

**RAS 11365**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
IN THE MATTER OF DAVID GEISEN

**DOCKETED 03/16/06**

**SERVED 03/16/06**

IA-05-052

ASLBP No. 06-845-01-EA

ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 Fed. Reg. 28,710 (1972), and the Commission's regulations, see 10 C.F.R. §§ 2.104, 2.202, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

DAVID GEISEN  
(Enforcement Action)

This proceeding concerns a request for a hearing submitted on February 23, 2006, by David Geisen in response to a January 4, 2006 NRC staff "Order Prohibiting Involvement in NRC-License Activities," 71 Fed. Reg. 2571 (Jan. 17, 2006). Under the terms of that immediately effective staff order, the staff concluded that because Mr. Geisen (1) had knowledge of the degraded condition of the reactor pressure vessel (RPV) head at the Davis-Besse Nuclear Power Station and the limitations experienced during RPV head inspections; and (2) had deliberately provided materially incomplete and inaccurate information in connection with the continued operation of the Davis-Besse facility for a period prior to a February 2002 refueling outage that resulted in a significant adverse condition going uncorrected, Mr. Geisen was, among other things, prohibited for five years from engaging in NRC-licensed activities.

The Board is comprised of the following administrative judges:

Michael C. Farrar, Chair  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

E. Roy Hawkens  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Nicholas G. Trikouros  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 C.F.R. § 2.202.

*/RA/*

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G. Paul Bollwerk, III  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

Issued at Rockville, Maryland,

this 16<sup>th</sup> day of March 2006.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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DAVID GEISEN ) Docket No. IA-05-052  
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(Enforcement Action) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
E. Roy Hawken  
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Administrative Judge  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 16<sup>th</sup> day of March 2006