

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam
Dr. Harry Rein, Special Assistant

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OFFICE OF THE
RULEMAKING AND
ADJUDICATION STAFF

SERVED APR 20 1998

In the Matter of

AHARON BEN-HAIM, Ph.D.,
Upper Montclair, New Jersey

Order Superseding Order
Prohibiting Involvement in
NRC-Licensed Activities
(Effective Immediately)

Docket No. IA 97-068

ASLBP No. 97-731-01-EA

April 20, 1998

NOTICE OF EVIDENTIARY HEARING

This proceeding concerns the request of Dr. Aharon Ben-Haim for a hearing with respect to the Order Superseding Order Prohibiting Involvement in NRC Licensed Activities (Effective Immediately), dated August 27, 1997, published at 62 Fed. Reg. 47224 (September 8, 1997). The parties to the proceeding are Dr. Ben-Haim and the NRC Staff. The issue to be considered is whether the Superseding Order should be sustained--in particular, whether the NRC Staff's currently effective suspension of Dr. Ben-Haim from serving as a consultant or otherwise being involved with respect to NRC-licensed activities should be continued for a period of five years from July 31, 1997, as a result of alleged deliberate violations of NRC requirements.

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Notice is hereby given that, as set forth in the Atomic Safety and Licensing Board's Memorandum and Order (Schedules for Proceeding), dated March 2, 1996, the evidentiary hearing in this proceeding will commence on Wednesday, May 27, 1998, beginning at 9:30 a.m., at Room 206 (second floor), 970 Broad Street (enter on Walnut Street), Newark, New Jersey 07102. The hearing will continue, to the extent necessary, on May 28-29, 1998, at that same location, beginning at 9:00 a.m. each day. (The sessions are expected to adjourn at approximately 5:00 p.m. daily.)

As provided by our March 2, 1998 Memorandum and Order, and consistent with 10 C.F.R. § 2.743(b)(3), written direct testimony of the parties need not be utilized, but the parties must file (mail) by Friday, May 15, 1998 (Monday, May 18, if express mail is utilized), lists of witnesses and documents they propose to use, together with statements of the qualifications of those witnesses (curriculum vitae). (If either of the parties elects to use written direct testimony, such statements should be filed (mailed) by the same dates.)


Notice is also hereby given that, in accordance with 10 C.F.R. § 2.715(a), the Licensing Board will hear oral limited appearance statements on Wednesday, May 27, 1998, at the outset of the hearing and in the aforementioned hearing room. A person not a party to the proceeding will be permitted to make such a statement, setting forth his or her

position on the issues. The number of persons making oral statements and the time allotted for each statement may be limited depending on the number of persons present at the designated time. (Normally, each oral statement may extend for up to five (5) minutes.) These statements do not constitute testimony or evidence but may assist the Licensing Board and parties in defining the scope of the issues in the proceeding.

Requests to make oral statements may be submitted to the Office of the Secretary, Docketing and Service Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of each such request should also be submitted to Judge Charles Bechhoefer, Chairman of this Licensing Board, U.S. Nuclear Regulatory Commission, ASLBP, T-3 F23, Washington, D.C. 20555.

Documents relating to this proceeding are on file at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555, and at the Commission's Region I office, 475 Allendale Road, King of Prussia, Pennsylvania 19406-1415.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 20, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

AHARON BEN-HAIM, PH.D.

(Superseding Order Prohibiting
Involvement in Licensed Activities)

Docket No.(s) IA 97-068

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOT. OF EVIDENTIARY HEARING have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555	Administrative Judge Charles Bechhoefer, Chairman Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555
Administrative Judge Peter S. Lam Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555	Administrative Judge Jerry R. Kline Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555
Administrative Judge Harry Rein Special Assistant ASLBP 1877 Wingfield Drive Longwood, FL 32779	Catherine L. Marco, Esq. Ann P. Hodgdon, Esq. Office of the General Counsel Mail Stop - 0-15 B18 U.S. Nuclear Regulatory Commission Washington, DC 20555
Everett van Kampen, Esq. 12-47 River Road P.O. Box 1065 Fairlawn, NJ 07410	Aharon Ben-Haim, Ph.D. 3 Cloverhill Place Montclair, NJ 07042

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LB NOT. OF EVIDENTIARY HEARING

Dated at Rockville, Md. this
20 day of April 1998

Adria T. Byrdson
Office of the Secretary of the Commission

