



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

October 16, 1989

The Honorable Arlen Specter
United States Senator
The Federal Building
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

Dear Senator Specter:

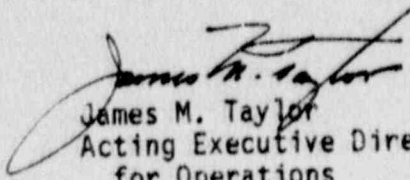
This responds to your letter of September 14, 1989, regarding Mr. Alfred Morabito, who in his communication to you asserted that the Commission, in an order issued on August 16, 1989, was "under the incorrect assumption that [he] accepted employment outside the Nuclear Group." Mr. Morabito's concern is made clearer by a recent letter to Senator Heinz in which he explained that he had not "accepted" employment outside the nuclear field, but had been "reassigned."

The Commission's reference to Mr. Morabito's "acceptance" of employment outside the nuclear field was not intended to make any representation as to whether that transfer was voluntary. It was intended, rather, to explain that Mr. Morabito could not be issued a valid senior reactor operator's license because under the Commission's regulations (10 CFR Part 55), one prerequisite for receiving such a license is a certification from the employer that the employee's job requires such a license. The necessary certification had been withdrawn by the facility licensee, Duquesne Light Company, prior to the Commission's determination.

Mr. Morabito has never disputed, to our knowledge, that the job he now holds is outside the nuclear area. Nor has he argued, in his filings before the Commission, that he can be issued a valid license at this time. Rather, Mr. Morabito claims that having been found to have passed the examinations for a license prior to his transfer from the nuclear area, he is entitled to a retroactively granted and retroactively revoked license, so that he can represent to prospective employers that he has held an NRC senior reactor operator's license. The Commission's order of July 15, 1989, while denying the request for the issuance of an already invalid license, nevertheless was explicit in stating that Mr. Morabito can represent to any prospective employer that he passed the examinations necessary for a senior reactor operator's license.

I trust that this is responsive to your concerns.

Sincerely,


James M. Taylor
Acting Executive Director
for Operations

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