

RAS 11366

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
IN THE MATTER OF DALE L. MILLER

DOCKETED 03/16/06

SERVED 03/16/06

IA-05-053

ASLBP No. 06-846-02-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:

DALE L. MILLER
(Enforcement Action)

This proceeding concerns a request for a hearing submitted on February 23, 2006, by Dale L. Miller in response to a January 4, 2006 NRC staff "Order Prohibiting Involvement in NRC-License Activities," 71 Fed. Reg. 2579 (Jan. 17, 2006). Under the terms of that immediately effective staff order, the staff concluded that because Mr. Miller (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. Miller 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/

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

Issued at Rockville, Maryland,

this 16th day of March 2006.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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DALE L. MILLER) Docket No. IA-05-053
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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
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Washington, DC 20555-0001

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Administrative Judge
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of March 2006