



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

October 16, 1989

The Honorable H. John Heinz, III  
United States Senator  
2031 Federal Building  
1000 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

Dear Senator Heinz:

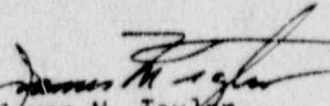
This responds to your referral memorandum of September 19, 1989, on behalf of Mr. Alfred J. Morabito, who in his communication to you asserted that the Commission, in an order issued on August 16, 1989, erred in stating that he had "accepted" employment outside the nuclear field. In reality, Mr. Morabito stated, he was "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 regulation (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 The necessary certification had been withdrawn by the facility licensee, Duquesne Light Company, prior to the Commission's determination.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 all 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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Original Signed By:  
James M. Taylor  
James M. Taylor  
Acting Executive Director  
for Operations

Rewritten in OGC  
\*See previous concurrences

Document Name: GT 4772

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