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DOCKETED October 14, 1998  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION 98 OCT 15 P2:58

BEFORE THE PRESIDING OFFICER OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

In the Matter of	)	
	)	
SHAUN P. O'HERN	)	Docket No. 55-32442-SP
	)	
(Denial of Reactor Operator's License	)	ASLBP No. 99-753-01-SP
Application)	)	

NRC STAFF'S RESPONSE TO REQUEST FOR HEARING  
FILED BY APPLICANT, SHAUN P. O'HERN

BACKGROUND

On May 29, 1998, Shaun P. O'Hern, an applicant for a reactor operator license, requested an informal NRC staff review of the proposed denial of his application, based upon the grading of the written examination. On September 7, 1998, after review of the matter, the NRC staff (Staff) informed Mr. O'Hern that the proposed denial had been sustained. By letter dated September 22, 1998, Mr. O'Hern filed a request for hearing.

On October 8, 1998, the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel issued an order designating a Presiding Officer to rule on the request for hearing and, as necessary, to conduct an informal adjudicatory hearing in accordance with 10 C.F.R. Part 2 Subpart L.

The Staff hereby files its response to Mr. O'Hern's request for hearing, pursuant to 10 C.F.R. § 2.1205(g).

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DISCUSSION

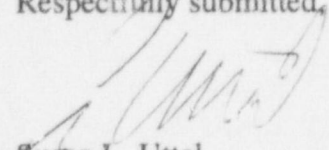
An applicant for a license who desires a hearing on a proposed denial of a license application, must file a request for hearing within the time limitations of 10 C.F.R. § 2.103 (i.e. within twenty (20) days of the date of the notice). See 10 C.F.R. § 2.1205(b). Mr. O'Hern filed the instant hearing request within the appropriate time limit. See 10 C.F.R. §§ 2.103(b)(2) and 2.710. Therefore, the Staff has no objection to the hearing request.

Mr. O'Hern indicated in his request for hearing that he has been unable to perform a complete review of the NRC's contentions due to the refueling outage at Fermi 2, but did not explain how or why the refueling outage has impacted his ability to review the contentions. He also did not specify his objections to the NRC's contentions. The Staff requests that the Presiding Officer set a date certain for Mr. O'Hern to provide a specification of his claims, so that the Staff will be able to address his objections and provide pertinent documents to the hearing file.

CONCLUSION

Shaun P. O'Hern filed a request for hearing on the denial of his application for a senior operator license in a timely manner. The Staff does not object to the granting of the request for hearing, and requests that the Presiding Officer set date certain for submission of a specification of claims by Mr. O'Hern.

Respectfully submitted,

  
Susan L. Uttal  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 14th day of October, 1998

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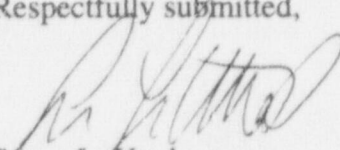
In the Matter of	)	
	)	
SHAUN P. O'HERN	)	Docket No. 55-37442-SP
	)	OFFICE OF SECRETARY OF PUBLIC HEARINGS AND ADJUDICATIONS STAFF
(Denial of Reactor Operator's License Application)	)	ASLBP No. 99-753-01-SP
	)	

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name:	Susan L. Uttal
Address:	U.S. Nuclear Regulatory Commission Office of the General Counsel Washington, D.C. 20555
Telephone Number:	301-415-1582
Facsimile Number:	301-415-3725
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Admissions:	New Jersey Pennsylvania Maryland U.S. Supreme Court
Name of Party:	NRC Staff

Respectfully submitted,

  
Susan L. Uttal  
Counsel for NRC Staff

Dated in Rockville, Maryland  
this 14th day of October, 1998

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO REQUEST FOR HEARING FILED BY APPLICANT, SHAUN P. O'HERN" and "NOTICE OF APPEARANCE" for Susan L. Uttal, in the above-captioned proceeding have been served on the following by U.S. Mail, first class, or, as indicated by a single asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated with double asterisks by facsimile transmission, this 14th day of October, 1998:

Administrative Judge  
Peter B. Bloch\*  
Presiding Officer  
Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555  
FAX: 301-415-5595

Adjudicatory File\* (2)  
Atomic Safety and Licensing Board  
Mail Stop: T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

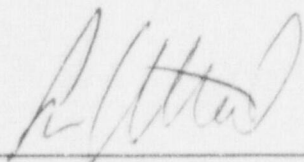
Administrative Judge  
Richard F. Cole\*  
Special Assistant  
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Atomic Safety and Licensing Board  
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Shaun P. O'Hern  
3504 Iroquis  
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Secretary\* (2)  
Attn: Rulemakings and  
Adjudications Staff  
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Washington, D. C. 20555

Office of Commission Appellate  
Adjudication\*  
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Washington, D. C. 20555

  
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Susan L. Uttal  
Counsel for NRC Staff