



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 16, 2001

OFFICE OF THE
GENERAL COUNSEL

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

In the Matter of
MICHAEL L. PIASECKI
(Denial of Reactor Operator's License)
Docket No. 55-22136-SP, ASLBP No. 01-788-01-SP

Dear Administrative Judges:

Please find enclosed a joint motion to terminate the above referenced proceeding. The motion is signed by Staff counsel and contains a facsimile signature executed by Mr. Piasecki on this date. A copy of the motion is being mailed to Mr. Piasecki to obtain his original signature and will be provided to the Presiding Officer upon receipt

Sincerely,

A handwritten signature in black ink, appearing to read "Norman St. Amour", with a long horizontal flourish extending to the right.

Norman St. Amour
Counsel for NRC Staff

cc: Service List

March 16, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING OFFICER

In the Matter of)	
)	Docket No. 55-22136-SP
MICHAEL L. PIASECKI)	
)	ASLBP No. 01-788-01-SP
(Denial of Reactor Operator's License))	
)	

JOINT MOTION FOR ORDER
APPROVING TERMINATION OF THIS PROCEEDING

The NRC Staff and Mr. Michael L. Piasecki hereby jointly move the Presiding Officer for an order terminating this proceeding.

This 10 C.F.R. Part 2, Subpart L matter is before the Presiding Officer pursuant to Mr. Piasecki's request for a hearing submitted in response to a letter from the NRC Staff dated December 27, 2001, sustaining a denial of Mr. Piasecki's application for a reactor operator's license. In his request for a hearing, Mr. Piasecki challenged the validity of questions 15 and 79 contained in the Sequoyah Nuclear Plant Reactor Operator examination administered on August 21, 2000.

In light of the additional information supplied by Mr. Piasecki, and based on further Staff analysis, the NRC Staff has determined that both question 15 and question 79 will be deleted from the examination. As a result of the deletion of these two questions, Mr. Piasecki's written examination grade will be changed from 78.9% to 80.6%. Accordingly, the NRC Staff has determined that Mr. Piasecki passed the written examination, and satisfies the requirements of 10 C.F.R. § 55.33(a) for approval of his license application. Mr. Piasecki was notified of his changed grade by the attached letter from Bruce A. Boger,

Director, Division of Inspection Program Management, NRR, dated March 14, 2001, and will be issued his reactor operator license pursuant to 10 C.F.R. § 55.51.

The NRC Staff and Mr. Piasecki believe that this action renders the instant proceeding moot.

CONCLUSION

In consideration of the foregoing, the NRC Staff and Mr. Michael L. Piasecki jointly move the Presiding Officer for an order terminating this proceeding.

Respectfully submitted,



Norman St. Amour
Counsel for NRC Staff

Michael L. Piasecki
Pro se

Dated at Rockville, Maryland
this 16th day of March, 2001

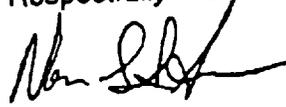
Director, Division of Inspection Program Management, NRR, dated March 14, 2001, and will be issued his reactor operator license pursuant to 10 C.F.R. § 55.51.

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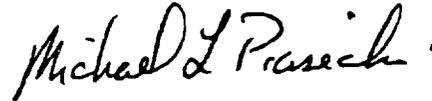
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In consideration of the foregoing, the NRC Staff and Mr. Michael L. Piasecki jointly move the Presiding Officer for an order terminating this proceeding.

Respectfully submitted,



Norman St. Amour
Counsel for NRC Staff



Michael L. Piasecki
Pro se

Dated at Rockville, Maryland
this 16th day of March, 2001



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 14, 2001

Mr. Michael L. Piasecki
714 Ashley Forest Drive
Hixson, TN 37343

Dear Mr. Piasecki:

The staff of the U.S. Nuclear Regulatory Commission (NRC) has reviewed the additional information you submitted with your letter of January 17, 2001, supporting your request for a hearing in accordance with 10 CFR 2.103 (b)(2). In light of the additional information you supplied, and based on further NRC analysis, the staff has reviewed the grading of the written examination administered to you on August 21, 2000, and reconsidered the proposed denial issued to you on September 15, 2000. The staff has determined that you passed the written examination, and satisfy the requirements of 10 CFR 55.33(a) for approval of your license application. Region II will issue your reactor operator license pursuant to 10 CFR 55.51 and forward it to you under a separate cover letter.

In your request for a hearing, you questioned the validity of two questions - questions 15 and 79. The NRC has determined that both questions 15 and 79 will be deleted from the examination. Therefore, your written examination grade will be changed from 78.9% (75 correct out of 95 questions) to 80.6% (75 correct out of 93 questions).

Question 15 presented a set of plant conditions indicative of an inadequate core cooling event, and then asked the applicant to identify the appropriate next step to mitigate the core cooling challenge. The correct answer was choice "C." In your letter of September 25, 2000, requesting an informal NRC staff review, you argued that answer choice "D" was also correct, based on an assumed sequential correlation of plant conditions with procedure FR-C.1, "Inadequate Core Cooling." However, in your hearing request, you argued that none of the answer choices provided were correct, based on the same premise regarding the sequential correlation of plant conditions with procedure FR-C.1. The NRC does not agree with your assumption that there is a sequential correlation of plant conditions with procedure FR-C.1. The plant conditions are just that - provided plant conditions - and applicants should not assume that these conditions are somehow sequentially correlated to any procedure. Applicants are instructed in accordance with NUREG-1021, Appendix E, "Policies and Guidelines for Taking NRC Examinations," not to make assumptions that are not specified in the question.

Although the NRC does not agree with the merits of your argument pertaining to question 15, upon closer review of the question, the NRC has identified one technical error and one ambiguity associated with the postulated correct answer to question 15. Accordingly, the NRC has determined that question 15 will be deleted from the examination. In particular, the postulated correct answer incorrectly states that pressure should be reduced to 125 psig. The correct action is to reduce pressure to *less than* 125 psig. According to procedure FR-C.1, if pressure was only stabilized at 125 psig, then further action would be required to mitigate the core cooling challenge. These further actions were not stated in the postulated correct answer. Additionally, the postulated correct answer does not clearly state whether it is steam-side or reactor-side pressure that should

be reduced to 125 psig. According to procedure FR-C.1, it is reactor pressure that should be reduced to less than 125 psig. If steam-side pressure was reduced to less than 125 psig, there would be no guarantee that this action would mitigate the core cooling challenge per procedure FR-C.1.

Question 79 asked the applicant to identify the effect of a high pressure fire water spray on a Limitorque motor operated valve (MOV). The postulated correct answer stated that no damage would occur, due to the sealed design of the valve motor and limit switches. In your letter of September 25, 2000, you did not contest the question's grading. In your hearing request, you argued that none of the provided answer choices were correct, based on the potential for damage to the valve actuator, past failures of Limitorque valve actuators due to water intrusion, and proper conservative decision-making to assume damage. The NRC agrees with the key element of your argument - the potential for damage. Although Limitorque valve actuators are designed with sealed motors and limit switches, the NRC agrees that there is some potential for damage should a large volume of water at 135 psig from the high pressure fire protection system be sprayed directly on the MOV. The NRC noted that a 135 psig water spray could damage the flex conduit/electrical connection area to the valve, which could result in filling the limit switch compartment with water, thereby resulting in damage to the valve control circuits.

In summary, the NRC has determined that questions 15 and 79 will be deleted from your examination. Although the NRC does not agree with your argument pertaining to question 15, the NRC identified one technical error and one ambiguity associated with the postulated correct answer. The NRC has therefore determined that none of the provided answer choices completely answers question 15 correctly. For question 79, the NRC agrees with your key argument that potential damage could occur to a Limitorque MOV. The possibility for damage, even though both the motor and limit switches are of a sealed design, renders none of the provided answer choices for question 79 as completely correct.

If you have any questions, please contact Mr. Glenn M. Tracy, Chief, Operator Licensing, Human Performance and Plant Support Branch, Office of Nuclear Reactor Regulation, at (301)415-1031.

Sincerely,



Bruce A. Boger, Director
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Docket No. 55-22136

Enclosure: As stated

cc: R.F. Driscoll, Training Manager, Sequoyah Nuclear Plant
R.T. Purcell, Site Vice President, Sequoyah Nuclear Plant
D.L. Koehl, Plant Manager, Sequoyah Nuclear Plant