

RAS 11503

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 04/05/06

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:

SERVED 04/05/06

Michael C. Farrar, Chairman
E. Roy Hawkens
Nicholas G. Trikouros

In the Matter of
DAVID GEISEN

Docket No. IA-05-052

ASLBP No. 06-845-01-EA

April 5, 2006

NOTICE OF HEARING
(Enforcement Order)

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 Fed. Reg. 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 C.F.R. § 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 C.F.R. § 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 C.F.R. Part 2, Subpart G (10 C.F.R. §§ 2.700-2.713), which procedures supplement the general rules set forth in 10 C.F.R. Part 2, Subpart C (10 C.F.R. §§ 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 website, <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 10:00 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>.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael C. Farrar, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 5, 2006

Copies of this Notice of Hearing were sent this date by Internet e-mail to counsel for Mr. Geisen and for the NRC Staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING (ENFORCEMENT ORDER) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 5th day of April 2006