

September 11, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
DALE L. MILLER

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Docket No. IA-05-053

ASLBP No. 06-846-02-EA

JOINT MOTION TO ISSUE THE ATTACHED ORDER AND DISMISS THE PROCEEDING

On August 24, 2006 the Board granted the Parties' motion to amend the discovery schedule to provide time for the parties to engage in the Alternative Dispute Resolution Process. See Order (Granting Motion to Extend Discovery). The parties have reached an agreement upon which to settle the case. Therefore, the parties move the Board, in accordance with 10 CFR § 2.203, to accept the settlement agreement described in the attached order and dismiss the proceeding.

Respectfully Submitted,

/RA by Sara E. Brock/

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

/RA by Jane Penny/

Jane Penny
Counsel for Dale L. Miller

Dated at Rockville, MD
this 11th day of September, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARDS

Before Administrative Judges:

Michael C. Farrar, Chairman

E. Roy Hawkens

Nicholas G. Trikouros

In the Matter of

DALE L. MILLER

Docket No. IA-05-053

ASLBP No. 06-846-02-EA

September 11, 2006

ORDER

(Accepting Settlement Agreement and Dismissing Proceeding)

1. The Order issued on January 4, 2006 to Mr. Dale Miller is superceded by this Order.
2. Within forty-five days of the date of this Order, Mr. Miller agrees to provide to the Director, Office of Enforcement, a letter explaining his understanding of the significance of the role of the Compliance Supervisor in ensuring that all communications with the NRC contain complete and accurate information. The letter will further explain what Mr. Miller has learned from his experiences at Davis-Besse in the Fall of 2001 about the duties, responsibilities of, and expectations for, a Compliance Supervisor to ensure that the licensee's actions are consistent with its shared responsibility to ensure that consideration of the public's health and safety is paramount in all situations and communications, especially those that may involve potential financial or business conflicts. The content of this letter will be coordinated with Agency Enforcement staff.
3. Mr. Miller agrees to make every effort to be a presenter at the next meeting of the North American Young Generation in Nuclear. His presentation will be consistent with the letter addressed in Paragraph 2. The NRC agrees to assist Mr. Miller with becoming a presenter if necessary.
4. Mr. Miller agrees to be a presenter at the next practicable Licensing Forum Conference. His presentation will be consistent with the letter addressed in paragraph 2.
5. In consideration of the above terms, and in light of new evidence, the NRC Staff acknowledges that it no longer has a concern about the reliability and trustworthiness of Mr. Miller and believes that the health and safety of the public will be adequately protected if Mr. Miller is allowed to resume involvement in licensed activities.
6. The proceeding, ASLB-06-846-02-EA, is dismissed.

IT IS SO ORDERED.

Michael C. Farrar
ADMINISTRATIVE JUDGE

E. Roy Hawkins
ADMINISTRATIVE JUDGE

Nicolas G. Trikouros
ADMINISTRATIVE JUDGE

Dated in Rockville, MD
this 11th Day of September, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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DALE L. MILLER) Docket No. IA-05-053
)
) ASLBP No. 06-846-02-EA
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "ORDER (ACCEPTING SETTLEMENT AGREEMENT AND DISMISSING PROCEEDING)" 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 11 th day of Septmeber, 2006.

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