00	600.00	3,600.00

Date	Name	Description	Hours	Rate	Amount	
06/02/2006	A. Wise	Review NRC Staff Petition for Interlocutory Review; outline and draft Answer; legal research regarding same.	6.00	350.00	2,100.00	✓
REDACTED						
06/03/2006	A. Wise	Review NRC Staff Petition for Interlocutory Review; outline and draft Answer; legal research regarding same.	5.75	350.00	2,012.50	✓
06/04/2006	A. Wise	Draft and edit Answer to Staff's Petition for Review; legal research regarding appellate standards, stay issues.	6.00	350.00	2,100.00	✓
06/05/2006	R. Hibey	Attention to materials; conference with A. Wise regarding pleading for NRC; edit pleading for NRC.	6.50	600.00	3,900.00	✓
06/05/2006	A. Wise	Draft and edit Answer to Staff's Petition for Review; legal research regarding same; review Staff discovery logs and submissions; meeting with R. Hibey regarding same.	8.00	350.00	2,800.00	✓
06/05/2006	T. Archer	Review reports; perform research.	2.00	185.00	370.00	✓
06/05/2006	L. E. Butler	4/11 NRC Hearing document to A. Wise; prepare incoming documents and CDs received via DOJ letter dated June 2 for IKON processing; review and log June 5 materials received; review Siemazsko and Cook database searches.	7.25	145.00	1,051.25	X
06/06/2006	A. Wise	Draft and edit Answer to Staff's Petition for Review; conference with M. Reinhard; review MLB memorandum regarding legal standards; telephone call with T. Matthews regarding issues; review documents from Siemazsko proceedings.	7.00	350.00	2,450.00	✓
06/06/2006	L. E. Butler	Review Siemazsko and Cook database searches; Database project: review coded materials; review documents for unredacted version of NRC OI Report per M. Reinhard request.	7.25	145.00	1,051.25	X

Date	Name	Description	Hours	Rate	Amount	
06/07/2006	A. Wise	Draft and edit Answer to Staff's Petition for Review; conference with M. Reinhard; review MLB edits and comments; legal research regarding outstanding issues.	6.00	350.00	2,100.00	✓
06/07/2006	M. T. Reinhard	Review opposition to NRC Motion; meet with A. Wise regarding opposition.	1.25	325.00	406.25	✓
06/07/2006	L. E. Butler	Review Siemazsko and Cook database searches; Opposition to NRC Staff Petition for Interlocutory Review: cite check per A. Wise request.	7.00	145.00	1,015.00	X
REDACTED						
06/08/2006	C. F. B. McAleer	Memoranda (2) regarding 6/12 meeting; review documents regarding same.	0.50	450.00	225.00	✓
06/08/2006	A. Wise	Draft and edit Answer to Staff's Petition for Review; email communications with R. Hibey regarding same; telephone call with T. Matthews regarding draft and legal issues; review NRC Staff initial discovery documents.	7.50	350.00	2,625.00	✓
06/08/2006	M. T. Reinhard	NRC conference call; review and edit Opposition to Appeal to NRC.	1.50	325.00	487.50	✓
REDACTED						
06/08/2006	L. E. Butler	Opposition to NRC Staff Petition for Interlocutory Review: cite check per A. Wise request; review and log NRC document production.	7.00	145.00	1,015.00	X
REDACTED						
06/09/2006	A. Wise	Finalize and file Answer to Staff's Petition for Review; telephone calls with T. Matthews regarding service issues; review Staff discovery production.	5.75	350.00	2,012.50	✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

06/12/2006	R. Hibey	Team meeting regarding NRC discovery; attention to materials in criminal case.	5.50	600.00	3,300.00 ✓
06/12/2006	C. F. B. McAleer	Conference with R. Hibey, A. Wise, M. Reinhard regarding various issues, including NRC documents and privilege logs; conduct legal research regarding deliberative process privilege issues; memoranda (several) from A. Wise regarding documents relevant to background, privilege issues; begin reviewing documents.	2.25	450.00	1,012.50 ✓
06/12/2006	A. Wise	Meeting with R. Hibey, M. Reinhard, C. McAleer regarding discovery issues, NRC proceeding; review NRC Staff privilege logs; review NRC Staff discovery.	7.50	350.00	2,625.00 ✓
06/12/2006	M. T. Reinhard	Team meeting regarding NRC response.	1.50	325.00	487.50 ✓

REDACTED

* 06/13/2006	R. Hibey	Attention to discovery.	4.50	600.00	2,700.00
06/13/2006	A. Wise	Review and edit motion regarding Speedy Trial Act; review case regarding STA; review NRC Staff discovery; draft log regarding OI redactions; legal research regarding deliberative process privilege.	7.00	350.00	2,450.00 ✓

Date	Name	Description	Hours	Rate	Amount	
06/13/2006	L. E. Butler	Incoming documents: review, log and prepare documents/CDs received from NRC and DOJ for processing by IKON; prepared documents and CDs to S. Murray with IKON for processing.	4.50	145.00	652.50	X
06/14/2006	R. Hibey	Review materials; attend team meeting.	4.50	600.00	2,700.00	✓
06/14/2006	A. Wise	Legal research regarding deliberative process privilege and law enforcement privilege; review NRC Staff privilege designations and OI report redactions; attend team meeting; review NRC discovery disclosures.	6.00	350.00	2,100.00	✓

REDACTED

* 06/15/2006	R. Hibey	Attention to discovery materials; conference with C. McAleer.	6.50	600.00	3,900.00	
06/15/2006	C. F. B. McAleer	Conference with R. Hibey regarding August 2003 OI Report issues; review privilege logs regarding entries for OI Report; legal research (continued) regarding deliberative process privilege issues; memoranda to (2) A. Wise, et al. regarding privilege cases; memorandum to, teleconference with L. Butler regarding document issues; draft (begin) letter to NRC Staff regarding OI Report issues, including redactions and privilege assertions.	3.25	450.00	1,462.50	✓
06/15/2006	A. Wise	Review NRC discovery materials; review OI transcripts; telephone calls with T. Matthews regarding NRC proceeding and discovery issues.	6.50	350.00	2,275.00	✓

Date	Name	Description	Hours	Rate	Amount	
06/15/2006	L. E. Butler	Preparation of Grand Jury exhibits per R. Hibey request; e-mails to M. Pierre with IKON regarding database coding entries; P. Goyal NRC OI Transcript to A. Wise per request; NRC OI Report to C. McAleer per request.	7.00	145.00	1,015.00	X
* 06/16/2006	R. Hibey	Meeting with A. Wise; conference with legal assistants regarding assignment.	3.50	600.00	2,100.00	
06/16/2006	C. F. B. McAleer	Continue reviewing documents (extensive) for letter to NRC Staff regarding initial disclosures, privilege assertions; review (begin) NRC rules regarding same; draft (continued) (extensive) letter to NRC Staff regarding same; memorandum to R. Hibey, A. Wise, M. Reinhard attaching initial draft letter to NRC Staff; memoranda from and to, telephone to K. Heifetz regarding deliberative process privilege issues.	4.25	450.00	1,912.50	✓
06/16/2006	A. Wise	Review NRC Staff discovery; meeting with R. Hibey regarding OI report; review and edit C. McAleer letter to NRC Staff regarding redactions; legal research regarding deliberative process privilege; emails and telephone calls with AUSA Ballantine and Sticken regarding Speedy Trial Act issues.	8.00	350.00	2,800.00	✓
06/16/2006	T. Archer	Perform research.	2.25	185.00	416.25	✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

06/19/2006	C. F. B. McAleer	Conference with A. Wise regarding draft letter to NRC Staff concerning initial disclosures, privilege issues; telephone to and with, conference with R. Hibey, A. Wise regarding same, other issues; review memorandum from A. Wise with proposed revisions to draft letter; telephone to and conference with L. Butler regarding confirmation of certain factual issues for draft letter; review fact information from L. Butler; revise and finalize letter to NRC Staff; legal research regarding NRC rules issues; memorandum to R. Hibey, et al. regarding various issues.	3.75	450.00	1,687.50 ✓
06/19/2006	A. Wise	Meeting with R. Hibey and C. McAleer regarding letter to NRC Staff on redactions; edit letter regarding same; review NRC discovery and OI transcripts.	6.00	350.00	2,100.00 ✓

REDACTED

06/19/2006	L. E. Butler	Office of Investigations ("OI") Report: organization of interviews for attorney review per R. Hibey; Spencer-Brock letter: review/proof letter regarding e-mail dated June 5, 2006 attaching NRC Staff's Mandatory Disclosures, various privilege logs and proprietary document list per C. McAleer request; Grand Jury exhibits: discuss organization of with R. Malet.	6.50	145.00	942.50 X
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REDACTED

06/20/2006	R. Hibey	Review and sign letter to NRC.	0.50	600.00	300.00 ✓
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Date	Name	Description	Hours	Rate	Amount
06/20/2006	C. F. B. McAleer	Legal research (extensive) regarding PG&E and Marriott cases regarding deliberative process privilege; memorandum to A. Wise, et al. regarding same; review (continued) pleadings and documents.	1.75	450.00	787.50 ✓
06/20/2006	A. Wise	Telephone call with client regarding NRC and DoJ proceedings, related licensing inquiries; meeting with R. Hibey regarding NRC discovery issues and call to S. Brock; review NRC discovery rules and NRC Staff privilege logs; review NRC Staff discovery.	5.50	350.00	1,925.00 ✓

REDACTED

06/21/2006	R. Hibey	Request of E. Duffel. Telephone conference S. Brock; conference with C. McAleer and Wise; review documents.	2.50	600.00	1,500.00 ✓
06/21/2006	C. F. B. McAleer	Review and analyze (continued) (extensive) pleadings and documents relating to NRC investigation; teleconference with R. Hibey, S. Brock (NRC Staff) regarding 6/19 letter concerning NRC Staff disclosures; conference with R. Hibey and A. Wise regarding same, other issues.	1.75	450.00	787.50 ✓

Date	Name	Description	Hours	Rate	Amount
06/21/2006	A. Wise	Review documents regarding licensing issues and impact upon NRC and DoJ proceedings; meeting with R. Hibey and C. McAleer regarding NRC discovery schedules and call with S. Brock; review documents; transmit documents to DoJ regarding STA motion.	6.25	350.00	2,187.50 ✓

REDACTED

06/22/2006	C. F. B. McAleer	Review and analyze (continued) (extensive) pleadings and documents relating to NRC investigation, including NRC rules; review memorandum from A. Wise regarding case schedules in other enforcement actions.	2.25	450.00	1,012.50 ✓
* 06/22/2006	A. Wise	Review Siemaszko statements including OI transcripts and DoL submissions; legal research regarding severance and Bruton issues; review legal research and memorandum regarding admission of government reports.	7.00	350.00	2,450.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

06/23/2006	C. F. B. McAleer	Review and analyze (continued) (extensive) pleadings and documents relating to NRC investigation; review memorandum from NRC Staff regarding Second Supplemental Disclosure; conference with L. Butler regarding various document issues; telephone to, memoranda to and from A. Wise regarding supplementation, appearance issues; draft file memorandum (extensive) regarding 6/21 teleconference with S. Brock (NRC Staff), various action items; review documents, NRC Rules for preparing same; obtain and review NRC Protective Order regarding confidentiality procedures.	6.50	450.00	2,925.00 ✓
06/23/2006	A. Wise	Review NRC discovery; review C. McAleer memo regarding conference call with S. Brock; review Moffitt and Miller discovery schedules; legal research regarding discovery obligations; review Siemaszko OI transcripts.	5.00	350.00	1,750.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 06/26/2006	R. Hibey	Conference with A. Wise; draft response to D. Jenkins; attention to OI transcript of Siemazko.	4.00	600.00	2,400.00
06/26/2006	C. F. B. McAleer	Memoranda to and from, conference with L. Butler regarding NRC Staff disclosure documents, review of same; review and analyze (continued) (extensive) pleadings and documents relating to NRC investigation.	2.25	450.00	1,012.50 ✓
06/26/2006	A. Wise	Meeting with R. Hibey regarding Siemaszko OI transcript, NRC discovery issues, other case issues; review NRC discovery rules and NRC Staff privilege logs; review discovery.	6.00	350.00	2,100.00 ✓

REDACTED

06/26/2006	L. E. Butler	NRC OI Report Exhibits: organization of; NRC document production (seven boxes); organize for C. McAleer review; Database coded materials: e-mail discussion with M. Pierre (IKON) regarding inconsistent coding.	7.00	145.00	1,015.00 X
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REDACTED

06/27/2006	R. Hibey	Review of NRC material.	7.00	600.00	4,200.00 ✓
06/27/2006	C. F. B. McAleer	Memorandum from and to R. Hibey regarding 6/23 action items; telephone to L. Butler regarding Protective Order issues.	0.50	450.00	225.00 ✓

Date	Name	Description	Hours	Rate	Amount
* 06/27/2006	A. Wise	Communications with client regarding undertaking, regulatory proceedings; review OI transcripts and Siemaszko statements; legal research regarding severance motion.	5.25	350.00	1,837.50

REDACTED

06/27/2006	L. E. Butler	Grand Jury Exhibits, NRC OI Interviews/Transcripts, NRC OI Report Exhibits: organization of.	7.25	145.00	1,051.25 X
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REDACTED

06/28/2006	R. Hibey	Attention to OI materials; finalize letter to NRC.	5.50	600.00	3,300.00 ✓
06/28/2006	C. F. B. McAleer	Memorandum to A. Wise, others regarding action items; continue reviewing Protective Order regarding compliance issues; draft letter to S. Brock regarding transmittal of non-disclosure declarations, production of NRC proprietary materials; memoranda from and to, conferences with L. Butler, C. Jordan regarding same, Protective Order issues.	2.75	450.00	1,237.50 ✓
06/28/2006	A. Wise	Review documents; review NRC production and logs; research regarding NRC discovery obligations.	6.25	350.00	2,187.50 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

06/29/2006	R. Hibey	Attention to OI materials; conference with A. Wise.	5.50	600.00	3,300.00 ✓
06/29/2006	C. F. B. McAleer	Teleconference with A. Wise regarding 6/23 task items, potential disclosure obligations.	0.25	450.00	112.50 ✓
06/29/2006	A. Wise	Review NRC Staff supplemental disclosures; review NRC production and logs; meeting with R. Hibey regarding Siemaszko OI interview.	6.00	350.00	2,100.00 ✓

REDACTED

06/29/2006	L. E. Butler	NRC OI Interviews/Transcripts: organization of documents for attorney review; discussions with IKON regarding incomplete copy job; Database review: e-mail to M. Pierre with IKON regarding updates to material coded incorrectly; NRC OI Report Exhibits: organization of for attorney review.	7.75	145.00	1,123.75 X
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REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 06/30/2006	R. Hibey	Meetings with associate regarding summary witness rules admissibility and use of investigative reports; attention to OI materials.	7.50	600.00	4,500.00
06/30/2006	A. Wise	Review OI transcripts; Cook statements.	5.50	350.00	1,925.00✓

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	75.00	600.00
C. F. B. McAleer	33.50	450.00
A. Wise	152.00	350.00
M. T. Reinhard	6.75	325.00
J. Harriot	13.25	185.00
T. Archer	17.25	185.00
L. E. Butler	157.50	145.00
R. Malet	55.75	110.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
05/30/2006	Copying	Copying (11 copies x .10)	\$ 1.10
05/31/2006	Copying	Copying (137 copies x .10)	13.70
06/05/2006	Copying	Copying (9 copies x .10)	0.90
06/05/2006	Copying	Copying (372 copies x .10)	37.20
06/05/2006	Copying	Copying (11 copies x .10)	1.10
06/05/2006	Copying	Copying (102 copies x .10)	10.20
06/05/2006	Copying	Copying (87 copies x .10)	8.70
06/05/2006	Copying	Copying (6 copies x .10)	0.60
06/05/2006	Copying	Copying (14 copies x .10)	1.40
06/08/2006	Copying	Copying (50 copies x .10)	5.00
06/09/2006	Copying	Copying (1,736 copies x .10)	173.60
06/12/2006	Copying	Copying (252 copies x .10)	25.20
06/19/2006	Copying	Copying (92 copies x .10)	9.20
06/19/2006	Copying	Copying (89 copies x .10)	8.90
06/19/2006	Copying	Copying (52 copies x .10)	5.20
06/20/2006	Copying	Copying (5 copies x .10)	0.50
06/20/2006	Copying	Copying (16 copies x .10)	1.60
06/20/2006	Copying	Copying (8 copies x .10)	0.80
06/20/2006	Copying	Copying (40 copies x .10)	4.00
06/21/2006	Copying	Copying (88 copies x .10)	8.80
06/21/2006	Copying	Copying (82 copies x .10)	8.20
06/21/2006	Copying	Copying (18 copies x .10)	1.80
06/23/2006	Copying	Copying (15 copies x .10)	1.50
06/23/2006	Copying	Copying (109 copies x .10)	10.90
06/23/2006	Copying	Copying (98 copies x .10)	9.80
06/23/2006	Copying	Copying (97 copies x .10)	9.70
06/23/2006	Copying	Copying (28 copies x .10)	2.80
06/23/2006	Copying	Copying (28 copies x .10)	8.70
06/23/2006	Copying	Copying (60 copies x .10)	6.00
06/23/2006	Copying	Copying (124 copies x .10)	12.40
06/23/2006	Copying	Copying (63 copies x .10)	6.30
06/23/2006	Copying	Copying (46 copies x .10)	4.60
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06/23/2006	Copying	Copying (94 copies x .10)	9.40
06/23/2006	Copying	Copying (82 copies x .10)	8.20

Date	Expense	Detail	Amount
06/23/2006	Copying	Copying (78 copies x .10)	7.80
06/23/2006	Copying	Copying (79 copies x .10)	7.90
06/23/2006	Copying	Copying (28 copies x .10)	2.80
06/23/2006	Copying	Copying (98 copies x .10)	9.80
06/23/2006	Copying	Copying (92 copies x .10)	9.20
06/23/2006	Copying	Copying (179 copies x .10)	17.90
06/23/2006	Copying	Copying (95 copies x .10)	9.50
06/23/2006	Copying	Copying (92 copies x .10)	9.20
06/23/2006	Copying	Copying (114 copies x .10)	11.40
06/23/2006	Copying	Copying (88 copies x .10)	8.80
06/23/2006	Copying	Copying (80 copies x .10)	8.00
06/23/2006	Copying	Copying (92 copies x .10)	9.20
06/23/2006	Copying	Copying (73 copies x .10)	7.30
06/23/2006	Copying	Copying (49 copies x .10)	4.90
06/23/2006	Copying	Copying (65 copies x .10)	6.50
06/23/2006	Copying	Copying (96 copies x .10)	9.60
06/23/2006	Copying	Copying (48 copies x .10)	4.80
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06/23/2006	Copying	Copying (50 copies x .10)	5.00
06/23/2006	Copying	Copying (67 copies x .10)	6.70
06/23/2006	Copying	Copying (71 copies x .10)	7.10
06/23/2006	Copying	Copying (80 copies x .10)	8.00
06/23/2006	Copying	Copying (83 copies x .10)	8.30
06/23/2006	Copying	Copying (27 copies x .10)	2.70
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06/23/2006	Copying	Copying (86 copies x .10)	8.60
06/23/2006	Copying	Copying (93 copies x .10)	9.30
06/23/2006	Copying	Copying (63 copies x .10)	6.30
06/23/2006	Copying	Copying (93 copies x .10)	9.30
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06/23/2006	Copying	Copying (50 copies x .10)	5.00
06/23/2006	Copying	Copying (90 copies x .10)	9.00
06/23/2006	Copying	Copying (50 copies x .10)	5.00
06/23/2006	Copying	Copying (90 copies x .10)	9.00
06/23/2006	Copying	Copying (32 copies x .10)	3.20
06/23/2006	Copying	Copying (87 copies x .10)	8.70

Date	Expense	Detail	Amount
06/23/2006	Copying	Copying (83 copies x .10)	8.30
06/23/2006	Copying	Copying (97 copies x .10)	9.70
06/23/2006	Copying	Copying (86 copies x .10)	8.60
06/23/2006	Copying	Copying (66 copies x .10)	6.60
06/26/2006	Copying	Copying (71 copies x .10)	7.10
06/26/2006	Copying	Copying (50 copies x .10)	5.00
06/26/2006	Copying	Copying (64 copies x .10)	6.40
06/26/2006	Copying	Copying (65 copies x .10)	6.50
06/26/2006	Copying	Copying (59 copies x .10)	5.90
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06/26/2006	Copying	Copying (71 copies x .10)	7.10
06/26/2006	Copying	Copying (89 copies x .10)	8.90
06/26/2006	Copying	Copying (51 copies x .10)	5.10
06/26/2006	Copying	Copying (80 copies x .10)	8.00
06/26/2006	Copying	Copying (96 copies x .10)	9.60
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06/26/2006	Copying	Copying (100 copies x .10)	10.00
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06/26/2006	Copying	Copying (88 copies x .10)	8.80
06/26/2006	Copying	Copying (90 copies x .10)	9.00
06/26/2006	Copying	Copying (97 copies x .10)	9.70
06/26/2006	Copying	Copying (82 copies x .10)	8.20
06/26/2006	Copying	Copying (50 copies x .10)	5.00
06/26/2006	Copying	Copying (67 copies x .10)	6.70
06/26/2006	Copying	Copying (83 copies x .10)	8.30
06/26/2006	Copying	Copying (74 copies x .10)	7.40
06/26/2006	Copying	Copying (89 copies x .10)	8.90
06/26/2006	Copying	Copying (48 copies x .10)	4.80
06/26/2006	Copying	Copying (4 copies x .10)	0.40
06/28/2006	Copying	Copying (59 copies x .10)	5.90
06/28/2006	Copying	Copying (12 copies x .10)	1.20
06/28/2006	Copying	Copying (4 copies x .10)	0.40
06/29/2006	Copying	Copying (17 copies x .10)	1.70

Date	Expense	Detail	Amount
06/29/2006	Copying	Copying (1 copy x .10)	0.10
06/29/2006	Copying	Copying (1 copy x .10)	0.10
06/29/2006	Copying	Copying (6 copies x .10)	0.60
06/29/2006	Copying	Copying (220 copies x .10)	22.00
06/29/2006	Copying	Copying (38 copies x .10)	3.80
06/29/2006	Copying	Copying (51 copies x .10)	5.10
06/29/2006	Copying	Copying (67 copies x .10)	6.70
06/29/2006	Copying	Copying (83 copies x .10)	8.30
06/29/2006	Copying	Copying (1 copy x .10)	0.10
06/30/2006	Copying	Copying (2 copies x .10)	0.20
Total Expenses			\$ <u>1,009.60</u>

EXPENSE SUMMARY

Description	Amount
Copying (10,096 copies x .10)	\$ <u>1,009.60</u>
Total Expenses	\$ <u>1,009.60</u>

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: July 2006

INVOICE NO: 290294
CLIENT/MATTER NO.: 311950.000011
DATE: August 31, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending July 31, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 07/01/2006	A. Wise	Review NRC Staff submissions and discovery materials.	2.50	350.00	875.00
07/01/2006	L. E. Butler	NRC OI Report Exhibits: review and organization of.	4.50	145.00	652.50 X
07/03/2006	R. Hibey	Attention to materials.	2.00	600.00	1,200.00 ✓
07/03/2006	C. F. B. McAleer	Review (continued) (extensive) documents and pleadings regarding NRC matter.	1.25	450.00	562.50 ✓
* 07/03/2006	A. Wise	Review discovery documents and OI transcripts; outline discovery letter to DoJ.	5.50	350.00	1,925.00
REDACTED					
* 07/05/2006	R. Hibey	Attention to videos and to NRC/DOJ submissions.	5.50	600.00	3,300.00
07/05/2006	C. F. B. McAleer	Conference with R. Hibey regarding new production of (proprietary) documents by NRC Staff; review (begin) new production; memorandum to, telephone from and conference with L. Butler (paralegal) regarding same, designation and protection of proprietary documents.	2.50	450.00	1,125.00 ✓
* 07/05/2006	A. Wise	Meeting with R. Hibey and M. Reinhard regarding videotapes of inspections; review documents; draft discovery letter; review OI transcripts of Goyal.	6.75	350.00	2,362.50
* 07/05/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise; review inspection videos; discuss strategy.	2.00	325.00	650.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 07/06/2006	R. Hibey	Attention to NRC materials.; conference with A. Wise.	5.50	600.00	3,300.00
* 07/06/2006	A. Wise	Draft discovery letter; meeting with R. Hibey regarding same; review DoJ discovery materials; e-mail communications with L. Butler regarding Cook and Siemazsko statements; legal research regarding Rule 16 and Bruton obligations.	8.25	350.00	2,887.50

REDACTED

* 07/07/2006	R. Hibey	Attention to materials; conference with A. Wise and M. Reinhard regarding discovery.	6.50	600.00	3,900.00
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Date	Name	Description	Hours	Rate	Amount
07/07/2006	C. F. B. McAleer	Memoranda from and to R. Hibey regarding follow-up on 6/20 letter to S. Brock; review letter from DOJ regarding OI Report, accompanying document; memoranda from (2) and to C. Jordan regarding same; review memorandum from R. Hibey regarding Goyal interview.	1.00	450.00	450.00 ✓
* 07/07/2006	A. Wise	Draft and edit discovery letter; meeting with R. Hibey and M. Reinhard regarding same; review DoJ discovery materials; legal research regarding Brady and timing issues in the 6th Circuit; review NRC discovery materials.	7.50	350.00	2,625.00
* 07/07/2006	M. T. Reinhard	Meet with A. Wise and R. Hibey regarding discovery letter.	0.50	325.00	162.50
REDACTED					
* 07/10/2006	R. Hibey	Attention to NRC materials; telephone conference with Department of Justice regarding telephonic hearing on Tuesday; meeting with team regarding Tuesday's hearing.	7.00	600.00	4,200.00
07/10/2006	C. F. B. McAleer	Telephone from, memorandum to and from, conference with R. Hibey regarding NRC request to depose D. Geisen; legal research regarding NRC rules pertaining to same; review memoranda (2) from L. Butler regarding DOJ document production, NRC proprietary document production; review memorandum from R. Hibey regarding Siemaszko interview summary.	2.00	450.00	900.00 ✓

Date	Name	Description	Hours	Rate	Amount
* 07/10/2006	A. Wise	Telephone call with T. Ballantine regarding discovery issues and conference call with Judge; review DoJ discovery materials; legal research regarding Bruton issues; review NRC discovery logs; legal research regarding D. Geisen initial discovery obligations; legal research regarding waiver issues.	7.50	350.00	2,625.00
* 07/10/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise; telephone call with Ballantine, et al., regarding status conference.	0.75	325.00	243.75

REDACTED

* 07/11/2006	R. Hibey	Hearing with Magistrate Judge; meeting with team; attention to NRC materials; meeting with paralegal staff regarding collection of discrete set of materials.	7.00	600.00	4,200.00
07/11/2006	C. F. B. McAleer	Memoranda from and to A. Wise regarding NRC request for Geisen deposition, meeting; review documents in preparation for meeting; draft letter to S. Brock regarding 6/20 letter, 6/21 teleconference on privilege issues; memoranda to (2) R. Hibey, et al. regarding same; attend meeting with R. Hibey, A. Wise, M. Reinhard regarding various issues; telephone to and memorandum from L. Butler regarding document issues; revise and finalize letter to S. Brock; conferences with L. Butler regarding same, organization and control of NRC proprietary documents.	4.25	450.00	1,912.50 ✓

Date	Name	Description	Hours	Rate	Amount
07/11/2006	A. Wise	Meeting with R. Hibey and C. McAleer regarding response to NRC letter; conference call with Mag. J. Armstrong regarding criminal case; e-mail correspondence with client regarding case issues; review OI transcripts (Goyal and Cook); meeting with R. Hibey regarding Goyal issues; review NRC correspondence.	7.00	350.00	2,450.00 ✓
07/11/2006	M. T. Reinhard	Status conference; team meeting.	1.50	325.00	487.50 ✓

REDACTED

07/12/2006	R. Hibey	Meeting with C. McAleer regarding response to NRC letter; attention to materials from NRC; finalize letter to D. Jenkins.	5.50	600.00	3,300.00 ✓
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Date	Name	Description	Hours	Rate	Amount
07/12/2006	C. F. B. McAleer	Memorandum from and to, conference with R. Hibey regarding 7/12 response letter from M. Spencer concerning privilege issues; review 7/12 Spencer letter, including attached affidavit; teleconference and conference with L. Butler regarding documents, Moffitt/Miller disclosures; conference with C. Jordan regarding document, file issues.	1.75	450.00	787.50 ✓
* 07/12/2006	A. Wise	Review DoJ discovery; legal research regarding severance issues; review filings regarding protective order; review P. Goyal documents and transcripts; meeting with R. Hibey regarding same; review NRC discovery logs; legal research regarding discovery obligations; conference with paralegal team to discuss status of projects.	8.50	350.00	2,975.00
REDACTED					
* 07/13/2006	R. Hibey	Attention to NRC transcripts and submission of newly found documents; conference with A. Wise regarding Goyal documents.	7.50	600.00	4,500.00
07/13/2006	C. F. B. McAleer	Review (extensive) Moffitt/Miller disclosures; memorandum to R. Hibey, others regarding same, Geisen Initial Disclosure, response letter for Spencer 7/12 letter, docket monitoring, other issues.	1.00	450.00	450.00 ✓

Date	Name	Description	Hours	Rate	Amount
07/13/2006	A. Wise	Meeting with R. Hibey and M. Reinhard regarding waiver issues and NRC deposition requests; review CFR regarding discovery obligations; review draft correspondence with NRC; review documents regarding R. Cook; review OI transcripts.	7.00	350.00	2,450.00 ✓

REDACTED

* 07/14/2006	R. Hibey	Meeting with A. Wise; telephone conferences with T. Matthews; attention to new material.	7.00	600.00	4,200.00
07/14/2006	C. F. B. McAleer	Review memorandum regarding discovery and production of FENOC documents.	0.50	450.00	225.00 ✓
* 07/14/2006	A. Wise	Meeting with R. Hibey regarding R. Cook and NRC discovery issues; review documents; telephone calls with client regarding case status and upcoming meetings; review OI transcripts and new MLB documents.	7.50	350.00	2,625.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 07/15/2006	A. Wise	Review documents from MLB regarding R. Cook; review documents regarding P. Goyal.	4.00	350.00	1,400.00
REDACTED					
* 07/17/2006	R. Hibey	Attention to materials; telephone conference with S. Brock at NRC.	6.50	600.00	3,900.00 ✓
07/17/2006	C. F. B. McAleer	Memoranda (several) from and to R. Hibey regarding NRC Staff request for deposition, invocation of 5th amendment at deposition in Moffitt and Miller cases, client meeting.	0.75	450.00	337.50 ✓
* 07/17/2006	A. Wise	Review documents; review draft correspondence with NRC.	3.25	350.00	1,137.50
* 07/17/2006	M. T. Reinhard	E-mail with R. Hibey and A. Wise regarding Fifth Amendment issues; telephone call to T. Matthews regarding meeting.	0.25	325.00	81.25
07/17/2006	L. E. Butler	"Critical period" review: database searches for documents within August 1, 2001 thru December 1, 2001 period.	7.00	145.00	1,015.00 X

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 07/18/2006	R. Hibey	Attention to materials; meeting with L. Butler; telephone conferences with J. Conroy regarding serials.	6.00	600.00	3,600.00
07/18/2006	C. F. B. McAleer	Telephone from, memoranda to and from, conference with R. Hibey regarding 7/12 Spencer letter; review documents (extensive) for drafting response to 7/12 Spencer letter regarding deliberative process and personal privacy privileges; memoranda to and from A. Wise, et al. regarding 7/19 meeting to discuss draft letters, strategy issues; draft (extensive) response to 7/12 Spencer letter; memorandum to R. Hibey, et al. regarding initial draft response; review documents regarding S. Brock request for deposition of D. Geisen in Moffitt/Miller matters; draft (extensive) letter to S. Brock regarding request to depose D. Geisen; memorandum to R. Hibey, et al. regarding same.	5.25	450.00	2,362.50 ✓
* 07/18/2006	A. Wise	Review DoJ discovery documents; review new MLB documents regarding R. Cook.	3.00	350.00	1,050.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

07/19/2006	R. Hibey	Attention to materials.	4.50	600.00	2,700.00 ✓
07/19/2006	C. F. B. McAleer	Legal research regarding initial disclosure requirements, other issues; draft (begin) (extensive) initial disclosures; draft (continued) letter to S. Brock; draft (continued) letter to M. Spencer regarding service of initial disclosures; telephones to, form and with, memoranda to and from (many) L. Butler regarding monitoring of Moffitt and Miller docket, file issues; conference with C. Jordan regarding same; prepare for and attend (extensive) meeting with R. Hibey, et al. regarding various issues, including draft letters; revise (extensive) draft letters to M. Spencer, S. Brock; memorandum to R. Hibey, others regarding same; memorandum from A. Wise regarding same; teleconference with R. Hibey regarding same; teleconference with, memorandum from L. Butler regarding petition for review; review memoranda (2) from R. Hibey regarding "as sent" versions of letters.	8.25	450.00	3,712.50 ✓
07/19/2006	A. Wise	Meeting with R. Hibey, C. McAleer, and M. Reinhard regarding NRC discovery and deposition requests; review documents; communication with client regarding meetings, case issues.	5.00	350.00	1,750.00 ✓

Date	Name	Description	Hours	Rate	Amount
07/19/2006	M. T. Reinhard	Team meeting regarding outstanding NRC issues; review draft correspondence.	1.50	325.00	487.50 ✓

REDACTED

07/20/2006	C. F. B. McAleer	Review documents regarding issues for draft initial disclosures; review materials regarding privilege issues.	1.25	450.00	562.50 ✓
* 07/20/2006	A. Wise	Review documents, review drafts for NRC discovery responses, meeting with R. Hibey regarding client deposition issues, discovery issues.	3.00	350.00	1,050.00

REDACTED

* 07/21/2006	R. Hibey	Attention to spreadsheet material.	1.00	600.00	600.00
* 07/21/2006	C. F. B. McAleer	Assemble and review pleadings and documents regarding disclosure, discovery issues; legal research (continued) regarding deliberative process and other privilege issues.	2.50	450.00	1,125.00
* 07/21/2006	A. Wise	Review NRC discovery responses, review MLB correspondence regarding recently-discovered documents, review new R. Cook documents.	6.00	350.00	2,100.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

07/22/2006	C. F. B. McAleer	Review (continued) (extensive) documents regarding January 4, 2006 Order issues.	1.25	450.00	562.50 ✓
07/24/2006	C. F. B. McAleer	Memoranda to (2) and from R. Hibey regarding production of FENOC documents; teleconference with S. Brock regarding same; continuing reviewing documents regarding initial disclosure issues.	1.50	450.00	675.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
07/25/2006	C. F. B. McAleer	Memorandum to S. Brock regarding FENOC production of documents; teleconference with S. Brock regarding initial disclosure extension issue; memoranda to and from R. Hibey, et al. regarding same; memoranda to and from R. Hibey, et al. regarding scheduling for drafting and serving Initial Disclosure; telephone to and memorandum from L. Butler regarding excerpts from OI report; draft (continued) (extensive) Initial Disclosure; memorandum to R. Hibey, et al. regarding draft of Initial Disclosure.	5.00	450.00	2,250.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
07/26/2006	C. F. B. McAleer	Assemble and review documents and pleadings for initial disclosure issues; memoranda to and from S. Brock regarding NRC Staff extension request; memorandum to R. Hibey, et al. regarding same; memoranda (several) to and from team to discuss draft of Initial Disclosure; memoranda to and from (several) A. Wise regarding materials relating to Foster; review same; review letter from NRC Staff to panel regarding extension; prepare for and attend meeting (extensive) with R. Hibey, et al. regarding draft of Initial Disclosure, process for 7/28 completion; teleconference with and memorandum from A. Wise regarding Commission order affirming panel on abeyance motion; review order.	5.25	450.00	2,362.50 ✓
* 07/26/2006	A. Wise	Meeting with R. Hibey regarding NRC discovery issues; meeting with L. Butler regarding production; review initial discovery disclosure drafts; review documents.	4.00	350.00	1,400.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
07/27/2006	R. Hibey	Attention to NRC order of affirmance; panel order regarding scheduling statement; attention to spreadsheet on 273; conference with C. McAleer regarding team meeting agenda and evidence presentation issues.	3.50	600.00	2,100.00 ✓
07/27/2006	C. F. B. McAleer	Review memoranda (several) regarding Board order to file joint status report; review order; memoranda to and from A. Wise, others regarding schedule, process for completing joint status report; telephones to, from and with S. Brock regarding same; memoranda to and from R. Hibey regarding order; memoranda to and from A. Wise, others regarding date of first consultation with counsel for determination of privilege issues; memorandum to team regarding 7/28 meeting to discuss draft Initial Disclosure, joint status report issues, preparation for 7/31 teleconference with NRC Staff; memorandum to team regarding S. Brock issue; memoranda from (2) C. Jordan regarding document; conferences (several) with L. Butler, R. Malet regarding attachments, lists for Initial Disclosure; review documents regarding same; review memoranda from L. Butler, R. Malet, A. Wise regarding attachments; draft (revise) (continued) Initial Disclosure.	8.75	450.00	3,937.50 ✓
07/27/2006	A. Wise	Review Commission decision regarding Staff's motion for interlocutory review; communication with client regarding Commission decision and upcoming meeting; review documents relating to draft changes in 2731; review OI and GJ testimony; review documents; meeting with L. Butler, R. Malet regarding same; review documents.	7.25	350.00	2,537.50 ✓

Date	Name	Description	Hours	Rate	Amount
REDACTED					
07/28/2006	R. Hibey	Meeting regarding NRC status conference order; review NRC pleadings and finalize.	3.00	600.00	1,800.00 ✓
07/28/2006	C. F. B. McAleer	Draft (revise) (continued) Initial Disclosure; memoranda to and from, teleconference and conference with A. Wise regarding same; memoranda, teleconferences and conferences (many) with L. Butler, R. Malet regarding attachments to Initial Disclosure; conference (extensive) with R. Hibey, et al. to review draft Initial Disclosure, planning for joint status report; revise and finalize Initial Disclosure; memoranda and conferences regarding same; memoranda to NRC Staff, others regarding service of Initial Disclosure; legal research (begin) issues for joint status report.	7.75	450.00	3,487.50 ✓

Date	Name	Description	Hours	Rate	Amount
07/28/2006	A. Wise	Review and edit initial discovery disclosures; review documents regarding same; e-mail correspondence regarding client's response to request for admissions regarding NRC proceeding and criminal case; meeting with C. McAleer, R. Hibey, L. Butler, R. Malet regarding initial discovery disclosures; prepare for 8/1 meeting at MLB; review documents.	6.00	350.00	2,100.00 ✓
* 07/28/2006	M. T. Reinhard	Team meeting regarding NRC proceedings.	0.50	325.00	162.50

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
07/31/2006	R. Hibey	Teleconference with NRC to settle on pretrial status report.	1.50	600.00	900.00 ✓
07/31/2006	C. F. B. McAleer	Continue reviewing documents and NRC rules regarding joint status report issues; memoranda to and from R. Hibey, others regarding drafting of joint status report, planning meeting before teleconference with NRC Staff; teleconference and conference with L. Butler regarding Appendix B and Moffitt/Miller scheduling orders; memoranda to and from C. Gruenberg regarding 10 CFR issue; review Moffitt and Miller scheduling order; draft (extensive) Joint Status Report; memoranda to R. Hibey, others regarding same; prepare for teleconference with NRC Staff regarding joint status report issues; conference with R. Hibey, A. Wise regarding same; teleconference with NRC Staff, R. Hibey, A. Wise; memoranda to and from L. Butler regarding NRC Staff responses to discovery in Moffitt/Miller matters; memoranda from and to NRC Staff regarding information on deliberative process privilege issue.	7.75	450.00	3,487.50 ✓
07/31/2006	A. Wise	Prepare for upcoming meetings with client and meeting with MLB; review draft joint status report; telephone call with NRC Staff regarding discovery issues; meeting with R. Hibey, C. McAleer regarding same; review documents.	5.50	350.00	1,925.00 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	79.50	600.00
C. F. B. McAleer	69.50	450.00
A. Wise	115.00	350.00
M. T. Reinhard	7.00	325.00
J. Harriot	3.00	185.00
L. E. Butler	185.75	145.00
R. Malet	156.00	110.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
07/03/2006	Copying	Copying	\$ 1.40
07/03/2006	Copying	Copying	0.20
07/03/2006	Copying	Copying	1.80
07/03/2006	Copying	Copying	9.00
07/03/2006	Copying	Copying	1.80
07/03/2006	Copying	Copying	10.80
07/05/2006	Copying	Copying	25.50
07/05/2006	Copying	Copying	4.40
07/05/2006	Copying	Copying	10.30
07/05/2006	Copying	Copying	9.30
07/05/2006	Copying	Copying	10.30
07/05/2006	Copying	Copying	9.30
07/05/2006	Copying	Copying	10.30
07/05/2006	Copying	Copying	9.30
07/05/2006	Copying	Copying	7.20
07/05/2006	Copying	Copying	7.20
07/05/2006	Copying	Copying	7.20
07/05/2006	Copying	Copying	8.80
07/05/2006	Copying	Copying	9.70
07/06/2006	Copying	Copying	0.40
07/07/2006	Copying	Copying	7.20
07/10/2006	Copying	Copying	0.60
07/10/2006	Copying	Copying	0.60
07/11/2006	Copying	Copying	1.40
07/11/2006	Copying	Copying	1.80
07/11/2006	Copying	Copying	1.20
07/12/2006	Copying	Copying	10.70
07/12/2006	Copying	Copying	7.70
07/12/2006	Copying	Copying	42.80
07/13/2006	Copying	Copying	1.00
07/18/2006	Copying	Copying	1.90
07/19/2006	Copying	Copying	4.70
07/25/2006	Copying	Copying	0.40
07/26/2006	Copying	Copying	2.80
07/26/2006	Copying	Copying	3.50

Date	Expense	Detail	Amount
07/26/2006	Copying	Copying	10.00
07/26/2006	Copying	Copying	4.00
07/26/2006	Copying	Copying	7.60
07/26/2006	Copying	Copying	7.30
07/26/2006	Copying	Copying	6.00
07/26/2006	Copying	Copying	5.60
07/26/2006	Copying	Copying	5.40
07/26/2006	Copying	Copying	6.40
07/26/2006	Copying	Copying	2.00
07/26/2006	Copying	Copying	8.40
07/26/2006	Copying	Copying	5.00
07/26/2006	Copying	Copying	9.20
07/26/2006	Copying	Copying	9.20
07/26/2006	Copying	Copying	8.60
07/26/2006	Copying	Copying	7.20
07/26/2006	Copying	Copying	7.30
07/26/2006	Copying	Copying	4.70
07/26/2006	Copying	Copying	8.10
07/26/2006	Copying	Copying	8.40
07/26/2006	Copying	Copying	8.80
07/26/2006	Copying	Copying	8.30
07/26/2006	Copying	Copying	6.40
07/26/2006	Copying	Copying	10.60
07/26/2006	Copying	Copying	7.70
07/26/2006	Copying	Copying	6.70
07/26/2006	Copying	Copying	7.60
07/26/2006	Copying	Copying	8.50
07/26/2006	Copying	Copying	4.40
07/26/2006	Copying	Copying	10.20
07/26/2006	Copying	Copying	1.10
07/26/2006	Copying	Copying	4.00
07/26/2006	Copying	Copying	6.00
07/26/2006	Copying	Copying	7.40
07/26/2006	Copying	Copying	3.00
07/26/2006	Copying	Copying	0.40
07/26/2006	Copying	Copying	2.70
07/26/2006	Copying	Copying	7.70

Date	Expense	Detail	Amount
07/26/2006	Copying	Copying	6.10
07/27/2006	Copying	Copying	7.50
07/27/2006	Copying	Copying	8.60
07/27/2006	Copying	Copying	7.60
07/27/2006	Copying	Copying	7.90
07/27/2006	Copying	Copying	7.30
07/27/2006	Copying	Copying	7.00
07/27/2006	Copying	Copying	3.40
07/27/2006	Copying	Copying	0.70
07/27/2006	Copying	Copying	0.10
07/27/2006	Copying	Copying	0.10
07/27/2006	Copying	Copying	10.00
07/27/2006	Copying	Copying	9.10
07/27/2006	Copying	Copying	0.30
07/27/2006	Copying	Copying	0.20
07/27/2006	Copying	Copying	9.90
07/27/2006	Copying	Copying	8.70
07/27/2006	Copying	Copying	13.50
07/27/2006	Copying	Copying	8.50
07/27/2006	Copying	Copying	9.90
07/27/2006	Copying	Copying	7.00
07/27/2006	Copying	Copying	7.50
07/27/2006	Copying	Copying	9.50
07/27/2006	Copying	Copying	3.20
07/27/2006	Copying	Copying	9.10
07/27/2006	Copying	Copying	16.30
07/27/2006	Copying	Copying	10.00
07/27/2006	Copying	Copying	5.40
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07/27/2006	Copying	Copying	7.80
07/27/2006	Copying	Copying	10.00
07/27/2006	Copying	Copying	6.90
07/27/2006	Copying	Copying	2.90
07/27/2006	Copying	Copying	3.80
07/27/2006	Copying	Copying	9.40
07/27/2006	Copying	Copying	8.90
07/27/2006	Copying	Copying	7.40

Date	Expense	Detail	Amount
07/28/2006	Copying	Copying	7.80
07/28/2006	Copying	Copying	6.20
07/28/2006	Copying	Copying	3.30
07/28/2006	Copying	Copying	9.60
07/28/2006	Copying	Copying	2.00
07/28/2006	Copying	Copying	1.60
07/28/2006	Copying	Copying	9.90
07/28/2006	Copying	Copying	3.30
07/28/2006	Copying	Copying	9.90
07/28/2006	Copying	Copying	9.90
07/28/2006	Copying	Copying	0.10
07/28/2006	Copying	Copying	0.10
07/30/2006	Copying	Copying	8.70
07/30/2006	Copying	Copying	8.50
07/30/2006	Copying	Copying	9.90
07/30/2006	Copying	Copying	9.70
07/30/2006	Copying	Copying	7.90
07/30/2006	Copying	Copying	9.50
07/30/2006	Copying	Copying	9.90
07/30/2006	Copying	Copying	9.20
07/30/2006	Copying	Copying	3.60
07/30/2006	Copying	Copying	6.50
07/30/2006	Copying	Copying	3.30
07/30/2006	Copying	Copying	8.80
07/30/2006	Copying	Copying	5.10
07/30/2006	Copying	Copying	7.00
07/30/2006	Copying	Copying	8.60
07/30/2006	Copying	Copying	4.30
Total Expenses			\$ <u>926.70</u>

EXPENSE SUMMARY

Description	Amount
Copying	\$ <u>926.70</u>
Total Expenses	\$ <u>926.70</u>

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: August 2006

INVOICE NO: 290777
CLIENT/MATTER NO.: 311950.000011
DATE: September 27, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending August 31, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees
Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
08/01/2006	C. F. B. McAleer	Telephone to and memorandum from L. Butler regarding Moffitt and Miller discovery requests; prepare for meeting with FENOC attorneys regarding various issues; travel to and attend meeting with FENOC attorneys; conferences with R. Hibey, et al. regarding same; telephone from and with S. Brock regarding joint status report; conference with, memoranda from and to C. Jordan regarding pleadings, 8/2-8/3 meetings; revise (extensive) draft of joint status report per 7/31 team meeting; memorandum to R. Hibey, et al. regarding revised joint status report, Moffitt/Miller discovery requests; memorandum from and to R. Hibey regarding drafting Geisen discovery requests; review memorandum from A. Wise regarding agenda for 8/2-8/3 meeting with D. Geisen.	4.75	450.00	\$ 2,137.50 ✓
* 08/01/2006	A. Wise	Meeting at Morgan Lewis with T. Matthews and D. Ferraro; review documents and compile materials for meetings 8/2 and 8/3 with client; meeting with C. McAleer and R. Hibey regarding NRC discovery issues.	8.75	350.00	3,062.50
* 08/01/2006	M. T. Reinhard	Meeting at Morgan Lewis regarding science and technical issues.	3.50	325.00	1,137.50

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

08/02/2006	R. Hibey	Meeting with client; review of documents.	8.00	600.00	4,800.00 ✓
08/02/2006	C. F. B. McAleer	Draft non-track changes version of revised joint status report; memorandum to R. Hibey, et al. regarding same; teleconference with R. Hibey regarding edits to draft; telephone to and with, memoranda from and to A. Wise regarding same; draft (revise) joint status report; memoranda to and from, teleconference with S. Brock regarding edits proposed by NRC Staff; conference with R. Hibey regarding same; conference with and memorandum from J. Penny, other counsel; memoranda to J. Penny, other counsel regarding draft joint status report; draft (revise) joint status report per S. Brock edits; draft (finalize) joint status report; draft letter and transmittal e-mail to Board regarding joint status report; memoranda to J. Penny, other counsel regarding "as filed" joint status report.	3.75	450.00	1,687.50 ✓
08/02/2006	C. F. B. McAleer	Assemble and review materials for meeting with D. Geisen; teleconference and conference with R. Hibey regarding NRC Order, indictment, other documents; conference with L. Butler regarding same; attend (extensive) meeting with D. Geisen, R. Hibey, A. Wise, M. Reinhard.	6.75	450.00	3,037.50 ✓

Date	Name	Description	Hours	Rate	Amount
08/02/2006	A. Wise	Meeting with client, R. Hibey, C. McAleer, M. Reinhard; review documents; compile materials and prepare for 8/3 meeting.	11.75	350.00	4,112.50 ✓
08/02/2006	M. T. Reinhard	Meet with D. Geisen, R. Hibey, C. McAleer and A. Wise regarding NRC proceedings and strategy.	6.50	325.00	2,112.50 ✓

REDACTED

* 08/03/2006	R. Hibey	Meeting with client.	8.00	600.00	4,800.00 ✓
08/03/2006	C. F. B. McAleer	Prepare for second day of meeting with D. Geisen; attend (extensive) second day of meeting with D. Geisen, R. Hibey, A. Wise; telephones from (2) and with M. Spencer regarding request for deposition of D. Geisen in Moffitt and Miller matters; conference with R. Hibey, A. Wise regarding same, D. Geisen meeting and various discovery issues; memoranda (several) regarding Moffitt and Miller discovery requests, NRC Staff responses; review same; memoranda to L. Butler, R. Malet regarding same, scanning, Geisen discovery requests.	8.25	450.00	3,712.50 ✓
* 08/03/2006	A. Wise	Meeting with client, R. Hibey, C. McAleer, review documents; legal research regarding 5th Amendment invocation and administrative hearing implications; draft to do list for legal research and fact development.	11.50	350.00	4,025.00

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 08/04/2006	R. Hibey	Conference with C. McAleer; review documents.	1.50	600.00	900.00
08/04/2006	C. F. B. McAleer	Teleconference with, memoranda (several) from and to L. Butler, P. Barry regarding scanning of Moffitt and Miller discovery requests, NRC Staff responses; memorandum to R. Hibey, A. Wise regarding same; draft list of NRC Staff privilege redactions; conference with, memorandum from P. Hackman regarding same; memorandum to R. Hibey, A. Wise regarding same; review Order from Board regarding joint status report; memoranda to (2) R. Hibey, A. Wise regarding same, summary of; draft (begin) discovery requests to NRC Staff; conference (extensive) with R. Hibey, A. Wise regarding discovery requests to NRC Staff; telephone to and conference with R. Hibey regarding M. Spencer voicemail, Geisen deposition issue; teleconference with J. Penny regarding same, other discovery and strategy issues; memorandum to R. Hibey, A. Wise regarding same; memoranda to and from (several) L. Butler, C. Jordan regarding dates ordered by Board; teleconferences with (2), memorandum from L. Butler regarding Cook Motion to Quash in Moffitt and Miller matters.	5.25	450.00	2,362.50 ✓
* 08/04/2006	A. Wise	Meeting with R. Hibey and C. McAleer regarding client meetings and NRC issues; review documents; outline potential motion to quash deposition subpoena; draft to do list for legal research and fact development.	8.50	350.00	2,975.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

08/07/2006	C. F. B. McAleer	Teleconference with M. Spencer (NRC) regarding request for deposition of D. Geisen in Moffitt and Miller matters; telephone from and with, conference with A. Wise regarding 8/4 teleconference with J. Penny, 8/4 and 8/7 teleconferences with M. Spencer (NRC); memorandum to A. Wise regarding list of upcoming depositions in Moffitt and Miller matters; memoranda from (2) and conference with L. Butler regarding obtaining Cook Motion to Quash; review letter from J. Conroy regarding NRC Staff's request for deposition.	2.75	450.00	1,237.50 ✓
* 08/07/2006	A. Wise	Review Grand Jury transcripts; draft memorandum regarding client meetings 8/2 and 8/3; draft to-do lists for NRC discovery and USDC case; conference with C. McAleer; draft and edit motions lists.	8.00	350.00	2,800.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 08/08/2006	R. Hibey	Attention to OI materials; review letter regarding subpoena from NRC; conference with C. McAleer and A. Wise regarding response to NRC; attention to Cook's motion to quash.	3.50	600.00	2,100.00
08/08/2006	C. F. B. McAleer	Draft (begin) (extensive) letter to M. Spencer (NRC) regarding NRC request for deposition of D. Geisen in Moffitt and Miller matters; memoranda (several) to and from A. Wise, R. Hibey regarding draft letter; conference with R. Hibey regarding same, 8/4 teleconference with J. Penny; revise and finalize letter to M. Spencer (NRC); memorandum to M. Spencer (NRC) regarding same.	2.75	450.00	1,237.50 ✓
08/08/2006	C. F. B. McAleer	Memoranda from and to A. Wise regarding Cook Motion to Quash, possible Geisen motion to quash; review Cook Motion to Quash; memorandum to R. Hibey, A. Wise regarding same; legal research (continued) (extensive) deliberative process privilege, other issues for drafting motion to compel.	3.25	450.00	1,462.50 ✓
* 08/08/2006	A. Wise	Review GJ and OI transcripts and documents; review 2731 timeline; draft outline for motion to quash subpoena and review discovery correspondence; meeting with R. Hibey, C. McAleer regarding NRC strategy and deposition response.	7.00	350.00	2,450.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

08/09/2006	C. F. B. McAleer	Memorandum to J. Penny, J. Conroy regarding 8/8 letter to NRC on Geisen deposition, 8/15 teleconference; memorandum to R. Hibey, et al. regarding 8/15 teleconference; memoranda from (2) and to L. Butler, A. Wise regarding Moffitt/Miller docket issues; assemble and organize (continued) (extensive) pleadings, documents and research for 8/11 motion to compel; teleconferences and memoranda (several) with L. Butler, R. Malet regarding NRC filing procedures; teleconferences (2) with M. Spencer (NRC) regarding filing of subpoena application for deposition of D. Geisen, acceptance of service; teleconferences and memorandum with team regarding same; review memorandum from M. Spencer attaching subpoena application; review memorandum from NRC Staff regarding supplemental disclosure; memorandum to L. Butler, R. Malet regarding same.	4.75	450.00	2,137.50 ✓
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Date	Name	Description	Hours	Rate	Amount
* 08/09/2006	A. Wise	Review GJ transcripts and documents (exhibits); review OI report sections regarding presentations and conference calls with NRC.	8.25	350.00	2,887.50

REDACTED

08/10/2006	C. F. B. McAleer	Memoranda (several) from and to R. Hibey regarding NRC Staff's supplemental Initial Disclosures; memorandum from A. Wise, C. Jordan regarding same, review of documents; legal research (continued) (extensive) motion to compel unredacted version of August 2003 OI Report; draft (continued) Motion to Compel.	3.25	450.00	1,462.50 ✓
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* 08/10/2006	A. Wise	Review documents regarding Goyal NRC proceeding and DPA; e-mail correspondence with T. Matthews regarding same; e-mail correspondence with R. Hibey regarding NRC documents; review documents and OI transcripts; outline and draft motion to quash deposition subpoena.	6.25	350.00	2,187.50
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Date	Name	Description	Hours	Rate	Amount
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REDACTED

08/11/2006	C. F. B. McAleer	Draft (continued) (extensive) Motion to Compel, Memorandum in Support, Proposed Order; memoranda, teleconferences and conferences with L. Butler regarding editing, proofing, cite-checking, exhibit issues relating to Motion to Compel; assemble and organize exhibits regarding Motion to Compel; legal research (continued) regarding privilege issues; memoranda (several) to and from A. Wise regarding Motion to Compel, attachment of OI Report as exhibit, drafting Motion to Quash subpoena to D. Geisen; teleconferences (2) with M. Spencer regarding filing of OI Report, issuance and service of Subpoena to D. Geisen; memorandum to R. Hibey, others regarding draft of Motion to Compel; draft (finalize) (extensive) Motion to Compel; prepare pleadings and exhibits for filing and service; memoranda (4) from Imaging regarding pdf copies of exhibits; draft filing communication to ALJs regarding Motion to Compel; memoranda from and to R. Hibey, others regarding faxing "as filed" Motion to Compel to R. Hibey; review memoranda from ALJs regarding 8/17 teleconference hearing.	9.25	450.00	4,162.50 ✓
* 08/11/2006	A. Wise	Review Motion to Compel, review documents.	0.75	350.00	262.50

Date	Name	Description	Hours	Rate	Amount
REDACTED					
08/12/2006	C. F. B. McAleer	Memoranda from and to E. O'Keefe, F. Dakka regarding pleadings for R. Hibey; review memorandum from R. Hibey; review memoranda from A. Wise regarding exhibits for drafting Motion to Quash, draft Motion to Quash.	1.00	450.00	450.00 ✓
* 08/12/2006	A. Wise	Edit motion to quash deposition subpoena.	2.75	350.00	962.50
REDACTED					
* 08/14/2006	R. Hibey	Attention to discovery materials.	3.00	600.00	1,800.00
08/14/2006	C. F. B. McAleer	Memoranda from and to A. Wise regarding 8/12 draft of Motion to Quash Subpoena; review 8/12 draft Motion to Quash; memoranda (several) to and from R. Hibey, et al. regarding timing of filing, process for finalizing; memoranda to and conference with L. Butler, R. Malet regarding Motion to Quash; memoranda to and from R. Malet regarding NRC Staff Subpoena application, exhibits, other issues; memoranda from and to R. Malet regarding Moffitt/Miller docket, order regarding 8/15 briefing deadlines on Cook Motion to Quash; review Order regarding same; memoranda to and from R. Hibey, et al. regarding Cook Motion to Quash, Board Order.	3.25	450.00	1,462.50 ✓

Date	Name	Description	Hours	Rate	Amount
08/14/2006	C. F. B. McAleer	Memoranda (many) to and from J. Penny, J. Conroy, R. Hibey, et al. regarding 8/15 teleconference to discuss status of Moffitt/Miller discovery; memoranda and conferences regarding logistics for 8/15 teleconference; memoranda from and to T. Chancey, others regarding new NRC Staff document disclosure; review letter from S. Brock (NRC Staff) regarding same; memoranda to and from R. Malet, M. Reinhard regarding access to and review of new NRC documents; memoranda from R. Hibey regarding same, Gavula issue; teleconference with T. Matthews (MLB), M. Reinhard regarding status of Geisen matter issues, NRC digest; memorandum to T. Matthews regarding pleadings from Geisen matter; review memoranda from and to M. Reinhard, R. Hibey regarding article in Ohio paper; memoranda from and to R. Malet regarding certificate of service, other issues for draft Motion to Quash.	4.50	450.00	2,025.00 ✓
* 08/14/2006	A. Wise	E-mail correspondence with C. McAleer, R. Hibey regarding motion to quash deposition subpoena, related issues; review documents.	1.50	350.00	525.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 08/15/2006	R. Hibey	Telephone conference with co-counsel; attention to discovery materials.	8.00	600.00	4,800.00
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08/15/2006	C. F. B. McAleer	Prepare for teleconference with J. Penny, J. Conroy, others regarding status of Moffitt/Miller matters, Cook motion to quash issues; teleconference (extensive) J. Penny, others regarding same; teleconference with R. Hibey, A. Wise regarding Geisen Motion to Quash issues; memoranda from and to J. Penny regarding deposition chart in Moffitt/Miller matters; memorandum to R. Hibey, et al. regarding same; teleconference with S. Brock regarding consent to Motion for Leave to Exceed Page Limits.	2.25	450.00	1,012.50 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
08/15/2006	C. F. B. McAleer	Memoranda from (several) R. Malet, M. Reinhard regarding new documents from NRC Staff; memoranda from and to T. Matthews (MLB) regarding NRC digest; memorandum to R. Hibey, others regarding same; legal research NRC digest; conference with P. Hackman regarding processing same; memoranda to and from R. Hibey, others regarding preparation for 8/17 Board teleconference; review documents (begin) (extensive) for drafting preparation materials; legal research Subpart G milestones; begin drafting procedural chart with dates; review memorandum from R. Hibey regarding Gavula issue; teleconference with Board regarding 8/17 teleconference.	2.50	450.00	1,125.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount	
08/15/2006	C. F. B. McAleer	Draft (revise) (extensive) Motion to Quash Subpoena; review documents and exhibits for same; conferences (many) with R. Malet regarding filing, exhibits, drafts, other issues; memoranda to R. Hibey, et al. regarding review of revised draft Motion to Quash; memoranda from and to, conference with R. Malet regarding monitoring docket in Moffitt/Miller matters for NRC Staff Opposition to Cook Motion to Quash; memoranda from and to J. Penny, J. Conroy regarding Moffitt and Miller Response, NRC Staff Opposition to Cook Motion to Quash; review same; teleconference with J. Conroy regarding same, Geisen Motion to Quash; memoranda to and from R. Hibey, et al. regarding NRC Staff Opposition, filing of Geisen Motion to Quash; teleconference with M. Reinhard regarding same; draft (revise and finalize) Geisen Motion to Quash; draft proposed Order granting Motion to Quash; conferences with R. Malet regarding final exhibits, transcript issue, filing, service; memoranda to Board regarding filing of Geisen Motion to Quash; memoranda to R. Hibey regarding filing; memoranda from and to A. Wise regarding same.	4.75	450.00	2,137.50	✓
* 08/15/2006	A. Wise	Conference call regarding motion to quash, discovery issues; conference call with J. Penny regarding Miller and Moffitt NRC proceedings; review drafts and documents.	2.50	350.00	875.00	
08/15/2006	M. T. Reinhard	Team telephone conference regarding NRC proceedings and depositions; review newly provided NRC documents.	3.00	325.00	975.00	✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

08/16/2006	C. F. B. McAleer	Memorandum from, teleconference with R. Hibey regarding 8/15 filing of Motion to Quash; draft (extensive) Motion for Leave regarding 8/11 filing; draft proposed Order granting Motion for Leave; memoranda to and from, conferences with R. Malet regarding same; memorandum to Board regarding filing of Motion for Leave; memorandum to R. Hibey, et al. regarding same.	3.50	450.00	1,575.00 ✓
08/16/2006	C. F. B. McAleer	Draft (continued) (extensive) preparation materials for 8/17 Board status teleconference, including procedural chart, list of questions, source documents; review documents (extensive) for same; memoranda to, conferences with R. Malet regarding same; memoranda to R. Hibey, others regarding same; conference with, memorandum to R. Malet regarding Motion to Compel for R. Hibey; memoranda (several) regarding 8/17 am preparation meeting; review memorandum from Judge Farrar denying Cook Motion to Quash; teleconference with, memorandum from P. Hackman regarding same; review memorandum from R. Malet regarding same; review memoranda from M. Reinhard, R. Hibey regarding John Conroy strategy regarding deposition issues.	3.75	450.00	1,687.50 ✓

Date	Name	Description	Hours	Rate	Amount
* 08/16/2006	M. T. Reinhard	Review materials for NRC conference call; telephone conference with J. Conroy regarding Cook deposition; review NRC Order regarding Cook	2.00	325.00	650.00

REDACTED

08/17/2006	R. Hibey	Prepare for and participate in conference call with the administrative court.	3.50	600.00	2,100.00 ✓
08/17/2006	C. F. B. McAleer	Memoranda from and to D. Ferraro (MLB) regarding Board conference call; teleconference with J. Penny regarding issues for Board conference call; review (continued) 8/16 preparation package; teleconference (extensive) with R. Hibey, A. Wise, M. Reinhard regarding preparation for Board conference call; conference with R. Malet regarding documents for Board conference call; prepare for and participate in Board conference call; teleconference with R. Hibey, M. Reinhard post-Board conference call regarding same, discovery issues, Motion to Quash, J. Penny issues; teleconference with J. Penny regarding Motion to Quash issues; memoranda to and from R. Hibey regarding same; review (continued) documents for drafting written discovery	4.25	450.00	1,912.50 ✓
08/17/2006	A. Wise	Conference call in preparation for NRC call; review documents, review orders and pleadings regarding motion to quash subpoena.	2.75	350.00	962.50 ✓
08/17/2006	M. T. Reinhard	Prepare for and attend NRC status conference call.	1.50	325.00	487.50 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 08/18/2006	R. Hibey	Attention to grand jury materials.	1.50	600.00	900.00
08/18/2006	C. F. B. McAleer	Review memoranda from (2) M. Reinhard, R. Hibey regarding analysis of Wukko interview transcript recently disclosed by NRC Staff; review disclosure regarding same.	0.50	450.00	225.00 ✓
* 08/18/2006	A. Wise	Review e-mails and documents.	1.50	350.00	525.00
08/18/2006	M. T. Reinhard	Review NRC filings; review and summarize Wuleko transcript.	4.50	325.00	1,462.50 ✓
08/19/2006	C. F. B. McAleer	Review memorandum from R. Hibey regarding Wukko transcript, plea issue (client no charge: 0.25 hrs.)	0.00	450.00	0.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
08/21/2006	C. F. B. McAleer	Memoranda regarding deadlines (Reply Brief, written discovery, meeting regarding NRC Staff Opposition; review memorandum from NRC Staff regarding filing of Opposition to Motion to Compel; review (begin) (extensive) NRC Opposition; memoranda (several) to and from L. Butler, et al. regarding cases and materials cited in Opposition; memoranda to and from R. Malet regarding NRC issues; review "as issued" subpoena for Geisen deposition; memorandum to R. Hibey, et al. regarding same, tickler date; draft proposed text for J. Penny regarding response to Motion to Quash; memorandum to R. Hibey, et al. regarding proposed text; memoranda to (2) and from J. Penny regarding same; organize (extensive) documents and pleadings for various issues	3.75	450.00	1,687.50 ✓
* 08/21/2006	A. Wise	Review e-mails and documents.	1.75	350.00	612.50
REDACTED					
08/21/2006	R. Malet	Send e-mail to L. Butler updating her on the status of Geisen critical review period; meet with K. Pegram in imaging to discuss production of September 2001 critical review documents; integrate September 2001 documents printed out from Difference database and September 2001 documents from the boxes; make copies of all caselaw and authority cited by NRC Staff in its Opposition to the Motion to Compel per request of C. McAleer; provide C. McAleer with Shepard's print-outs on all of the cases.	8.50	110.00	935.00 X

Date	Name	Description	Hours	Rate	Amount
08/22/2006	R. Hibey	Review NRC opposition to motion to compel; attention to information regarding deposition in Miller/Moffitt matter; telephone conference with C. McAleer; prepare for meeting with co-counsel regarding pre-trial motion.	3.50	600.00	2,100.00 ✓
08/22/2006	C. F. B. McAleer	Telephone from M. Reinhard regarding 8/18 deposition report from T. Matthews (MLB), Geisen issue; draft (revise) text to J. Penny regarding Moffitt response to Motion to Quash; review memoranda (3) from R. Hibey, A. Wise, M. Reinhard regarding same; teleconferences with (2), memorandum to R. Hibey regarding revisions to J. Penny text; memorandum to J. Penny regarding proposed text.	2.25	450.00	1,012.50 ✓
08/22/2006	C. F. B. McAleer	Legal research (extensive) regarding several issues in NRC digest; teleconference with R. Hibey regarding 8/23 meeting with J. Conroy; memoranda regarding same; review memoranda (several) from and to R. Malet, R. Hibey, others regarding Goyal and Wuokko depositions in Moffitt and Miller matters.	2.75	450.00	1,237.50 ✓
08/22/2006	A. Wise	Review NRC Orders and NRC Staff filings regarding Motion to Compel and Motion to Quash; conference with R. Hibey, C. McAleer regarding pending response regarding Motion to Compel; legal research; document review.	7.00	350.00	2,450.00 ✓
08/22/2006	M. T. Reinhard	Telephone call from T. Matthews regarding deposition testimony; review NRC pleadings.	0.50	325.00	162.50 ✓
08/22/2006	L. E. Butler	NRC Staff's Answer to David Geisen's Motion to Compel: review motion for cases per C. McAleer; Critical Period Review: review sections in database regarding; discussions with R. Malet, M. Kirby regarding review.	7.00	145.00	1,015.00 X

Date	Name	Description	Hours	Rate	Amount	
08/22/2006	R. Malet	Complete caselaw and authority binder project per request of C. McAleer; make additions to Miller and Moffitt docket spreadsheets reflecting pleadings, transcripts, and orders; circulate to Geisen attorneys; retrieve application for a subpoena to Goyal and notice of deposition for Wuokko per request of C. McAleer; meeting with L. Butler to discuss further review of Critical period; Begin reviewing NRC031-NRC034.	5.50	110.00	605.00	X
08/23/2006	R. Hibey	Team meeting; meeting with co-counsel; analysis of NRC opposition to motion to compel; memorandum regarding same; telephone call to C. Boss; attention to grand jury materials.	7.50	600.00	4,500.00	✓
08/23/2006	C. F. B. McAleer	Teleconferences (4) with A. Wise, M. Reinhard, others regarding meeting to discuss NRC Opposition, criminal motions; review (continued) NRC Staff Opposition to Motion to Compel; assemble and review documents in preparation for meeting with J. Conroy, et al.	1.75	450.00	787.50	✓
08/23/2006	C. F. B. McAleer	Conference (extensive) with J. Conroy, R. Hibey, et al. regarding criminal motions issues; draft notes regarding NRC Opposition to Motion to Compel; conference with R. Hibey, et al. regarding NRC Opposition to Motion to Compel, strategy for Reply Brief; memoranda from and to R. Hibey regarding R. Hibey comments on NRC Opposition.	4.00	450.00	1,800.00	✓
* 08/23/2006	A. Wise	Meeting with J. Conroy, R. Hibey regarding motions in USDC case; conference with M. Reinhard; review discovery correspondence; legal research regarding severance issues; telephone call to C. Boss regarding same; review documents; draft memorandum regarding potential legal issues and schedule.	7.50	350.00	2,625.00	

Date	Name	Description	Hours	Rate	Amount
* 08/23/2006	M. T. Reinhard	Meet with R. Hibey, A. Wise and J. Conroy regarding motions and proceedings before NRC; review NRC Opposition to Motion to Compel; meet with A. Wise regarding motions in criminal matter.	4.25	325.00	1,381.25

REDACTED

* 08/24/2006	R. Hibey	Attention to grand jury materials; telephone conference with C. McAleer.	2.00	600.00	1,200.00
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08/24/2006	C. F. B. McAleer	Conferences with (2) R. Malet regarding NRC cases cited by NRC Staff in Opposition to Motion to Compel; teleconference with R. Hibey regarding Reply Brief issues; teleconference with A. Wise regarding same; legal research (begin) regarding authorities cited by NRC Staff in Opposition.	3.25	450.00	1,462.50 ✓
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* 08/24/2006	A. Wise	Telephone conferences with C. McAleer, R. Hibey regarding NRC motions and discovery issues; review OI and GJ transcripts and exhibits; meeting with L. Frazier regarding indictment challenges; legal research.	6.75	350.00	2,362.50
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* 08/24/2006	M. T. Reinhard	Review NRC filings.	1.00	325.00	325.00 ✓
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REDACTED

08/25/2006	C. F. B. McAleer	Review Order from Board regarding issues discussed in 8/17 teleconference hearing; memorandum to R. Hibey, et al. regarding same, Vogtle case, Reply Brief; legal research (continued) (extensive) regarding authorities cited by NRC Staff, other caselaw for Reply Brief; review (continued) NRC Staff's Opposition regarding same; draft (continued) Reply Brief.	3.50	450.00	1,575.00 ✓
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Date	Name	Description	Hours	Rate	Amount
08/25/2006	A. Wise	Review documents and correspondence; review drafts of discovery documents in NRC proceeding; e-mail and phone call with L. Frazier regarding indictment challenge issues.	3.75	350.00	1,312.50 ✓
08/25/2006	M. T. Reinhard	Review NRC Order.	0.50	325.00	162.50 ✓
REDACTED					
08/26/2006	C. F. B. McAleer	Review additional documents for drafting Reply Brief; legal research (continued) (extensive) regarding Reply Brief issues; draft (continued) (extensive) Reply Brief; memorandum to and from R. Hibey regarding same.	5.25	450.00	2,362.50 ✓
* 08/26/2006	M. T. Reinhard	Research issues regarding multiplicity and duplications indictments.	2.50	325.00	812.50
08/27/2006	C. F. B. McAleer	Review (extensive) August 2003 OI Report for information and references to Agent's Notes; draft notes and analysis regarding same; review additional documents for drafting Reply Brief; legal research (continued) (extensive) regarding Reply Brief issues; draft (continued) (extensive) Reply Brief.	8.25	450.00	3,712.50 ✓
08/28/2006	R. Hibey	Attention to grand jury materials; attention to NRC reply brief; conference with C. McAleer and with M. Reinhard.	5.00	600.00	3,000.00 ✓
08/28/2006	C. F. B. McAleer	Draft (continued) (extensive) Reply Brief; continue to review redacted August 2003 OI regarding same; memorandum to R. Hibey, et al. regarding comprehensive draft of Reply Brief.	6.25	450.00	2,812.50 ✓

Date	Name	Description	Hours	Rate	Amount
08/28/2006	C. F. B. McAleer	Conference with R. Hibey regarding comments, edits for draft Reply Brief; conference with M. Reinhard regarding same; memoranda from and to A. Wise regarding same; conferences (several) with P. Hackman regarding edits to Reply Brief; conferences with, memoranda to and from R. Malet, L. Butler regarding cite-checking, proofing Reply Brief, other issues; draft (revise) (extensive) Reply Brief.	4.25	450.00	1,912.50 ✓
08/28/2006	C. F. B. McAleer	Review August 2003 OI Report for drafting Appendix A to the Reply Brief (summarizing Agents Notes in Part III); draft (extensive) Appendix A; revise and finalize same; revise and finalize Reply Brief; conference with and memoranda from R. Malet regarding filing version; memoranda (2) to Judges regarding filing; memoranda from and to M. Baty (NRC) regarding filing.	3.25	450.00	1,462.50 ✓
08/28/2006	C. F. B. McAleer	Memoranda to and from R. Hibey regarding 8/29 meeting, agenda; teleconference with, memoranda to T. Matthews (MLB) regarding status of Geisen matter, copies of recent filings.	0.75	450.00	337.50 ✓
* 08/28/2006	A. Wise	Review e-mails and correspondence regarding upcoming hearing before Licensing Board; review draft discovery documents; outline response to DoJ discovery letter; legal research.	2.00	350.00	700.00
* 08/28/2006	M. T. Reinhard	Edit reply to Motion to Compel; meet with R. Hibey regarding reply.	1.75	325.00	568.75

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 08/29/2006	R. Hibey	Attention to grand jury materials; conference with C. McAleer and A. Wise.	7.00	600.00	4,200.00
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REDACTED

Date	Name	Description	Hours	Rate	Amount	
08/29/2006	C. F. B. McAleer	Memoranda from and to A. Wise regarding meeting; memorandum from R. Hibey regarding same; draft (continued) (extensive) written discovery; review Board's 8/25 Order in preparation for status meeting; teleconference with, memoranda from and to T. Matthews regarding continued status discussion, copy of deposition transcript in Moffitt/Miller proceeding; prepare for and attend conference with R. Hibey, A. Wise regarding status items, Hiser document, deadlines, written discovery; draft pleadings template; draft (extensive) requests for admission for further drafting by A. Wise; memorandum to A. Wise regarding same; teleconference with S. Brock regarding meet and confer discussion on Motion to Quash; memoranda to and from R. Hibey regarding same; memorandum to Judges new law clerk regarding 8/28 filing.	6.50	450.00	2,925.00	✓
* 08/29/2006	A. Wise	Legal research regarding severance and notice issues; review DoJ discovery; review discovery pleadings in NRC matter; meeting with R. Hibey and C. McAleer regarding case issues; telephone calls with co-defendant counsel; review documents.	7.75	350.00	2,712.50	

REDACTED

Date	Name	Description	Hours	Rate	Amount
* 08/30/2006	R. Hibey	Attention to grand jury materials; focus on PRA evidence; telephone conferences with Morgan Lewis; telephone conferences with co-counsel; telephone conference with NRC Staff counsel; conference with A. Wise and C. McAleer.	7.50	600.00	4,500.00
08/30/2006	C. F. B. McAleer	Memoranda from (2) R. Hibey, A. Wise regarding 8/31 joint status report issue; telephone to and with S. Brock (NRC) regarding same, preparation of joint status report; teleconference with R. Hibey regarding new FENOC documents being produced by NRC; memoranda from S. Brock (NRC) regarding same, as filed motion for leave to extend; memorandum to, conferences with R. Malet, L. Butler regarding 9/6 hearing preparation books for R. Hibey; memoranda from and to R. Malet regarding same, Moffitt/Miller docket issues; memoranda from and to S. Brock (NRC) regarding draft joint status report; memorandum to Judges law clerk regarding designation of counsel for 9/6 oral argument; draft (continued) interrogatories and requests for production of documents to NRC Staff.	4.75	450.00	2,137.50 ✓
* 08/30/2006	A. Wise	Review documents; meeting with R. Hibey regarding case issues; legal research regarding severance issue; review Siemazsko statements and OI testimony; review NRC reports; telephone conference with C. McAleer regarding discovery issues; review Moffitt and Miller requests for admissions and interrogatories; draft discovery requests.	8.00	350.00	2,800.00
* 08/30/2006	M. T. Reinhard	Telephone call from R. Hibey regarding research.	0.50	325.00	162.50

Date	Name	Description	Hours	Rate	Amount
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* 08/31/2006	R. Hibey	Telephone conference with T. Matthews; conferences with A. Wise and M. Reinhard regarding Section 1001 legal issues; telephone conference with J. Conroy regarding construction of indictment; attention to grand jury materials; attention to government discovery letter.	6.50	600.00	3,900.00
08/31/2006	C. F. B. McAleer	Draft (revise) Joint Status Report; memoranda to and from R. Hibey, A. Wise, M. Reinhard regarding same; memoranda to and from S. Brock (NRC) regarding revisions, final Joint Status Report; review memorandum from S. Brock (NRC) to Judges regarding "as filed" Joint Status Report; review memoranda from Judge Ferrar regarding order concerning Motion to Quash, including postponement pending further proceedings, and order regarding NRC Staff request for extension on disclosure time; review memorandum from L. Butler regarding Moffitt/Miller filings; review materials for 9/6 hearing; draft (continued) (extensive) written discovery to NRC Staff; telephone from and conference with A. Wise regarding discovery to NRC Staff.	5.50	450.00	2,475.00 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	76.00	600.00
C. F. B. McAleer	151.00	450.00
A. Wise	133.75	350.00
M. T. Reinhard	41.00	325.00
L. Frazier	0.25	225.00
D. D. Edwards	0.00	175.00
L. E. Butler	139.75	145.00
R. Malet	127.00	110.00
J. Jordan	0.00	110.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
07/28/2006	Copying	Copying 2 copies	\$ 0.20
08/02/2006	Copying	Copying 19 copies	1.90
08/02/2006	Copying	Copying 2 copies	0.20
08/02/2006	Copying	Copying 3 copies	0.30
08/02/2006	Copying	Copying 2 copies	0.20
08/02/2006	Copying	Copying 2 copies	0.20
08/02/2006	Copying	Copying 75 copies	7.50
08/02/2006	Copying	Copying 60 copies	6.00
08/02/2006	Copying	Copying 217 copies	21.70
08/02/2006	Copying	Copying 125 copies	12.50
08/03/2006	Copying	Copying 710 copies	71.00
08/04/2006	Copying	Copying 95 copies	9.50
08/04/2006	Copying	Copying 4 copies	0.40
08/07/2006	Copying	Copying 92 copies	9.20
08/09/2006	Copying	Copying 3 copies	0.30
08/09/2006	Copying	Copying 3 copies	0.30
08/09/2006	Copying	Copying 2 copies	0.20
08/11/2006	Copying	Copying 47 copies	4.70
08/11/2006	Copying	Copying 2 copies	0.20
08/11/2006	Copying	Copying 3,256 copies	325.60
08/14/2006	Copying	Copying 48 copies	4.80
08/14/2006	Copying	Copying 6 copies	0.60
08/14/2006	Copying	Copying 9 copies	0.90
08/15/2006	Copying	Copying 90 copies	9.00
08/15/2006	Copying	Copying 90 copies	9.00
08/15/2006	Copying	Copying 49 copies	4.90
08/15/2006	Copying	Copying 77 copies	7.70
08/15/2006	Copying	Copying 44 copies	4.40
08/15/2006	Copying	Copying 92 copies	9.20
08/15/2006	Copying	Copying 48 copies	4.80
08/15/2006	Copying	Copying 51 copies	5.10
08/15/2006	Copying	Copying 11 copies	1.10
08/15/2006	Copying	Copying 255 copies	25.50
08/15/2006	Copying	Copying 34 copies	3.40
08/16/2006	Copying	Copying 90 copies	9.00

Date	Expense	Detail	Amount
08/16/2006	Copying	Copying 120 copies	12.00
08/17/2006	Copying	Copying 40 copies	4.00
08/22/2006	Copying	Copying 65 copies	6.50
08/23/2006	Copying	Copying 23 copies	2.30
08/23/2006	Copying	Copying 18 copies	1.80
08/28/2006	Copying	Copying 38 copies	3.80
08/28/2006	Copying	Copying 95 copies	9.50
08/28/2006	Copying	Copying 95 copies	9.50
08/28/2006	Copying	Copying 99 copies	9.90
08/30/2006	Copying	Copying 38 copies	3.80
08/30/2006	Copying	Copying 58 copies	5.80
08/30/2006	Copying	Copying 39 copies	3.90
08/30/2006	Copying	Copying 12 copies	1.20
08/30/2006	Copying	Copying 23 copies	2.30
08/30/2006	Copying	Copying 11 copies	1.10
08/31/2006	Copying	Copying 29 copies	2.90
08/31/2006	Copying	Copying 111 copies	11.10
08/31/2006	Copying	Copying 58 copies	5.80
Total Expenses			\$ <u>668.70</u>

EXPENSE SUMMARY

Description	Amount
Copying	\$ <u>668.70</u>
Total Expenses	\$ <u><u>668.70</u></u>

BILLING HISTORY

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: September 2006

INVOICE NO: 291370
CLIENT/MATTER NO.: 311950.000011
DATE: October 31, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending September 30, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees
Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
* 09/01/2006	R. Hibey	Attention to discovery materials; telephone conference with C. McAleer regarding interrogatories; conference with A. Wise regarding proceedings.	7.00	600.00	\$ 4,200.00
09/01/2006	C. F. B. McAleer	Review pleadings and documents (continued) for potential discovery requests; draft (continued) First Set of Interrogatories; memorandum to R. Hibey, et al. regarding draft; memoranda from and teleconference with A. Wise regarding additional interrogatories; teleconferences (2) with R. Hibey regarding same, edits; teleconference with S. Brock regarding agreement on right to serve additional sets of written discovery.	3.50	450.00	1,575.00 ✓
09/01/2006	C. F. B. McAleer	Continue drafting (extensive) First Set of Interrogatories; draft (extensive) First Requests for Production of Documents; revise and finalize written discovery; memoranda to NRC Staff, Board regarding service of Geisen written discovery; review e-mail from NRC Staff regarding service of their written discovery; memorandum to R. Hibey, et al. regarding same.	3.25	450.00	1,462.50 ✓
* 09/01/2006	A. Wise	Review and edit discovery documents; draft additional interrogatories and potential requests for production; meeting with R. Hibey regarding NRC proceedings; prepare for 9/6 hearing regarding motion to compel and motion to quash subpoena; conference with C. McAleer; review documents.	8.00	350.00	2,800.00
REDACTED					
09/04/2006	R. Hibey	Review materials for Wednesday's oral argument.	6.00	600.00	3,600.00 ✓

Date	Name	Description	Hours	Rate	Amount	
09/04/2006	A. Wise	Review NRC Staff discovery submissions, review documents.	3.50	350.00	1,225.00	✓
09/05/2006	R. Hibey	Prepare for oral argument; conference with A. Wise and M. Reinhard regarding same.	8.00	600.00	4,800.00	✓
09/05/2006	C. F. B. McAleer	Teleconference with C. Jordan regarding 9/6 hearing preparation.	0.25	450.00	112.50	✓
* 09/05/2006	A. Wise	Prepare for 9/6 hearing before Licencing Board regarding motion to compel and motion to quash; meeting with R. Hibey and M. Reinhard regarding same; review Board orders and NRC Staff pleadings; review documents.	8.25	350.00	2,887.50	
09/05/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise to prepare for hearing before NRC.	1.50	325.00	487.50	✓
REDACTED						
09/06/2006	R. Hibey	Prepare for and make argument before NRC panel.	4.00	600.00	2,400.00	✓
* 09/06/2006	C. F. B. McAleer	Telephone from T. Matthews (MLB) regarding 9/6 hearing.	0.25	450.00	112.50	
09/06/2006	A. Wise	Hearing before Licensing Board regarding motion to compel; prepare for client meetings on 9/7 and 9/8; review OI exhibits and transcripts; legal research regarding indictment issues.	9.00	350.00	3,150.00	✓

Date	Name	Description	Hours	Rate	Amount
09/06/2006	M. T. Reinhard	NRC hearing on Motion to Compel; meeting with R. Hibey and L. Prager regarding indictment; meeting with A. Wise regarding meeting with D. Geisen.	7.50	325.00	2,437.50 ✓
REDACTED					
09/07/2006	R. Hibey	Meeting with client.	7.50	600.00	4,500.00 ✓
09/07/2006	C. F. B. McAleer	Conference with A. Wise regarding 9/6 hearing before Board on motion to compel; conference with L. Butler regarding meeting, NRC written discovery; memoranda (several) to and from L. Butler, R. Malet regarding same; review memorandum from C. Jordan regarding NRC discovery; review memorandum from A. Wise regarding agenda for meeting with D. Geisen; assemble and review documents in preparation for meeting with D. Geisen; attend (extensive) meeting with D. Geisen, R. Hibey, others; conference with R. Hibey regarding research of standard of proof issue; research (begin) standard of proof issues; conference with L. Butler regarding cases for research.	5.25	450.00	2,362.50 ✓
09/07/2006	A. Wise	Meeting with client; review documents and discovery submissions; review NRC Staff interrogatories; legal research regarding invocation of privileges during discovery phase; legal research regarding indictment issues.	10.00	350.00	3,500.00 ✓

Date	Name	Description	Hours	Rate	Amount
09/07/2006	M. T. Reinhard	Meeting with D. Geisen, A. Wise and C. McAleer regarding NRC proceeding and trial preparation.	7.50	325.00	2,437.50 ✓
09/07/2006	L. E. Butler	Client meeting: retrieval and organization of requested materials for; "Critical period" review: database searches for and review of documents within September 2001 thru December 1, 2001 period per R. Hibey request; "Personnel matters": database searches/review per R. Hibey.	5.25	145.00	761.25 X

REDACTED

09/08/2006	R. Hibey	Meeting with client; team meeting regarding 1001 issues; telephone conference with T. Matthews.	7.50	600.00	4,500.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount	
09/08/2006	C. F. B. McAleer	Attend (extensive) meeting with D. Geisen, R. Hibey, others; memoranda from and to C. Jordan regarding L. Clark (NRC Staff counsel); telephone conferences from, to and with L. Clark regarding NRC Staff request for extension of discovery responses, Geisen initial disclosures, privilege issues; conferences with R. Hibey, A. Wise regarding same; review Geisen initial disclosures; continue researching standard of proof issues; conference with, memorandum from L. Butler regarding additional cases; conference with R. Hibey, et al. regarding TMI decision on clear and convincing standard; draft Geisen task list; conference with R. Hibey regarding case management issues; telephone to T. Matthews regarding request for report on 9/6 hearing on motion to compel; review memorandum from L. Butler regarding Moffitt/Miller dockets.	4.75	450.00	2,137.50	✓
* 09/08/2006	A. Wise	Meeting with client; review NRC Staff interrogatories and outline answers; legal research regarding multiplicity and duplicity issues; meeting with L. Prager and R. Hibey regarding 1001 issues; review documents.	9.00	350.00	3,150.00	
* 09/08/2006	M. T. Reinhard	Meet with D. Geisen, A. Wise, R. Hibey and C. McAleer regarding trial preparation; meet with L. Prager regarding indictment deficiencies.	6.25	325.00	2,031.25	
09/08/2006	L. E. Butler	Miller and Moffitt dockets: update/review of; client meeting: organization of materials for; retrieval and organization of requested cases per C. McAleer; Goyal case: review Pacer for suit per M. Reinhard; database project: review electronic files for documents to be processed by IKON; discussion with D. Edwards regarding same.	5.25	145.00	761.25	X

Date	Name	Description	Hours	Rate	Amount
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REDACTED

09/11/2006	R. Hibey	Attention to testimony and OI Report Exhibits.	6.50	600.00	3,900.00 ✓
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09/11/2006	C. F. B. McAleer	Memoranda to and from R. Hibey, others regarding standard of proof issue; memoranda to and from L. Butler, R. Malet regarding procedures meeting; telephone from, to and with (extensive) L. Clark (NRC attorney) regarding extension issue, additional information regarding OI; teleconference with R. Hibey regarding same.	1.50	450.00	675.00 ✓
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* 09/11/2006	A. Wise	Legal research regarding 1001 issues and indictment challenges; review documents and memoranda regarding same; e-mails with R. Hibey regarding Miller NRC resolution and impact on case; review GJ transcripts.	4.25	350.00	1,487.50
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REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 09/12/2006	R. Hibey	Review of witness testimony.	4.00	600.00	2,400.00
09/12/2006	C. F. B. McAleer	Memoranda (several) regarding meeting to discuss extension issue; telephone from, to and with C. Jordan, R. Hibey regarding same; conference with M. Reinhard regarding same; draft (extensive) memorandum to file regarding issues raised by L. Clark (NRC attorney); memorandum to R. Hibey, et al. regarding same; recommendation on response to L. Clark; memoranda to and from, conference with L. Butler, R. Malet regarding NRC procedures; telephone from and with R. Hibey regarding extension issue, "red-photo", potential NRC deponents; teleconferences with M. Reinhard, L. Butler, R. Malet regarding "red-photo" issue; review memorandum from A. Wise, others regarding discovery of documents (diskette) in D. Geisen's possession; memorandum from and conference with L. Butler regarding same, follow-up steps; telephone to L. Clark regarding extension issues.	3.75	450.00	1,687.50 ✓
09/12/2006	A. Wise	Telephone calls with C. McAleer regarding NRC discovery issues; review NRC dockets and related documents; e-mail communication with client regarding files; legal research regarding multiplicity issues; review GJ transcripts.	4.75	350.00	1,662.50 ✓

Date	Name	Description	Hours	Rate	Amount	
09/12/2006	L. E. Butler	Miller and Moffitt dockets: review for updates; Database projects: discuss updates to database/CD processing with IKON, D. Edwards; Filing procedures: meet with C. McAleer, R. Malet; "Critical Period" review: database review and organization of September 2001 documents for R. Hibey review.	6.50	145.00	942.50	X
09/12/2006	R. Malet	Review disk containing bates range set NRC010 and compare with transferred documents in database; Attend meeting with L. Butler and C. McAleer to discuss NRC rules and regulations and progress made on FirstEnergy; Create electronic folders containing all Miller and Moffitt attachments on NRC docket list; Create spreadsheet containing list of 2006 subpoenas regarding Miller and Moffitt.	5.75	110.00	632.50	X
* 09/13/2006	R. Hibey	Review discovery materials.	6.00	600.00	3,600.00	
* 09/13/2006	A. Wise	Review GJ transcripts and exhibits; research regarding materiality issues; e-mail communications regarding client files and searches; review documents.	4.50	350.00	1,575.00	
REDACTED						
* 09/14/2006	R. Hibey	Review discovery materials; conference with M. Reinhard regarding Hiser.	6.00	600.00	3,600.00	

Date	Name	Description	Hours	Rate	Amount	
09/14/2006	C. F. B. McAleer	Memoranda from (2) and to R. Malet regarding Moffitt/Miller docket entries, posting; review memoranda (several) from A. Wise, L. Butler regarding "as received" disks from D. Geisen; teleconference with A. Wise regarding same; review memoranda (several) regarding issue of Hiser OI transcript, summary; review documents regarding same.	1.50	450.00	675.00	✓
09/14/2006	A. Wise	Review documents and transcripts; email communications with C. McAleer regarding responses to NRC discovery requests and on-going discussions with NRC Staff regarding other discovery issues; review dockets; review Licensing Board orders and hearing transcripts; legal research.	4.00	350.00	1,400.00	✓
* 09/14/2006	M. T. Reinhard	Meet with R. Hibey regarding Hiser transcript.	0.75	325.00	243.75	

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 09/15/2006	R. Hibey	Review witness testimony.	5.50	600.00	3,300.00
09/15/2006	C. F. B. McAleer	Telephone from, to and with (extensive) L. Clark (NRC counsel) regarding extension and discovery issues; review memoranda (several) from R. Hibey, A. Wise, L. Butler regarding Geisen disks, contents; conference with L. Butler, R. Malet regarding "red photo" issue, documents; teleconference with A. Wise regarding same; review memorandum from S. Brock regarding supplemental disclosures; memorandum to and conference with R. Malet regarding same; review memoranda from R. Hibey, D. Geisen regarding 11/8 representations regarding inspection videotapes.	2.50	450.00	1,125.00 ✓
* 09/15/2006	A. Wise	Review documents and memoranda regarding indictment issues; draft discovery letter to AUSA Ballantine responding to government's 8/24 letter; legal research regarding severance and bill of particulars; review documents.	3.75	350.00	1,312.50

REDACTED

09/17/2006	C. F. B. McAleer	Memorandum to R. Hibey, et al. regarding teleconference with L. Clark (NRC), extension issue.	0.25	450.00	112.50 ✓
09/17/2006	L. E. Butler	"Critical period" review: database searches and organization of September 2001 documents for R. Hibey review.	6.50	145.00	942.50 X
* 09/18/2006	R. Hibey	Review materials; conference with A. Wise regarding motions and testimony; conference with C. McAleer regarding NRC discovery responses.	5.00	600.00	3,000.00
09/18/2006	C. F. B. McAleer	Memoranda (several) to and from R. Hibey, others regarding Geisen discovery responses, Geisen diskettes, potential deponents, meeting; review memorandum from R. Hibey regarding information on NRC; review memoranda (2) from M. Reinhard, R. Hibey regarding A. Hiser testimony; telephones from (2) and with R. Hibey; telephone from and with L. Clark (NRC) regarding NRC discovery responses.	2.00	450.00	900.00 ✓

Date	Name	Description	Hours	Rate	Amount
* 09/18/2006	A. Wise	Legal research regarding severance issues; draft discovery letter to AUSA Ballantine responding to government's 8/24 letter; review transcripts and exhibits; review documents regarding NRC discovery.	7.50	350.00	2,625.00

REDACTED

09/19/2006	C. F. B. McAleer	Memoranda from and to C. Jordan regarding NRC supplemental disclosures; review same.	1.00	450.00	450.00 ✓
* 09/19/2006	A. Wise	E-mails and meetings with R. Hibey, M. Reinhard regarding bill of particulars issues, materiality issues; draft and revise letter to DoJ Ballantine regarding discovery; legal research regarding severance and notice issues; review GJ transcripts and exhibits.	8.00	350.00	2,800.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 09/20/2006	R. Hibey	Team meeting regarding outstanding discovery issues and motions; attention to witness materials.	3.50	600.00	2,100.00
09/20/2006	C. F. B. McAleer	Teleconference (extensive) with J. Penny regarding status of depositions, several other issues; memoranda from and to (many) J. Penny regarding deposition transcripts, Board order regarding Miller settlement, other documents; review attachments to same; memoranda from and to J. Penny regarding Penny deposition chart, list of additional potential depositions; memorandum to R. Hibey, others regarding Penny deposition chart.	2.00	450.00	900.00 ✓
09/20/2006	C. F. B. McAleer	Memoranda to and from, conferences with R. Malet regarding deposition transcripts from Moffitt and Miller matters; several memoranda to and from R. Hibey, others regarding 9/27 meeting with J. Penny to discuss NRC depositions, other issues; memoranda to and from J. Penny regarding 9/27 meeting.	1.75	450.00	787.50 ✓

Date	Name	Description	Hours	Rate	Amount
09/20/2006	C. F. B. McAleer	Memoranda to and from, conferences with R. Malet regarding preparation of comprehensive witness chart; review and revise chart; memorandum to R. Hibey, others regarding same.	1.00	450.00	450.00 ✓
09/20/2006	C. F. B. McAleer	Draft (extensive) memorandum summarizing teleconference with and status information from J. Penny; memorandum to R. Hibey, et al. regarding same; prepare for status meeting; conference with R. Hibey, others regarding J. Penny issues, process for drafting Geisen's answers to written discovery, other issues; review NRC filing regarding Cook deposition transcript.	3.75	450.00	1,687.50 ✓
09/20/2006	A. Wise	Legal research regarding materiality and notice issues; draft and revise letter to DoJ Ballantine regarding discovery; review GJ transcripts and exhibits; meeting with R. Hibey, C. McAleer regarding NRC discovery issues and related privilege issues; legal research regarding same.	6.00	350.00	2,100.00 ✓
09/20/2006	M. T. Reinhard	Team meeting regarding depositions and NRC discovery issues.	1.25	325.00	406.25 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 09/21/2006	R. Hibey	Attention to discovery materials; conference with A. Wise regarding deposition.	4.00	600.00	2,400.00
09/21/2006	C. F. B. McAleer	Teleconference with, memorandum from R. Malet regarding revised comprehensive witness chart; review chart; memorandum to R. Hibey, et al. regarding same; memoranda to and from R. Hibey regarding analysis of deposition transcripts from Moffitt and Miller matters; review memorandum from R. Hibey regarding motion for protective order.	1.75	450.00	787.50 ✓
* 09/21/2006	A. Wise	Legal research severance issues; meeting with R. Hibey regarding NRC depositions; review client comments regarding GJ testimony; review GJ transcripts and exhibits.	6.75	350.00	2,362.50

REDACTED

Date	Name	Description	Hours	Rate	Amount
09/25/2006	C. F. B. McAleer	Review memoranda (2) from Judge Farrar regarding 9/26 telehearing on Geisen deposition issues, motion to quash subpoena; teleconference (extensive) with J. Penny regarding same, 9/26 planning teleconference, 9/27 meeting; teleconference with R. Hibey regarding same; telephones to and with paralegals regarding documents for same; memoranda (several) to and from R. Hibey, others regarding meetings, hearing; review memoranda (2) regarding Cook deposition transcript, Board order denying Cook motion to quash; conference with R. Hibey regarding various issues, including preparation for 9/26 telehearing with Board, Cunnings deposition transcript; memoranda to and from C. Jordan attaching Cunnings deposition transcript; memorandum to and conference with R. Malet regarding materials for 9/26.	5.25	450.00	2,362.50 ✓
09/25/2006	A. Wise	Review NRC Board email regarding Tuesday hearing; review R. Cook deposition transcript and related order; review pleadings regarding motion to quash subpoena; legal research regarding motions issues; review NRC Staff interrogatories and cases regarding 5th amendment invocation; review documents.	6.75	350.00	2,362.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

09/26/2006	R. Hibey	Conference call with J. Penny; meeting with J. Conroy; conference call with NRC judges; attention to materials.	4.50	600.00	2,700.00 ✓
09/26/2006	C. F. B. McAleer	Review Cook deposition transcript and Board's order on motion to quash; assemble and review materials for teleconference with J. Penny and telehearing with Board; teleconference with J. Penny, R. Hibey, et al.; conference with R. Hibey, A. Wise, M. Reinhard regarding various issues, including 10/2 discovery responses; teleconference (extensive) with Board regarding D. Geisen deposition issues, Miller settlement issue; review J. Conroy letter regarding discovery issues in criminal case; review memorandum from A. Wise regarding analysis of NRC written discovery; review (continued) NRC written discovery.	5.50	450.00	2,475.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
09/26/2006	A. Wise	Conference call with NRC Board regarding client deposition; meeting with R. Hibey regarding same; conference call/meeting with J. Penny, J. Conroy regarding NRC proceedings of Moffitt, Miller; legal research regarding severance issues; outline and draft pre-trial motions; legal research regarding GJ issues and review documents regarding same; review transcripts; review Geisen documents from imaged drive.	7.00	350.00	2,450.00 ✓
09/26/2006	M. T. Reinhard	Meet to prepare for NRC telephone call; NRC telephone hearing; edit motion on multiplicity.	2.25	325.00	731.25 ✓

REDACTED

09/27/2006	R. Hibey	Meeting with J. Penny and J. Conroy; review materials.	4.50	600.00	2,700.00 ✓
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Date	Name	Description	Hours	Rate	Amount
09/27/2006	C. F. B. McAleer	Assemble and review documents and pleadings for meetings with J. Penny, J. Conroy; conference with R. Hibey, J. Conroy, others regarding various issues; conference (extensive) with R. Hibey, J. Penny, J. Conroy, M. Reinhard, A. Wise regarding various issues; review NRC discovery pleadings for 10/2 service.	3.75	450.00	1,687.50 ✓
* 09/27/2006	A. Wise	Outline and draft severance motion, legal research regarding same; review motion regarding multiplicity, review cases regarding same; meeting with J. Penny and J. Conroy regarding NRC proceedings; review NRC discovery rules and client interrogatories; review documents; review client documents from imaged drive.	6.25	350.00	2,187.50
09/27/2006	M. T. Reinhard	Meet with J. Penny, R. Hibey, A. Wise and J. Conroy regarding NRC strategy and discovery.	3.50	325.00	1,137.50 ✓

REDACTED

09/28/2006	C. F. B. McAleer	Telephone from T. Matthews (Morgan Lewis) regarding diskettes for document analysis project.	0.25	450.00	112.50 ✓
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Date	Name	Description	Hours	Rate	Amount
REDACTED					
09/29/2006	C. F. B. McAleer	Telephones (several) to and from L. Butler, R. Malet regarding Geisen diskettes, comparison analysis to diskettes from Morgan Lewis; draft select interrogatories for D. Geisen to review and answer; memoranda to and from A. Wise regarding same; review memorandum and attachment from R. Hibey regarding Board approval of Miller settlement.	2.75	450.00	1,237.50 ✓
09/29/2006	A. Wise	Review NRC dockets regarding Moffitt and Miller; e-mail communication with client regarding NRC discovery; review NRC Staff interrogatories to client; review legal research regarding Fifth Amendment invocation; legal research regarding severance.	2.50	350.00	875.00 ✓

REDACTED

09/30/2006	C. F. B. McAleer	Review memorandum from A. Wise to D. Geisen regarding selected interrogatories; memoranda from and to A. Wise regarding same.	0.50	450.00	225.00	✓
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Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	97.50	600.00
C. F. B. McAleer	58.75	450.00
A. Wise	131.75	350.00
M. T. Reinhard	42.25	325.00
L. Frazier	33.00	225.00
C. Bunner	8.50	155.00
L. E. Butler	149.75	145.00
J. Woodlon	10.25	145.00
M. O. Kirby, Jr.	46.50	145.00
L. Castillo	13.00	130.00
R. Malet	107.75	110.00
D. Nunley	18.00	110.00
M. Ellis	30.75	110.00

REDACTED

EXPENSE DETAIL

REDACTED

EXPENSE SUMMARY

REDACTED

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: October 2006

INVOICE NO: 291960
CLIENT/MATTER NO.: 311950.000011
DATE: November 22, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending October 31, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
10/01/2006	C. F. B. McAleer	Draft (begin) (extensive) Objections and Answers to NRC Staff's First Set of Interrogatories; review memorandum from R. Hibey regarding entry of Miller order, referral of Moffitt to ADR.	2.50	450.00 \$	1,125.00 ✓
* 10/01/2006	A. Wise	Review and edit draft motion regarding multiplicity; e-mails to client regarding NRC discovery.	1.75	350.00	612.50

REDACTED

Date	Name	Description	Hours	Rate	Amount
10/02/2006	C. F. B. McAleer	Telephone to and with, memorandum from A. Wise regarding assertion of Fifth Amendment, discovery response issues, review of D. Geisen diskettes; draft (continued) (extensive) Answers to NRC Staff's First Set of Interrogatories; memoranda to and from, teleconference and conference with A. Wise regarding draft Answers; teleconference with, memorandum to D. Geisen, A. Wise regarding same, execution; memorandum from and conference with A. Wise, L. Butler regarding analysis of D. Geisen diskette issues; teleconference with, memoranda from and to T. Matthews (MLB), A. Wise, L. Butler regarding same; draft (extensive) Responses to NRC Staff's First Request for Production of Documents and First Request for Admissions; memoranda to A. Wise regarding same; conferences with, memoranda to and from R. Malet regarding review of draft discovery responses, service issues; revise and finalize discovery responses; begin drafting filing and service communications to Board, NRC Staff; teleconference with L. Clark (NRC Staff) regarding NRC Staff request for one-day extension; memorandum to R. Hibey, et al. regarding same; memorandum to D. Geisen regarding review and execution of discovery answers to NRC Staff's First Set of Interrogatories; review memorandum from M. Farrar (NRC Board) regarding order reflecting 9/26 telehearing; review order regarding same.	8.25	450.00	3,712.50 ✓

Date	Name	Description	Hours	Rate	Amount
* 10/02/2006	A. Wise	Edit and draft motion regarding multiplicity; legal research regarding same; review memo from L. Frazier, draft from M. Reinhard; meeting with C. McAleer, L. Butler regarding Geisen documents; telephone call with D. Ferraro and T. Matthews regarding same; review Geisen documents; conference with C. McAleer regarding discovery responses; telephone calls with client regarding Interrogatory responses; draft 5th Amendment invocation language for interrogatory responses; review NRC filings.	9.50	350.00	3,325.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
10/03/2006	C. F. B. McAleer	Telephone to and with, conference with A. Wise regarding draft discovery responses, D. Geisen review and execution, other issues; teleconference with D. Geisen, A. Wise regarding final review and execution of Answers to NRC Staff's First Set of Interrogatories; review, revise and finalize discovery responses; draft filing memorandum to Board, NRC Staff regarding discovery responses; memoranda to and from (2) R. Malet regarding service and filing of discovery responses; review memorandum from NRC Staff regarding filing and service of NRC responses to D. Geisen's First Set of Interrogatories and First Request for Production of Documents; memorandum to R. Malet regarding same; review (begin) NRC Staff's discovery responses; memorandum to R. Hibey, et al. regarding preliminary conclusion, meeting to discuss strategy; review memorandum from M. Spencer (NRC) regarding NRC Staff production of documents, discovery responses; memorandum to R. Hibey, others regarding same; review memoranda (4) from C. Jordan regarding new filings; review memorandum from D. Geisen regarding signature page, proposed edits.	5.25	450.00	2,362.50 ✓
* 10/03/2006	A. Wise	Legal research regarding multiplicity motion; review and edit multiplicity motion; review NRC Staff discovery submissions; review documents.	10.00	350.00	3,500.00

REDACTED

Date	Name	Description	Hours	Rate	Amount	
10/03/2006	L. E. Butler	Critical Period review: discussion with R. Malet, L. Castillo, M. Kirby, D. Nunley regarding September 2001 document organization/finalization; discuss October 2001 document organization procedures; review October 2001 documents; Database project: discussion with IKON, J. Jordan regarding CD processing.	5.25	145.00	761.25	X
REDACTED						
10/03/2006	R. Malet	Check for updates on Miller and Moffitt dockets per request of L. Butler; Prepare filing of D. Geisen's Answer and Response to NRC Staff's Request per C. McAleer; Organize October critical period documents in preparation for production per request of L. Butler; meet with FirstEnergy team to discuss organization and methods regarding critical review.	8.50	110.00	935.00	X
REDACTED						
* 10/04/2006	R. Hibey	Attention to discovery materials; conference with A. Wise regarding pre-trial motions.	4.50	600.00	2,700.00	
10/04/2006	C. F. B. McAleer	Memoranda from and to R. Hibey, A. Wise regarding 10/5 meeting; legal research (continued) regarding standard of proof issues; review facsimile from J. Conroy regarding discovery issues.	1.25	450.00	562.50	✓
* 10/04/2006	A. Wise	Edit and draft motion regarding multiplicity; telephone call with J. Conroy regarding bill of particulars issue; meeting with R. Hibey regarding case status; legal research.	7.75	350.00	2,712.50	

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/05/2006	C. F. B. McAleer	Review (continued) NRC Staff's responses to D. Geisen's written discovery; prepare for and attend meeting with R. Hibey, A. Wise to discuss NRC Staff's responses, other issues; assemble, review (extensive) accumulated pleadings and documents regarding discovery issues.	3.50	450.00	1,575.00 ✓
10/05/2006	A. Wise	Meeting with R. Hibey, C. McAleer regarding NRC discovery and approaches; review and edit multiplicity motion, review legal research regarding legislative history and related issues; review Siemaszko and Cook statements with regard to severance motion; review document and transcripts; telephone call with client.	8.75	350.00	3,062.50 ✓

REDACTED

10/06/2006 R. Hibey

Conference with A. Wise regarding
issues in draft motion; attention to
discovery materials; telephone
conference with C. McAleer.

4.50 600.00

2,700.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
10/06/2006	C. F. B. McAleer	Memoranda to, from R. Hibey, A. Wise regarding discovery letter to NRC Staff; memorandum from, conferences with (2) (extensive) regarding D. Geisen diskette correlation analysis; teleconferences with (2) L. Butler regarding same; teleconference with, memorandum from R. Hibey regarding structure modification information; review (continued) NRC Staff's discovery responses for drafting deficiency letter.	2.50	450.00	1,125.00 ✓

REDACTED

10/07/2006	C. F. B. McAleer	Review (continued) (extensive) NRC Staff discovery responses for preparing deficiency letter.	1.75	450.00	787.50 ✓
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REDACTED

10/09/2006	R. Hibey	Attention to materials.	3.00	600.00	1,800.00 ✓
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Date	Name	Description	Hours	Rate	Amount
10/09/2006	C. F. B. McAleer	Review (continued) (extensive) NRC Staff discovery responses for preparing deficiency letter; draft (begin) (extensive) letter to NRC Staff regarding deficiency issues.	4.25	450.00	1,912.50 ✓
10/09/2006	C. F. B. McAleer	Review D. Geisen signature page for answers to interrogatories; conference with and memorandum from P. Hackman regarding same; review D. Geisen edits to 10/3/06 answers to interrogatories; draft (revise) corrected answers to interrogatories regarding same; prepare final version of answers to interrogatories; memorandum to Judge Farrar, others regarding same; memoranda from and to R. Malet regarding service of corrected answers.	1.75	450.00	787.50 ✓
10/09/2006	A. Wise	Legal research and document review regarding severance motion; outline and review Siemazsko statements and recent documents; conference with M. Reinhard; review press regarding Siemazsko interviews and statements; review documents relating to Geisen disk.	5.75	350.00	2,012.50 ✓
10/09/2006	M. T. Reinhard	Meet with A. Wise regarding motions; review multiplicity motion.	1.00	325.00	325.00 ✓
10/09/2006	L. E. Butler	DG MLB H drive review: review/compare documents for attorney review per C. McAleer; discuss "binder" review with C. Bunner; discuss same with C. McAleer; discuss same with A. Wise; Critical Period review: discuss, prepare and organize October 2001 documents for R. Hibey review with R. Malet, D. Nunley; Database project: discussions with S. Murray/IKON regarding Pre-summary reports (Geisen discs).	6.25	145.00	906.25 X

Date	Name	Description	Hours	Rate	Amount	
10/09/2006	R. Malet	Check for updates on Miller and Moffitt dockets per request of L. Butler; Organize October critical period documents in preparation for production per request of L. Butler; Prepare and serve D. Geisen's Objections and Answers to NRC Staff's First Set of Interrogatories per request of C. McAleer.	6.75	110.00	742.50	X

REDACTED						
* 10/10/2006	R. Hibey	Attention to materials; develop special discovery materials; conference with A. Wise regarding materiality issues.	6.00	600.00	3,600.00	
10/10/2006	C. F. B. McAleer	Telephone call from L. Clark (NRC Staff) regarding renewed stay motion; review memorandum from M. Spencer regarding Motion to Exceed Page Limits; review memorandum from Judge Farrar regarding same; memoranda to (2) R. Hibey, et al. regarding same.	1.50	450.00	675.00	✓
* 10/10/2006	A. Wise	Meeting with R. Hibey regarding materiality motion; review comments from J. Conroy regarding multiplicity motion, legal research regarding same; conference with M. Reinhard regarding motions; legal research regarding severance issues, outline motion regarding same; review NRC Staff pleading regarding stay.	7.50	350.00	2,625.00	
10/10/2006	M. T. Reinhard	Meet with A. Wise and telephone call with A. Wise regarding motions.	0.25	325.00	81.25	✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/11/2006	R. Hibey	Meeting with team regarding recent motions and proposed filing; attention to materials.	5.50	600.00	3,300.00 ✓
10/11/2006	C. F. B. McAleer	Review NRC Motion to Exceed Page Limits; telephones to, from and with L. Clark (NRC) regarding same; telephones with and from, memoranda from and to R. Hibey, A. Wise regarding same, status meeting; conference (extensive) with R. Hibey, et al. regarding potential renewed motion to stay; review memorandum from R. Hibey regarding Moffitt filing; telephones to, from and with (extensive) L. Clark regarding renewed motion to stay, discovery issues; memorandum (extensive) to R. Hibey, et al. regarding same.	3.75	450.00	1,687.50 ✓
10/11/2006	A. Wise	Meeting with R. Hibey, C. McAleer, M. Reinhard regarding NRC strategy, discovery issues, response to Licensing Board regarding Staff renewed motion to stay; outline and draft severance motion; legal research regarding same.	7.75	350.00	2,712.50 ✓
10/11/2006	M. T. Reinhard	Team meeting regarding NRC proposed Motion to Stay Proceedings.	1.00	325.00	325.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/12/2006	R. Hibey	Attention to materials; conference with A. Wise.	3.50	600.00	2,100.00 ✓
10/12/2006	C. F. B. McAleer	Memoranda from and to, telephone to L. Clark regarding draft Motion to Extend Motions Deadline; memoranda to and from Geisen Team regarding same; draft (revise) Motion to Extend Motions Deadline; memoranda to and from L. Clark regarding revised Motion, as filed Motion; review facsimile from DOJ regarding criminal action.	1.75	450.00	787.50 ✓

Date	Name	Description	Hours	Rate	Amount	
10/12/2006	A. Wise	Draft and edit severance motion, legal research and edits regarding multiplicity motion, telephone call with J. Conroy regarding same, review J. Conroy comments regarding same; conference with M. Reinhard; review client documents from disk, review NRC discovery requests; review Cook and Siemaszko OI statements and issues relating to motion.	7.00	350.00	2,450.00	✓
* 10/12/2006	M. T. Reinhard	Review GAO report; research materiality; meet with A. Wise regarding motion; draft Motion to Compel.	4.00	325.00	1,300.00	

REDACTED

Date	Name	Description	Hours	Rate	Amount	
10/13/2006	R. Hibey	Meeting with C. McAleer and A. Wise regarding Licensing Board's order.	0.25	600.00	150.00	✓
10/13/2006	C. F. B. McAleer	Review memorandum from Judge Farrar regarding order granting Motion to Extend Time; memoranda from and to A. Wise regarding same; telephones with (2) and to, memoranda from and to (several) R. Hibey regarding DOJ expert opinion disclosure; review disclosure.	1.50	450.00	675.00	✓
10/13/2006	A. Wise	Review Licensing Board order, meeting with C. McAleer, R. Hibey regarding same; legal research regarding renewal of stay motion; draft and edit severance motion, legal research regarding same; review discovery letters regarding bill of particulars and scheme allegations in Count 1, legal research regarding bill of particulars issues.	7.75	350.00	2,712.50	✓
10/13/2006	L. E. Butler	DG MLB H drive review: review/compare documents for attorney review per C. McAleer; Database project: discuss processing of CDs with IKON; receipt of discs from IKON.	3.75	145.00	543.75	X
10/13/2006	R. Malet	Check for updates on Miller and Moffitt dockets per request of L. Butler; Make changes to Miller/Moffitt DMS files and spreadsheet reflecting updates on the NRC docket per request of C. McAleer; Search the Geisen client database for documents located on the Geisen disk.	3.75	110.00	412.50	X

REDACTED

REDACTED

Date	Name	Description	Hours	Rate	Amount	
10/16/2006	R. Hibey	Meeting of team regarding both cases; conference call with NRC; attention to discovery issues; attention to materials.	4.00	600.00	2,400.00	✓
10/16/2006	C. F. B. McAleer	Memoranda from and to R. Malet regarding additional Moffitt/Miller deposition transcripts, revised witness chart; review revised witness chart; telephone from, memoranda to (2) and from (2) L. Clark regarding additional "meet and confer" teleconference on renewed motion to stay, discovery issues; memoranda (several) to and from R. Hibey, others planning for NRC Staff teleconference, draft talking reports, etc.; memoranda to and from, conference with L. Butler, R. Malet regarding status of Geisen document review; review memorandum order from Judge Farrar; conference (extensive) with R. Hibey, et al. in preparation for teleconference with NRC Staff; teleconference (extensive) with L. Clark, NRC Staff regarding various issues; review Moffitt motion to withdraw.	4.75	450.00	2,137.50	✓
* 10/16/2006	A. Wise	Draft and edit severance motion, meeting with R. Hibey, C. McAleer, M. Reinhard regarding NRC proceeding issues; telephone call with NRC Staff attorneys.	6.25	350.00	2,187.50	
10/16/2006	M. T. Reinhard	Team meeting; telephone conference with NRC staff; meet with A. Wise regarding motions; draft and edit Motion to Compel.	5.00	325.00	1,625.00	✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/17/2006	C. F. B. McAleer	Telephone from, memoranda (several)	1.50	450.00	675.00 ✓
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from and to L. Clark (NRC Staff) regarding draft motion to extend discovery deadline; memoranda from and to R. Hibey regarding same; review and revise same; memorandum from L. Clark regarding "as filed" version; review memoranda (2) regarding Ballantine, Conroy letters.

* 10/17/2006	A. Wise	Draft and edit severance motion, legal	7.00	350.00	2,450.00
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research; telephone call with J. Conroy regarding multiplicity issues, edit motion regarding same; conference with M. Reinhard; review DoJ letter regarding indictment and particulars; telephone calls with R. Hibey regarding DoJ issues; review documents.

10/17/2006	M. T. Reinhard	Draft and edit Geisen motions; meet	3.00	325.00	975.00 ✓
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with A. Wise regarding motions.

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/18/2006	C. F. B. McAleer	Review memoranda (several) regarding Siemaszko order, 10/19 meeting with J. Conroy, letter in criminal action and filing of joint motion to extend motions deadline on discovery and stay issues; assemble materials for 10/19 teleconference with L. Clark (NRC Staff) regarding discovery issues.	1.25	450.00	562.50 ✓
10/18/2006	A. Wise	Draft and edit motions, legal research regarding same; meeting with R. Hibey and M. Reinhard regarding multiplicity and severance issues; review documents.	7.00	350.00	2,450.00 ✓
10/18/2006	M. T. Reinhard	Edit motions; meet with R. Hibey and A. Wise regarding motions.	2.00	325.00	650.00 ✓
10/18/2006	L. E. Butler	Database project: discuss various production issues with J. Jordan; discuss processing of CDs with IKON; Severance Motion: begin cite check per A. Wise.	4.25	145.00	616.25 X

REDACTED

Date	Name	Description	Hours	Rate	Amount
* 10/19/2006	R. Hibey	Drafting and editing session; meeting with A. Wise and M. Reinhard; telephone conference with J. Conroy.	2.00	600.00	1,200.00
10/19/2006	C. F. B. McAleer	Prepare for extensive "meet and confer" teleconference with L. Clark (NRC Staff) regarding Geisen discovery responses; teleconference (extensive) with L. Clark, others regarding same; draft detailed memorandum to R. Hibey, A. Wise regarding teleconference, including discussion of "off record" interview offer; memoranda to (2) and from R. Hibey, et al. regarding same, J. Conroy meeting; review memoranda (2) regarding Siemaszko issues.	3.50	450.00	1,575.00 ✓
10/19/2006	A. Wise	Meeting with R. Hibey, M. Reinhard, J. Conroy regarding motions edits and revisions; legal research regarding multiplicity issues; edit motions; review documents; review memoranda regarding discussions with NRC Staff attorneys regarding discovery and alternative resolutions.	7.75	350.00	2,712.50 ✓
10/19/2006	M. T. Reinhard	Meet with J. Conroy, A. Wise and R. Hibey regarding motions; edit and finalize motions.	3.50	325.00	1,137.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/20/2006	C. F. B. McAleer	Review memorandum order from Judge Farrar regarding discovery extension, potential telehearing on topic of renewed motion to stay; memoranda from and to A. Wise regarding meeting with D. Geisen.	0.50	450.00	225.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/24/2006	R. Hibey	Team meeting.	1.00	600.00	600.00 ✓
10/24/2006	C. F. B. McAleer	Telephones from and with, memoranda (many) to and from L. Clark (NRC) regarding renewed motion to stay issues; memoranda to and from, teleconference with R. Hibey, et al. regarding additional "meet and confer" with NRC Staff on renewed motion to stay; review 10/23 letter from L. Clark regarding Geisen discovery response issues; telephones (several) to, from and with K. Valloch (NRC Board) regarding 10/25 telehearing with the Board; memoranda to and from, conference with L. Butler, R. Malet regarding status of Geisen document review; memoranda to and from Geisen Team regarding same; conferences (2) with R. Hibey, A. Wise regarding several issues; teleconference (extensive) with L. Clark (NRC Staff); telephone from K. Valloch (NRC Board) confirming 10/25 telehearing; memorandum to Geisen Team regarding same.	5.25	450.00	2,362.50 ✓

Date	Name	Description	Hours	Rate	Amount
10/24/2006	A. Wise	Meeting with R. Hibey, C. McAleer regarding telephone call with NRC Staff and NRC discovery issues; telephone conference with NRC Staff regarding discovery issues and settlement discussions; draft and edit motion for bill of particulars legal research regarding same; review documents.	7.75	350.00	2,712.50 ✓

REDACTED

10/25/2006	R. Hibey	Hearing by teleconference with panel; conference with A. Wise and K. Mosley.	1.00	600.00	600.00 ✓
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Date	Name	Description	Hours	Rate	Amount
10/25/2006	C. F. B. McAleer	Assemble and review documents for telehearing with the Board; conference with R. Hibey, A. Wise regarding same, strategy issues; teleconference (extensive) with Board regarding discovery, renewed motion to stay	1.75	450.00	787.50 ✓
10/25/2006	A. Wise	Prepare for telephone hearing with NRC Licensing Board, review and mark-up past Board order, hearing transcript, and NRC Order; participate in telephone conference; meeting with R. Hibey and K. Mosley; with R. Hibey and C. McAleer regarding response to forthcoming Staff motion to stay; draft and edit motion regarding bill of particulars; telephone call with J. Conroy regarding same; legal research, document review.	8.50	350.00	2,975.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount	
10/26/2006	C. F. B. McAleer	Draft motion to extend discovery deadline; memoranda to and from L. Clark (NRC) regarding same; review memoranda (3) from A. Wise to Board regarding motions filed in criminal action; review (begin) motions for information relating to NRC discovery issues; revise and finalize joint motion to extend; memorandum to Board regarding same; memoranda to and from R. Malet regarding service; conference (extensive) with L. Butler, R. Malet regarding status of document review; review memorandum from L. Clark regarding status report on criminal action.	3.25	450.00	1,462.50	✓
* 10/26/2006	A. Wise	Telephone calls to counsel regarding scheduling of conference call with J. Katz; legal research and document regarding motion for bill of particulars; draft and edit motion for bill of particulars; draft fact section in anticipation of NRC Staff motion for stay; review NRC Orders and Licensing Board order regarding initial abatement request; review and compare NRC and DoJ discovery.	6.00	350.00	2,100.00	
10/26/2006	L. E. Butler	DG MLB H drive review: review/compare documents for attorney review per C. McAleer; Miller/Moffitt NRC disclosure documents: discussion and review of organization (per C. McAleer request) with D. Nunley; Miller/Moffitt dockets: review of NRC site for updates; discuss same with R. Malet; discuss status of projects with R. Malet, S. Binder, L. Castillo, D. Nunley.	9.50	145.00	1,377.50	X

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
10/27/2006	C. F. B. McAleer	Legal research regarding Fifth Amendment issues for opposition to renewed motion to stay; review (begin) memorandum from L. Clark (NRC) regarding renewed motion to stay; memorandum to R. Hibey, et al. regarding same; review memorandum order from Judge Farrar regarding additional discovery extension.	2.25	450.00	1,012.50 ✓
* 10/27/2006	A. Wise	Draft and edit motion for bill of particulars; communications with D. Gordon regarding same; email with R. Hibey regarding same; review cases and documents; review discovery correspondence; review NRC Staff motion for stay.	7.00	350.00	2,450.00
* 10/27/2006	M. T. Reinhard	Review and edit motion regarding bill of particulars; meet with A. Wise regarding motion.	1.00	325.00	325.00

REDACTED

* 10/28/2006 R. Hibey	Review and edit motions; telephone conference with A. Wise regarding motions and issues for teleconference with Judge Katz.	1.50	600.00	900.00
* 10/28/2006 A. Wise	Email exchange with R. Hibey regarding NRC Staff motion to stay; review cases regarding opposition to NRC Staff motion to stay.	2.00	350.00	700.00

REDACTED

* 10/29/2006 R. Hibey	Review and edit motions; telephone conference with A. Wise regarding motions and issues for teleconference with Judge Katz.	1.50	600.00	900.00
* 10/29/2006 A. Wise	Telephone call with R. Hibey regarding NRC Staff motion to stay and motion for bill of particulars; draft and edit opposition to NRC Staff motion to stay.	3.25	350.00	1,137.50
10/29/2006 L. E. Butler	DG MLB H drive review; review/compare documents for attorney review per C. McAleer	4.50	145.00	652.50 X

Date	Name	Description	Hours	Rate	Amount
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REDACTED

10/30/2006	C. F. B. McAleer	Memorandum from A. Wise regarding NRC renewed motion to stay; reviewed (continued) (extensive) NRC Staff renewed motion to stay; draft list of cases cited by NRC Staff; conferences with R. Malet regarding same; teleconference with, memorandum from A. Wise regarding draft opposition to renewed motion to stay; legal research (continued) (extensive) regarding Fifth Amendment issue; memoranda to and from, teleconferences (2) and conferences with R. Malet regarding same; continue reviewing cases; draft initial list of arguments.	4.25	450.00	1,912.50 ✓
* 10/30/2006	A. Wise	Edit, finalize, and file motion regarding Bill of Particulars; telephone calls with J. Conroy regarding same; telephone call with R. Hibey regarding motion and NRC Staff motion; legal research and document review; draft and edit Opposition to NRC Motion for Stay.	9.00	350.00	3,150.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 10/31/2006	R. Hibey	Telephone conferences with A. Wise regarding strategy in light of pending conference; review of materials in preparation of conference call; conference call with Judge Katz.	2.50	600.00	1,500.00
10/31/2006	C. F. B. McAleer	Continue legal research (extensive) regarding Fifth Amendment preclusion issue; telephones to (2), from (2) and with L. Clark (NRC Staff) regarding Reply Brief issue; telephones with (2) and to A. Wise regarding same; review memorandum from Board regarding decision on motion to compel unredacted OI report; memorandum to R. Hibey, others regarding same; begin reviewing Board decision; teleconference with A. Wise regarding issues on opposition to renewed motion to stay.	3.25	450.00	1,462.50 ✓

Date	Name	Description	Hours	Rate	Amount
* 10/31/2006	A. Wise	Prepare for and participate in conference call with J. Katz and all parties to the criminal matter; telephone calls (x3) with R. Hibey regarding case issues; review cases from NRC Motion for Stay; draft and edit opposition to NRC Motion for Stay.	8.50	350.00	2,975.00

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	44.75	600.00
C. F. B. McAleer	71.00	450.00
A. Wise	177.75	350.00
M. T. Reinhard	27.75	325.00
L. Frazier	6.00	225.00
J. Thompson	1.50	170.00
C. Bunner	18.00	155.00
L. E. Butler	142.00	145.00
M. O. Kirby, Jr.	58.00	145.00
J. Woodlon	2.50	145.00
L. Castillo	61.50	130.00
R. Malet	138.25	110.00
D. Nunley	128.75	110.00

REDACTED

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: November 2006

INVOICE NO: 292605
CLIENT/MATTER NO.: 311950.000011
DATE: December 28, 2006

FOR PROFESSIONAL SERVICES RENDERED
for the period ending November 30, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
11/01/2006	C. F. B. McAleer	Memoranda (several) regarding Board's 10/31 decision on motion to compel unredacted OI report; conference with, memoranda from and to R. Malet regarding Board's 10/31 decision; review Board's 10/31 decision; telephone to A. Wise regarding same.	1.25	450.00	\$ 562.50	✓
11/01/2006	C. F. B. McAleer	Memoranda (4) from and to A. Wise regarding pdf of NRC Staff's renewed motion to stay; teleconference with, memorandum from L. Clark regarding same; legal research (continued) regarding preclusion order issue in renewed motion to stay; draft (continued) insert for opposition to renewed motion to stay.	2.25	450.00	1,012.50	✓
* 11/01/2006	A. Wise	Draft and edit Opposition to NRC Motion for Stay; e-mail correspondence with NRC Staff regarding same; legal research.	7.00	350.00	2,450.00	
11/01/2006	L. E. Butler	DG MLB H drive review: review/compare documents for attorney review per C. McAleer.	5.25	145.00	761.25	X
11/01/2006	R. Malet	Review and check accuracy of documents tagged in December 2001 critical review query per request of L. Butler; Make telephone call to NRC requesting motion per request of A. Wise; Reformat October 31 memorandum and order.	3.50	110.00	385.00	X
REDACTED						
11/02/2006	R. Hibey	Edit and finalize pleading to NRC; conference with A. Wise and C. McAleer regarding same.	3.50	600.00	2,100.00	✓

Date	Name	Description	Hours	Rate	Amount
11/02/2006	C. F. B. McAleer	Teleconference with A. Wise regarding 10/31 Board decision on redacted OI report; legal research (continued) regarding preclusion order issue; draft (continued) insert for opposition to renewed motion to stay; telephones from (2) and to, memoranda to and from R. Hibey, A. Wise regarding same; teleconferences with, memorandum from A. Wise regarding draft Opposition; memoranda from (2) and to (2), teleconference with L. Clark (NRC Staff) regarding discovery, other issues; review memorandum from M. Baty (NRC Staff) regarding protective order for OI redactions; draft (extensive) additional caselaw revisions for draft Opposition; revise draft Opposition regarding same; memorandum to A. Wise regarding same; teleconference with, memoranda to and from R. Malet regarding caselaw; conference (extensive) with R. Hibey, A. Wise regarding revisions to draft Opposition; memoranda from (3) and to A. Wise regarding final revisions to and filing of Opposition.	4.25	450.00	1,912.50 ✓
11/02/2006	A. Wise	Edit and finalize Opposition to NRC Motion for Stay; conferences with R. Hibey and C. McAleer regarding same; legal research, review documents; file Opposition to NRC Motion for Stay.	9.50	350.00	3,325.00 ✓
11/02/2006	M. T. Reinhard	Review opposition to Motion to Stay.	0.50	325.00	162.50 ✓
11/02/2006	L. E. Butler	DG MLB H drive review: review/compare documents for attorney review per C. McAleer; Opposition of Geisen to NRC Staff Motion for Stay: fact/cite check per A. Wise for filing of.	10.00	145.00	1,450.00 X
11/02/2006	R. Malet	Review and check accuracy of documents tagged in December 2001 critical review query per request of L. Butler; Cite check Opposition with L. Butler per request of A. Wise and C. McAleer; Assist in filing of Opposition with L. Butler.	6.75	110.00	742.50 X

Date	Name	Description	Hours	Rate	Amount	
11/03/2006	R. Hibey	Prepare for hearing; telephone conference with C. McAleer.	4.00	600.00	2,400.00	✓
11/03/2006	C. F. B. McAleer	Review Order from Board regarding confirmation of 11/7 hearing, identification of issues; memoranda (2) and teleconference with R. Hibey regarding same; review NRC Staff motion for leave to file Reply Brief; review Order from Board regarding same; assemble materials for burden of proof and discovery memoranda; review memorandum from A. Wise regarding next meeting with D. Geisen.	1.50	450.00	675.00	✓
11/03/2006	A. Wise	Prepare for 11/7 hearing on NRC Staff Motion for Stay; review cases and compile briefing books for same; review documents; calls and e-mails with client regarding motion and case status; review USDC Order and Conroy motion for extension of deadlines for reply; review e-mails regarding client document production to NRC.	8.00	350.00	2,800.00	✓
11/03/2006	L. E. Butler	DG MLB H drive review: review/compare documents for attorney review per C. McAleer.	7.00	145.00	1,015.00	X
11/03/2006	R. Malet	Serve hard copies of November 3 Order to members on certificate of service per request of A. Wise; Print December critical period documents from database in preparation for review; meet with A. Wise and C. McAleer to discuss updates on DG client disk review.	4.50	110.00	495.00	X
REDACTED						
11/06/2006	R. Hibey	Prepare for hearing; conference with team; correspondence with NRC.	4.50	600.00	2,700.00	✓

Date	Name	Description	Hours	Rate	Amount	
11/06/2006	C. F. B. McAleer	Legal research (continued) regarding burden of proof issue; draft memorandum (begin) regarding burden of proof issue; memorandum from and to A. Wise regarding Board Order on 11/7 hearing; review letter from R. Hibey regarding 11/7 hearing; conferences (2) with, memoranda from R. Malet regarding casebook for 11/7 hearing; teleconference with R. Hibey regarding 11/7 hearing; telephone to A. Wise regarding same; teleconferences (extensive) with (2) and to L. Clark regarding NRC Staff request for postponement of 11/7 hearing; teleconference and conference (extensive) with R. Hibey, A. Wise, M. Reinhard regarding same; review memoranda from M. Reinhard regarding Ohio articles.	5.50	450.00	2,475.00	✓
11/06/2006	A. Wise	Conference with R. Hibey, C. McAleer and M. Reinhard regarding 11/7 hearing; review and research NRC Staff's Response regarding Motion to Stay; legal research, review documents.	7.50	350.00	2,625.00	✓
11/06/2006	M. T. Reinhard	Team meeting regarding NRC proceedings; review NRC reply.	1.00	325.00	325.00	✓
11/06/2006	L. E. Butler	DG MLB H drive review: review/compare documents for attorney review per C. McAleer; Oral Argument at NRC: requested documents for attorney use per A. Wise request; Red Photo project: discuss search criteria and review procedures with D. Llorente regarding Containment Air Cooler (CAC); Database project: discuss database with H. Robinson in Conroy's office.	7.00	145.00	1,015.00	X
11/06/2006	R. Malet	Create briefing book per request of A. Wise and R. Hibey; Retrieve Shepard's reports to insert in case binder for C. McAleer; Complete organization and integration of December 2001 critical period documents from Geisen database and Lotus notes database.	5.00	110.00	550.00	X

Date	Name	Description	Hours	Rate	Amount	
REDACTED						
*11/07/2006	R. Hibey	Prepare for hearing; telephone conference with C. McAleer; conference with A. Wise regarding hearing.	4.50	600.00	2,700.00	
11/07/2006	C. F. B. McAleer	Teleconferences with (2) R. Hibey regarding status of 11/7 hearing, postponement; teleconferences (2) with L. Clark regarding same; telephones to (2) and with A. Wise regarding hearing, Moffitt settlement deal; review memorandum regarding Board voicemail; review Board order regarding postponement; memorandum to R. Hibey, others regarding same.	1.50	450.00	675.00	✓
11/07/2006	C. F. B. McAleer	Draft (continued) memorandum regarding burden of proof; review (begin) Protective Order proposed by NRC Staff; conference with, memorandum from R. Malet regarding Geisen diskette documents, date ranges; teleconferences with (2), memorandum from (extensive) L. Clark regarding outstanding discovery issues, proposed Protective Order.	3.75	450.00	1,687.50	✓
11/07/2006	A. Wise	Review documents; legal research regarding Brady and Bruton issues in advance of reply filings; review Licensing Board order regarding examination of DoJ lawyer at 11/14 hearing; conference with R. Hibey; legal research regarding 6(e) issues.	7.25	350.00	2,537.50	✓
11/07/2006	L. E. Butler	Red Photo project: finalize searches/review of documents for attorney review per R. Hibey request; DG MLB review; Database project: discuss outstanding projects with IKON rep.	6.75	145.00	978.75	X
11/07/2006	R. Malet	Meet with C. McAleer to discuss Geisen diskette review; review MLB documents in lotus database per request of L. Butler.	2.50	110.00	275.00	X

Date	Name	Description	Hours	Rate	Amount
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REDACTED

11/08/2006	C. F. B. McAleer	Telephone to, memoranda from and to L. Clark regarding Protective Order, meet and confer; review memorandum from R. Malet regarding new Moffitt filing, proposed settlement documents; teleconference (extensive) with L. Clark, other NRC Staff counsel regarding Protective Order issues; conference with R. Malet regarding Geisen diskette document issues; draft joint motion to extend discovery motion deadline; memoranda to and from L. Clark regarding same; finalize and file joint motion to extend; conferences (2) with R. Malet regarding same; memorandum to T. Matthews regarding Geisen document issues; memorandum to and from R. Malet regarding same.	4.75	450.00	2,137.50 ✓
11/08/2006	A. Wise	Legal research regarding 6(e) violations and remedies; review documents regarding OI investigators role in criminal case and interactions with Staff; compile and review client statements in preparation for 11/14 hearing; review NRC Staff disclosures regarding OI contact; review J. Gavula testimony.	8.25	350.00	2,887.50 ✓
11/08/2006	L. E. Butler	Red Photo project: finalize searches/review of documents for attorney review per R. Hibey request.	7.50	145.00	1,087.50 X

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

11/09/2006	C. F. B. McAleer	Draft (revise) (extensive) Protective Order regarding Board's 10/31 order concerning OI Report; memorandum, teleconferences (3) (extensive) with L. Clark regarding same; draft joint motion to extend regarding submission of Protective Order; memoranda to and from L. Clark regarding same; finalize and file joint motion; conference with R. Malet regarding service; memorandum to and from T. Matthews, D. Ferraro regarding Geisen document production issues; review Board order granting discovery motion extension.	5.00	450.00	2,250.00 ✓
11/09/2006	A. Wise	Conference with R. Hibey regarding 6(e) issues; review cases and treatises regarding 6(e) issues; review relevant documents and outline argument for 11/14 hearing; review GJ testimony and OI transcripts.	7.00	350.00	2,450.00 ✓

Date	Name	Description	Hours	Rate	Amount
11/09/2006	L. E. Butler	Database project: discuss loading issues with J. Jordan; Red Photo project: finalize searches/review of documents for attorney review per R. Hibey request; Bill of Particulars: file motion per A. Wise request.	9.75	145.00	1,413.75 X

REDACTED

* 11/10/2006	A. Wise	Legal research regarding 6(e) issues; prepare outline and review cases for 11/14 argument; review documents relating to discovery responses.	5.00	350.00	1,750.00
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REDACTED

11/13/2006	R. Hibey	Prepare for argument; conference with C. McAleer and A. Wise regarding same.	6.00	600.00	3,600.00 ✓
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Date	Name	Description	Hours	Rate	Amount	
11/13/2006	C. F. B. McAleer	Teleconferences with (2) R. Hibey, A. Wise regarding 11/14 Board hearing; telephone and memorandum to Board Staff regarding same; memorandum from, teleconference with L. Clark (NRC Staff) regarding revised Protective Order from NRC Staff; review (begin) revised Protective Order.	1.75	450.00	787.50	✓
11/13/2006	A. Wise	Review NRC Staff Reply to Opposition; review cases and transcript of 4/11 hearing; prepare for 11/14 hearing before Licensing Board; conference with R. Hibey, C. McAleer and M. Reinhard regarding same; review documents.	8.00	350.00	2,800.00	✓
11/13/2006	M. T. Reinhard	Meet with R. Hibey and A. Wise regarding preparation for November 14 NRC hearing.	0.50	325.00	162.50	✓
11/13/2006	L. E. Butler	11.14.06 Oral Argument: preparation of documents for attorney use at hearing per A. Wise request; Red Photo project: searches for and review of documents regarding per R. Hibey request.	6.75	145.00	978.75	X
11/13/2006	R. Malet	Search Siemaszko tag in Lotus database for attachments; Search and tag all duplicates under Red Photo tag in Geisen Client database per request of L. Butler; retrieve Geisen interviews in preparation for oral argument per request of A. Wise and R. Hibey; Meet with A. Wise and L. Butler.	5.50	110.00	605.00	X
11/14/2006	R. Hibey	Conference with team; prepare for and attend hearing before the NRC.	8.00	600.00	4,800.00	✓
11/14/2006	C. F. B. McAleer	Memoranda from and to A. Wise regarding Board hearing; assemble and review materials for Board hearing; conferences with R. Hibey, others regarding hearing issues; attend (extensive) Board hearing; memorandum to R. Hibey, others regarding task items.	5.25	450.00	2,362.50	✓

Date	Name	Description	Hours	Rate	Amount
11/14/2006	C. F. B. McAleer	Assemble drafts and documents for revising Protective Order; review (continued) NRC Staff proposed edits to Protective Order; draft list of issues for meet and confer relating to NRC Staff proposed edits.	1.00	450.00	450.00 ✓
11/14/2006	A. Wise	Prepare for and attend hearing at NRC regarding Staff Motion for Stay; review cases regarding preclusion orders; review pleadings; compile statements notebook and other materials for hearing; meeting with R. Hibey, C. McAleer, M. Reinhard; telephone conference with client.	8.25	350.00	2,887.50 ✓
11/14/2006	M. T. Reinhard	Attend NRC hearing on Motion to Stay.	5.00	325.00	1,625.00 ✓
11/14/2006	L. E. Butler	Red Photo project: searches regarding; database project: review of with J. Jordan.	10.25	145.00	1,486.25 X
11/14/2006	R. Malet	Search and tag documents under Red Photo in Geisen Client database per request of L. Butler; Review disks to see if images/documents are entered in the Geisen Client database per request of L. Butler.	6.00	110.00	660.00 X
REDACTED					
11/15/2006	R. Hibey	Conference with team; review materials specific to event mentioned by NRC Staff in 11/14 hearing; conference with A. Wise regarding NRC proof issues; telephone conference with J. Penny; review Geisen statements to DOJ/NRC.	5.50	600.00	3,300.00 ✓

REDACTED

REDACTED

Date	Name	Description	Hours	Rate	Amount
11/15/2006	C. F. B. McAleer	Review decision from Board granting extension concerning submission of Protective Order; continue review of NRC Staff's proposed edits to Protective Order; telephones to (2) and memorandum (several) to NRC Staff regarding same, filing issues; teleconference with and memoranda to and from R. Hibey, others regarding status and strategy issues, meeting; conference with R. Hibey, A. Wise regarding same, 11/14 hearing; memoranda from and to D. Ferraro regarding subpoenas for pre-production review; memorandum to team regarding OI subpoenas; memoranda to and from, conferences (2) with R. Malet regarding document review and production issues.	3.00	450.00	1,350.00 ✓
11/15/2006	C. F. B. McAleer	Memoranda to and from, teleconference (extensive) with L. Clark, other NRC Staff counsel regarding Protective Order issues; draft (revise) Protective Order reflecting some of NRC Staff edits; memorandum to and teleconferences with (2) L. Clark regarding same; draft (extensive) alternative versions of Protective Order for submission to Board because of unresolved differences; memorandum to and from L. Clark regarding same; draft memorandum to Board regarding proposed Protective Orders, 11/16 filing by NRC Staff regarding same.	3.25	450.00	1,462.50 ✓
11/15/2006	A. Wise	Meeting with R. Hibey, C. McAleer regarding 11/14 hearing and approach with Licensing Board; review Staff interrogatory and production answers; review documents relevant to client's production obligation and upcoming disclosures; telephone call with J. Conroy regarding criminal case issues; telephone call with AUSA T. Ballantine regarding discovery; review DoJ discovery correspondence.	15.00	350.00	5,250.00 ✓

Date	Name	Description	Hours	Rate	Amount
11/15/2006	R. Malet	Review all documents under Mainhardt tag in Geisen Client database per request of L. Butler; Meet with C. McAleer to discuss blow-back of Geisen diskettes for attorney review; Telephone call to vendor IKON regarding blow back of Geisen documents.	5.50	110.00	605.00 X

REDACTED

* 11/16/2006	R. Hibey	Review materials.	6.00	600.00	3,600.00
11/16/2006	C. F. B. McAleer	Telephone to, from and with L. Clark (NRC Staff) regarding 11/15 filing memorandum to Board with alternative proposed Protective Order; memoranda to and from A. Wise, R. Malet regarding continuing Geisen document review issues; review documents regarding Protective Order issue; conference with R. Hibey regarding same; review NRC Staff Motion for Adoption of Protective Order; memorandum to and from Board regarding request for and approval of 11/17 filing of Geisen response; memorandum to and teleconference with R. Hibey; begin drafting Response to NRC Staff Motion for Adoption; conferences (2) with R. Malet regarding past signing and maintenance of Non-Disclosure Declarations.	3.50	450.00	1,575.00 ✓
11/16/2006	A. Wise	Review e-mails and discuss issues with C. McAleer regarding review of client's documents; review NRC Staff demands regarding document discovery and interrogatories; review notes from hearing before Board regarding contents of pre-trial statements; legal research regarding outstanding motions issues in USDC case; review documents.	6.00	350.00	2,100.00 ✓

Date	Name	Description	Hours	Rate	Amount	
11/16/2006	L. E. Butler	DG MLB H drive review: preparation of documents for attorney review; Database project: discuss database issues with J. Jordan; Red photo project: searches regarding per attorney request.	10.25	145.00	1,486.25	X
11/16/2006	R. Malet	Complete review of all documents under Peter Mainhardt tag in Geisen Client database per request of L. Butler; Meet with C. McAleer to discuss Non-Disclosure Declarations of Geisen team; Review disks prepared by J. Jordan in preparation for IKON blow-backs; Telephone call to vendor IKON regarding blow-back of Geisen documents.	6.00	110.00	660.00	X
REDACTED						
* 11/17/2006	R. Hibey	Review materials; telephone conference with C. McAleer regarding motion.	5.00	600.00	3,000.00	
11/17/2006	C. F. B. McAleer	Assemble and review materials relating to discovery, protective order issues; conferences (several) with R. Malet regarding continuing Geisen document review issues; memorandum to A. Wise, M. Reinhard regarding scope issues for document review; draft (continued) (extensive) Opposition and Cross-Motion relating to NRC Staff's 11/16 Motion for Adoption; memoranda to, teleconferences with R. Hibey, A. Wise regarding same; revise and finalize Opposition and Cross-Motion; draft memorandum to Board regarding filing; conference with R. Malet regarding service.	2.75	450.00	1,237.50	✓
11/17/2006	A. Wise	Review government oppositions to Motions (x4), review cases regarding same; conference with C. McAleer; conference with M. Reinhard; review client documents relating to NRC production; review NRC Staff interrogatory answers and response to request for production of documents.	7.00	350.00	2,450.00	✓
11/17/2006	M. T. Reinhard	Meet with A. Wise regarding document review for NRC proceedings.	0.50	325.00	162.50	✓

Date	Name	Description	Hours	Rate	Amount
11/17/2006	R. Malet	Prepare discovery binder per request of A. Wise; Serve copies of Geisen's Opposition to NRC Staff's Motion for Adoption of Proposed Protective Order per request of C. McAleer; Retrieve blow-backs from IKON representative and prepare for A. Wise and M. Reinhard to review; Meet with A. Wise and M. Reinhard to discuss Geisen disk blow-backs.	4.50	110.00	495.00 X
REDACTED					
* 11/19/2006	C. F. B. McAleer	Memoranda from and to M. Reinhard regarding continuing Geisen document review.	0.25	450.00	112.50
* 11/19/2006	M. T. Reinhard	Review documents for production to NRC.	5.00	325.00	1,625.00
REDACTED					
11/20/2006	R. Hibey	Review materials and opposition pleadings; conference with C. McAleer; telephone conference with J. Penny.	4.00	600.00	2,400.00 ✓
11/20/2006	C. F. B. McAleer	Draft (extensive) letter to L. Clark (NRC Staff) regarding proposed scheduling order; review NRC rules regarding same; memoranda to (2) R. Hibey, others regarding draft letter, schedule; telephones from (2) and conference with R. Hibey regarding same; teleconferences with (2) A. Wise regarding same; revise and finalize letter to L. Clark; memorandum to L. Clark regarding same.	2.50	450.00	1,125.00 ✓
11/20/2006	C. F. B. McAleer	Review memorandum from and to A. Wise regarding document production issues, 11/21 teleconference with D. Ferraro; memoranda (several) to and from D. Ferraro regarding same; conferences regarding document production review and preparation; review pleading regarding bill of particulars issues; review (continued) (extensive) NRC Staff discovery responses in Moffitt and Miller matters for potential deficiency issues.	2.75	450.00	1,237.50 ✓

Date	Name	Description	Hours	Rate	Amount
11/20/2006	A. Wise	Review client documents for production to NRC (box 1); conference with C. McAleer; conference with M. Reinhard; review government responses to motions to sever defendants, motion to dismiss counts, motion to compel discovery.	8.50	350.00	2,975.00 ✓
11/20/2006	M. T. Reinhard	Meet with A. Wise regarding document review issues.	0.25	325.00	81.25 ✓

REDACTED

11/21/2006	R. Hibey	Review materials; conference with A. Wise and M. Reinhard regarding oppositions.	4.00	600.00	2,400.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
11/21/2006	C. F. B. McAleer	Memoranda and teleconferences with Geisen team regarding document production; teleconference with D. Ferraro; review documents and information regarding same; conferences (several) (extensive) with R. Malet regarding preparation of pre-production set for D. Ferraro; teleconference with D. Ferraro, A. Wise, M. Reinhard, R. Malet regarding document production issues; memorandum from A. Wise regarding completion of review; memorandum to D. Ferraro regarding transmission of six binders for pre-production review; continue (extensive) reviewing documents regarding NRC Staff discovery deficiency issues.	4.25	450.00	1,912.50 ✓
11/21/2006	A. Wise	Review client documents for production to NRC (box 2); conference with R. Hibey and M. Reinhard regarding opposition; telephone conference with D. Ferraro regarding parameters of review and contents of boxes for MLB review; review government responses to motions and review cases related to defense response.	8.25	350.00	2,887.50 ✓
11/21/2006	M. T. Reinhard	Meet with A. Wise and R. Hibey regarding response to oppositions; telephone call with D. Ferraro regarding document review.	1.25	325.00	406.25 ✓

REDACTED

*	11/22/2006	R. Hibey	Review materials.	6.50	600.00	3,900.00
	11/22/2006	C. F. B. McAleer	Memorandum to team regarding document production issues; review memorandum from D. Ferraro; continue (extensive) reviewing discovery pleadings regarding deficiency issues.	1.75	450.00	787.50 ✓
	11/22/2006	A. Wise	Legal research regarding response to government opposition to motion to dismiss counts.	5.75	350.00	2,012.50 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

11/24/2006	C. F. B. McAleer	Continue reviewing documents for deficiency letter to L. Clark; continue reviewing discovery responses in Moffitt and Miller matters; draft (continued) deficiency letter to L. Clark.	2.75	450.00	1,237.50 ✓
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REDACTED

* 11/27/2006	R. Hibey	Review materials.	6.00	600.00	3,600.00
11/27/2006	C. F. B. McAleer	Memoranda to (4) and from (2) L. Clark (NRC Staff) regarding 11/20 letter concerning scheduling issues, possibility of NRC Staff alternative proposal; memorandum to R. Hibey, others regarding same; review memorandum from R. Hibey regarding Miller dismissal issues; draft (continued) (extensive) letter to L. Clark regarding deficiencies in NRC Staff discovery responses; continue reviewing documents regarding same; memoranda (several) to and from D. Ferraro regarding document production issues, 11/28 teleconference; conferences with, memorandum from R. Malet regarding list of persons not identified by NRC Staff in discovery responses; conferences with R. Malet regarding document production issues; memoranda from and to M. Parrish (Board) regarding service issues; continue (extensive) drafting letter to L. Clark regarding discovery issues.	6.25	450.00	2,812.50 ✓

Date	Name	Description	Hours	Rate	Amount	
11/27/2006	A. Wise	Legal research and draft outlines for motions replies; review government briefs and cited cases; telephone conference with R. Hibey regarding same; meeting with M. Reinhard regarding same; review documents.	8.25	350.00	2,887.50	✓
11/27/2006	L. E. Butler	Red Photo project: document review for requested material per R. Hibey; Database project: discuss issues with J. Jordan.	2.75	145.00	398.75	X
11/27/2006	R. Malet	Retrieve Documents and testimony per request of R. Hibey; Review NRC Staff's and Geisen team's initial disclosure lists and take note of differences between lists per request of C. McAleer; Tag all duplicates of Mainhardt documents in Geisen Client database per request of L. Butler.	5.50	110.00	605.00	X
REDACTED						
11/28/2006	R. Hibey	Review materials; conference with A. Wise; review NRC proposed schedule for trial; conference with C. McAleer regarding same.	5.00	600.00	3,000.00	✓
11/28/2006	C. F. B. McAleer	Review memorandum from L. Clark (NRC Staff) regarding NRC Staff alternative proposal for case schedule; memorandum to R. Hibey, others regarding same; conference with A. Wise regarding same; review and analyze NRC Staff alternative proposal; telephone from and memorandum to R. Hibey regarding schedule issues; prepare for teleconference with NRC Staff to discuss scheduling issues; legal research regarding scheduling issues; teleconference (extensive) with NRC Staff regarding same; memoranda to and from R. Hibey, others regarding same.	2.75	450.00	1,237.50	✓

Date	Name	Description	Hours	Rate	Amount
11/28/2006	C. F. B. McAleer	Memoranda from and to D. Ferraro regarding results of document review, including chart of documents; memorandum to R. Hibey regarding same; teleconference and conference with A. Wise regarding document production issues; teleconference with D. Ferraro, A. Wise regarding same; teleconferences and conferences (extensive) with R. Malet, L. Butler regarding preparation of 11/29 production set; memoranda to and from A. Wise, M. Reinhard regarding additional document review.	3.25	450.00	1,462.50 ✓
11/28/2006	C. F. B. McAleer	Draft (continued) (extensive) letter to L. Clark (NRC Staff) regarding NRC Staff deficiency issues; continue reviewing documents and pleadings regarding same.	2.00	450.00	900.00 ✓
11/28/2006	A. Wise	Review cases and documents; draft outline for motion replies; meeting with C. McAleer, R. Malet regarding document production to NRC and document review, telephone call with D. Ferraro regarding same; meeting with R. Hibey regarding fact development issues.	7.00	350.00	2,450.00 ✓
11/28/2006	L. E. Butler	Region III employees: review Grand Jury transcripts regarding per M. Reinhard request; Database project: discuss issues with J. Jordan; Geisen document production: organization of documents for production to NRC Staff per C. McAleer request; Red Photo project: document review for requested material per R. Hibey.	4.00	145.00	580.00 X
11/28/2006	R. Malet	Meet with C. McAleer and A. Wise to discuss production of Geisen documents; Print out and prepare all documents tagged in database ready to produce to NRC Staff; Search Geisen Client database for condition reports relating to Red Photo project.	6.75	110.00	742.50 X

Date	Name	Description	Hours	Rate	Amount
11/29/2006	R. Hibey	Team meeting regarding pre-hearing issues; edit and revise reply brief on motion to compel; review materials.	5.00	600.00	3,000.00 ✓
11/29/2006	C. F. B. McAleer	Continue drafting letter to L. Clark (NRC Staff) regarding NRC Staff deficiencies; conference with R. Hibey, A. Wise, M. Reinhard regarding draft letter to L. Clark, case scheduling issues, other status issues; telephones and memoranda from R. Hibey, A. Wise regarding draft letter; revise and finalize (extensive) letter to L. Clark regarding deficiencies; review letter from L. Clark regarding revised schedule, issues relating to same.	4.00	450.00	1,800.00 ✓
11/29/2006	C. F. B. McAleer	Memoranda to and from, conferences (many) with R. Malet, L. Butler regarding preparation of document production set; draft letter to L. Clark regarding document production; memoranda to and from R. Hibey, others regarding same; memoranda to and from, telephones to and with L. Clark regarding document production; telephones to and with, memoranda to D. Ferraro regarding document production issues, NRC letters to Wuokko, McIntyre; memoranda to and from R. Hibey regarding Wuokko, McIntyre letters; conduct final preparations regarding document production to NRC Staff; review memorandum from Board regarding entry of Protective Order; memorandum to team regarding same.	4.50	450.00	2,025.00 ✓
* 11/29/2006	M. T. Reinhard	Team meeting; draft reply to Motion to Compel.	6.25	325.00	2,031.25

REDACTED

Date	Name	Description	Hours	Rate	Amount	
11/29/2006	L. E. Butler	Geisen document production: organization and finalization of documents for production to NRC Staff per C. McAleer request; Database project: discuss issues with J. Jordan; Red Photo project: document review for requested material per R. Hibey; Grand Jury exhibits: requested exhibits for attorney review per M. Reinhard.	9.00	145.00	1,305.00	X
11/29/2006	R. Malet	Assist in production of Geisen documents to NRC Staff per request of C. McAleer.	6.50	110.00	715.00	X
REDACTED						
11/30/2006	R. Hibey	Review drafts; team meeting regarding proposed schedule and attending legal issues; edit proposal; review materials.	6.00	600.00	3,600.00	✓
REDACTED						

Date	Name	Description	Hours	Rate	Amount
11/30/2006	C. F. B. McAleer	Review (continued) 11/29 revised schedule from L. Clark; telephones to (2) and from, memorandum to L. Clark regarding same; memoranda to and from, conference with Geisen team regarding NRC Staff revised schedule, meeting; draft revised Geisen schedule; memorandum to R. Hibey, others regarding same; conference with R. Hibey, M. Reinhard regarding revised schedule; teleconference with L. Clark, other NRC Attorneys regarding scheduling issues; memoranda from and to R. Hibey regarding draft letter to Board regarding request for hearing; review 11/14 hearing transcript regarding same; review and revise letter; memorandum from and teleconference with C. Jordan regarding finalizing letter to Board; draft (extensive) revisions to deficiency letter to L. Clark; transmit final letter to L. Clark; memoranda to and from R. Hibey regarding 11/29 Protective Order, procedures for compliance; memoranda from and to R. Hibey regarding date for pre-hearing motions and objections; telephone from and with, memorandum from L. Clark regarding 11/29 document production issues; memorandum to L. Butler, R. Malet regarding same; memoranda from and to D. Ferraro regarding NRC letter to Wuokko; memorandum to R. Hibey regarding same; memorandum from NRC regarding 11/24 filing; memorandum to R. Malet regarding same; review filing e-mail from NRC Staff regarding motion for extension of time to file second motion to compel.	7.25	450.00	3,262.50 ✓
11/30/2006	M. T. Reinhard	Review proposed NRC schedule; meet with R. Hibey and C. McAleer regarding schedule.	1.00	325.00	325.00 ✓

Date	Name	Description	Hours	Rate	Amount
11/30/2006	L. E. Butler	Red Photo project: document review for requested material per R. Hibey; Database project: discuss issues with J. Jordan; Local Court Rules: review filing of sealed documents per M. Reinhard.	9.25	145.00	1,341.25 X
11/30/2006	R. Malet	Review all documents in Geisen client database relating to radiation monitors; Retrieve November 14, 2006 hearing transcript per request of A. Wise and make copies for Geisen attorneys; Retrieve Lockwood agenda with handwritten notes per request of R. Hibey.	5.75	110.00	632.50 X

REDACTED

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	83.50	600.00
C. F. B. McAleer	94.50	450.00
A. Wise	145.25	350.00
M. T. Reinhard	24.25	325.00
L. E. Butler	109.75	145.00
R. Malet	110.50	110.00
J. Woodlon	8.50	145.00
M. O. Kirby	13.50	145.00
L. Castillo	9.00	130.00
D. Nunley	39.75	110.00
J. Jordan	18.25	110.00

REDACTED

BILLING HISTORY

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: December 2006

INVOICE NO: 293065
CLIENT/MATTER NO.: 311950.000011
DATE: January 17, 2007

FOR PROFESSIONAL SERVICES RENDERED
for the period ending December 31, 2006, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Total Amount Due

REDACTED

TIME DETAIL

	Date	Name	Description	Hours	Rate	Amount
*	11/29/2006	A. Wise	Review cases and documents, draft and edit replies regarding severance and multiplicity motions; meeting with C. McAleer, R. Hibey regarding NRC case; review documents and correspondence regarding same.	7.00	350.00	\$ 2,450.00
*	11/30/2006	A. Wise	Draft and edit motion replies; meeting with R. Hibey regarding same and related fact development issues; review documents; review correspondence with NRC Staff and Board regarding case schedule and discovery issues.	6.00	350.00	2,100.00
*	12/01/2006	R. Hibey	Review materials; edit briefs.	7.00	600.00	4,200.00
	12/01/2006	C. F. B. McAleer	Review memorandum from Board regarding 12/4 teleconference hearing; teleconference with R. Hibey regarding same; memoranda to and from NRC Staff regarding same, other issues; teleconference with, memorandum from K. Valloch (Board) regarding 12/4 teleconference hearing; review memorandum from NRC Staff regarding motion for extension on discovery issues, with attached motion.	1.75	450.00	787.50 ✓
	12/01/2006	C. F. B. McAleer	Memoranda to and from (several), conferences with R. Malet regarding 11/29 document production issues, including assembling DOJ and UCS documents; memorandum from R. Malet regarding D. Ferraro document analysis chart; conferences (several) regarding 11/29 Protective Order issues and compliance.	1.25	450.00	562.50 ✓
	12/01/2006	C. F. B. McAleer	Draft letter to Board regarding attached proposed case schedule; revise draft proposed schedule; memoranda to (2) and from, teleconference and conference with R. Hibey, et al. regarding draft letter and proposed schedule; revise, finalize and file letter and proposed schedule.	2.00	450.00	900.00 ✓

	Date	Name	Description	Hours	Rate	Amount
*	12/01/2006	A. Wise	Draft and edit severance and multiplicity reply briefs; legal research and document review regarding reply briefs; review correspondence with NRC regarding schedules issues.	6.00	350.00	2,100.00
	12/01/2006	M. T. Reinhard	Edit and circulate replies to pending motions; team meeting regarding NRC proceedings.	2.00	325.00	650.00 ✓

REDACTED

REDACTED

Date	Name	Description	Hours	Rate	Amount	
12/03/2006	C. F. B. McAleer	Memoranda to and from R. Hibey, M. Reinhard regarding NRC Staff 12/1 filings, including Motion to Compel Discovery and Motion for Adoption of Proposed Schedule; review (begin) NRC Staff 12/1 filings.	1.50	450.00	675.00	✓
REDACTED						
12/04/2006	R. Hibey	Prepare for and participate in hearing with panel; review, edit and finalize pleadings; telephone conference with counsel regarding case.	6.50	600.00	3,900.00	✓
12/04/2006	C. F. B. McAleer	Memoranda from and to L. Clark (NRC Staff) regarding Geisen 12/1 filings; memoranda to and from L. Clark (NRC Staff) regarding service of NRC Staff 12/1 filings; review (continued) (extensive) NRC Staff 12/1 filings; telephone conference with R. Hibey regarding same, preparation of outline for discussions in 12/4 telephone conference hearing with Board; draft (extensive) outline of discussions for hearing; memoranda to (2) R. Hibey regarding same; draft (begin) Opposition to NRC Staff 12/1 Motion for Adoption of Proposed Schedule; memorandum to R. Hibey regarding same.	4.25	450.00	1,912.50	✓
12/04/2006	C. F. B. McAleer	Conference (extensive) with R. Hibey, A. Wise regarding preparation for 12/4 teleconference hearing with Board; assemble and review documents and pleadings regarding same; participate (extensive) in teleconference hearing with Board regarding scheduling issues; conference with R. Hibey post-hearing regarding burden of proof, other legal research issues; memorandum to Board regarding 11/30/06 letter discussing deficiencies in NRC Staff discovery responses.	3.50	450.00	1,575.00	✓

Date	Name	Description	Hours	Rate	Amount
12/04/2006	C. F. B. McAleer	Continue reviewing information for responding to NRC Staff questions on 11/29 production of documents; conference with, memorandum from R. Malet regarding signed Non-Disclosure Declarations.	0.75	450.00	337.50 ✓
* 12/04/2006	A. Wise	Meeting with R. Hibey, tele. conf. with D. Gordon regarding final edits to severance and multiplicity replies; incorporate edits and file same; draft and edit reply regarding bill of particulars motion; participate in telephone hearing with Licensing Board regarding Fifth Amendment invocation issues and scheduling; review documents relating to Fifth Amendment issues.	7.00	350.00	2,450.00
12/04/2006	M. T. Reinhard	Finalize and file replies to various motions; NRC telephone conference; review government expert report.	3.50	325.00	1,137.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
12/05/2006	C. F. B. McAleer	Teleconference (extensive) with L. Clark (NRC Staff) regarding several issues, including 11/29 document production, case schedule, personal privacy privilege issues; memorandum to L. Clark regarding signed Non-Disclosure Declarations, production of personal privacy privilege documents; telephones to and with, conferences (many) with R. Malet regarding information and documents on 11/29 production; review (extensive) DOJ and UCS documents; draft Exhibit A (regarding list of DOJ and UCS documents); draft Exhibit B (list of proprietary documents withheld from production); draft Exhibit C (privilege log); memoranda (several) to and from, conferences with R. Malet regarding draft Exhibits.	4.00	450.00	1,800.00 ✓
12/05/2006	C. F. B. McAleer	Draft (extensive) letter to L. Clark (NRC Staff regarding 11/29 document production, including Exhibits A-C; memoranda to and from, teleconferences and conference with A. Wise, M. Reinhard regarding same; revise and finalize letter to L. Clark; memorandum to L. Clark regarding same; review memorandum from R. Malet regarding new Moffitt filings.	1.75	450.00	787.50 ✓
12/05/2006	A. Wise	Finalize and file reply regarding bill of particulars; review correspondence to NRC Staff regarding discovery issues; review Answer and related documents regarding Fifth Amendment issues; begin draft of statement of Claims and Defenses for NRC proceeding.	7.00	350.00	2,450.00 ✓
12/05/2006	M. T. Reinhard	Review correspondence to NRC; review filing in criminal matters.	1.00	325.00	325.00 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

12/06/2006	C. F. B. McAleer	Memoranda (several) from and to L. Clark regarding her 12/5 letter concerning 11/29 document production, meet & confer issues; memorandum to Geisen team regarding same; review (begin) 12/5 letter from L. Clark; conference with R. Malet regarding document production issues in L. Clark letter; legal research regarding issues raised by L. Clark in 12/5 letter.	2.50	450.00	1,125.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
12/06/2006	C. F. B. McAleer	Review documents regarding case scheduling issues for meet & confer discussions; memorandum to R. Hibey; others regarding list of scheduling issues and factors, including hearing date; review memorandum from A. Wise regarding postponement of fact review meeting.	1.50	450.00	675.00 ✓

REDACTED

REDACTED

12/07/2006	R. Hibey	Meeting with team regarding scheduling issues.	1.00	600.00	600.00 ✓
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Date	Name	Description	Hours	Rate	Amount
12/07/2006	C. F. B. McAleer	Memoranda to and from, teleconference with A. Wise regarding strategy issues, meeting; teleconference with, memoranda to and from R. Hibey regarding same; assemble information and documents for discussion of case scheduling, meet & confer issues; conference (extensive) with R. Hibey, A. Wise, M. Reinhard regarding same.	3.00	450.00	1,350.00 ✓
12/07/2006	C. F. B. McAleer	Review 12/7 letter from L. Clark responding to 11/30 letter on deficiencies in NRC Staff discovery responses; review letter from J. Clark regarding proposed schedule; memoranda (2) to R. Hibey, others regarding two L. Clark letters; telephone to, memorandum to and from NRC Staff regarding 12/8 meet & confer teleconference; teleconference with, memorandum from and to B. Klukan regarding proposal to alter 12/11-12/15 deadlines; assemble, organize and review (extension) pleadings and documents for responding to NRC Staff 12/5 and 12/7 letters, drafting Opposition to 12/1 NRC Staff Motion to Compel, drafting 12/8 Motion for Modifying Schedule.	3.75	450.00	1,687.50 ✓
12/07/2006	A. Wise	Review documents; legal research regarding Fifth Amendment waiver and invocation issues; review NRC Staff motion to compel; meeting with R. Hibey, C. McAleer regarding interrogatory responses, statement of Claims and Defenses; review prior Staff filings and motions.	7.00	350.00	2,450.00 ✓
12/07/2006	M. T. Reinhard	Team meeting regarding NRC scheduling issues.	1.00	325.00	325.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
12/08/2006	C. F. B. McAleer	Memorandum to, conferences (several) with R. Malet regarding receipt of OI Report containing personal privacy privilege materials; teleconference with A. Wise regarding various tactical issues; continue reviewing pleadings and documents for drafting 12/11-12/15 letters and pleadings; review memorandum from R. Malet regarding DOJ production of interview notes.	2.25	450.00	1,012.50 ✓
12/08/2006	A. Wise	Review documents and pleadings in preparation of supplemental interrogatory responses and response to request for admissions, research and draft statement of Claims and Defenses; review correspondence with NRC Staff regarding schedule; meeting with R. Hibey regarding fact development.	7.50	350.00	2,625.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 12/11/2006	R. Hibey	Analyze materials.	6.00	600.00	3,600.00
12/11/2006	C. F. B. McAleer	Teleconference with A. Wise regarding strategy for 12/15 filings; review L. Clark (NRC Staff) 12/7 letter regarding Geisen 11/29 document production issues; draft (extensive) response to same; memoranda to and from Geisen team regarding draft response, documents to be produced; memoranda from L. Butler regarding language on document review; memoranda to and from (several) M. Reinhard regarding review of Table A documents; conferences (several) regarding review and production of documents; revise and finalize letter; memorandum to L. Clark (NRC Staff) regarding same.	3.00	450.00	1,350.00 ✓
12/11/2006	C. F. B. McAleer	Review L. Clark (NRC Staff) 12/7 letter regarding scheduling issues, proposed schedule; draft revised schedule and response to L. Clark letter; memoranda to and from (several) R. Hibey, others regarding draft schedule, response; revise and finalize same; memorandum to L. Clark regarding same; memoranda from and to (4) L. Clark regarding 12/12 teleconference to discuss scheduling issues; conferences with R. Malet regarding unredacted OI Report, binders for review; review memorandum from Board regarding approval of 12/12-12/19 schedule	3.75	450.00	1,687.50 ✓
12/11/2006	A. Wise	Review transcripts, documents, and pleadings relating to statement of Claims and Defenses, review Staff answers to interrogatories and related documents; review GJ transcripts; tele. call with T. Ballantine regarding reply briefs and discovery issues; review correspondence with Staff regarding scheduling issues.	7.00	350.00	2,450.00 ✓

FirstEnergy Corp.
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Invoice No.293065
Client/Matter No. 311950.000011
January 17, 2007

Date	Name	Description	Hours	Rate	Amount
12/11/2006	M. T. Reinhard	Review documents for production to NRC; review correspondence to NRC.	1.00	325.00	325.00 ✓

REDACTED

REDACTED

12/12/2006 R. Hibey

Analyze materials.

4.50 600.00

2,700.00 ✓

Date	Name	Description	Hours	Rate	Amount
12/12/2006	C. F. B. McAleer	Prepare for teleconference with NRC Staff regarding case scheduling issues; teleconference (extensive) with L. Clark (NRC Staff) regarding case scheduling issues; memoranda to and from R. Hibey, others regarding same.	1.75	450.00	787.50 ✓
12/12/2006	A. Wise	Review documents and draft supplemental interrogatory responses; draft and edit statement of claims and defenses; review transcripts from Miller and Moffitt proceedings; meeting with R. Hibey regarding strategy issues; review GJ transcripts.	6.75	350.00	2,362.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount	
12/13/2006	R. Hibey	Analyze materials.	6.00	600.00	3,600.00	✓
12/13/2006	C. F. B. McAleer	Memoranda to (2) and telephones to (2) L. Clark regarding finalizing proposed case schedule and filing joint motion; teleconference (extensive) with and memorandum to L. Clark regarding expert designation issues for proposed case schedule; review (continued) documents and information for drafting 12/15 filings; begin drafting Statement of Defenses and supplemental discovery responses for 12/15 filings; teleconference with A. Wise regarding same; review memorandum from R. Hibey regarding Moffitt pleadings.	2.75	450.00	1,237.50	✓
12/13/2006	C. F. B. McAleer	Continue review pleadings and documents for 12/15 filings; continue drafting 12/15 filings; teleconference with A. Wise regarding same.	1.50	450.00	675.00	✓
12/13/2006	A. Wise	Review documents, transcripts, and exhibits from NRC OI process; draft supplemental interrogatory responses and statement of claims and defenses; meeting with R. Hibey regarding content of disclosures and 5A waiver issues	7.25	350.00	2,537.50	✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
12/14/2006	R. Hibey	Review materials.	6.50	600.00	3,900.00 ✓
12/14/2006	C. F. B. McAleer	Memoranda from and to R. Hibey regarding schedule issue pertaining to striking expert witnesses; review documents and information for drafting 12/15 filings; draft (continued) (extensive) Statement of Defenses, Supplemental Answers to Interrogatories and Supplemental Responses to Requests for Admissions; memoranda from and to A. Wise, R. Malet regarding NRC Staff's discovery requests; memoranda to and from A. Wise regarding initial drafts of 12/15 filings.	2.50	450.00	1,125.00 ✓
12/14/2006	C. F. B. McAleer	Draft Joint Motion for Adoption of Case Schedule, including proposed schedule; memoranda (several) to and from R. Hibey, others regarding same; memoranda to and from, teleconference (extensive) L. Clark, other NRC Staff regarding draft Joint Motion and schedule.	1.50	450.00	675.00 ✓
12/14/2006	C. F. B. McAleer	Review letters (2) from L. Clark (NRC Staff) regarding 11/29 document production issues; memoranda from and to, telephones to and with L. Clark regarding same; memorandum to R. Hibey, others regarding same; telephones to and with R. Hibey regarding privilege issue concerning 11/29 document production.	1.25	450.00	562.50 ✓

Date	Name	Description	Hours	Rate	Amount	
12/14/2006	C. F. B. McAleer	Conference with L: Butler, R. Malet regarding exhibit and filing issues for 12/15 filings; draft (continued) Statement of Defenses, other documents; memoranda to (3) and conference with A. Wise regarding same; memorandum from and teleconference with A. Wise regarding draft supplemental answer to Interrogatory concerning Serial 2731; review memorandum from R. Hibey regarding documents and information from J. Penny; memoranda from and to A. Wise regarding comprehensive set of supplemental answers to Interrogatories.	2.25	450.00	1,012.50	✓
12/14/2006	A. Wise	Review and edit Statements of Claims and Defenses; draft supplemental interrogatory responses; review documents and filings regarding same; legal research regarding discovery obligations and related issues.	7.50	350.00	2,625.00	✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
12/15/2006	R. Hibey	Review, edit and finalize pleadings for NRC Board; review materials.	6.00	600.00	3,600.00 ✓
12/15/2006	C. F. B. McAleer	Review 12/14 memorandum from A. Wise regarding comprehensive supplemental answers to interrogatories, with attachment; revise (extensive) Statement of Defenses; memorandum to R. Hibey, others regarding revised Statement of Defenses.	2.25	450.00	1,012.50 ✓
12/15/2006	C. F. B. McAleer	Telephones (several) from and with L. Clark (NRC Staff) regarding schedule issues; revise (2) draft joint motion for adoption of case schedule and proposed case schedule; memoranda (several) to and from L. Clark regarding revised joint motion and schedule; memoranda to and from R. Hibey, others regarding same; finalize joint motion and schedule; memorandum to the Board regarding joint motion and schedule; conference with R. Malet regarding filing and service of same.	1.75	450.00	787.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
12/15/2006	C. F. B. McAleer	Review several drafts of supplemental discovery responses; memoranda from and to R. Hibey, others regarding same; memoranda from and conference (extensive) with R. Hibey, A. Wise regarding draft 12/15 filings; revise (extensive) draft Statement of Defenses; teleconferences with and memoranda from A. Wise regarding finalizing documents; conferences (several) with R. Malet regarding exhibit issues for Statement of Defenses; revise and finalize (extensive) 12/15 filings; telephones to and with L. Clark regarding 12/15 filings issues; memoranda (3) to the Board regarding 12/15 filings; conferences with R. Malet regarding filing and service issues; memorandum to FENOC counsel regarding same.	4.25	450.00	1,912.50 ✓
12/15/2006	A. Wise	Draft and edit Statements of Claims and Defenses; draft and edit supplemental interrogatory responses; meetings with R. Hibey regarding same; legal research regarding waiver issues.	8.25	350.00	2,887.50 ✓
* 12/15/2006	M. T. Reinhard	Team meeting regarding filings with NRC; review NRC filings.	1.50	325.00	487.50
12/15/2006	R. Malet	Assist C. McAleer and R. Hibey in filing Supplemental Answers to NRC Staff's First Set of Interrogatories, Supplemental Responses to NRC Staff's First Request for Admissions, Joint Motion for Adoption of Proposed Case Schedule, and Statement of Defenses; Meeting with Geisen Team regarding filings for the day; Retrieve exhibits from Geisen Client database; Continue review of all documents in Geisen client database relating to B. Sheron per request of L. Butler; Prepare document binders from R. Hibey to be sent to vendor IKON for copying.	7.50	110.00	825.00 ✓

Date	Name	Description	Hours	Rate	Amount
REDACTED					
12/18/2006	C. F. B. McAleer	Memoranda from and to L. Clark regarding teleconference to discuss privilege issues concerning 11/29 production of documents; memoranda to and from (many) (extensive) R. Hibey, others regarding status meeting, agenda; draft task list; review 12/15 letters from NRC Staff regarding documents, including diskettes and document logs; conferences (2) with R. Malet regarding review and processing of new NRC Staff production, including personal privacy privilege documents.	1.50	450.00	675.00 ✓
12/18/2006	C. F. B. McAleer	Review documents in preparation for teleconference with NRC Staff regarding privilege issues in 11/29 production; telephone to, from and with (extensive) L. Clark, M. Clark, B. Kluken (NRC Staff) regarding same; review memorandum from Board regarding 12/15 Joint Motion for Adoption of Schedule, 12/20 telephone hearing concerning same.	1.50	450.00	675.00 ✓
12/18/2006	A. Wise	Review NRC Miller and Moffitt transcripts and related documents; draft and edit timeline regarding first two submittals and related meetings, review Staff pleadings regarding 5A invocations and discovery sanctions.	6.00	350.00	2,100.00 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

12/19/2006	R. Hibey	Review materials; prepare for hearing on Wednesday.	5.50	600.00	3,300.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
12/19/2006	C. F. B. McAleer	Review documents regarding NRC Staff Motion to Compel; telephones to and with, memoranda (several) to and from L. Clark (NRC Staff) regarding 12/1 Motion to Compel, mootness; draft agenda of issues for meeting with R. Hibey, et al.; memoranda to and from R. Hibey, others regarding same; teleconference with K. Vallock (Board) regarding 12/20 telehearing; conference (extensive) with R. Hibey, A. Wise, M. Reinhard regarding strategy and task issues, including preparation for 12/20 telehearing with Board; draft list of tasks post-meeting; conferences (2) with R. Malet regarding review of documents produced by NRC Staff on 12/1; memoranda to and from R. Hibey, et al. regarding same; review memorandum from Judge Farrar regarding 12/20 telehearing; assemble pleadings and documents for 12/20 telehearing.	4.25	450.00	1,912.50 ✓
12/19/2006	A. Wise	Review documents regarding testimony of K. Byrd and R. Rishel and PRA models, meeting with R. Hibey regarding same issues and development of trial theories and examinations; review transcripts and new materials from J. Penny; telephone call with T. Ballantine regarding case issues and discovery; meeting with R. Hibey, C. McAleer regarding NRC case schedule and discovery issues.	7.00	350.00	2,450.00 ✓
12/19/2006	M. T. Reinhard	Team meeting regarding NRC proceedings; meet with A. Wise and R. Hibey regarding technical issues and criminal trial.	2.50	325.00	812.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 12/20/2006	R. Hibey	Prepare for and participate in conference call; team analysis of key dates appearing in the NRC charging document and indictment; review materials.	6.50	600.00	3,900.00
12/20/2006	C. F. B. McAleer	Memoranda (several) from and to, telephones from and with L. Clark regarding issues concerning 11/29 document production, potential motion to compel issues; telephone from and conference with R. Hibey regarding preparation for 12/20 telehearing with the Board; conferences (2) with R. Malet regarding 12/15 filings; participate (extensive) in telehearing with the Board; conference with R. Hibey, A. Wise post-telehearing; teleconference with, memoranda to and from M. Parish (Board Clerk) regarding 12/15 proposed schedules; memoranda (2) from R. Malet, R. Hibey regarding contents of NRC Staff diskettes.	3.25	450.00	1,462.50 ✓
12/20/2006	A. Wise	Review documents relating to 10/3 conference call and 10/11 meeting with T/A; meeting with R. Hibey regarding same issues and development of trial theories and examinations; conference call with Licensing Board regarding schedule and outstanding discovery issues; review transcripts of OI Miller and Moffitt depositions.	7.50	350.00	2,625.00 ✓

Date	Name	Description	Hours	Rate	Amount
12/20/2006	M. T. Reinhard	NRC conference call regarding scheduling; meet with R. Hibey and A. Wise regarding criminal trial preparation and October meeting with NRA T.A.S.	2.50	325.00	812.50 ✓

REDACTED

12/21/2006	R. Hibey	Review and analyze materials.	6.50	600.00	3,900.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
12/21/2006	C. F. B. McAleer	Memoranda from and to R. Hibey regarding deposition transcripts, interviews (lack of production by NRC Staff); teleconference (extensive) with L. Clark regarding 11/29 document production issues; memoranda to and from L. Clark regarding issue of confirming letter; assemble documents and information for drafting letter; draft (extensive) letter to NRC Staff confirming status of privilege, other issues relating to 11/29 production; teleconference with R. Hibey regarding case schedule, task items; memoranda to and from R. Hibey, A. Wise regarding draft letter to L. Clark; finalize and send letter to L. Clark; memoranda from (2) R. Malet, R. Hibey regarding NRC Staff diskettes, review.	3.50	450.00	1,575.00 ✓
12/21/2006	A. Wise	Review documents relating to 10/17 submission and communications with the NRC following 10/11 meeting with T/As; review transcripts of OI Miller and Moffitt depositions; review transcripts in relation to upcoming NRC Staff motion regarding statement of defenses.	5.50	350.00	1,925.00 ✓

Date	Name	Description	Hours	Rate	Amount
* 12/22/2006	R. Hibey	Review motion to preclude from NRC and analyze for response.	1.50	600.00	900.00
12/22/2006	C. F. B. McAleer	Memorandum from L. Clark (NRC Staff) regarding filing of Motion for Preclusion; review Motion for Preclusion; memoranda (several) to and from R. Hibey, A. Wise, M. Reinhard regarding same, drafting Opposition; assemble pleadings and information for drafting Opposition.	2.00	450.00	900.00 ✓
12/22/2006	A. Wise	Review Staff motion for preclusion of defenses; e-mails with C. McAleer, R. Hibey regarding same; review cases and relevant Board hearing transcripts.	4.75	350.00	1,662.50 ✓
12/23/2006	M. T. Reinhard	Review filing by NRC staff.	0.25	325.00	81.25 ✓
* 12/25/2006	C. F. B. McAleer	Draft (begin) Opposition to NRC Staff's Motion for Preclusion; memoranda to and from Geisen Team regarding same.	1.00	450.00	450.00
12/26/2006	C. F. B. McAleer	Review pleadings and documents for drafting Opposition to NRC Staff's Motion for Preclusion; draft (continued) (extensive) regarding NRC Staff's Motion for Preclusion.	3.25	450.00	1,462.50 ✓
* 12/27/2006	R. Hibey	Review and comment on Staff's motion for preclusion. Review and comment on our oppositino; conference with A. Wise regarding opposition and in preparation for his meeting with prosecutor.	3.00	600.00	1,800.00
12/27/2006	C. F. B. McAleer	Draft (continued) (extensive) Opposition to NRC Staff's Motion for Preclusion; memoranda to and from R. Hibey, A. Wise regarding same.	1.25	450.00	562.50 ✓

Date	Name	Description	Hours	Rate	Amount
12/27/2006	A. Wise	Document review and legal research regarding NRC Staff motion for preclusion; draft and edit Opposition to Motion; review transcripts of Licensing Board hearings and review discovery correspondence.	6.00	350.00	2,100.00 ✓
12/28/2006	R. Hibey	Edit and finalize pleading.	1.50	600.00	900.00 ✓
12/28/2006	C. F. B. McAleer	Memoranda from and to A. Wise, R. Hibey regarding alternative strategy for Opposition to NRC Staff's Motion for Preclusion; review memorandum regarding revisions to Opposition.	0.75	450.00	337.50 ✓
* 12/28/2006	A. Wise	Draft and edit Opposition to Motion for Preclusion; telephone call with R. Hibey regarding same; legal research relating to NRC Staff motion.	7.50	350.00	2,625.00
12/29/2006	C. F. B. McAleer	Review memoranda; attachment from A. Wise regarding filing of Opposition to NRC Staff Motion for Preclusion; review memoranda from B. Klukan (NRC Staff) regarding list of deponents; memoranda to and from A. Wise regarding same.	0.75	450.00	337.50 ✓
12/29/2006	A. Wise	Edit, finalize, and file Opposition to Motion for Preclusion.	4.50	350.00	1,575.00 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	76.00	600.00
C. F. B. McAleer	89.50	450.00
A. Wise	145.50	350.00
M. T. Reinhard	17.00	325.00
K. Mosley	1.25	240.00
L. E. Butler	63.25	145.00
R. Malet	92.25	110.00
Total Fees		

BILLING HISTORY

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: January 2007

INVOICE NO: 293563
CLIENT/MATTER NO.: 311950.000011
DATE: February 22, 2007

FOR PROFESSIONAL SERVICES RENDERED
for the period ending January 31, 2007, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
REDACTED					
* 01/02/2007	R. Hibey	Review and analysis of materials.	3.50	600.00	2,100.00
01/02/2007	C. F. B. McAleer	Review NRC Staff 12/29 list of deponents; teleconference (extensive) with A. Wise regarding same, other issues; review memoranda (3) from A. Wise, R. Hibey, J. Penny regarding Moffitt, Miller depositions.	1.25	450.00	562.50 ✓
* 01/02/2007	A. Wise	Telephone call with T. Matthews regarding potential depositions in NRC matter; review materials from NRC Staff regarding same; meeting with R. Malet regarding document preparation for deposition; telephone conference with C. McAleer; review transcripts and documents; compile documents relating to DPAs and criminal case resolutions.	6.50	350.00	2,275.00
* 01/02/2007	R. Malet	Serve Opposition of D. Geisen to NRC Staff's Motion for Preclusion of Claims per request of A. Wise; Prepare binder containing selected documents from October 2001 critical review per request of R. Hibey; Compile prep books consisting of OI testimony and GJ testimony/exhibits in preparation for January 2007 depositions per request of A. Wise.	5.50	110.00	605.00 X

REDACTED

01/03/2007	R. Hibey	Review and analysis of materials.	3.50	600.00	2,100.00 ✓
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Date	Name	Description	Hours	Rate	Amount
01/03/2007	C. F. B. McAleer	Conferences (several) with R. Malet regarding hearing transcripts; review binder containing same; review memoranda from R. Hibey, A. Wise regarding deposition preparation issues.	0.75	450.00	337.50 ✓
* 01/03/2007	A. Wise	Prepare for and attend meeting with AUSA T. Ballantine regarding potential resolution of criminal case; meeting with M. Reinhard regarding meeting; review transcripts and documents relating to potential NRC deposition.	7.75	350.00	2,712.50

REDACTED

01/04/2007	C. F. B. McAleer	Review memoranda (several) from A. Wise, R. Hibey regarding meeting with T. Ballantine (DOJ), rulings on motions in criminal proceeding; teleconference with D. Ferraro (Morgan, Lewis) regarding same; telephones to and with A. Wise regarding same; teleconference with B. Klukan (NRC Staff); memorandum from and to, conference with R. Malet regarding deposition binders, case schedule issues.	3.00	450.00	1,350.00 ✓
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REDACTED

	Date	Name	Description	Hours	Rate	Amount
*	01/04/2007	A. Wise	E-mail communications and telephone calls regarding meeting with AUSA T. Ballantine; draft memo regarding same; telephone call with client regarding case issues; review transcripts and documents regarding NRC proceeding depositions; review USDC Magistrate Judge order and research issues related to Bill of Particulars.	7.50	350.00	2,625.00

REDACTED

01/05/2007	C. F. B. McAleer	Conference (extensive) with L. Butler, R. Malet regarding scheduling and task issues; memorandum (extensive) to R. Hibey, others regarding same; memorandum to R. Hibey, others regarding letters to NRC Staff, research on burden of proof; draft (begin) three letters to NRC Staff regarding depositions, documents, other issues.	3.00	450.00	1,350.00 ✓
01/05/2007	A. Wise	Review materials relating to Moffitt and Miller in preparation for NRC depositions, review USDC Magistrate Judge order and research issues related to severance and multiplicity; telephone call with J. Conroy regarding same; review documents and pleadings.	7.00	350.00	2,450.00 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

01/08/2007	C. F. B. McAleer	Review 1/8 Board Order denying NRC Staff's Motion for Preclusion; teleconference with A. Wise regarding same; review documents for drafting letter to NRC Staff regarding Geisen depositions; draft (continued) letter regarding same; review memorandum from B. Klukan (NRC Staff) regarding NRC Staff's Third Motion for Stay.	3.75	450.00	1,687.50
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* 01/08/2007	A. Wise	Review 1/8 Board order and draft response; review Staff motion for stay; prepare for meeting with J. Penny regarding Moffitt and Miller depositions in NRC enforcement proceeding.	6.75	350.00	2,362.50
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REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

01/09/2007	R. Hibey	Meeting with A. Wise regarding panel order and new motion to abate; prepare for meeting with J. Penny; review and analysis of materials.	8.00	600.00	4,800.00 ✓
01/09/2007	C. F. B. McAleer	Review and analyze (continued) NRC Staff Third Motion for Stay; legal research regarding stay issues, including effect of threatened withdrawal and dismissal by NRC Staff, DOJ; review (continued) 1/8 Board Order, including requirement for list of central witnesses; draft (begin) letter to NRC Staff regarding list of central witnesses required by 1/8 Board Order; review memorandum from Board regarding briefing and hearing schedule for NRC Staff's Third Motion for Stay.	4.00	450.00	1,800.00 ✓
01/09/2007	A. Wise	Draft and edit opposition to Staff motion for Stay; telephone call with T. Matthews regarding issues in the NRC enforcement case; conference with R. Hibey; conference with M. Reinhard; review documents relating to Moffitt testimony in preparation for meeting with J. Penny.	9.75	350.00	3,412.50 ✓
01/09/2007	M. T. Reinhard	Meet with A. Wise regarding Motion to Stay.	0.25	325.00	81.25 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 01/10/2007	R. Hibey	Prepare for hearing before panel in Rockville; meeting with counsel for certain individuals.	6.00	600.00	3,600.00
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01/10/2007	C. F. B. McAleer	Draft (continued) letter to NRC Staff regarding central witnesses, required by 1/8 Board Order; review NRC Staff interrogatory answers, other documents in drafting same; conference with A. Wise, J. Penny; draft (revise) letter to L. Clark (NRC Staff) regarding core documents; conference with R. Hibey and A. Wise regarding draft Opposition to NRC Staff Third Motion for Stay; review memorandum from L. Clark regarding 1/10 hearing.	4.25	450.00	1,912.50 ✓
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01/10/2007	A. Wise	Draft, edit, and finalize opposition to Staff motion for Stay; meeting with R. Hibey and C. McAleer regarding same; legal research relating to motion; meeting with J. Penny regarding Moffitt and Miller depositions.	11.50	350.00	4,025.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

01/11/2007	R. Hibey	Prepare for and attend hearing before NRC Licensing Board.	6.00	600.00	3,600.00 ✓
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01/11/2007	C. F. B. McAleer	Prepare for hearing; assemble and review pleadings and documents for same; memoranda from and to D. Gordon regarding hearing; travel to and attend hearing on NRC Staff's Third Motion for Stay; conference with R. Hibey, A. Wise, D. Gordon post-hearing; conference with L. Clark regarding core document issues.	6.25	450.00	2,812.50 ✓
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01/11/2007	A. Wise	Prepare for and attend hearing at NRC on Staff motion to stay; review documents and testimony related to upcoming depositions; review Board orders regarding discovery issues.	9.00	350.00	3,150.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

01/12/2007	R. Hibey	Meeting regarding 1/16 submission to NRC Board; review documents; meeting regarding document production issues.	3.50	600.00	2,100.00 ✓
01/12/2007	C. F. B. McAleer	Review letter from M. Spencer regarding NRC Staff's proposed core documents for presentation to Board on 1/16; conference (extensive) with R. Hibey regarding depositions, burden of proof, core documents, other issues; teleconference with M. Spencer, four other NRC Staff attorneys regarding compliance with 1/8 Board Order concerning central witnesses, 1/10 letter; draft (begin) letter to NRC Staff regarding compliance with 1/8 Board Order; telephones from and with B. Klukan, several NRC Attorneys regarding deposition schedule; meeting with R. Hibey, L. Butler, R. Malet regarding document production issues; review memorandum from Board regarding Order denying NRC Staff's Third Motion for Stay.	5.75	450.00	2,587.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount	
01/12/2007	A. Wise	Review documents, prepare responses to Board order regarding central witnesses, review letter and materials relating to submission of core documents to Board; review discovery and deposition schedules; email communication with NRC Staff regarding same; review Board order regarding 1/11 hearing; telephone call with client regarding case issues; meeting with R. Hibey, C. McAleer regarding 1/16 submissions.	6.00	350.00	2,100.00	✓
01/12/2007	L. E. Butler	Red Photo project: review and preparation of documents for attorney use; meet with R. Hibey, C. McAleer, A. Wise regarding production to NRC.	8.50	145.00	1,232.50	X
01/12/2007	R. Malet	Continue review of Boric Acid Control tag in Geisen Client database per request of L. Butler; meet with A. Wise to discuss developments following up from hearing on January 11; meet with L. Butler to discuss issues with Geisen Client database; meet with C. McAleer and R. Hibey to discuss documents that were not produced by the NRC and retrieve documents from Adams database on NRC website.	7.25	110.00	797.50	X

REDACTED

Date	Name	Description	Hours	Rate	Amount	
01/13/2007	C. F. B. McAleer	Review 1-12 letter from M. Spencer (NRC Staff) regarding deposition issues; memorandum to R. Hibey, A. Wise regarding same; draft (begin) master deposition and case calendar.	1.50	450.00	675.00	✓
01/14/2007	C. F. B. McAleer	Continue drafting master deposition and case calendar; memorandum to R. Hibey, A. Wise regarding same; review documents for drafting letter on "central witness" issue; draft (extensive) letter on "central witness" issue; review documents for drafting response to M. Spencer (NRC Staff) 1-12 letter; draft (extensive) response regarding deposition issues; draft (begin) letter to NRC Staff regarding 1-16 document production to Board.	3.75	450.00	1,687.50	
01/14/2007	A. Wise	Review documents relating to 1/16 submissions.	1.50	350.00	525.00	✓
* 01/15/2007	R. Hibey	Document review for production purposes per Panel Order.	5.00	600.00	3,000.00	
01/15/2007	C. F. B. McAleer	Telephone to and with, conference with R. Hibey regarding deposition and central witness issues; telephones (several) to and with A. Wise regarding same; draft (revise) (extensive) letters to NRC Staff regarding depositions, central witnesses and core documents for Board; finalize letters regarding depositions, central witnesses; memorandum to M. Spencer (NRC Staff) regarding same; memorandum to R. Malet regarding 1/16 document production to Board.	3.75	450.00	1,687.50	✓
01/15/2007	A. Wise	Review documents, transcripts regarding submissions to Board of core documents, submission to Staff regarding central witnesses; draft exhibit lists for both submissions; telephone calls with R. Hibey and C. McAleer regarding same; review transcripts relating to testimony regarding 2735 by Daft, Rishel, McLaughlin;	5.50	350.00	1,925.00	✓

Date	Name	Description	Hours	Rate	Amount
REDACTED					
01/16/2007	C. F. B. McAleer	Conferences (many) (extensive) with R. Malet regarding document production to Board; teleconferences with (several) M. Spencer (NRC Staff) regarding Exhibit A issues, possible deposition objections; draft (revise) letter to Board regarding document production; memoranda (several) from and to L. Clark (NRC Staff) regarding Staff addition of 1-8-03 document to their production; teleconference with L. Clark regarding joint extension request for 1/16 production; review memorandum from L. Clark to Board regarding same; review order from Board granting extension; draft response to B. Klukan regarding Geisen deposition date; review memorandum from A. Wise reflecting T. Matthews deposition scheduling information.	6.00	450.00	2,700.00 ✓
01/16/2007	A. Wise	Communications with T. Matthews regarding scheduling issues in NRC cases, representation of potential witnesses in same; review documents and transcripts of relevant NRC personnel regarding decision about whether further depositions are necessary; review and finalize filings with Licensing Board regarding key documents and related issues.	8.50	350.00	2,975.00 ✓
01/16/2007	L. E. Butler	Letter to Board: requested documents per A. Wise request; Red Photo project: review and preparation of documents for attorney use.	8.00	145.00	1,160.00 X

REDACTED

Date	Name	Description	Hours	Rate	Amount
01/16/2007	R. Malet	Pull documents from Geisen Client database per request of A. Wise and C. McAleer; create exhibit list as an attachment to the letter regarding January 16 documents for the Board; prepare documents to send to Board judges and L. Clark; meet with C. McAleer to discuss issues raised by M. Spencer regarding list of documents filed with the Board.	8.50	110.00	935.00 X

REDACTED

01/17/2007	R. Hibey	Attend to Collins testimony; letter to Panel; finalize document production to Panel; meeting with A. Wise and C. McAleer regarding discovery disputes with Staff; attention to pleading from DOJ in criminal case.	3.50	600.00	2,100.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
01/17/2007	C. F. B. McAleer	Review memorandum from L. Clark regarding 1-8-03 letter issue; telephones to and with, memoranda from and to D. Ferraro (MLB) regarding FENOC document production issues, Geisen Opposition to NRC Staff Third Motion for Stay; memoranda (many) to and from, telephones (several) to, from and with M. Spencer (NRC Staff) regarding document issues, including GAO Report issues; teleconferences with R. Hibey, A. Wise regarding non-inclusion of GAO Report in documents to the Board; memorandum to and from M. Spencer regarding lack of response to 1-15 letters; review memorandum from B. Klukan (NRC Staff) regarding deposition dates, schedule; memorandum to R. Hibey, et al. regarding same.	8.25	450.00	3,712.50 ✓
01/17/2007	A. Wise	Review NRC OI transcripts, Miller and Moffitt transcripts, and GJ materials for relevant witnesses regarding decision about whether further depositions are necessary in NRC case; review documents regarding same; review communications from J. Penny regarding Moffitt and Miller; meeting with R. Hibey regarding strategic decisions in NRC and criminal cases.	7.50	350.00	2,625.00 ✓
01/17/2007	L. E. Butler	Red Photo project: review and preparation of documents for attorney use; Database issues: discuss and review with J. Jordan; discussion with C. McAleer, R. Malet regarding NRC production.	6.50	145.00	942.50 X

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

01/18/2007	R. Hibey	Team meeting - strategy and scheduling of depositions; telephone conference with D. Jenkins; telephone conference with J. Penny; review materials in preparation for upcoming depositions.	3.50	600.00	2,100.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount
01/18/2007	C. F. B. McAleer	Draft (update) case calendar to reflect new deposition dates; conference (extensive) with R. Hibey, A. Wise, M. Reinhard regarding many issues, including O'Brien and Starkey deposition issues; review NRC Staff interrogatory verifications; draft letter to M. Spencer regarding O'Brien, Starkey depositions; draft Notice of Deposition for same; teleconference with and memoranda from and to J. Penny regarding deposition issues, subpoena application form; revise and finalize letter, Notice of Deposition; memoranda from (2) and to J. Penny regarding G. Campbell deposition scheduling issues; memorandum to B. Klukan regarding deposition dates for Sands, Holmberg; memoranda to and from R. Malet, L. Butler regarding NRC Staff 1-17 document production to Board.	6.50	450.00	2,925.00 ✓
01/18/2007	A. Wise	Conversation(s) with C. McAleer, R. Hibey, and M. Reinhard regarding discovery schedule and depositions; review Staff pleadings and communications regarding same; review transcripts and documents in preparation for depositions; review USDC filings and dockets regarding upcoming motions hearing.	8.50	350.00	2,975.00 ✓
01/18/2007	M. T. Reinhard	Meet with R. Hibey, A. Wise and C. McAleer regarding depositions.	0.50	325.00	162.50 ✓
01/18/2007	L. E. Butler	Red Photo project: review and preparation of documents for attorney use; Database issues: discuss and review with J. Jordan; Witness binders: discuss with R. Malet, D. Nunley.	7.50	145.00	1,087.50 X
01/18/2007	R. Malet	Create witness binders for NRC Staff members A. Lee, A. Hiser, D. Simpkins, and W. Bateman per request of A. Wise; Retrieve interview notes for all FirstEnergy staff witness binders created on January 2, 2007 per request of A. Wise.	7.75	110.00	852.50 X

Date	Name	Description	Hours	Rate	Amount
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REDACTED

01/19/2007	R. Hibey	Document analysis in connection with planned depositions; conference with M. Reinhard regarding subpoenas for NRC deponents; attention to Staff appeal to NRC Motion to Abate.	4.00	600.00	2,400.00 ✓
01/19/2007	C. F. B. McAleer	Review documents regarding deposition issues, including O'Brien and Starkey depositions; memorandum to B. Klukan regarding confirmation of deposition dates; teleconferences with A. Wise, R. Hibey regarding Starkey, O'Brien deposition issues; memoranda to and from M. Spencer regarding O'Brien and Starkey deposition attendance;	2.75	450.00	1,237.50 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
01/19/2007	A. Wise	Prepare for upcoming NRC depositions; review transcripts and documents for Moffitt and Miller; review pleadings and documents regarding resolution of Moffitt matter; meeting with R. Hibey, C. McAleer regarding discovery issues and scheduling issues; review e-mail correspondence from NRC Staff regarding deposition subpoenas, depositions of Starkey and O'Brien.	7.75	350.00	2,712.50 ✓
01/19/2007	M. T. Reinhard	Review interlocutory appeal of Motion for Stay; draft application for subpoenas; arrange for court reporter.	3.50	325.00	1,137.50 ✓
01/19/2007	L. E. Butler	Meeting to discuss status of Red Photo project; Red Photo project: review and preparation of documents for attorney use; Database issues: discuss and review with J. Jordan, K. Pegram.	8.25	145.00	1,196.25 X
01/19/2007	R. Malet	Attend Geisen team meeting to discuss review of red photo documents; Retrieve January 11, 2007 NRC Hearing transcript from court reporter per request of A. Wise; Retrieve copy of NRC Response to Interrogatories per request of M. Reinhard; Continue review of Boric Acid Control Program tag per request of L. Butler; Complete preparation of witness binders of NRC Staff per request of A. Wise.	6.00	110.00	660.00 X

REDACTED

Date	Name	Description	Hours	Rate	Amount
01/20/2007	R. Hibey	Review hearing transcript of proceeding from which NRC appealed on its Motion to Abate; sketch plan for response to appeal.	3.50	600.00	2,100.00 ✓
01/20/2007	A. Wise	Review Staff's Petition for Interlocutory Review, review documents and cases regarding same; outline response and begin drafting response.	7.00	350.00	2,450.00 ✓
01/21/2007	C. F. B. McAleer	Review 1-19 memoranda from L. Clark, M. Baty (NRC Staff) regarding Petition for Commission Review, application for Geisen subpoena; memoranda to and from A. Wise regarding same; review (extensive) NRC Staff Petition for Commission Review.	2.25	450.00	1,012.50 ✓
01/21/2007	A. Wise	Draft and edit response to Staff's Petition for Interlocutory Review.	9.50	350.00	3,325.00 ✓
* 01/22/2007	R. Hibey	Edit and finalize opposition to NRC appeal, of denial of abatement motion; review transcript of last week's hearing denying Staff relief requested; meeting with A. Wise regarding draft opposition.	5.00	600.00	3,000.00
01/22/2007	C. F. B. McAleer	Review memoranda (2) from Judge Farrar regarding issuance of Geisen subpoena, Starkey/O'Brien application; memoranda to and from M. Reinhard regarding procedural and discovery issues; memorandum to R. Hibey, others regarding NRC Petition for Review; teleconference with A. Wise regarding draft Opposition to Petition for Review; review memorandum from B. Klukan regarding deposition issues; draft (revise) deposition and case calendar; review memoranda (2) from M. Baty (NRC Staff) regarding subpoenas; review revised Opposition to Petition.	4.25	450.00	1,912.50 ✓
01/22/2007	A. Wise	Draft, edit, and file response to Staff's Petition for Interlocutory review; meeting with R. Hibey regarding same; legal research and document review regarding same.	10.00	350.00	3,500.00 ✓

Date	Name	Description	Hours	Rate	Amount
01/22/2007	M. T. Reinhard	Compile and file Praecipe; review staff appeal; review opposition to staff appeal for stay; arrange for court reporter.	4.50	325.00	1,462.50 ✓
01/22/2007	L. E. Butler	Red Photo project: review and preparation of documents for attorney use; Database issues: discuss and review with J. Jordan, K. Pegram; Opposition to NRC Staff's Petition for Interlocutory Review: cite check per A. Wise request.	10.00	145.00	1,450.00

REDACTED

REDACTED

Date	Name	Description	Hours	Rate	Amount
01/23/2007	R. Hibey	Meeting with M. Reinhard and A. Wise regarding deposition of NRC personnel; prepare for their examinations; attention to order from secretary of Commission; telephone conference with M. Reinhard and A. Wise concerning the development and action to be taken.	4.00	600.00	2,400.00 ✓
01/23/2007	A. J. Trenga	Review and analyze status, strategies and options in NRC proceedings.	1.25	550.00	687.50 ✓
01/23/2007	C. F. B. McAleer	Memoranda from (2), to R. Malet regarding NRC Staff subpoenas, deposition schedule; memoranda (several) from and to; teleconferences with M. Reinhard, A. Wise regarding 1/24 depositions, entry of stay; review Opposition filed by NRC Staff regarding Starkey and O'Brien subpoena application; review memoranda (3) from Judge Farrar regarding subpoenas, ruling on Starkey and O'Brien subpoena.	1.75	450.00	787.50 ✓
01/23/2007	A. Wise	Review pleadings and documents regarding deposition of NRC officials; review discovery documents relating to Starkey and O'Brien; meeting with R. Hibey and M. Reinhard regarding deposition strategy; review documents; review Order from Secretary of Commission; telephone conference with R. Hibey regarding same; research CFR issues relating to Secretary order.	9.50	350.00	3,325.00 ✓
01/23/2007	M. T. Reinhard	Meet with A. Wise and R. Hibey regarding depositions; review staff filing with Board regarding deposition of Starkey & O'Brien; prepare response to staff filing; review staff order regarding deposition of Starkey & O'Brien; prepare for Starkey & O'Brien deposition; review Commission Secretary Order regarding stay; telephone conference with A. Wise and R. Hibey regarding depositions and stay.	6.75	325.00	2,193.75 ✓

Date	Name	Description	Hours	Rate	Amount
01/24/2007	R. Hibey	Conference with M. Reinhard and A. Wise regarding housekeeping stay; draft and finalize letters to Licensing Board and Staff Counsel; team meeting regarding preemptive steps post stay.	3.50	600.00	2,100.00 ✓
01/24/2007	C. F. B. McAleer	Telephone from NRC Secretary regarding entry of stay; telephone to and with R. Hibey regarding same; memoranda from and to M. Reinhard regarding stay, depositions; conferences with R. Hibey, A. Wise regarding NRC Staff Petition for Review, entry of temporary stay by Secretary; review memoranda from T. Matthews (MLB), M. Reinhard regarding Secretary's authority to impose temporary stay; review motion to vacate stay; review letter from M. Spencer (NRC Staff) regarding depositions; review memorandum from L. Clark regarding Reply in support of Petition for Review.	3.25	450.00	1,462.50 ✓
01/24/2007	A. Wise	Draft, edit, and file Motion to Vacate Order; telephone calls with T. Matthews regarding procedural issues and Commission practices; meeting with R. Hibey, M. Reinhard regarding Motion; review Staff correspondence regarding discovery and NRC proceeding; review documents; draft and review correspondence to Licensing Board and Staff regarding issuance of Stay by Secretary.	9.00	350.00	3,150.00 ✓
01/24/2007	M. T. Reinhard	Draft and file motion with the NRC Commission to lift stay; telephone call with T. Matthews regarding Commission regulations.	4.50	325.00	1,462.50 ✓
01/24/2007	L. E. Butler	Red Photo project: review and preparation of documents for attorney use; Database issues: discuss and review with J. Jordan, K. Pegram; Motion to Vacate Order: distribution of filing per M. Reinhard request.	6.75	145.00	978.75

Date	Name	Description	Hours	Rate	Amount	
01/24/2007	R. Malet	Assist A. Wise and L. Butler in filing of D. Geisen's Motion to Vacate Order (Granting Motion for Housekeeping Stay); Insert supplemental documents to witness binders per request of A. Wise; Review and tag all duplicates to "Red Photo Project" documents in Lotus Notes database per request of L. Butler.	6.50	110.00	715.00	X

REDACTED

01/25/2007	R. Hibey	Co-counsel meeting regarding documentary record surrounding Serial letters; attention to U.S. Attorney letter to NRC; edit and finalize response to NRC; telephone conference with T. Matthews regarding counsel issues.	3.50	600.00	2,100.00	✓
01/25/2007	C. F. B. McAleer	Legal research (continued) regarding burden of proof issues; draft motion to determine burden of proof.	1.75	450.00	787.50	✓
01/25/2007	A. Wise	Communications with Office of the Secretary (NRC), communications with C. Boss regarding 2/6 hearing in USDC in criminal case; review documents and pleadings relating to 2/6 hearing; telephone call with T. Matthews regarding NRC proceeding and options regarding Stay; telephone call with client regarding 2/2 deposition and related issues; review J. Penny notes regarding Moffitt; review documents relating to Moffitt and Miller proceedings; meeting with D. Gordon and H. Robinson, review of chart and documents relating to Serial responses; draft letter to Commission regarding correspondence from AUSA G. White.	8.00	350.00	2,800.00	✓

Date	Name	Description	Hours	Rate	Amount
01/25/2007	M. T. Reinhard	Meet with D. Gordon regarding charts; draft letter to NRC in response to U.S. Attorney's letter; meet with R. Hibey and A. Wise regarding response to Commission.	4.75	325.00	1,543.75 ✓

REDACTED

01/26/2007	R. Hibey	Attention to pleadings; telephone conference with A. Wise and T. Matthews regarding steps to be taken in light of housekeeping stay; regarding conferring with counsel for witnesses.	3.00	600.00	1,800.00 ✓
01/26/2007	C. F. B. McAleer	Memoranda to and from, teleconference with R. Hibey regarding NRC Staff responses to Moffitt/Miller discovery requests; teleconference with, memorandum to T. Matthews regarding 1/25 White letter to NRC, R. Hibey response; legal research (continued) (extensive) regarding burden of proof issues; conferences with R. Malet regarding same; draft motion to determine burden of proof; review memorandum from C. Jordan regarding NRC Staff subpoena applications.	4.75	450.00	2,137.50 ✓

Date	Name	Description	Hours	Rate	Amount	
01/26/2007	A. Wise	Communications with Office of the Secretary (NRC) regarding Stay; telephone call with T. Matthews regarding same; prepare for 2/6 motions hearing on motions to sever and dismiss counts; review documents and transcripts of testimony in Miller and Moffitt proceedings.	6.00	350.00	2,100.00	✓
REDACTED						
01/29/2007	R. Hibey	Conference with A. Wise and D. Gordon regarding motions hearing next week; conference with C. McAleer; telephone conference with court representatives regarding hearing schedule; conference call with Siemaczko lawyers regarding severance argument at hearing.	3.00	600.00	1,800.00	✓
01/29/2007	C. F. B. McAleer	Conference with R. Hibey regarding stay issues; review e-mail from B. Klukan (NRC Staff) regarding deposition cancellation; conference with A. Wise, M. Reinhard regarding B. Klukan e-mail, possible response; memoranda (2) from, teleconference with A. Wise regarding draft response; review "as sent" version.	1.00	450.00	450.00	✓

Date	Name	Description	Hours	Rate	Amount
01/29/2007	A. Wise	Draft response to Staff regarding cancellation of depositions; meeting with D. Gordon and conference call with C. Boss and B. Garde regarding 2/6 hearing and pending motion to sever; review documents and statements regarding same; review Siemaszko documents regarding comparison to language used in 10/16 statement and related defense theory issue; correspondence with J. Penny regarding Moffitt deposition and NRC issues; telephone call(s) with client regarding case issues and deposition scheduling.	7.75	350.00	2,712.50 ✓

REDACTED

01/30/2007	R. Hibey	Develop examination outline for key government witness; attention to letter from NRC.	5.00	600.00	3,000.00 ✓
01/30/2007	C. F. B. McAleer	Memoranda to R. Hibey, others regarding 1/30 NRC news report (client no charge: 0.25)	0.00	450.00	0.00 ✓

Date	Name	Description	Hours	Rate	Amount
01/30/2007	A. Wise	Communications with NRC Staff regarding stay and deposition scheduling issues; review correspondence from Staff; prepare and file praecipe from D. Geisen regarding 2/6 hearing; meeting with R. Hibey regarding issues before J. Katz on 2/6; review documents and cases regarding severance issue, review transcripts and filings from Siemazsko litigation; outline arguments for 2/6 hearing.	8.25	350.00	2,887.50 ✓
REDACTED					
01/31/2007	R. Hibey	Attention to government supplemental pleading; analysis for reply brief; telephone conference with W. Gardner; telephone conference with J. Conroy; conference with A. Wise and M. Reinhard.	3.50	600.00	2,100.00 ✓
01/31/2007	C. F. B. McAleer	Conference with A. Wise regarding stay issues; review memoranda from A. Wise, B. Klukan regarding Geisen deposition.	0.50	450.00	225.00 ✓

FirstEnergy Corp.
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Invoice No.293563
Client/Matter No. 311950.000011
February 22, 2007

Date	Name	Description	Hours	Rate	Amount
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REDACTED

01/31/2007	M. T. Reinhard	Meet with R. Hibey and A. Wise regarding hearing on motions.	0.75	325.00	243.75 ✓
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REDACTED

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	89.50	600.00
A. J. Trenga	1.25	550.00
C. F. B. McAleer	84.00	450.00
A. Wise	194.00	350.00
M. T. Reinhard	25.50	325.00
L. E. Butler	157.50	145.00
R. Malet	119.00	110.00
Total Fees		

REDACTED

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: March 2007

INVOICE NO: 294802
CLIENT/MATTER NO.: 311950.000011
DATE: April 30, 2007

FOR PROFESSIONAL SERVICES RENDERED
for the period ending March 31, 2007, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees
Expenses

Total Amount Due

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

03/13/2007	C. F. B. McAleer	Review memorandum from M. Baty regarding filing with Board, status of criminal proceeding; review memorandum from R. Hibey regarding witness preparation issues; legal research (continued) regarding Gavula, OI jurisdictional issues.	1.50	450.00	675.00 ✓
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REDACTED

EXPENSE SUMMARY

REDACTED

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: May 2007

INVOICE NO: 295756
CLIENT/MATTER NO.: 311950.000011
DATE: June 26, 2007

FOR PROFESSIONAL SERVICES RENDERED
for the period ending May 31, 2007, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
05/01/2007	A. Wise	Review NRC Staff filings, review memoranda regarding potential government witnesses; digest and review transcripts of client interviews; review materials and documents relating to J. Martin testimony and statements; review portions of Exponent Failure Report and cross-reference against government statements at 4/20 hearing; review transcripts.	7.75	350.00	\$ 2,712.50	✓
REDACTED						
* 05/02/2007	R. Hibey	Conference with A. Wise regarding exponent failure report consequences; review, edit and finalize pleading.	2.00	600.00	1,200.00	
05/02/2007	C. F. B. McAleer	Review memorandum from L. Butler regarding NRC Staff 5/1 status report to Board.	0.25	450.00	112.50	✓
REDACTED						
05/02/2007	J. Jordan	Emails to and L. Butler re: database issues; database maintenance; database maintenance (no charge).	1.00	110.00	0.00	
05/03/2007	R. Hibey	Attention to filing with NRC; comments from T. Matthews; telephone conference with J. Conroy; conference with A. Wise.	2.50	600.00	1,500.00	✓

Date	Name	Description	Hours	Rate	Amount
* 05/03/2007	A. Wise	Review correspondence regarding Exponent Failure Report; review sections of Report; draft and edit filing regarding Siemaszko in limine motions; meeting with R. Hibey regarding same; compile attachments regarding same.	7.00	350.00	2,450.00

REDACTED

05/04/2007	C. F. B. McAleer	Review memoranda from L. Butler regarding articles concerning new report.	0.25	450.00	112.50 ✓
* 05/04/2007	A. Wise	Review DoJ filings and related docket entries; review documents relating to NRC review of Exponent Failure Report; finalize filing regarding Siemaszko in limine motions.	2.00	350.00	700.00

REDACTED

05/04/2007	J. Jordan	Emails to and from R. Malet and L. Butler re: database issues; database maintenance (no charge).	3.00	110.00	0.00
05/07/2007	C. F. B. McAleer	Review memoranda (2) from L. Butler regarding news accounts relating to Davis-Besse, reports; review memorandum and attachment from C. Jordan regarding Mattson report.	0.50	450.00	225.00 ✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
* 05/08/2007	R. Hibey	Telephone conference with C. Boss; telephone conference with J. Conroy; conference call with all counsel; telephone conference with Shuntz regarding experts; meeting with C. McAleer regarding FOIA and SDT issues; attention to memoranda filed with and by NRC.	4.50	600.00	2,700.00
05/08/2007	C. F. B. McAleer	Conference (extensive) with R. Hibey regarding research and analysis issues; legal research (continued) regarding same; review memorandum from R. Hibey regarding NRC assessment; conferences with R. Malet regarding Memorandum of Understanding, other documents; memoranda to and from C. Jordan regarding meeting; review memorandum and attachment from L. Butler regarding hearing summary.	1.25	450.00	562.50 ✓
REDACTED					
* 05/09/2007	A. Wise	Conference with R. Hibey; participate in conference call regarding Exponent Report and potential alternative experts; review Mattson Report; review documents relating to NRC consideration of Exponent Report; review transcripts regarding head degradation issue and transcript of argument before J. Katz regarding same.	8.50	350.00	2,975.00

Date	Name	Description	Hours	Rate	Amount
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REDACTED

* 05/14/2007	A. Wise	Review Mattson Report and related documents; legal research regarding expert opinion issues; meeting with R. Hibey regarding potential alternatives to Exponent Failure witnesses and related issues; review documents and press coverage of NRC consideration of Exponent issues; review witness interview transcripts; outline potential reply to Government's Notice regarding Exponent Report; review transcripts.	8.50	350.00	2,975.00
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REDACTED

05/16/2007	R. Hibey	Conference with counsel regarding NRC order to FENOC; conference with A. Wise regarding SDT and early return; telephone conference with T. Matthews; attention to court ruling.	2.00	600.00	1,200.00 ✓
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REDACTED

Date	Name	Description	Hours	Rate	Amount	
05/16/2007	A. Wise	Review NRC press release and Demand for Information; conference with R. Hibey; review and compare hearing transcript regarding DoJ analysis of Exponent Failure report; outline potential motion for information regarding DoJ involvement in NRC deliberation; legal research regarding same; legal research regarding use of third party experts; review documents.	7.50	350.00	2,625.00	✓
REDACTED						
05/17/2007	A. Wise	Draft and edit motion for issuance of subpoena, legal research regarding 17(c) and early return issues; review documents and NRC-FENOC correspondence regarding wastage report; review GJ and OI transcripts regarding BACC issues.	7.00	350.00	2,450.00	✓
05/17/2007	L. E. Butler	Database: review and organization of documents for attorney use.	7.25	145.00	1,051.25	X
05/17/2007	R. Malet	Review and organization of documents for attorney review/use per request of L. Butler.	6.50	110.00	715.00	X
REDACTED						
05/18/2007	A. Wise	Conference call with defense counsel regarding NRC developments; review documents relating to Exponent Report and Mattson Report; telephone call with D. Jenkins, T. Matthews; meetings with R. Hibey regarding same; review Government Notice regarding Wastage Report and documents relating to government Notice; outline and draft reply; review transcript of 4/20 hearing.	7.75	350.00	2,712.50	✓
05/18/2007	L. E. Butler	Database: review and organization of documents for attorney use.	7.75	145.00	1,123.75	X
05/18/2007	R. Malet	Review and organization of documents for attorney review/use per request of L. Butler.	4.75	110.00	522.50	X

Date	Name	Description	Hours	Rate	Amount
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REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	25.75	600.00
C. F. B. McAleer	2.75	450.00
A. Wise	122.75	350.00
L. E. Butler	163.00	145.00
J. Jordan	19.50	110.00
R. Malet	108.00	110.00
Total Fees		

EXPENSE DETAIL

REDACTED

EXPENSE SUMMARY

REDACTED

BILLING HISTORY

REDACTED

MILLER & CHEVALIER

CHARTERED

655 FIFTEENTH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20005-5701
(202) 626-5800 FAX: (202) 628-0858
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: June 2007

INVOICE NO: 296310
CLIENT/MATTER NO.: 311950.000011
DATE: July 31, 2007

FOR PROFESSIONAL SERVICES RENDERED
for the period ending June 30, 2007, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
06/01/2007	A. Wise	Review correspondence from NRC regarding Exponent issues; e-mail correspondence with counsel regarding expert witness issues; review documents; legal research regarding admissibility of J. Davis opinions in absence of NRC position.	4.00	350.00	\$ 1,400.00 ✓
06/01/2007	L. E. Butler	Database: review and organization of documents for attorney use (no charge).	6.75	0.00	0.00
06/01/2007	J. Jordan	Database maintenance (no charge).	2.00	0.00	0.00
06/01/2007	R. Malet	Review and organization of documents for attorney review/use per request of L. Butler (no charge).	6.25	0.00	0.00
06/04/2007	A. Wise	Review documents, review e-mails and correspondence regarding NRC evaluation of Exponent report; telephone calls with counsel regarding Friday conference call; conference with R. Hibey.	3.00	350.00	1,050.00 ✓
06/04/2007	L. E. Butler	Database: review and organization of documents for attorney use (no charge).	5.25	0.00	0.00
06/04/2007	R. Malet	Review and organization of documents for attorney review/use per request of L. Butler (no charge).	5.50	0.00	0.00
06/04/2007	J. Jordan	Emails to and from L. Butler re:database issues; database maintenance per L. Butler (no charge).	2.50	0.00	0.00

REDACTED

Date	Name	Description	Hours	Rate	Amount
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REDACTED

TIME SUMMARY

Name	Hours	Rate	Amount
A. Wise	92.50	350.00	32,375.00

Total Fees

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: May 2008

INVOICE NO: 300969
CLIENT/MATTER NO.: 311950.000011
DATE: June 27, 2008

FOR PROFESSIONAL SERVICES RENDERED
for the period ending May 31, 2008, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
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REDACTED

REDACTED

05/06/2008	A. Wise	Review NRC proceedings and research regarding options with Licensing Board and Commission; prepare memo regarding appellate issues; discussion with T. O'Toole regarding same.	2.00	350.00	700.00 ✓
* 05/07/2008	R. Hibey	Conference with A. Wise regarding report; finalization of report.	1.00	600.00	600.00
05/09/2008	A. Wise	Review pleadings and correspondence from NRC proceeding; review CFR sections regarding stays.	2.00	350.00	700.00 ✓
05/12/2008	R. Hibey	Letter to D. Lochbaum.	0.50	600.00	300.00 ✓

Date	Name	Description	Hours	Rate	Amount
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REDACTED

05/14/2008	A. Wise	Review documents and filings regarding NRC stay; review LB opinions regarding length of debarment orders and estoppel issues.	2.00	350.00	700.00 ✓
05/20/2008	R. Hibey	Devise plan for NRC debarment.	0.50	600.00	300.00 ✓
05/27/2008	A. Wise	Review documents regarding NRC issues; telephone call with R. Hibey regarding same; review NRC regulations and cases on collateral estoppel; review filings with 6th Circuit regarding appeal.	2.75	350.00	962.50 ✓
05/30/2008	A. Wise	Legal research and document review regarding estoppel issues in NRC proceeding.	1.00	350.00	350.00

REDACTED

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	17.75	600.00 \$
A. Wise	25.75	350.00

REDACTED

EXPENSE DETAIL

REDACTED

BILLING HISTORY

Legal Fees	Expenses	Totals to Date
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REDACTED

MILLER CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: June 2008

INVOICE NO: 301396
CLIENT/MATTER NO.: 311950.000011
DATE: July 24, 2008

FOR PROFESSIONAL SERVICES RENDERED
for the period ending June 30, 2008, in connection with:

NRC Investigation DB-Federal Grand Jury-Geisen

Fees
Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
06/02/2008	R. Hibey	Conference with A. Wise regarding filing at NRC regarding debarment.	0.50	600.00	\$ 300.00 ✓
06/02/2008	A. Wise	Meeting with R. Hibey regarding NRC Licensing Board issues; research regarding procedural issues and estoppel issues; outline potential letter to Board; telephone calls regarding sentencing transcripts and necessary exhibits for letter.	2.75	350.00	962.50 ✓
06/03/2008	A. Wise	Review documents; draft letter to Licensing Board.	2.50	350.00	875.00 ✓
REDACTED					
06/04/2008	A. Wise	Telephone calls, e-mails with L. Butler regarding appellate procedure issues; review NRC correspondence regarding	1.25	350.00	437.50 ✓
REDACTED					
06/09/2008	R. Hibey	Conference with A. Wise regarding preparation of letter to NRC.	0.25	600.00	150.00 ✓
06/10/2008	A. Wise	Draft and edit letter to NRC Licensing Board regarding stay; legal research regarding same.	2.75	350.00	962.50 ✓

Date	Name	Description	Hours	Rate	Amount	
06/11/2008	A. Wise	Review Staff pleadings regarding stay and Licensing Board hearing transcripts; calls to Ohio regarding sentencing hearing transcript; telephone call to client regarding probation issues.	2.00	350.00	700.00	✓
06/18/2008	R. Hibey	Attention to official transcript of sentencing hearing; telephone conference with D. Geisen regarding probationary status and plan for attacking debarment.	1.50	600.00	900.00	✓
06/23/2008	R. Hibey	Edit draft to NRC; conference with A. Wise regarding same.	2.50	600.00	1,500.00	✓
06/23/2008	A. Wise	Meeting with R. Hibey regarding communications with Licensing Board; legal research regarding standards for imposition of penalties; draft and edit potential letter.	1.75	350.00	612.50	✓
06/24/2008	R. Hibey	Finalize letter to NRC; conference with A. Wise.	0.50	600.00	300.00	✓
06/24/2008	A. Wise	Meeting with R. Hibey regarding approach with Board; review letter.	0.50	350.00	175.00	✓

REDACTED

06/27/2008	A. Wise	Review Board correspondence; legal research.	1.00	350.00	350.00	✓
06/29/2008	R. Hibey	Analysis of materials and outline response to issues raised by the Licensing Board's briefing order.	2.00	600.00	1,200.00	✓
06/30/2008	R. Hibey	Analysis of materials and outline response to issues raised by the Licensing Board's briefing order.	2.00	600.00	1,200.00	✓

REDACTED

Date	Name	Description	Hours	Rate	Amount
06/30/2008	A. Wise	Review Board order; draft outline for response.	2.50	350.00	875.00 ✓

Total Fees

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	10.25	600.00
T. P. O'Toole	1.50	425.00
A. Wise	17.00	350.00

REDACTED

EXPENSE SUMMARY

Description	Amount
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REDACTED

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: July 2008

INVOICE NO: 301870
CLIENT/MATTER NO.: 311950.000011
DATE: August 28, 2008

FOR PROFESSIONAL SERVICES RENDERED
for the period ending July 31, 2008, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
07/01/2008	R. Hibey	Review Order from Licensing Board; review Commission's stay order.	0.25	600.00	\$ 150.00	✓
07/01/2008	A. Wise	Review Board Order; outline response	3.00	350.00	1,050.00	✓
07/02/2008	A. Wise	Communications with R. Hibey regarding Board order; telephone call with T. Matthews regarding same; review recent Farrar opinion; draft response.	2.50	350.00	875.00	✓
07/07/2008	R. Hibey	Conference with A. Wise; finalize and sign-off on brief to NRC.	1.00	600.00	600.00	✓
07/07/2008	A. Wise	Draft and finalize brief in response to Board Order; meeting with R. Hibey regarding same.	3.50	350.00	1,225.00	
07/08/2008	A. Wise	Legal research, draft correspondence.	2.75	350.00	962.50	✓
07/09/2008	R. Hibey	Meetings with A. Wise; review draft and edit.	1.50	600.00	900.00	✓
07/14/2008	R. Hibey	Conference with A. Wise; respond to NRC Licensing Board.	0.50	600.00	300.00	✓
07/14/2008	A. Wise	Review Staff filing to Board; legal research regarding 704 disclosures; telephone call with R. Hibey regarding response strategy.	1.50	350.00	525.00	✓
07/15/2008	R. Hibey	Conferences with A. Wise regarding NRC disclosures.	0.50	600.00	300.00	✓
07/15/2008	A. Wise	Meeting with R. Hibey regarding disclosures and strategy; review Board communication regarding hearing; telephone call with R. Hibey regarding response; review Staff disclosures.	1.00	350.00	350.00	
07/17/2008	A. Wise	Review Board order; legal research regarding estoppel and standard of review issues.	3.25	350.00	1,137.50	✓
07/18/2008	A. Wise	Prepare for 7/21 Board conference call; legal research regarding Board order.	3.00	350.00	1,050.00	
07/20/2008	R. Hibey	Attention to talking points for Monday's hearing before Licensing Board.	0.50	600.00	300.00	✓
07/21/2008	R. Hibey	Conference with A. Wise in preparation for hearing; participate in hearing before Licensing Board; propose meet and confer to NRC Staff.	3.00	600.00	1,800.00	✓

Date	Name	Description	Hours	Rate	Amount
07/21/2008	A. Wise	Prepare for, participate in NRC Board conference call; discussions with R. Hibey regarding upcoming meetings with Staff.	3.00	350.00	1,050.00 ✓
07/22/2008	A. Wise	Prepare for meet and confer with NRC Staff; review past filings regarding disclosures; review Order.	1.50	350.00	525.00 ✓
07/24/2008	A. Wise	Preparation for meet and confer with Staff; legal research regarding res judicata and estoppel issues in NRC caselaw; review Order.	2.00	350.00	700.00 ✓
07/28/2008	A. Wise	Prepare for meeting with Staff; review cases regarding preclusion issues; review transcripts and Order.	1.75	350.00	612.50 ✓
07/29/2008	R. Hibey	Conference with A. Wise regarding preparation for meeting with NRC; review of key materials for same.	2.00	600.00	1,200.00 ✓
07/29/2008	A. Wise	Meeting with R. Hibey regarding meeting with NRC Staff; preparation for meeting; legal research.	2.25	350.00	787.50 ✓
07/29/2008	L. E. Butler	Preparation of requested materials for NRC meeting per R. Hibey request.	2.75	145.00	398.75 X
07/30/2008	R. Hibey	Prepare for attend NRC meeting; post-meeting; conference with A. Wise regarding next moves with NRC Staff.	3.00	600.00	1,800.00 ✓
07/30/2008	A. Wise	Prepare for and attend meeting with NRC Staff; review Board order and Staff correspondence; draft proposal to Staff.	3.50	350.00	1,225.00 ✓
07/31/2008	R. Hibey	Conference with A. Wise regarding proposal to NRC.	0.50	600.00	300.00 ✓
07/31/2008	A. Wise	Draft proposal of settlement framework for NRC Staff; meeting with R. Hibey regarding various issues; research Moffitt settlement language.	2.00	350.00	700.00 ✓

Total Fees

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	12.75	600.00
A. Wise	36.50	350.00
L. E. Butler	2.75	145.00
Total Fees		

REDACTED

EXPENSE DETAIL

BILLING HISTORY

REDACTED

MILLER
CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: August 2008

INVOICE NO: 302308
CLIENT/MATTER NO.: 311950.000011
DATE: September 30, 2008

FOR PROFESSIONAL SERVICES RENDERED
for the period ending August 31, 2008, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
08/01/2008	R. Hibey	Draft and finalize letter to NRC staff; conference with A. Wise regarding same.	1.00	600.00	\$ 600.00	✓
08/01/2008	A. Wise	Review dockets in Moffitt enforcement matter; draft and edit email to Staff regarding potential course toward settlement; meeting with R. Hibey regarding same.	2.75	350.00	962.50	✓
08/01/2008	R. Hibey	Letter to D. Jenkins; conference with A. Wise (no charge).	0.50	0.00	0.00	
08/06/2008	A. Wise	Telephone call with attorney for NRC Staff; review CFR section and cases regarding case resolution and mitigation factors.	1.00	350.00	350.00	✓
08/11/2008	R. Hibey	Conference with A. Wise regarding negative response of Staff to proposal for termination of proceedings; telephone conference with D. Geisen regarding this development.	1.00	600.00	600.00	✓
08/11/2008	A. Wise	Meeting with R. Hibey regarding next steps with Staff; review notes from meeting and hearing before Board; call to S. Ghasmian.	1.00	350.00	350.00	✓
08/12/2008	R. Hibey	NRC - Conference with A. Wise regarding his telephone conference with NRC Staff regarding issues to be teed up before the Licensing Board.	0.50	600.00	300.00	✓
08/12/2008	A. Wise	Telephone call with NRC Staff regarding settlement and other issues before Board; conference with R. Hibey regarding same.	0.75	350.00	262.50	✓
08/18/2008	R. Hibey	Review proposal from NRC regarding conduct of case; e-mail to A. Wise concerning position we might take.	0.50	600.00	300.00	✓
08/19/2008	R. Hibey	Report on NRC discussions regarding proceedings before Hearing Board.	0.50	600.00	300.00	✓
08/20/2008	A. Wise	Review and research e-mail from Staff regarding potential avenues for resolution; e-mails with R. Hibey regarding same; review CFR provisions.	1.50	350.00	525.00	✓

Date	Name	Description	Hours	Rate	Amount
08/22/2008	A. Wise	Review email from NRC Staff; draft and edit response.	0.50	350.00	175.00 ✓
08/25/2008	R. Hibey	Conference with A. Wise regarding NRC's communication regarding submission of proposed stipulation.	0.50	600.00	300.00 ✓
08/25/2008	A. Wise	Telephone call with C. Boss regarding events in Siemaszko trial and impact upon NRC litigation; meeting with R. Hibey regarding same; telephone call with S. Ghasemian (NRC Staff) regarding options for resolution; legal research regarding same.	1.75	350.00	612.50 ✓
08/26/2008	A. Wise	Telephone call with S. Ghasemian regarding exchange of proposals and collateral estoppel issues; legal research regarding issues discussed during call; call with R. Hibey regarding same.	2.25	350.00	787.50 ✓
08/27/2008	A. Wise	Call with S. Ghasemian, L. Clark, K. Sexton regarding case issues; review transcripts and notes; legal research regarding estoppel and admission issues.	2.00	350.00	700.00 ✓
08/31/2008	A. Wise	Legal research regarding issues raised by Staff in 8/27 call; review transcripts and client statements regarding same; draft outline of potential fact stipulations.	2.75	350.00	962.50 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	4.00	600.00
A. Wise	16.25	350.00
Total Fees		

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
07/28/2008	Lexis/Westlaw	Lexis/Westlaw	\$ 46.11
07/29/2008	Lexis/Westlaw	Lexis/Westlaw	27.67
08/06/2008	Telephone	TEL EXT 5888 NUMB (330) 384-5037	0.60
Total Expenses			<u>\$ 74.38</u>

EXPENSE SUMMARY

Description	Amount
Lexis/Westlaw	\$ 73.78
Telephone	0.60
Total Expenses	<u>\$ 74.38</u>

BILLING HISTORY

REDACTED

MILLER CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: September 2008

INVOICE NO: 302648
CLIENT/MATTER NO.: 311950.000011
DATE: October 24, 2008

FOR PROFESSIONAL SERVICES RENDERED
for the period ending September 30, 2008, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
09/02/2008	A. Wise	Review emails from NRC Staff regarding hearing; legal research regarding same.	0.75	350.00	\$ 262.50	✓
09/04/2008	A. Wise	Call to Staff regarding progress on stipulations; review documents and client testimony regarding potential areas of agreement.	1.75	350.00	612.50	✓
09/08/2008	R. Hibey	Review Undertaking from D. Jenkins; forward to client (no charge).	0.00	600.00	0.00	
09/10/2008	A. Wise	Telephone call to Staff regarding status of proposal; review record of trial on issues subject to collateral estoppel claims.	1.25	350.00	437.50	✓
09/12/2008	A. Wise	Telephone call with S. Ghasemian regarding potential meeting and outstanding issues; review Board orders.	0.50	350.00	175.00	✓
09/15/2008	A. Wise	E-mails and telephone call with S. Ghasemian and L. Clark; research and review past NRC settlements.	1.75	350.00	612.50	✓
09/18/2008	A. Wise	Prepare for meeting with NRC Staff.	2.00	350.00	700.00	✓
09/19/2008	R. Hibey	Prepare for and meet with NRC Staff.	2.50	600.00	1,500.00	✓
09/19/2008	A. Wise	Prepare for and attend meeting with NRC Staff regarding case resolution; review documents and transcripts regarding issues discussed at meeting.	3.50	350.00	1,225.00	✓
09/22/2008	A. Wise	Draft memorandum regarding meeting with Staff; review documents.	0.50	350.00	175.00	✓
09/24/2008	A. Wise	Review sentencing submissions and transcripts regarding employment bar issue.	0.75	350.00	262.50	✓
09/29/2008	R. Hibey	Conference with client.	0.50	600.00	300.00	✓
09/29/2008	A. Wise	Telephone call to NRC Staff regarding status; review documents relating to potential resolution.	1.00	350.00	350.00	✓
09/30/2008	A. Wise	Review Staff communications and relevant transcripts; outline proposed resolution statement.	1.25	350.00	437.50	✓

Total Fees

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	3.00	600.00
A. Wise	15.00	350.00
Total Fees		

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio
44308

PERIOD: October 2008

INVOICE NO: 303051
CLIENT/MATTER NO.: 311950.000011
DATE: November 19, 2008

FOR PROFESSIONAL SERVICES RENDERED
for the period ending October 31, 2008, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
10/01/2008	A. Wise	Telephone call with NRC Staff regarding progress of resolution discussions.	0.50	350.00	\$ 175.00 ✓
10/06/2008	R. Hibey	Meeting with A. Wise regarding his conference with NRC and discussion of next steps.	1.00	600.00	600.00 ✓
10/06/2008	A. Wise	Telephone call with L. Clark; meeting with R. Hibey regarding Staff concerns; review documents.	1.50	350.00	525.00 ✓
10/07/2008	R. Hibey	Telephone conference with D. Geisen regarding NRC matters.	0.50	600.00	300.00 ✓
10/07/2008	A. Wise	Telephone calls with L. Clark regarding mediation proposal and potential factual stipulations.	0.75	350.00	262.50 ✓
10/09/2008	R. Hibey	Conference with A. Wise.	0.25	600.00	150.00 ✓
10/09/2008	A. Wise	Telephone call with L. Clark; meeting with R. Hibey regarding same.	0.75	350.00	262.50 ✓
10/14/2008	R. Hibey	Telephone conference with D. Geisen regarding NRC matters; conference with A. Wise.	0.50	600.00	300.00 ✓
10/14/2008	A. Wise	Telephone calls with L. Clark; meeting with R. Hibey; review Staff pleadings during discovery phase of NRC case; review documents.	1.75	350.00	612.50 ✓
10/15/2008	A. Wise	Telephone call with L. Clark; telephone call with T. Ballantine regarding DOJ position on potential resolution of NRC case; review documents regarding DOJ position on employment ban.	1.50	350.00	525.00 ✓
10/16/2008	R. Hibey	Attention to proposed stipulation from NRC; conference with A. Wise.	1.00	600.00	600.00 ✓
10/16/2008	A. Wise	Telephone call with L. Clark regarding communications with DOJ and hearing issues; review Staff draft stipulations document; review filings and case law regarding estoppel principles; conference with R. Hibey.	3.00	350.00	1,050.00 ✓
10/17/2008	R. Hibey	Attention to NRC proposed stipulation; conference with A. Wise.	0.50	600.00	300.00 ✓

Date	Name	Description	Hours	Rate	Amount
10/17/2008	A. Wise	Review Staff proposed stipulations; telephone call with L. Clark regarding communications to Board; review documents and Order; conference with R. Hibey.	3.75	350.00	1,312.50 ✓
10/20/2008	R. Hibey	Conference with A. Wise regarding NRC proposed stipulations.	0.50	600.00	300.00 ✓
10/20/2008	A. Wise	Telephone calls with L. Clark regarding stipulations, status report, and various issues; review Board order; review documents; conference with R. Hibey.	2.00	350.00	700.00 ✓
10/21/2008	R. Hibey	Telephone conference with A. Wise regarding NRC's collateral estoppel position.	0.25	600.00	150.00 ✓
10/21/2008	A. Wise	Meeting with R. Hibey regarding call with Board; review Stipulation document from Staff; prepare for call.	1.75	350.00	612.50 ✓
10/22/2008	A. Wise	Draft and edit stipulations document; prepare for hearing with Board; review documents and discovery demands; draft outline for answers to interrogatories.	6.00	350.00	2,100.00 ✓
10/23/2008	R. Hibey	Meeting with A. Wise in preparation for hearing with NRC Board; hearing with NRC Board; post hearing meeting with A. Wise regarding action items in light of schedule.	3.50	600.00	2,100.00 ✓
10/23/2008	A. Wise	Prepare for and participate in conference call with Board; draft and edit response to Stipulation; review documents; meeting with R. Hibey.	6.25	350.00	2,187.50 ✓
10/24/2008	R. Hibey	Attention to proposed resolution of stipulation for the hearing on December 8.	0.50	600.00	300.00 ✓
10/24/2008	A. Wise	Prepare interrogatory responses; review documents; finalize response to stipulations; telephone calls with L. Clark regarding various issues.	5.25	350.00	1,837.50 ✓
10/26/2008	A. Wise	Draft discovery responses, review documents.	3.00	350.00	1,050.00 ✓
10/27/2008	R. Hibey	Conference with A. Wise regarding finalizing responses on stipulations.	0.25	600.00	150.00 ✓

Date	Name	Description	Hours	Rate	Amount
10/27/2008	A. Wise	Review and edit document regarding stipulations; telephone call with L. Clark regarding same; meeting with R. Hibey; draft discovery responses.	4.00	350.00	1,400.00 ✓
10/28/2008	A. Wise	Draft and edit discovery responses; email with client regarding same; telephone call with T. Matthews regarding case status update.	3.75	350.00	1,312.50 ✓
10/29/2008	R. Hibey	Review responses to interrogatories and RFA before filing; conference with A. Wise regarding same.	1.00	600.00	600.00 ✓
10/29/2008	A. Wise	Meeting with R. Hibey regarding discovery response; edit and finalize same; telephone calls with Staff regarding discovery issues and deposition; telephone calls with client regarding various issues; review Board order.	4.25	350.00	1,487.50 ✓
10/31/2008	R. Hibey	Conference with A. Wise regarding L. Clark's reaction to D. Geisen's responses.	0.50	600.00	300.00 ✓
10/31/2008	A. Wise	Calls with NRC Staff regarding deposition date and discovery issues; review NRC Staff letter regarding interrogatory responses; outline and draft response to letter; legal research; meeting with R. Hibey regarding same.	4.25	350.00	1,487.50 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	10.25	600.00
A. Wise	54.00	350.00
Total Fees		

REDACTED

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: November 2008

INVOICE NO: 303517
CLIENT/MATTER NO.: 311950.000011
DATE: December 18, 2008

FOR PROFESSIONAL SERVICES RENDERED
for the period ending November 30, 2008, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
11/02/2008	A. Wise	Draft letter to NRC Staff in response to 10/31 staff letter; review discovery rules and practice manual.	3.00	350.00	\$ 1,050.00	✓
11/03/2008	R. Hibey	Attention to motion to compel; e-mail and conference with A. Wise regarding same; finalize letter to NRC Staff.	2.00	600.00	1,200.00	✓
11/03/2008	A. Wise	Edit and finalize letter to Staff; review Staff Motion to Compel; meeting with R. Hibey regarding same; outline Opposition to Motion.; review Board order.	2.00	350.00	700.00	✓
11/04/2008	R. Hibey	Attention to e-mail from NRC Board; conference with A. Wise; finalize response to motion to compel.	1.50	600.00	900.00	✓
11/04/2008	A. Wise	Draft, edit, and file Opposition to Staff motion; telephone call with S. Ghasemian regarding witness lists for Hearing, related issues; conference with R. Hibey.	7.00	350.00	2,450.00	✓
11/05/2008	R. Hibey	Attention to order of Board regarding discovery; telephone conference with A. Wise regarding same.	0.50	600.00	300.00	✓
11/05/2008	A. Wise	Review Board order regarding Staff Motion to Compel; telephone conference with R. Hibey; research regarding potential witnesses; review documents; email with client regarding hearing issues.	1.25	350.00	437.50	✓
11/06/2008	A. Wise	Prepare for hearing; review documents; telephone call with Staff.	4.00	350.00	1,400.00	✓
11/07/2008	R. Hibey	Review of materials in war room for use in NRC hearing; review interrogatories responses in light of Staff's decision not to file any more interrogatories.	3.50	600.00	2,100.00	✓
11/07/2008	A. Wise	Review email and documents from NRC Staff; prepare for hearing.	1.75	350.00	612.50	✓
11/10/2008	C. F. B. McAleer	Telephones from and to R. Hibey regarding burden of proof research, documents.	0.25	450.00	112.50	✓

Date	Name	Description	Hours	Rate	Amount
11/10/2008	A. Wise	Prepare for hearing; legal research regarding standard of proof issue; telephone calls with NRC Staff.	2.75	350.00	962.50 ✓
11/11/2008	A. Wise	Prepare for hearing; telephone calls with client regarding upcoming deposition; telephone call with T. Matthews regarding case status; review documents.	2.75	350.00	962.50 ✓
11/12/2008	A. Wise	Telephone calls with Staff regarding hearing issues and deposition; prepare for client deposition; review documents.	3.75	350.00	1,312.50 ✓
11/13/2008	R. Hibey	Conference with A. Wise regarding issues associated with NRC Staff using transcript testimony rather than live witness; attention to notice regarding submission and privileges invoked by Staff respecting production; review communication from NRC Board.	1.25	600.00	750.00 ✓
11/13/2008	A. Wise	Telephone call with client regarding deposition; conference with R. Hibey; review documents and prepare for deposition.	3.00	350.00	1,050.00 ✓
11/14/2008	R. Hibey	Attention to order from Panel regarding requirements preceding hearing on 12/8.	0.25	600.00	150.00 ✓
11/14/2008	A. Wise	Review client testimony and documents in preparation for deposition; legal research regarding introduction and impeachment of hearsay at Board hearing.	2.50	350.00	875.00 ✓
11/17/2008	A. Wise	Prepare for and attend deposition of D. Geisen; meeting with client regarding same and upcoming hearing; emails with R. Hibey regarding same.	11.50	350.00	4,025.00 ✓
11/18/2008	A. Wise	Review Staff pleading regarding collateral estoppel; outline opposition to same; review documents regarding deposition; telephone call with L. Clark regarding recent Board order; review documents.	5.25	350.00	1,837.50 ✓

Date	Name	Description	Hours	Rate	Amount
11/19/2008	C. F. B. McAleer	Review (extensive) research and electronic files for research and drafts on burden of proof issue; memoranda from and to R. Hibey, A. Wise regarding same; teleconference with A. Wise regarding same.	0.75	450.00	337.50 ✓
11/19/2008	A. Wise	Review Staff draft exhibit list; review documents; legal research regarding J. Martin hearsay issues; telephone calls with Staff regarding hearing issues; outline argument regarding standard of proof, legal research regarding same; telephone conference with C. McAleer.	5.75	350.00	2,012.50 ✓
11/20/2008	R. Hibey	Attention to collateral estoppel issues in NRC brief.	1.00	600.00	600.00 ✓
11/20/2008	A. Wise	Prepare for evidentiary hearing; review documents; draft examinations.	4.00	350.00	1,400.00 ✓
11/21/2008	A. Wise	Prepare for evidentiary hearing; review documents and draft cross-examinations; telephone calls with Staff regarding hearing issues; review exhibits and create designation list.	5.75	350.00	2,012.50 ✓
11/22/2008	A. Wise	Draft and edit pleading regarding standard of proof, legal research regarding same; outline pleading regarding collateral estoppel; prepare for evidentiary hearing.	4.00	350.00	1,400.00 ✓
11/24/2008	R. Hibey	Review and edit brief for 6th Circuit.	4.50	600.00	2,700.00 ✓
11/24/2008	A. Wise	Draft, edit, and file pleading regarding standard of proof; telephone calls with Staff regarding hearing issues; review and designate Geisen exhibits for hearing; outline reply regarding collateral estoppel; prepare for evidentiary hearing.	6.00	350.00	2,100.00 ✓

Date	Name	Description	Hours	Rate	Amount
11/25/2008	A. Wise	Prepare for evidentiary hearing; review documents; prepare cross-examinations; prepare for and participate in conference call with Board regarding witness issues; telephone calls with L. Clark regarding various issues; telephone calls with client; review transcripts and Staff filings; draft and edit collateral estoppel filing; telephone call with T. O'Toole regarding same; telephone call with T. Matthews regarding various issues.	7.75	350.00	2,712.50 ✓
11/26/2008	R. Hibey	Attention to NRC Staff's opposition to burden of proof motion.	0.50	600.00	300.00 ✓
11/26/2008	A. Wise	Draft, edit, and finalize collateral estoppel reply; emails and telephone call with R. Hibey regarding same; review Staff pleading regarding standard of proof; review documents and prepare for evidentiary hearing; telephone call with client regarding hearing issues.	6.00	350.00	2,100.00 ✓
11/28/2008	A. Wise	Prepare for evidentiary hearing; draft cross-examinations.	2.00	350.00	700.00 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	15.00	600.00
C. F. B. McAleer	1.00	450.00
A. Wise	91.75	350.00
Total Fees		

BILLING HISTORY

REDACTED

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: December 2008

INVOICE NO: 303951
CLIENT/MATTER NO.: 311950.000011
DATE: January 28, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending December 31, 2008, in connection with:

NRC Matter
550200 626023 503001 333630

Fees
Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
12/01/2008	R. Hibey	Review orders from Licensing Board in preparation for hearing; trial preparation; conference with A. Wise regarding evidence issues in hearing; review Goyal trial testimony for cross-examination purposes.	5.00	600.00	\$ 3,000.00	✓
12/01/2008	A. Wise	Prepare for evidentiary hearing; draft statement of the case; prepare examinations; review deposition transcript; telephone calls with Staff; conference with R. Hibey.	4.50	350.00	1,575.00	✓
12/02/2008	R. Hibey	Trial preparation; conference with A. Wise; edit and finalize statement to Licensing Board.	5.00	600.00	3,000.00	✓
12/02/2008	A. Wise	Draft and edit statement of case for 12/3 filing; review documents; prepare for evidentiary hearing; conference with R. Hibey.	5.00	350.00	1,750.00	✓
12/02/2008	L. E. Butler	NRC ASLBP Hearing: retrieval of requested materials for attorney use in preparation of hearing (no charge).	6.00	0.00	0.00	
12/03/2008	R. Hibey	Trial preparation; conference with C. Boss regarding A. Siemaszko's testimony in Licensing Board proceeding.	6.50	600.00	3,900.00	✓
12/03/2008	A. Wise	Prepare for evidentiary hearing; finalize witness and exhibit lists; finalize and file statement of case.	5.00	350.00	1,750.00	✓
12/03/2008	L. E. Butler	NRC ASLBP Hearing: requested materials to A. Wise (no charge).	2.50	0.00	0.00	
12/04/2008	R. Hibey	Trial preparation; teleconference with Licensing Board; conference with A. Wise regarding witnesses examination and cross-examination issues.	8.50	600.00	5,100.00	✓
12/04/2008	A. Wise	Prepare for evidentiary hearing; participate in conference call with Board regarding hearing issues; telephone calls with Staff; review documents; draft examinations; conference with R. Hibey.	6.25	350.00	2,187.50	✓

Date	Name	Description	Hours	Rate	Amount
12/04/2008	L. E. Butler	NRC ASLBP Hearing: retrieval of requested materials for attorney use at hearing (no charge).	12.00	0.00	0.00
12/05/2008	R. Hibey	Trial preparation; meeting with A. Wise.	6.50	600.00	3,900.00 ✓
12/05/2008	A. Wise	Prepare for evidentiary hearing; meeting with R. Hibey regarding various issues; review documents and prepare exhibits; review Hiser testimony from Siemaszko trial.	7.00	350.00	2,450.00 ✓
12/05/2008	L. E. Butler	NRC ASLBP Hearing: retrieval of requested materials for attorney use at hearing (no charge).	11.25	0.00	0.00
12/06/2008	R. Hibey	Trial preparation.	5.00	600.00	3,000.00 ✓
12/06/2008	A. Wise	Prepare for enforcement hearing; draft opening and cross-examinations.	7.00	350.00	2,450.00 ✓
12/07/2008	R. Hibey	Trial preparation.	6.00	600.00	3,600.00 ✓
12/07/2008	A. Wise	Prepare for hearing; draft opening and cross-examinations; review documents and prepare materials.	7.75	350.00	2,712.50 ✓
12/08/2008	R. Hibey	NRC Enforcement hearing; prepare for next day.	12.00	600.00	7,200.00 ✓
12/08/2008	A. Wise	NRC enforcement hearing; prepare for 12/9.	11.75	350.00	4,112.50 ✓
12/08/2008	L. E. Butler	NRC ASLBP Hearing: retrieval of requested materials for attorney use at hearing (no charge).	4.00	0.00	0.00
12/09/2008	R. Hibey	NRC Enforcement hearing; prepare for next day.	14.00	600.00	8,400.00 ✓
12/09/2008	A. Wise	NRC enforcement hearing; preparation for 12/10.	14.00	350.00	4,900.00 ✓
12/09/2008	L. E. Butler	NRC ASLBP Hearing: preparation of Goyal materials for attorney use at hearing per R. Hibey, A. Wise (no charge).	0.50	0.00	0.00
12/10/2008	R. Hibey	NRC Enforcement hearing; prepare for next day.	14.00	600.00	8,400.00 ✓
12/10/2008	A. Wise	NRC Enforcement hearing; prepare for 12/11.	13.50	350.00	4,725.00 ✓
12/10/2008	L. E. Butler	1996 and 1998 inspection videos: review for requested information to A. Wise (no charge).	0.25	0.00	0.00

Date	Name	Description	Hours	Rate	Amount
12/11/2008	R. Hibey	NRC enforcement hearing; prepare for next day.	13.50	600.00	8,100.00 ✓
12/11/2008	A. Wise	NRC Enforcement hearing; prepare for 12/12.	13.75	350.00	4,812.50 ✓
12/11/2008	L. E. Butler	NRC ASLBP Hearing: retrieval of requested materials for attorney use at hearing (no charge).	2.00	145.00	290.00 X
12/12/2008	R. Hibey	NRC Enforcement hearing.	10.00	600.00	6,000.00 ✓
12/12/2008	A. Wise	NRC Enforcement hearing; wrap-up meeting with client regarding steps going forward.	10.75	350.00	3,762.50 ✓
12/12/2008	L. E. Butler	NRC ASLBP Hearing: retrieval of requested materials for attorney use at hearing (no charge).	1.00	0.00	0.00
12/15/2008	R. Hibey	Post-trial conference regarding parameter of pleading due in 12/13/08.	0.75	600.00	450.00 ✓
12/15/2008	A. Wise	Outline and begin drafting of preliminary brief; review documents and transcripts; conference with R. Hibey.	5.75	350.00	2,012.50 ✓
12/15/2008	L. E. Butler	NRC ASLBP Hearing Transcripts: preparation of copies for attorney review/use per A. Wise request; organization/clean-up of materials used at trial (no charge).	2.25	0.00	0.00
12/16/2008	A. Wise	Draft preliminary brief; review trial transcripts and documents.	4.00	350.00	1,400.00 ✓
12/16/2008	M. O. Kirby, Jr.	Input ROA numbers on designation transcripts per L. Butler's request; organize and compile material (no charge).	2.00	0.00	0.00
12/17/2008	A. Wise	Review transcripts and documents; draft and edit preliminary brief.	3.75	350.00	1,312.50 ✓
12/17/2008	M. O. Kirby, Jr.	Retrieve chronological document collection per L. Butler's request (no charge).	2.00	0.00	0.00
12/18/2008	R. Hibey	Review record for draft of five page memorandum to Licensing Board.	3.50	600.00	2,100.00 ✓
12/18/2008	A. Wise	Review transcripts and documents; draft and edit preliminary brief.	4.00	350.00	1,400.00 ✓
12/19/2008	A. Wise	Draft and edit preliminary brief; review trial transcripts and documents.	5.50	350.00	1,925.00 ✓

Date	Name	Description	Hours	Rate	Amount
12/21/2008	A. Wise	Review trial transcripts; draft and edit preliminary brief.	6.00	350.00	2,100.00 ✓
12/22/2008	R. Hibey	Review draft of pleading due on December 23.	0.50	600.00	300.00 ✓
12/22/2008	A. Wise	Draft and edit preliminary brief; review transcripts and documents.	6.50	350.00	2,275.00 ✓
12/23/2008	R. Hibey	Edit and finalize 5-page brief to Licensing Board; conference with A. Wise regarding same.	0.50	600.00	300.00 ✓
12/23/2008	A. Wise	Finalize and file preliminary brief; review transcripts and documents; conference with R. Hibey.	4.00	350.00	1,400.00 ✓
12/24/2008	R. Hibey	Attention to NRC Staff Summary.	0.50	600.00	300.00 ✓
12/29/2008	A. Wise	Review Staff post-trial brief; review transcripts and documents.	3.00	350.00	1,050.00 ✓
12/30/2008	A. Wise	Emails with clerk for Administrative Judges; review documents and transcripts.	1.75	350.00	612.50 ✓
12/31/2008	R. Hibey	Attention to directive of the Hearing Board of issues to be briefed; conference with A. Wise regarding same.	1.00	600.00	600.00 ✓
12/31/2008	A. Wise	Review Staff pleading; review trial transcript per Board's 12/12 order; conference with R. Hibey.	2.75	350.00	962.50 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	112.75	600.00
A. Wise	153.25	350.00
L. E. Butler	2.00	145.00

Total Fees

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
11/25/2008	Lexis/Westlaw	Lexis/Westlaw	\$ 842.79
11/26/2008	Lexis/Westlaw	Lexis/Westlaw	257.28
12/01/2008	Copying	Copying	0.20
12/01/2008	Local Transportation/Taxi	Local Transportation/Taxi - Andrew Wise Parking for Deposition 11/17/08	8.00
12/01/2008	Business Meals	Business Meals - Andrew Wise Lunch at Deposition 11/17/08	19.36
12/02/2008	Copying	Copying	0.10
12/02/2008	Copying	Copying	0.10
12/02/2008	Travel	Travel - David Geisen Lodging Expenses 11/16/08	366.46
12/04/2008	Local Transportation/Taxi	RedTop Cab Service Rider: BUTLER, LISA From: 1450 G ST NW DC To: 5	28.10
12/05/2008	Copying	Copying	4.80
12/05/2008	Copying	Copying	217.00
12/05/2008	Copying	Copying	301.40
12/05/2008	Copying	Copying	22.60
12/05/2008	Local Transportation/Taxi	RedTop Cab Service Rider: BUTLER,LISA From: 655 15TH ST NW DC To:	28.93
12/07/2008	Copying	Copying	83.50
12/08/2008	Copying	Copying	123.20
12/08/2008	Local Transportation/Taxi	RedTop Cab Service Rider: LISA BUTLER From: 1450 G ST NW DC To: 58	28.10
12/08/2008	Local Courier	Local Courier From: Miller & Chevalier To: 3231 Quesada Street, NW/DC Tracking Number: mc9738	65.50
12/09/2008	Copying	Copying	32.70
12/15/2008	Transcripts-Depositions	Transcripts-Depositions - Neal R. Gross & Co., Inc. Deposition of David Geisen	999.34
12/16/2008	Copying	Copying	0.10
12/16/2008	Copying	Copying	6.30
12/22/2008	Outside Copying Charges	Outside Copying Charges - Andrew Wise Copying Charge 12/11/08	22.47
12/23/2008	Travel	Travel - Richard A. Hibey Transportation for DGeisen from Green Bay WI to WDC 11/16-11/17/08	1,598.50

Date	Expense	Detail	Amount
12/23/2008	Travel	Travel - Richard A. Hibey Transportation for Mr. & Mrs. David Geisen to attend NRC enforcement hearing in Rockville MD 12/07-12/08	3,254.50
12/23/2008	Travel	Travel - Richard A. Hibey Lodging Expenses for the Geisens to attend hearing in Rockville MD 12/07-12/08	1,738.00
12/23/2008	Travel	Travel - David Geisen Incidental Travel Expenses to DC for NRC Enforcement Hearing 12/08-12/08	478.80
12/23/2008	Travel Meals	Travel Meals - Richard A. Hibey FB&E for the Geisens to attend hearing in Rockville MD 12/07-12/08	80.61
Total Expenses			\$ <u>10,608.74</u>

EXPENSE SUMMARY

Description	Amount
Business Meals	\$ 19.36
Copying (7,920 pages @ \$0.10/page)	792.00
Lexis/Westlaw	1,100.07
Local Courier	65.50
Local Transportation/Taxi	93.13
Outside Copying Charges	22.47
Transcripts-Depositions	999.34
Travel	7,436.26
Travel Meals	80.61
Total Expenses	\$ <u>10,608.74</u>

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR:

First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: January 2009

INVOICE NO: 304324
CLIENT/MATTER NO.: 311950.000011
DATE: February 24, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending January 31, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
01/05/2009	A. Wise	Review Board email regarding issues to cover in final brief; research regarding same; outline final brief.	4.25	350.00	\$ 1,487.50	✓
01/06/2009	A. Wise	Review transcripts; outline and draft final brief.	3.75	350.00	1,312.50	✓
01/07/2009	A. Wise	Review hearing transcript; outline brief.	3.25	350.00	1,137.50	✓
01/08/2009	A. Wise	Review trial transcripts; legal research regarding issues raised in Board email.	2.75	350.00	962.50	✓
01/09/2009	A. Wise	Edit and file statement regarding transcript errors; telephone calls with NRC Staff regarding various issues; legal research regarding issues raised by Board; outline final brief.	5.00	350.00	1,750.00	✓
01/12/2009	A. Wise	Review transcripts, outline final brief.	2.50	350.00	875.00	✓
01/14/2009	A. Wise	Review transcripts; outline and draft final brief; legal research regarding issues raised in Board's 12/31 email.	5.75	350.00	2,012.50	✓
01/15/2009	A. Wise	Legal research; outline and draft final brief; review transcripts and Staff filings.	3.50	350.00	1,225.00	✓
01/16/2009	A. Wise	Review Staff proposed findings of fact; review transcripts.	2.00	350.00	700.00	✓
01/17/2009	A. Wise	Review NRC Staff Proposed Findings of Facts and Conclusions of Law; legal research regarding pleadings; review transcripts; telephone call with R. Hibey regarding responsive pleading.	5.50	350.00	1,925.00	✓
01/18/2009	A. Wise	Review Staff filing; outline proposed findings of fact and conclusions of law filing.	4.75	350.00	1,662.50	✓
01/19/2009	A. Wise	Review NRC Staff filing; outline and draft Geisen filing; review transcripts and exhibits.	5.75	350.00	2,012.50	✓
01/20/2009	A. Wise	Draft and edit proposed findings of fact; review transcripts and exhibits.	4.75	350.00	1,662.50	✓
01/21/2009	R. Hibey	Draft section for brief to Licensing Board.	3.50	600.00	2,100.00	✓
01/21/2009	A. Wise	Draft findings of fact; review transcripts and documents; review Staff findings of fact; review pleadings regarding collateral estoppel.	5.75	350.00	2,012.50	✓

Date	Name	Description	Hours	Rate	Amount
01/22/2009	R. Hibey	Drafting regarding pleading for Licensing Board; conference with A. Wise regarding issues to be addressed in draft.	1.50	600.00	900.00 ✓
01/22/2009	A. Wise	Draft and edit findings of fact; review transcripts and documents; legal research; telephone call with T. Matthews; conference with R. Hibey.	3.50	350.00	1,225.00 ✓
01/23/2009	A. Wise	Draft and edit proposed findings of fact; review transcripts and documents.	5.00	350.00	1,750.00 ✓
01/24/2009	A. Wise	Draft and edit proposed findings of fact; review transcripts.	4.75	350.00	1,662.50 ✓
01/25/2009	A. Wise	Draft and edit proposed findings of fact; review transcripts.	4.50	350.00	1,575.00 ✓
01/26/2009	R. Hibey	Draft and edit brief.	6.50	600.00	3,900.00 ✓
01/26/2009	A. Wise	Draft and edit proposed findings of fact; review transcripts.	4.75	350.00	1,662.50 ✓
01/27/2009	R. Hibey	Brief writing and editing; conference with A. Wise regarding same.	7.00	600.00	4,200.00 ✓
01/27/2009	A. Wise	Draft and edit proposed findings of fact; review transcripts, exhibits and documents.	5.50	350.00	1,925.00 ✓
01/27/2009	L. E. Butler	Defendant's hearing exhibits 19-28: review of materials used at hearing and NRC website per A. Wise request.	1.00	145.00	145.00 X
01/28/2009	R. Hibey	Review transcripts; draft and edit pleading; telephone conference with A. Wise regarding same.	4.50	600.00	2,700.00 ✓
01/28/2009	A. Wise	Draft and edit findings of fact; meeting with R. Hibey regarding various issues related to draft.	4.75	350.00	1,662.50 ✓
01/29/2009	A. Wise	Draft and edit Proposed Findings of Fact; review transcripts and documents.	4.50	350.00	1,575.00 ✓
01/30/2009	A. Wise	Finalize and edit Proposed Findings of Fact; legal research regarding exclusionary rule issues; review transcripts and exhibits.	4.00	350.00	1,400.00 ✓

Total Fees

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	23.00	600.00
A. Wise	100.50	350.00
L. E. Butler	-1.00	145.00
Totals	124.50	
Total Fees		

BILLING HISTORY

REDACTED

MILLER CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: February 2009

INVOICE NO: 304723
CLIENT/MATTER NO.: 311950.000011
DATE: March 25, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending February 28, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
02/04/2009	R. Hibey	Attention to Staff's brief; draft response to issues raised by the Panel.	4.00	600.00	\$ 2,400.00 ✓
02/04/2009	A. Wise	Review Staff pleading, review documents.	1.00	350.00	350.00 ✓
02/05/2009	R. Hibey	Attention to Staff's reply brief; draft response to due process issues.	3.50	600.00	2,100.00 ✓
02/06/2009	A. Wise	Review Staff response to Board questions; draft and edit reply to Board questions; review transcripts and documents.	7.75	350.00	2,712.50 ✓
02/06/2009	L. E. Butler	Trial transcript 13: requested material for review per A. Wise.	0.25	145.00	36.25 X
02/09/2009	A. Wise	Edit and finalize brief regarding questions by Board; legal research regarding collateral estoppel and due process issues; emails with R. Hibey regarding same; emails with client regarding issues.	6.75	350.00	2,362.50 ✓
02/11/2009	A. Wise	Prepare outline for final argument to Board regarding conclusions from record; organize file with transcripts and exhibits; communications with client regarding status of case and upcoming events.	3.75	350.00	1,312.50 ✓
02/13/2009	A. Wise	Review Board order regarding final argument and scheduling; emails regarding scheduling issues.	0.75	350.00	262.50 ✓
02/20/2009	A. Wise	Telephone call with Board regarding record, scheduling for argument.	0.50	350.00	175.00 ✓
02/23/2009	A. Wise	Review Siemaszko sentencing materials including government's brief in aid of sentencing; review O'Brien testimony regarding Geisen sanction.	1.75	350.00	612.50 ✓
02/24/2009	R. Hibey	Meeting with A. Wise regarding case issues.	0.25	600.00	150.00 ✓
02/24/2009	A. Wise	Meeting with R. Hibey regarding various case issues; telephone call with Board law clerk regarding final oral argument; prepare for 3/3 hearing.	1.75	350.00	612.50 ✓

Date	Name	Description	Hours	Rate	Amount
02/25/2009	R. Hibey	Attention to Board order regarding final argument; conference with A. Wise regarding same.	1.00	600.00	600.00 ✓
02/25/2009	A. Wise	Review Board order; telephone calls with Board law clerk regarding hearing and various issues regarding exhibits; review transcripts and Staff filings; prepare responses to questions raised in Board's order; conference with R. Hibey.	5.75	350.00	2,012.50 ✓
02/26/2009	A. Wise	Prepare for 3/3 hearing; review transcripts and documents.	3.50	350.00	1,225.00 ✓
02/27/2009	R. Hibey	Conference with T. O'Toole and A. Wise.	0.50	600.00	300.00 ✓
02/27/2009	A. Wise	Prepare for 3/3 oral argument; conference with R. Hibey and T. O'Toole; legal research regarding issues raised in Board email.	4.00	350.00	1,400.00 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	9.25	600.00
A. Wise	37.25	350.00
L. E. Butler	0.25	145.00
Total Fees		

REDACTED

BILLING HISTORY

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Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
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(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: March 2009

INVOICE NO: 305173
CLIENT/MATTER NO.: 311950.000011
DATE: April 24, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending March 31, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
03/02/2009	R. Hibey	Prepare for oral argument; conference with A. Wise.	4.50	600.00	\$ 2,700.00 ✓
03/02/2009	A. Wise	Prepare for 3/3 hearing; meeting with R. Hibey regarding same.	7.25	350.00	2,537.50 ✓
03/03/2009	R. Hibey	Prepare for and present oral argument to Panel.	4.00	600.00	2,400.00 ✓
03/03/2009	A. Wise	Hearing before Administrative Panel; communications with client and T. Matthews regarding same.	6.00	350.00	2,100.00 ✓
03/20/2009	A. Wise	Review draft reply brief in connection with Board's request for same; review documents.	1.25	350.00	437.50 ✓
03/24/2009	A. Wise	Review circuit filing with regard to factual assertions and arguments relevant to NRC matter; review exhibits pertaining to November exchanges with NRC Staff.	4.75	350.00	1,662.50 ✓
03/27/2009	A. Wise	Telephone call, follow-up with A. Arrington regarding pending NRC proceeding and status of criminal appeal.	0.75	350.00	262.50 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	8.50	600.00
A. Wise	20.00	350.00
Total Fees		

REDACTED

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: April 2009

INVOICE NO: 305607
CLIENT/MATTER NO.: 311950.000011
DATE: May 27, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending April 30, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
04/28/2009	A. Wise	Communications with NRC law clerk regarding status of 6th Circuit case and other issues; communication with Wisconsin licensing board regarding status of NRC case and related issues; email to client regarding same; review NRC documents and final hearing transcript.	1.75	350.00	\$ 612.50 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
A. Wise	1.75	350.00
Total Fees		

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
04/01/2009	Transcripts-Depositions	Transcripts-Depositions - Neal R. Gross & Co., Inc. Transcripts from 5 day hearing held before the NRC's Atomic License Safety Board Panel from 12/08-12/12/08	\$ 9,480.49
Total Expenses			\$ <u>9,480.49</u>

EXPENSE SUMMARY

Description
Transcripts-Depositions
Total Expenses

BILLING HISTORY

REDACTED

MILLER CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: May 2009

INVOICE NO: 305927
CLIENT/MATTER NO.: 311950.000011
DATE: June 16, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending May 31, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
05/05/2009	A. Wise	Email exchange with NRC clerk regarding status of appeal; emails with client regarding case issues.	0.75	350.00	\$ 262.50 ✓
05/21/2009	A. Wise	Communications with Board regarding scheduling issues; review Board orders and emails.	0.75	350.00	262.50 ✓

TIME SUMMARY

Name	Hours	Rate
A. Wise	1.50	350.00
Total Fees		

BILLING HISTORY

REDACTED

MILLER
CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: August 2009

INVOICE NO: 307254
CLIENT/MATTER NO.: 311950.000011
DATE: September 29, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending August 31, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Expenses

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
08/07/2009	A. Wise	Communications with Board regarding consolidation of appeals; research regarding impact of that decision.	0.75	350.00	\$ 262.50	✓
08/28/2009	R. Hibey	Telephone conference with A. Wise regarding decision of NRC.	0.50	600.00	300.00	✓
08/28/2009	A. Wise	Review Board's Order; telephone conference with R. Hibey; telephone call with client; telephone call with T. Matthews; research regarding appellate process and rules; email communication regarding decision with Wisconsin board.	5.00	350.00	1,750.00	✓
08/31/2009	R. Hibey	Telephone conference with A. Wise regarding intention of Staff to appeal decision; discussion of issues for appeal.	0.50	600.00	300.00	✓
08/31/2009	K. Mosley	Discuss NRC ruling with A. Wise.	0.25	375.00	93.75	✓
08/31/2009	A. Wise	Review opinion; telephone call with Staff regarding appeal and extension of deadlines; emails with Wisconsin licensing board regarding NRC decision; telephone call with Hibey regarding staffing and logistics of appeal; conference with K. Mosley.	1.50	350.00	525.00	✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	1.00	600.00
K. Mosley	0.25	375.00
A. Wise	7.25	350.00

REDACTED

EXPENSE DETAIL

Date	Expense	Detail	Amount
08/28/2009	Telephone	TEL EXT 5818 NUMB (920) 366-9255	\$ 0.60
Total Expenses			\$ <u>0.60</u>

EXPENSE SUMMARY

Description	Amount
Telephone	\$ 0.60
Total Expenses	<u>\$ 0.60</u>

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: October 2009

INVOICE NO: 307665
CLIENT/MATTER NO.: 311950.000011
DATE: October 28, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending October 14, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
09/01/2009	R. Hibey	Conference with A. Wise regarding matters to be addressed in preparation of response to Staff's appeal; attention to Board ruling; conference with K. Mosley regarding materials to be reviewed and issues to be researched for Staff's appeal.	2.00	600.00	\$ 1,200.00	✓
09/01/2009	K. Mosley	Review and respond to e-mail from R. Hibey; review opinion and related documents	3.00	375.00	1,125.00	✓
09/02/2009	R. Hibey	Analysis of majority opinion in Licensing Board matter; communication with K. Mosley regarding issues to be pursued in upcoming round of briefings.	4.00	600.00	2,400.00	✓
09/03/2009	R. Hibey	Analysis of dissenting opinion in licensing case; conference with K. Mosley regarding issues for research and plan for brief writing in licensing case; draft letter to court; communication to client regarding issues arising out of ruling of Board; prepare for conference with T. Matthews regarding Licensing Board appellate procedures.	3.00	600.00	1,800.00	✓
09/03/2009	K. Mosley	Conference with R. Hibey regarding September 4 call; review decision	5.75	375.00	2,156.25	✓
09/04/2009	R. Hibey	Conference call with T. Matthews regarding appellate issues; further research and analysis of issues regarding stay and review.	3.00	600.00	1,800.00	✓
09/04/2009	K. Mosley	Prepare for and participate in conference call; research appellate issues; call to A. Horowitz; review background materials; confer with R. Hibey regarding collateral estoppel and deliberate ignorance.	8.50	375.00	3,187.50	✓
09/08/2009	R. Hibey	Communication with client; letter to court regarding NRC ruling.	1.00	600.00	600.00	✓
09/09/2009	L. E. Butler	Review NRC materials, website for filings since 12/2008 per K. Mosley for missing docket entries.	1.00	145.00	145.00	X
09/10/2009	K. Mosley	Research and review record as reference	7.50	375.00	2,812.50	✓

Date	Name	Description	Hours	Rate	Amount
		in NRC briefs.			
09/11/2009	K. Mosley	Research and review record as reference in NRC briefs.	4.00	375.00	1,500.00 ✓
09/13/2009	K. Mosley	Review dissent; take notes on potential arguments against and potential research points; review responses to board questions.	7.25	375.00	2,718.75 ✓
09/14/2009	K. Mosley	Call to R. Gitter at the NRC regarding docket management; return call from R. Gitter; call to L. Butler; review staff findings of fact.	1.50	375.00	562.50 ✓
09/15/2009	K. Mosley	Review findings; review index; read and respond to e-mails regarding NRC docket entries; review findings.	5.25	375.00	1,968.75 ✓
09/16/2009	R. Hibey	Conference with K. Mosley.	1.00	600.00	600.00 ✓
09/16/2009	K. Mosley	Review record; meet with R. Hibey; research NRC digest.	8.75	375.00	3,281.25 ✓
09/17/2009	K. Mosley	Review record; make argument notes for brief.	7.25	375.00	2,718.75 ✓
09/18/2009	K. Mosley	Research collateral estoppel issues.	5.50	375.00	2,062.50 ✓
09/19/2009	K. Mosley	Draft Opposition to Staff request for review.	3.00	375.00	1,125.00 ✓
09/20/2009	K. Mosley	Draft collateral estoppel portion of reply; discuss issues with A. Wise; review record.	9.00	375.00	3,375.00 ✓
09/21/2009	K. Mosley	Respond to R. Gitter of the NRC regarding missing docket entries; research collateral estoppel issues; review Majority Decision regarding collateral estoppel; review transcript.	8.00	375.00	3,000.00 ✓
09/22/2009	R. Hibey	Attention to NRC briefs on appeal to Commission and application for a stay.	2.00	600.00	1,200.00 ✓
09/22/2009	K. Mosley	Review Staff Petition for Review and for a Stay; draft responses; review record.	10.75	375.00	4,031.25 ✓
09/23/2009	R. Hibey	Meetings with K. Mosley regarding analysis of issues raised and development of rebuttal argument; begin draft.	7.00	600.00	4,200.00 ✓
09/23/2009	K. Mosley	Prepare for and attend meeting with R. Hibey regarding opposition brief; prep for meeting continuation; continue meeting with R. Hibey regarding brief.	7.00	375.00	2,625.00 ✓

Date	Name	Description	Hours	Rate	Amount	
09/24/2009	R. Hibey	E-mail to client; draft motion for extension of time to file opposition to petition for review and application for stay; communication with K. Sexton regarding extension; e-mail to K. Mosley regarding collateral estoppel.	4.50	600.00	2,700.00	✓
09/24/2009	K. Mosley	Review staff findings of fact and conclusions of law.	1.00	375.00	375.00	✓
09/25/2009	R. Hibey	Review record and research issues regarding stay; finalize motion for extension of time to file opposition.	4.25	600.00	2,550.00	✓
09/28/2009	R. Hibey	Attention to materials from NRC; communicate with client regarding NRC position.	3.00	600.00	1,800.00	✓
09/29/2009	R. Hibey	Review administrative record for writing of appellate brief; teleconference with K. Mosley.	3.00	600.00	1,800.00	✓
09/29/2009	K. Mosley	Teleconference with R. Hibey; work on outline of reply brief.	0.50	375.00	187.50	✓
09/30/2009	R. Hibey	Draft brief in opposition to request for stay; conference with K. Mosley regarding his edits.	4.00	600.00	2,400.00	✓
09/30/2009	K. Mosley	Review opposition to request for stay, make comments thereto; send comments to R. Hibey; work on opposition to staff request for appellate review of the Board's Initial Decision.	6.75	375.00	2,531.25	✓
10/01/2009	R. Hibey	Draft opposition brief; research, review cases regarding clearly erroneous doctrine; conference with K. Catlyn regarding same.	4.50	600.00	2,700.00	✓
10/01/2009	K. Mosley	Work on opposition to Staff Petition; discuss issues with R. Hibey; review email regarding clearly erroneous standard; research opinion for use of knowledge hierarchy and disavowal of collateral estoppel.	6.75	375.00	2,531.25	✓
10/01/2009	K. Catlyn *	Review Staff's Application for a Stay and NRC Staff's Petition for Review of LBP-09-24 dated September 21, 2009; researched and drafted e-mail summary on the standard for seeking a new trial (the clearly erroneous standard).	5.50	250.00	1,375.00	✓
10/02/2009	R. Hibey	Draft opposition brief; conference with	6.50	600.00	3,900.00	✓

Date	Name	Description	Hours	Rate	Amount	
		K. Mosley regarding same; conference with K. Catlyn regarding "clearly erroneous" research.				
10/02/2009	K. Mosley	Work on opposition to Petition for Review.	1.00	375.00	375.00	✓
10/02/2009	K. Catlyn *	Read and drafted extensive summaries of three cases on the "clearly erroneous" standard involved in seeking a new trial.	1.50	250.00	375.00	✓
10/03/2009	R. Hibey	Draft opposition brief.	4.50	600.00	2,700.00	✓
10/03/2009	K. Mosley	Edit opposition to request for stay.	5.00	375.00	1,875.00	✓
10/04/2009	K. Mosley	Edit Opposition to the Motion for Stay; draft Opposition to Request for Review.	7.50	375.00	2,812.50	✓
10/05/2009	R. Hibey	Draft and edit opposition to stay.	3.00	600.00	1,800.00	✓
10/05/2009	K. Mosley	Work on response to staff petition.	5.00	375.00	1,875.00	✓
10/06/2009	R. Hibey	Edit, finalize opposition to stay.	3.50	600.00	2,100.00	✓
10/06/2009	K. Mosley	Draft opposition to Petition for Review; finalize and file opposition to request for stay.	10.25	375.00	3,843.75	✓
10/06/2009	A. Wise	Review Board order and Staff filing.	2.25	350.00	787.50	✓
10/07/2009	R. Hibey	Draft and review opposition to Staff appeal of Initial Decision.	4.00	600.00	2,400.00	✓
10/07/2009	K. Mosley	Draft opposition to Petition; conference with A. Wise.	11.50	375.00	4,312.50	✓
10/07/2009	A. Wise	Review Board order, Staff motion, and initial answer regarding stay; meeting with K. Mosley regarding issues in stay filing and main brief.	6.25	350.00	2,187.50	✓
10/08/2009	R. Hibey	Draft opposition brief; conferences with K. Mosley regarding same.	10.00	600.00	6,000.00	✓
10/08/2009	K. Mosley	Draft Opposition to Staff Petition for Review; conference with R. Hibey.	11.25	375.00	4,218.75	✓
10/08/2009	K. Catlyn *	Meeting with R. Hibey regarding research on cases criticizing the Mari decision on deliberate ignorance used by the NRC Staff; review pleadings regarding discussions of Mari; list and summarize all cases referenced in Brief and Reply on client's Appeal from the U.S. District Court for the Northern District of Ohio discussing Mari; research and summarize new cases addressing Mari.	4.00	250.00	1,000.00	✓

Date	Name	Description	Hours	Rate	Amount
10/09/2009	R. Hibey	Draft opposition brief.	7.00	600.00	4,200.00 ✓
10/09/2009	K. Mosley	Draft Opposition to Staff Petition.	8.50	375.00	3,187.50 ✓
10/09/2009	K. Catlyn *	Continue reading and summarizing cases on Mari cited in Defendant's Reply Brief and Defendant's Appeal From the United States District Court for the Northern District of Ohio (Toledo); provided R. Hibey with report of the summarized cases.	2.00	250.00	500.00 ✓
10/10/2009	R. Hibey	Draft brief.	3.50	600.00	2,100.00 ✓
10/10/2009	K. Mosley	Draft Opposition to Staff Petition for Review.	4.50	375.00	1,687.50 ✓
10/10/2009	A. Wise	Review draft brief, review Board order and Staff filing.	3.75	350.00	1,312.50 ✓
10/11/2009	R. Hibey	Work on brief before NRC.	2.00	600.00	1,200.00 ✓
10/11/2009	K. Mosley	Draft Opposition to Staff Petition for Review; conference with A. Wise.	11.00	375.00	4,125.00 ✓
10/11/2009	A. Wise	Telephone call with K. Mosley regarding various issues related to brief; review draft.	1.25	350.00	437.50 ✓
10/12/2009	R. Hibey	Edit and finalize brief before NRC; conferences with K. Mosley regarding same.	3.50	600.00	2,100.00 ✓
10/12/2009	K. Mosley	Draft Opposition to Staff Petition for Review.	7.50	375.00	2,812.50 ✓
10/13/2009	K. Mosley	Finalize and file Opposition.	11.00	375.00	4,125.00 ✓
10/13/2009	A. Wise	Review brief drafts and Board's Order; review transcript regarding various issues; meeting with K. Mosley, R. Hibey.	4.25	350.00	1,487.50 ✓
10/14/2009	K. Mosley	Finalize issues post filing.	1.00	375.00	375.00 ✓
Total Fees					

REDACTED

TIME SUMMARY

Name	Hours	Rate
R. Hibey	93.75	600.00
K. Mosley	212.00	375.00
A. Wise	17.75	350.00
K. Catlyn *	13.00	250.00
L. E. Butler	1.00	145.00

REDACTED

* Not admitted in the District of Columbia. Practicing under the supervision of a member of the D.C. Bar while admission is pending.

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: November 2009

INVOICE NO: 308588
CLIENT/MATTER NO.: 311950.000011
DATE: December 18, 2009

FOR PROFESSIONAL SERVICES RENDERED
for the period ending November 30, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
11/05/2009	R. Hibey	Correspondence with Judge Katz's Chambers.	0.25	600.00	\$ 150.00	✓
11/09/2009	R. Hibey	Conference call with Judge Katz regarding lifting employment ban; draft motion to lift ban.	3.50	600.00	2,100.00	✓
11/10/2009	R. Hibey	Conference with T. O'Toole to finalize pleadings for Judge Katz; attention to late breaking developments from NRC regarding stay; telephone conference with Morgan Lewis & Bockius regarding same; letter to Judge Katz regarding same.	2.00	600.00	1,200.00	✓
11/11/2009	R. Hibey	Letter to client regarding pleading to be filed.	0.25	600.00	150.00	✓
11/12/2009	R. Hibey	Correspondence with client; with his CEO regarding letter to Judge Katz; edit and finalize motion to lift three year employment ban.	1.00	600.00	600.00	✓
11/13/2009	R. Hibey	Review, finalize and file motion to lift employment ban.	1.50	600.00	900.00	✓
11/13/2009	L. E. Butler	Motion to Terminate the Court's Employment Ban Provision of His Sentencing by David Geisen: filing and distribution of.	0.50	145.00	72.50	X
11/17/2009	R. Hibey	Attention to order of denial of petition for stay; correspond with client regarding same; conference with A. Wise and T. O'Toole regarding same.	1.50	600.00	900.00	✓
11/17/2009	A. Wise	Review NRC Order regarding stay; review filings; communication with R. Hibey and client regarding same.	1.50	350.00	525.00	✓
11/18/2009	R. Hibey	Review video conference request from court; call client regarding same.	0.25	600.00	150.00	✓
11/18/2009	A. Wise	Review documents regarding stay denial and NRC order and relevant portions of sentencing transcript.	1.25	350.00	437.50	✓
11/19/2009	A. Wise	Telephone call with R. Hibey regarding ban issues; review NRC hearing transcripts.	1.25	350.00	437.50	✓
11/20/2009	R. Hibey	Attention to government's opposition to motion to lift employment ban; research	5.50	600.00	3,300.00	✓

Date	Name	Description	Hours	Rate	Amount
		and draft reply brief on motion to lift employment ban.			
11/20/2009	A. Wise	Review NRC transcripts and trial transcripts regarding employment bar issues in preparation for 11/24 hearing.	0.75	350.00	262.50 ✓
11/20/2009	L. E. Butler	Reply by David Geisen to Response to Motion to Terminate the Court's Employment Ban Provision of His Sentencing: retrieve requested materials in preparation of filing per R. Hibey.	4.25	145.00	616.25 X
11/23/2009	R. Hibey	Finalize and file reply brief on motion to lift employment ban.	3.50	600.00	2,100.00 ✓
11/23/2009	A. Wise	Meeting with R. Hibey regarding upcoming hearing on debarment issue; review filings.	1.00	350.00	350.00 ✓
11/23/2009	L. E. Butler	Reply by David Geisen to response to Motion to Terminate the Court's Employment Ban Provision of His Sentencing: organization, preparation for, filing and distribution of per R. Hibey.	5.75	145.00	833.75 X
11/24/2009	R. Hibey	Prepare for and appear at video argument on motion to lift employment ban; research and draft pleading regarding jurisdiction and disclosure conditions in event ban is lifted.	6.00	600.00	3,600.00 ✓
11/24/2009	A. Wise	Teleconference with J. Katz regarding debarment issues; review 6th Circuit order regarding oral argument and rules regarding time; meeting with R. Hibey regarding Katz hearing.	2.25	350.00	787.50 ✓
11/25/2009	R. Hibey	Finalize Geisen pleading regarding lifting employment ban.	3.00	600.00	1,800.00 ✓
11/30/2009	A. Wise	Communications with T. O'Toole and R. Hibey regarding impact of debarment ruling on cases; review Board order regarding various outstanding issues; review draft pleading.	1.00	350.00	350.00 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	28.25	600.00
A. Wise	9.00	350.00
L. E. Butler	10.50	145.00
Total Fees		

REDACTED

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: December 2009

INVOICE NO: 308967
CLIENT/MATTER NO.: 311950.000011
DATE: January 28, 2010

FOR PROFESSIONAL SERVICES RENDERED
for the period ending December 31, 2009, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
12/01/2009	R. Hibey	Telephone conference with A. Wise regarding employment ban.	0.25	600.00	\$ 150.00	✓
12/01/2009	A. Wise	Telephone call with R. Hibey regarding employment ban issues and next steps; review Court order and related documents.	0.50	350.00	175.00	✓
12/01/2009	L. E. Butler	Defendant's Brief Regarding the Issues of Jurisdiction and Future Notifications: filing and distribution of per R. Hibey.	0.50	145.00	72.50	X
12/03/2009	R. Hibey	Conference with A. Wise regarding employment ban issues.	0.50	600.00	300.00	✓
12/03/2009	A. Wise	Communications with R. Hibey and T. O'Toole regarding NRC decision and Katz order, other outstanding issues.	1.00	350.00	350.00	✓
12/08/2009	R. Hibey	Communication with client.	0.25	600.00	150.00	✓
12/10/2009	R. Hibey	E-mail to client regarding employment ban.	0.25	600.00	150.00	✓
12/11/2009	A. Wise	Review Licensing Board supplemental opinion; review initial Opinion and Katz ruling regarding employment ban.	1.75	350.00	612.50	✓
12/14/2009	R. Hibey	Attention to Farrar memorandum; correspondence with client regarding probation termination; conference with T. O'Toole regarding notices to respective courts regarding developments.	1.50	600.00	900.00	✓
12/14/2009	K. Mosley	Review opinion by Judge Farrar; reply to R. Hibey.	0.75	375.00	281.25	✓
12/15/2009	R. Hibey	Review documents forwarded by client; e-mail to client.	0.50	600.00	300.00	✓
12/16/2009	R. Hibey	Review material and prepare notice to NRC of developments in criminal case.	1.00	600.00	600.00	✓
12/16/2009	K. Mosley	Research regarding provision of information to the NRC.	1.50	375.00	562.50	✓
12/16/2009	L. E. Butler	Geisen - Minutes of Criminal Proceeding, Judgment in a Criminal Case: requested material to R. Hibey.	0.25	145.00	36.25	X

Date	Name	Description	Hours	Rate	Amount
12/17/2009	R. Hibey	Finalize filing to NRC.	0.50	600.00	300.00
12/17/2009	K. Mosley	Research regarding procedure for submitting new information to the NRC; edit draft of notice to the NRC regarding material developments.	1.75	375.00	656.25

Total Fees

TIME SUMMARY

Name	Hours	Rate
R. Hibey	4.75	600.00
K. Mosley	4.00	375.00
A. Wise	3.25	350.00
L. E. Butler	0.75	145.00
Total Fees		

REDACTED

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: February 2010

INVOICE NO: 309609
CLIENT/MATTER NO.: 311950.000011
DATE: March 16, 2010

FOR PROFESSIONAL SERVICES RENDERED
for the period ending February 28, 2010, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
02/23/2010	A. Wise	Review documents regarding client removal from Florida project; review NRC Order and related documents regarding NRC notice to potential employers; legal research regarding relevant CFR provisions.	3.50	350.00 \$	1,225.00 ✓

Total Fees

TIME SUMMARY

Name	Hours	Rate
A. Wise	3.50	350.00
Total Fees		

REDACTED

BILLING HISTORY

REDACTED

MILLER CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: March 2010

INVOICE NO: 310194
CLIENT/MATTER NO.: 311950.000011
DATE: April 27, 2010

FOR PROFESSIONAL SERVICES RENDERED
for the period ending March 31, 2010, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
03/01/2010	A. Wise	Follow-up communications with client regarding Florida project issue.	0.75	350.00 \$	262.50 ✓

Total Fees

REDACTED

TIME SUMMARY

Name	Hours	Rate
A. Wise	0.75	350.00

BILLING HISTORY

REDACTED

MILLER CHEVALIER

Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: July 2010

INVOICE NO: 311895
CLIENT/MATTER NO.: 311950.000011
DATE: August 25, 2010

FOR PROFESSIONAL SERVICES RENDERED
for the period ending July 31, 2010, in connection with:

NRC Matter
550200 626023 503001 333630

Fees

Total Amount Due

REDACTED

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount	
07/14/2010	R. Hibey	Telephone conference with NRC regarding announcement of its ruling to occur on Friday.	0.25	600.00	\$ 150.00	✓
07/15/2010	R. Hibey	Discussion regarding positions to be taken at NRC in light of the opinion and decision of NRC to be announced tomorrow.	0.50	600.00	300.00	✓
07/16/2010	R. Hibey	Telephone conference with NRC; conference with client and wife regarding steps to be taken with NRC; draft and finalize memorandum to client regarding same.	2.00	600.00	1,200.00	✓
07/19/2010	R. Hibey	Prepare draft to NRC regarding material development.	1.00	600.00	600.00	✓
07/19/2010	K. Mosley	Confer with R. Hibey regarding NRC vote; review document.	0.50	410.00	205.00	✓
07/20/2010	R. Hibey	Review and edit draft notice of material development.	0.75	600.00	450.00	✓
07/20/2010	K. Mosley	Coordinate draft and finalize notice of material development.	3.00	410.00	1,230.00	✓
07/21/2010	K. Mosley	Finalize and file notice of material development.	3.00	410.00	1,230.00	✓
07/28/2010	R. Hibey	Drafting pleading to Commission and response to Staff's Motion to Strike Notice to Commission.	2.50	600.00	1,500.00	✓
07/28/2010	L. E. Butler	(Notice of Material Development, August 28, 2009 order) requested documents to R. Hibey for review (no charge).	0.00	145.00	0.00	
07/29/2010	R. Hibey	Research and draft pleadings to NRC regarding Notice, Supplemental Notice, and Opposition to Motion to Strike.	3.50	600.00	2,100.00	✓
07/29/2010	K. Mosley	Draft NRC notice.	1.00	410.00	410.00	✓

Date	Name	Description	Hours	Rate	Amount
07/29/2010	L. E. Butler	(Geisen's Consent In Part And Opposition In Part To The NRC Staff's Motion To Strike Portions Of David Geisen's Notice Of Material Development) review NRC rules regarding information on distribution of filings; waiting to assist with filing per K. Mosley (no charge).	0.00	145.00	0.00
07/30/2010	R. Hibey	Edit and finalize supplemental notice and opposition to Motion to Strike.	0.50	600.00	300.00 ✓
Total Fees					

TIME SUMMARY

Name	Hours	Rate
R. Hibey	11.00	600.00
K. Mosley	7.50	410.00

REDACTED

BILLING HISTORY

REDACTED



Miller & Chevalier Chartered

655 Fifteenth Street, N.W., Suite 900
Washington, D.C. 20005-5701
(202) 626-5800 FAX: (202) 626-5801
E.I.N. 52-1212890

LEGAL SERVICES FOR: First Energy Corp - Re: David Geisen
Attn: Kimberly Corrigan
76 South Main Street
18th Floor
Akron, Ohio 44308

PERIOD: August 2010

INVOICE NO: 312255
CLIENT/MATTER NO.: 311950.000011
DATE: September 22, 2010

FOR PROFESSIONAL SERVICES RENDERED
for the period ending August 31, 2010, in connection with:

NRC Matter (Re: David Geisen)
550200 626023 503001 333630

Fees

Expenses

Total Amount Due

TIME DETAIL

Date	Name	Description	Hours	Rate	Amount
07/23/2010	K. Mosley	Work on petition for rehearing.	8.75	410.00	\$ 3,587.50
08/20/2010	R. Hibey	Telephone conference with Staff regarding affirmation vote set for next week; discussion with A. Wise regarding same.	0.50	600.00	300.00
08/27/2010	R. Hibey	Attention to opinion and order of the Commission; conference with A. Wise regarding same; telephone conference with client regarding outcome and its implications; correspond with D. Bullen.	2.00	600.00	1,200.00
08/27/2010	K. Mosley	Review NRC decision.	0.50	410.00	205.00
Total Fees					

TIME SUMMARY

Name	Hours	Rate
R. Hibey	2.50	600.00
K. Mosley	9.25	410.00
Total Fees		

EXPENSE DETAIL

Date	Expense	Detail	Amount
07/27/2010	Telephone	TEL EXT 2065 NUMB (513) 564-7023	\$ 0.60
07/28/2010	Copying	Copying	21.20
07/28/2010	Copying	Copying	21.20
Total Expenses			\$ <u>43.00</u>

EXPENSE SUMMARY

Description	Amount
Copying	\$ 42.40
Telephone	0.60
Total Expenses	\$ <u>43.00</u>

BILLING HISTORY

	Legal Fees	Expenses	Totals to Date
Inception to Date	\$4,054,662.50	\$132,753.55	\$4,187,416.05
Year to Date	\$16,758.75	\$0.00	\$16,758.75

EXHIBIT 2

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Michael C. Farrar, Chairman
E. Roy Hawken
Nicholas G. Trikouros

In the Matter of

DAVID GEISEN

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)
)
)
)

Docket No. IA-05-052

ASLBP No. 06-845-01-EA

DECLARATION OF RICHARD A. HIBEY
IN SUPPORT OF DAVID GEISEN'S APPLICATION FOR
AWARD OF ATTORNEYS' FEES

1. I have personal knowledge of the following facts:
2. I instructed my staff to collect all the bills in the Geisen case for the purpose of reviewing them and identifying those billing entries that reflect legal services performed in connection with the NRC investigation, prosecution, and ultimate outcome in the case against David Geisen. Included also is the time spent in connection with the petition for legal fees under the Equal Access to Justice Act.
3. In each month's invoice, there are checkmarks next to the billing entries. Those checked items are the ones for which recovery is sought. Asterisks also appear on these invoices. They designate time that I know included work on the enforcement action but since it could not be clearly delineated, I chose not to include that time in the request for legal fees. We also used the symbol "X" to indicate paralegal time we seek to recover as an expense of the case. That figure which amounts to 513 hours was erroneously omitted from the amount requested in

the petition. Therefore, it is requested that the Board consider awarding the paralegal time as an expense to be recovered under this petition.

4. The computation of the amount Mr. Geisen seeks under the EAJA is at the capped hourly rate of \$75.00. Thus, the hourly rates referenced in these invoices are irrelevant; on the other hand, the hours recorded are relevant.

5. I hereby certify that the hours for which recovery at the rate of \$75 is sought were performed by lawyers of Miller & Chevalier, all of whom were operating under my supervision and direction.

6. On the basis of my private practice experience of 39 years, I can attest to the reasonableness of the amount in attorney and paralegal time expended in this case and for which a claim of payment therefor is made. I attest also to the reasonableness of the expenses incurred and for which recovery is sought.

I declare under penalty of perjury that the foregoing Declaration is true and correct.

Executed on this 12th day of November, 2010.

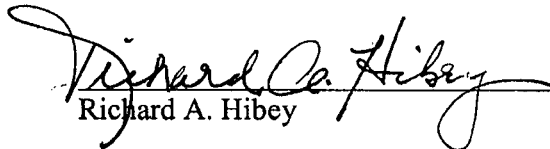

Richard A. Hibey

EXHIBIT 3

UNDERTAKING

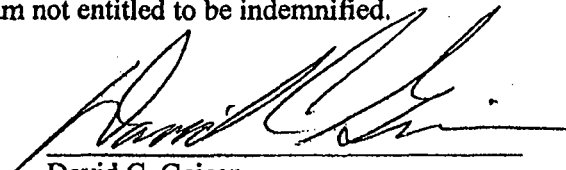
STATE OF WISCONSIN)
) SS
COUNTY OF BROWN)

I, DAVID C. GEISEN, being first duly sworn do depose and say as follows:

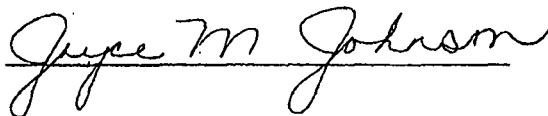
1. This undertaking is submitted under Ohio law between the FirstEnergy Nuclear Operating Company (the "Company") an Ohio Corporation and the undersigned.

2. I am requesting advancement of reasonable attorneys' fees and related expenses (collectively "Expenses"), which I have or will incur in my defense of (1) a federal criminal indictment and trial in the Northern District of Ohio in connection with my actions during the Company's response to NRC Bulletin 2001-01; and (2) request for a hearing or other appeal from a U.S. Nuclear Regulatory Commission ("NRC") Orders issued in connection with the Company's response to NRC Bulletin 2001-01 and precluding me from engaging in NRC licensed activities.

3. I hereby agree to repay this advancement of Expenses if the Company, in its reasonable discretion, determines that I am not entitled to be indemnified.


David C. Geisen

Subscribed and sworn to before me, a Notary Public in and for the said County and State, this 11th day of July, 2006.


Joyce M. Johnson

My commission expires the 21st day of March, 2010.

