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Dated at Rockville, Maryland, this 4th day of April 2006.

For the Nuclear Regulatory Commission.
Brenda Jo. Shelton,
NRC Clearance Officer, Office of Information Services.

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NUCLEAR REGULATORY COMMISSION

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

Atomic Safety and Licensing Board; In the Matter of David Geisen; Notice of Hearing (Enforcement Order)

April 5, 2006.

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

This proceeding stems from an immediately-effective Enforcement Order issued on January 4, 2006, by the Nuclear Regulatory Commission Staff against Mr. David Geisen, prohibiting him from "engaging in NRC-licensed activities" for five years because of certain actions the NRC Staff believes he took in 2001 when he was employed at the Davis-Besse Nuclear Power Plant, located some 25 miles east of Toledo near Oak Harbor, Ohio. That Order, published in the **Federal Register** (71 FR 2571) on January 17, 2006, detailed the Staff's assertions that Mr. Geisen had deliberately provided materially incomplete and inaccurate information in connection with an issue affecting the continued operation of the Davis-Besse facility, and provided Mr. Geisen with the opportunity, under 10 CFR 2.202(b), to request a hearing to contest the matters set out in the Order. Through counsel, Mr. Geisen timely filed such a request on February 23, 2006.

This Atomic Safety and Licensing Board was established on March 16, 2006, to consider Mr. Geisen's hearing request. With the NRC Staff having indicated no objection thereto, we granted that request on March 27, 2006, in a Memorandum and Order that also granted the hearing requests of two other former Davis-Besse employees who were the subjects of immediately-effective Staff Enforcement Orders likewise suspending them from employment in the regulated nuclear industry.

In light of the foregoing, and consistent with 10 CFR 2.318(a) (*see also id.* §§ 2.203 and 2.312(a)), please take notice that a hearing will be conducted in this proceeding. The hearing will be governed by the specific hearing procedures set forth in 10 CFR Part 2, Subpart G (10 CFR 2.700-2.713), which procedures supplement the general rules set forth in 10 CFR Part 2, Subpart C (10 CFR 2.300-2.390). During the course of the proceeding, the Board may, among other measures, hold oral arguments (*id.* § 2.331) and pre-hearing conferences (*id.* § 2.329), and may conduct evidentiary hearings (*id.* § 2.711). The public is invited to attend any oral argument, pre-hearing conference, or evidentiary hearing unless otherwise ordered by the Commission (*id.* §§ 2.327-2.328). The time and place of any such sessions will be fixed by subsequent order(s); notices thereof will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room, located in One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC Web site, <http://www.nrc.gov>.

In the same March 27, 2006 Memorandum and Order in which it granted Mr. Geisen's hearing request, this Board called for oral argument on the Staff's March 20, 2006, motion to hold this matter in abeyance pending the outcome of the criminal proceeding brought by the government against Mr. Geisen based on substantially the same allegations (Mr. Geisen's response to the Staff's motion was duly filed on March 30, 2006). The oral argument on the motion will be held on Tuesday, April 11, 2006, at 10 a.m. in the courtroom at the NRC's Rockville, Maryland Headquarters, on the third floor of the Two White Flint North Building at 11545 Rockville Pike. That oral argument, which is not expected to last more than approximately 90 minutes, will be open for the public to observe.

Documents relating to this proceeding are available for public inspection at the NRC's Public Document Room or electronically from the publicly

available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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It is so ordered.

April 5, 2006.

For the Atomic Safety and Licensing Board.

Michael C. Farrar,
Chairman, Administrative Judge, Rockville, Maryland.

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NUCLEAR REGULATORY COMMISSION

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

Atomic Safety And Licensing Boards; In the Matter of Dale L. Miller; Notice of Hearing (Enforcement Order)

April 5, 2006.

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

This proceeding stems from an immediately-effective Enforcement Order issued on January 4, 2006, by the Nuclear Regulatory Commission Staff against Mr. Dale L. Miller, prohibiting him from "engaging in NRC-licensed activities" for five years because of certain actions the NRC Staff believes he took in 2001 when he was employed at the Davis-Besse Nuclear Power Plant, located some 25 miles east of Toledo near Oak Harbor, Ohio. That Order, published in the **Federal Register** (71 FR 2579) on January 17, 2006, detailed the Staff's assertions that Mr. Miller had deliberately provided materially incomplete and inaccurate information in connection with an issue affecting the continued operation of the Davis-Besse facility, and provided Mr. Miller with the opportunity, under 10 CFR 2.202(b), to request a hearing to contest the matters set out in the Order. Through counsel, Mr. Miller timely filed such a request on February 23, 2006.

This Atomic Safety and Licensing Board was established on March 16, 2006, to consider Mr. Miller's hearing request. With the NRC Staff having indicated no objection thereto, we granted that request on March 27, 2006, in a Memorandum and Order that also