

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**DOCKETED 03/30/01**  
**SERVED 03/30/01**

## 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

March 30, 2001

MEMORANDUM AND ORDER  
(Terminating Proceeding)

Michael L. Piasecki, an employee of the Sequoyah Nuclear Plant, requested a hearing on a determination that he had not passed the written examination for an operator's license administered to him by NRC Staff on August 21, 2000. He contended two questions in the examination were inappropriate and should be disregarded. I, as the Presiding Officer, granted the request in an order designated ASLBP No. 01-788-01-SP, dated February 16, 2001. This proceeding is covered by the provisions of 10 C.F.R. Part 2, Subpart L. The NRC Staff and Mr. Piasecki were directed to proceed under those informal rules in my February 16 order.

By a joint motion dated March 16, 2001, Mr. Piasecki and the NRC Staff move for an order terminating this proceeding. The Staff has agreed with Mr. Piasecki that the two challenged questions should be deleted from the examination. With those deletions, Mr. Piasecki's examination grade has been changed from failing to passing, thereby mooted

this proceeding. The parties, therefore, move for an order terminating this proceeding. After consultation with Judge Kelber, I agree that the proceeding is moot and it is, therefore, terminated.

It is so ORDERED.

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

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Ivan W. Smith  
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 30, 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 MEMORANDUM AND ORDER (TERMINATING PROCEEDING) (LBP-01-11) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 30<sup>th</sup> day of March 2001