

July 31, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
DALE L. MILLER

)  
)  
)  
)  
)  
)

ASLBP No. 06-846-02-EA

Docket No. IA-05-053

NRC STAFF'S APPLICATION FOR THE ISSUANCE OF A SUBPOENA

INTRODUCTION

Pursuant to 10 C.F.R. § 2.702(a) of the Commission's regulations, the Staff of the Nuclear Regulatory Commission (Staff) requests that the Atomic Safety and Licensing Board (Board), designated in the above-captioned proceeding, issue a subpoena, attached hereto, requiring a certain individual, named below, to attend and give testimony at a deposition.

DISCUSSION

The Staff requests the Board to issue a subpoena for Rebecca Slyker in order to ensure the Staff's ability to depose this individual on the date specified. Ms. Slyker is a nuclear technologist at Davis-Besse. Ms. Slyker's testimony is relevant to the issues raised by this enforcement action. Ms. Slyker was identified as a person with relevant information by Mr. Miller in his initial disclosures.

CONCLUSION

For the above stated reasons, the Staff requests the Board to issue the attached subpoena to Ms. Slyker.

Respectfully submitted,

***/RA by Mary C. Baty/***

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

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matters of:

DALE L. MILLER

Docket No. IA-05-053

ASLBP No. 06-846-02-EA

TO: Rebecca Slyker  
c/o James R. Wooley  
Stephen J. Sclegelmilch  
Baker & Hostetler, LLP  
3200 National City Center  
1900 E. 9th Street  
Cleveland, OH 44114-3486

YOU ARE HEREBY COMMANDED to appear to testify at a deposition in the  
the above captioned proceeding.  
to be conducted at Davis-Besse Nuclear Power Station  
5501 North State Route 2, Oak Harbor, OH 43449  
on the 8th day of August, 20 06 at 4:00 PM.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

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

\_\_\_\_\_  
Date

ATTORNEY FOR THE NRC STAFF:

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

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

10 C.F.R. 2.702(f)

*On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena is issued, the presiding officer,*

*or, if he is unavailable, the Commission may:*  
*(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) Condition denial of the motion on just and reasonable terms.*

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

DALE L. MILLER

)  
)  
)  
)  
)

ASLBP No. 06-846-02-EA  
Docket No. IA-05-053

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S APPLICATION FOR THE ISSUANCE OF A SUBPOENA" in the above captioned proceeding have been served on the following persons by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (\*); and by electronic mail as indicated by a double asterisk (\*\*) on this 31st day of July, 2006.

Michael C. Farrar \* \*\*  
Administrative Judge, Chair  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555-0001  
E-Mail: [mcf@nrc.gov](mailto:mcf@nrc.gov)

E. Roy Hawken \* \*\*  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555-0001  
E-Mail: [erh@nrc.gov](mailto:erh@nrc.gov)

Adjudicatory File \*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555

Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555-0001  
E-Mail: [nqt@nrc.gov](mailto:nqt@nrc.gov)

Office of Commission Appellate Adjudication \*  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 C1  
Washington, D.C. 20555

Office of the Secretary \* \*\*  
Attn: Rulemaking and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 C1  
Washington, D.C. 20555  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

Nicholas G. Trikouros \* \*\*

Jane G. Penny \* \*\*  
Thomas W. Scott \* \*\*

Killian & Gephart, LLP  
218 Pine Street  
P.O. Box 886  
Harrisburg, PA 17108-0886  
E-mail: [jpenny@killiangephart.com](mailto:jpenny@killiangephart.com)  
[tscott@killiangephart.com](mailto:tscott@killiangephart.com)

James R. Wooley \* \*\*  
Stephen J. Schlegelmilch \* \*\*  
Baker & Hostetler  
3200 National City Center  
1900 East 9th Street  
Cleveland, OH 44114-3485  
[jwooley@bakerlaw.com](mailto:jwooley@bakerlaw.com)  
[sschlegelmilch@bakerlaw.com](mailto:sschlegelmilch@bakerlaw.com)

Jonathan Rund \* \*\*  
Board Law Clerk  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T 3-F23  
Washington, D.C. 20555  
E-mail: [jmr3@nrc.gov](mailto:jmr3@nrc.gov)

**/RA/**

---

Mary C. Baty  
Counsel for the NRC Staff