

**RAS 2754**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 02/16/01**  
**SERVED 02/16/01**

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ivan W. Smith, Presiding Officer  
Dr. Charles N. Kelber, Special Assistant

In the Matter of

MICHAEL L. PIASECKI

(Denial of Operator's License)

Docket No. 55-22136-SP

ASLBP No. 01-788-01-SP

February 16, 2001

ORDER

(Granting Hearing Request and Establishing Schedule  
for Hearing File and Written Presentations)

By letter of December 27, 2000, the NRC staff informed Mr. Michael L. Piasecki, an employee of the Sequoyah Nuclear Plant, that he had not passed the written examination for an operator's license administered to him on August 21, 2000. This finding sustained an earlier proposed denial of the license. By letters of January 11 and 17, 2001, Mr. Piasecki requested a hearing on the denial.

I have been designated as the Presiding Officer to rule on the request for hearing and to conduct any required hearing. The provisions of 10 C.F.R. Part 2, Subpart L cover this proceeding. Administrative Judge Charles N. Kelber has been appointed to provide technical advice.

In its February 8, 2001 response to Mr. Piasecki's request for hearing, the NRC staff, a party to this proceeding, states that the hearing request is timely and that it has no objections to it. I agree that the request for hearing has been timely filed and contains areas of concern

germane to the subject matter of this proceeding. Accordingly, Mr. Piasecki's request for hearing is granted.

Mr. Piasecki contends that Questions 15 and 79 on the license examination are inappropriate and should be disregarded. The NRC staff, in its December 27, 2000 letter, disputes this contention with respect to Question 15. However, the staff does not address Question 79. Judge Kelber and I also will need to consider the staff's position on Question 79 when it files its written presentation, as provided below.

The NRC staff shall file the hearing file and its written presentation addressing Mr. Piasecki's concerns within thirty (30) days of the entry of this order in accordance with 10 C.F.R. §§ 2.1231(a), 2.1233. The individual documents in the hearing file shall be separated by numbered, tabbed dividers. Within twenty (20) days following service of the NRC staff's submittal, Mr. Piasecki may submit under oath or affirmation a written presentation of his arguments, and any documents, data, informational material, and other supporting written evidence as provided by 10 C.F.R. § 2.1233(a). If either party appends additional documents to its written presentation as exhibits or attachments, a separate alpha or numeric designation for each appended document (e.g., Exhibit 1; Attachment A) should be given for each appended document, either on the first page of the appended document or on a cover/divider sheet in front of the appended document.

Finally, the NRC staff in its December 27, 2000 letter proved Mr. Piasecki with an opportunity to reapply for a license two months from that date. If Mr. Piasecki decides to

reapply, the parties shall promptly inform Judge Kelber and me and provide their views on whether that action renders his hearing request moot.

It is so ORDERED.

BY THE PRESIDING OFFICER<sup>\*</sup>

*/RA/*

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Ivan W. Smith  
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 16, 2001

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<sup>\*</sup>Copies of this order were sent this date by Internet e-mail transmission to Michael L. Piasecki and the NRC staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
MICHAEL L. PIASECKI ) Docket No. 55-22136-SP  
 )  
(Denial of Reactor Operator's License) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING HEARING REQUEST AND ESTABLISHING SCHEDULE FOR HEARING FILE AND WRITTEN PRESENTATIONS) 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

Administrative Judge  
Ivan W. Smith, Presiding Officer  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Charles N. Kelber, Special Assistant  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Jennifer M. Euchner, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Michael L. Piasecki  
714 Ashley Forest Dr.  
Hixson, TN 37343

[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 February 2001