

Dear Senator Harkin,  
All Commission is wrong in their thinking that I  
accepted employment outside the nuclear field. I was reassigned, 1 day before  
the Administrative Judge found in my favor.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Kenneth M. Carr, Chairman  
Thomas M. Roberts  
Kenneth C. Rogers  
James R. Curtiss

Please help me to  
rectify this situation

Thank You,

Al Morabito

RE SERVED AUG 18 1989

OFFICE OF THE  
DOCKETING & SERVICE  
BRANCH

'89 AUG 16 P12:2

SERVED AUG 16 1989

In the Matter of

ALFRED J. MORABITO

(Senior Operator License  
for Beaver Valley Power  
Station, Unit 1)

Docket No. 55-60755-SP

CLI-89-16

ORDER

On July 15, 1988, the Commission determined that because Mr. Alfred J. Morabito, a candidate for a Senior Reactor Operator's license, had taken employment outside the nuclear area, and was therefore ineligible for a license, the controversy over his examination grade was moot. We therefore vacated both the decision of the Administrative Judge which ruled that he had passed the necessary examinations, and the NRC staff's denial of his license. In a request for reconsideration filed on August 12, 1988, Mr. Morabito urged that issuance of a license, even though retroactively issued and retroactively revoked, would assist him in seeking employment in the nuclear area with another employer. We conclude that Mr. Morabito has not shown that reconsideration of our decision is appropriate.

Notwithstanding that that decision for legal reasons held the dispute over the license to be moot, Mr. Morabito can validly assert to any

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prospective employer that as of April 20, 1988, an NRC Administrative Judge had ruled that he had passed all examinations necessary for a license. In the absence of a currently valid certification of need, however, there is no basis for the Commission to add its own determination as to whether the requirements for a license were satisfied at some time in the past. The request for reconsideration is therefore denied.

It is so ORDERED.



For the Commission,

  
SAMUEL S. CHILK  
Secretary of the Commission

Dated at Rockville, Maryland  
this 16<sup>th</sup> day of August, 1989.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

ALFRED J. MORABITO

(Senior Operator License for Beaver  
Valley, Unit 1)

Docket No. (s) 55-60755-5P

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER 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.

Administrative Judge  
Charles Bechhoefer, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

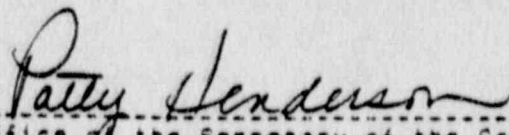
Dr. David L. Hetrick, Professor  
Dept. of Nuclear & Energy Engrg  
University of Arizona  
Tucson, AZ 85721

Colleen P. Woodhead, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Alfred J. Morabito  
685 Tulip Drive  
New Brighton, PA 15066

J.M. Gutierrez  
U.S. Nuclear Regulatory Commission  
Region I  
631 Park Avenue  
King of Prussia, PA 19406

Dated at Rockville, Md. this  
16 day of August 1989

  
Office of the Secretary of the Commission