



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

February 8, 1988

OFFICE OF THE
SECRETARY

Darrell K. Seigler, Esq.
Law Offices of Darrell K. Seigler, Ltd.
434 Pearl Street
Ohawa, IL 61350

Re: Hearing Request Of William D. Pulak

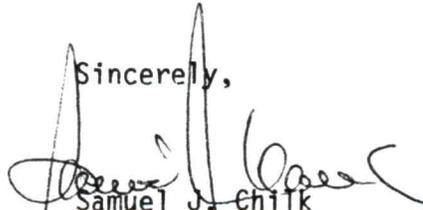
Dear Mr. Seigler:

This responds to your letter of January 7, 1988 to the Office of the General Counsel requesting a hearing on behalf of William D. Pulak upon the Nuclear Regulatory Commission's ("NRC") proposed denial of his application for a senior reactor operator's license at LaSalle County Nuclear Power Station. The NRC Staff proposed to deny the license after concluding that Mr. Pulak had not passed the simulator examination administered on April 21, 1987. Your follow-up letter of January 8 informed the NRC that Mr. Pulak had resigned his position at LaSalle effective January 15, 1988 and asked whether his resignation might render his request for hearing moot.

An operator's license is limited to the facility for which it is issued and may not be assigned or otherwise transferred. 10 C.F.R. § 55.32(a) and (b). (The Commission's amended Part 55 rules pertaining to operators' licenses are published at 52 Fed. Reg. 9453-9469 (March 25, 1987)). Such a license expires six years after the date of issuance or upon termination of employment with the facility licensee. 10 C.F.R. § 55.55(a). Thus the license Mr. Pulak applied for would only be usable at the LaSalle facility while he is there employed.

Of particular relevance here, Mr. Pulak's application for a license must include a certification from an authorized representative of the facility licensee that the facility needs him to perform the duties of a senior reactor operator. 10 C.F.R. § 55.31(a)(4). His resignation moots his request for a hearing because it means that he is unable to obtain this certification. Even if, as a result of a hearing, he were determined to have successfully passed the simulator examination, his application for a senior reactor operator license would still have to be denied for lack of the required certification. In these circumstances the request for a hearing is moot.

Sincerely,


Samuel J. Chirk
Secretary of the Commission

Darrell K. Seigler, Esq.
Law Offices of Darrell K. Seigler, Ltd.
434 Pearl Street
Ohawa, IL 61350

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Dear Mr. Seigler:

This responds to your letter of January 7, 1988 to the Office of the General Counsel requesting a hearing on behalf of William D. Pulak upon the Nuclear Regulatory Commission's ("NRC") proposed denial of his application for a senior reactor operator's license at LaSalle County Nuclear Power Station. The NRC Staff proposed to deny the license after concluding that Mr. Pulak had not passed the simulator examination administered on April 21, 1987. Your follow-up letter of January 8 informed the NRC that Mr. Pulak had resigned his position at LaSalle effective January 15, 1988 and asked whether his resignation might render his request for hearing moot.

Dated: _____

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OGC *NS*
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SJChilk
1/ /88

Law Offices of
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434 PEARL STREET
OTTAWA, ILLINOIS 61350
(815) 433-3333

Jan. 7, 1988

E77593

Assistant General Counsel for Hearings
Office of the General Counsel
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket No. 55-31161

REQUEST FOR HEARING ON PROPOSED LICENSE

My client and applicant: William D. Pulak

DENIAL

Simulator examination of April 21, 1987

Date of notification of failure: May 20, 1987

Location: Commonwealth Edison, LaSalle County Station,
Illinois

Dear Sirs:

This is to advise that I am attorney for William D. Pulak in connection with the above simulator examination, which was graded by examiners to have been failed by Mr. Pulak. I attach a copy of the December 2, 1987 letter of the U.S. Nuclear Regulatory Commission per Jack W. Roe, Director of the Division of Licensee Performance and Quality Evaluation in the office of Nuclear Reactor Regulation.

This should serve as formal request for a hearing upon the proposed denial of the application for senior reactor operator license of William D. Pulak pursuant to applicable regulations.

I will be representing Mr. Pulak in connection with these proceedings, and you should consider this my formal appearance on his behalf as counsel. Please forward all correspondence relating to procedural rules, dates for submission of further evidence and any scheduling of hearings or pre-hearing conferences of any type directly to my office at the above address.

If you have any particular form which is required to be submitted for the purpose of my appearance as counsel for Mr. Pulak, please forward same to my office so that I may promptly complete and return to your office.

On behalf of Mr. Pulak, he reserves the right to present any additional evidence which may be available to support his position in contesting the proposed denial of his license application.

Thank you for your attention and cooperation in this matter. Should you have any questions, or require further information or documentation, please contact me at your earliest convenience.

Sincerely,



DARRELL K. SEIGLER, Attorney at Law
Attorney for William D. Pulak

DKS:mbh
cc: William Pulak
R.R., Waupecan Road
Seneca, Ill. 61360



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

DEC 02 1987

Docket No. 55-31161

Mr. William D. Pulak
R. R. Waupecan Road
Seneca, IL 61360

Dear Mr. Pulak

In response to your letter dated August 14, 1987, we have reviewed the grading of the simulator examination administered to you on April 21, 1987, the information you supplied contesting the grading, and the region's disposition of the issues you raised. We have used NUREG-1021, Operator Licensing Examiner Standards, as guidance during the conduct of our review. As you know, the standard guidance indicates that you must provide well-documented information to substantiate any claim of inaccurate or unfair grading. Based on the record provided for our evaluation, we find that you did not pass the examination. In addition to the issues you raised about your performance during the simulator examination, we have also considered your comments regarding the administration of the examination, and find that they did not alter our conclusion regarding your performance on the examination. However, the issues you raised regarding the administration of the examination are being evaluated separately.

This letter constitutes the proposed denial of your license application pursuant to 10 CFR §2.103(b)(2). There are now two options available to you.

1. In order to reapply for a license, you may accept the proposed denial of your license application and waive all rights to a hearing pursuant to 10 CFR §2.103(b)(2) regarding the proposed and final denials of your license application. If you should decide to waive your right to a hearing the following information is provided:
 - a. Since you passed a written examination on October 27, 1986, you may request a waiver of that portion of the examination. This waiver will be granted by the NRC.
 - b. Since you did not pass the operating portion of the examination administered to you on April 21, 1987, you will be required to retake an operating examination.
 - c. You may reapply to Region III for a license after six months from the date of the final denial. A reexamination will be scheduled, upon request by your facility management, shortly after receipt of your reapplication.

DEC 02 1987

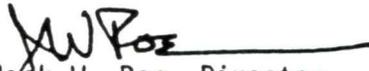
If you do wish to reapply for a license now pursuant to 10 CFR §55.35, please sign and return to Region III the enclosed "Acceptance of License Application Denial and Waiver of Hearing Rights". Upon receiving it, a letter finally denying your application for a senior reactor operator license pursuant to 10 CFR §2.103(b)(2) will be issued. Such a final denial letter will permit you to avail yourself of the reapplication provisions of 10 CFR §55.35. The NRC will not entertain any reapplication pursuant to 10 CFR §55.35 in the absence of a final denial letter from the NRC.

2. You have a right to a hearing with regard to this proposed denial. Should you desire to pursue this matter, a hearing request is required to be submitted to the Assistant General Counsel for Hearings, Office of the General Counsel, United States Nuclear Regulatory Commission, Washington, D.C. 20555, in writing within 40 days from the date of receipt of this letter.

If you request a hearing on the proposed denial of your license application, you may not reapply for a license pursuant to 10 CFR §55.35 until your application has been finally denied as a result of the hearing, if that is the case.

If you have any questions, please contact John Hannon at (301) 492-4868.

Sincerely,


Jack W. Roe, Director
Division of Licensee Performance
and Quality Evaluation
Office of Nuclear Reactor Regulation

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

Enclosure:

1. OLB Review of Operating Examination
2. Acceptance of License Application Denial
and Waiver of Hearing Rights
3. Self-addressed envelope

ENCLOSURE 1

OLB RESPONSE TO CONTESTED EVALUATIONS

Each of the candidate's contentions is considered on the merits of supplemental evidence provided and/or technical analysis of events which occurred during the examination. The competency factors on the Examination Summary Sheet (ES-302-11) are addressed sequentially within competencies, with corresponding scenario numbers. Any pertinent additional documented material will follow the argument block statements. Use of regional review material (exhibit B enclosure 2 of the same letter) will be referred to by placing square brackets [] around the argument block numbers.

DIAGNOSIS OF EVENTS/CONDITIONS

Scenario 1-1, Event 8

ISSUE: Decision to leave the Low Pressure Core Spray (LPCS) system in the Automatic Start Mode.

The Automatic Depressurization System (ADS) was manually initiated one minute after the -161 inch level was reached. Procedure LGA-04 requires ADS to be initiated at -161 inches if any system is lined up for injection with at least one pump running. CRD system operation meets this requirement and was verified operating at 10:23 (LGA-01, Step 7). All the low pressure injection systems received a start signal at a reactor level of -129 inches (10:27:59). The candidate has not supplied adequate evidence to justify the one minute delay before the initiation of the ADS system.

ISSUE: Core Flooding and RSL Curve

A review of the snapshot data (10:34:16) reveals the reactor pressure of 132 psig. The candidate claims this to be the discharge of the low pressure pumps. A detailed review of the snapshot data (10:45:22) reveals a reactor pressure of 248 psig. The RSL curve requires a drywell temperature of 350^oF for a reactor pressure of 132 psig and a temperature of 410^oF for a reactor pressure of 248 psig. The candidate has not submitted adequate support for reactor pressure reaching drywell pressure and therefore, the use of LGA-05.

ISSUE: Operator's attempt to start Out-of-Service Reactor Core Isolation Cooling (RCIC) System.

The examiner's comment concerning danger to maintenance personnel during the attempted operation of out-of-service equipment is speculative. Therefore, the personnel injury issue was not considered for this review. However, the attempted start of this equipment is an issue of plant status. The candidate's instinctive operations of the out-of-service equipment from the control room implies spontaneous actions independent of actual plant conditions and is considered to be unsafe.

Scenario 2-2, Event 3

ISSUE: Procedure Deviation where the candidate responds with the wrong procedure.

A review of the material supplied by the candidate concerning the Safety Relief Valve (SRV) event shows that the candidate's decision to not perform all the steps of the LOA procedure was unsafe because of the unknown condition of the plant. Although LaSalle's administrative procedures allow the operator to use the LOA's as a guide, because the specific cause of the casualty was not known, the candidate's decision to neither pull the SRV fuses nor cycle the SRV the fourth time actually resulted in prolonging the casualty, thereby contributing to the plant remaining in an unsafe condition longer.

Scenario 2-2, Event 6

ISSUE: Candidate's Use of Procedure LGA-03

The examiner's statements are "Review LGA-03 to ensure all actions/- didn't see the last pages of procedures but when looking at later pointed out pages." and "Not following procedures." These notes by the examiner indicate that the candidate was not following the procedures. Evidence provided by the candidate is not adequate to change the grading.

SUPERVISORY ABILITY

ISSUE: Circulating Water Pump Fire

The examiner's references to the circulating pump fire are indicative of an unsatisfactory performance in both Supervisory Ability and Communications/Crew Interactions. The candidate's actions concerning breaker operation are found to be unsatisfactory and the marginal grade for Supervisory Ability is changed to Unsatisfactory.

SUMMARY TABLE OF OLB REVIEW RESULTS

Mr. Pulak was failed in three competencies as a result of his simulator test: DIAGNOSIS OF EVENTS/CONDITIONS; COMPLIANCE/USE OF PROCEDURES; and, SUPERVISORY ABILITY.

Here is a table of the areas that he was graded in and changes made as a result of this review.

COMPETENCY: DIAGNOSIS OF EVENTS/CONDITIONS

Examiner Grade	OLB Grade	Scenario/Event	Issue
U	U	1-1 / 8	Failure to take actions to maintain reactor vessel level
U	U	1-1 / 8	Core Flooding and RSL Level
U	U	1-1 / 8	Initiation of RCIC system which was out of service.

In addition to these contentions the candidate did not contest Scenario 2-2 Event 3, Candidate's ordering the reactor to be scrammed in accordance with an incorrect procedure.

COMPETENCY: COMPLIANCE/USE OF PROCEDURES

Examiner Grade	OLB Grade	Scenario/Event	Issue
U	U	2-2 / 3	Procedure Deviations.
U	U	2-2 / 6	Candidate utilized procedure LGA-03 incorrectly.

COMPETENCY: SUPERVISORY ABILITY

Examiner Grade	OLB Grade	Scenario/Event	Issue
M	U	2-2 / 4	Circulating Water Pump Fire

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Jan. 8, 1988

Assistant General Counsel for Hearings
Office of the General Counsel
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket No. 55-31161

My client and applicant: William D. Pulak
Simulator examination of April 21, 1987
Date of notification of failure: May 20, 1987
Location: Commonwealth Edison, LaSalle County Station,
Illinois

Dear Sirs:

This is to follow up my Request of Hearing in the above matter. I wanted to advise you that my client has resigned from Commonwealth Edison at the LaSalle County Nuclear Station site effective January 15, 1988. Obviously, I am interested in the status of the license applied for, in terms of its term, longevity, and any conditions of employment imposed upon it. In other words, I am interested in whether or not Mr. Pulak's resignation might render these proceedings moot. I frankly could not understand how that could occur but would appreciate your advise.

Thank you for your attention to this matter. If you have any question or need further information, please do not hesitate to contact me.

Sincerely,


DARRELL K. SEIGLER, Attorney at Law
Attorney for William D. Pulak

DKS:mbh

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