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October 19, 1998  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:  
Peter B. Bloch, Presiding Officer  
Dr. Richard F. Cole, Special Assistant

SERVED OCT 19 1998

In the matter of  
  
SHAUN P. O'HERN  
(Denial of Reactor Operator's License)

Docket No. 55-32442-SP

Appeal of Denial  
of Operator's License

ASLBP No. 99-753-01-SP

MEMORANDUM AND ORDER  
(Establishing Schedule for the Case)

Shaun P. O'Hern filed a letter of September 22, 1998 in which he requested a hearing (Request). The Staff of the Nuclear Regulatory Commission (Staff) filed a "Response to Request for Hearing Filed by Applicant Shaun P. O'Hern" on October 14, 1998. The Staff concludes that the filing is timely, under the regulations, and has no objection to the hearing request filed by Mr. O'Hern. I agree with the Staff. Accordingly, the request for a hearing is *granted*. 10 C.F.R. § 2.1201(a)(2), (b); 10 C.F.R. § 2.1205(b); 10 C.F.R. § 2.103(b)(1). The parties to this proceeding are Mr. O'Hern and the Staff.

Staff requests that I establish a date by which Mr. O'Hern shall specify his claims. In his Request, Mr. O'Hern stated that he wanted a hearing "because I feel that not all of the questions reviewed under the informal NRC Staff review of my exam have been

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adequately addressed." He also stated that, due to a refueling outage he had not been able to perform a complete review.

In fulfillment of my obligation to manage this proceeding, I have decided to grant the Staff's request without waiting for a response from Mr. O'Hern. I shall set a date of no later than November 3, 1998 by which Mr. O'Hern will specify the examination questions that he wishes to make a subject of this hearing. Because I am authorizing this additional step, in which issues will be specified, Staff may have 21 days from the date of Mr. O'Hern's filing within which to prepare and serve a Hearing File, pursuant to 10 C.F.R. § 2.1231. Within 30 days of the service of the Hearing File on him, Mr. O'Hern will file the Written Presentation described in detail in 10 C.F.R. § 2.1233. Staff may then respond within 20 days.

Parties may promptly request extensions of time for good cause shown. Requests for an extension of time should not be made within five days of the time a filing is due unless there is an emergency.

#### ORDER

For all the foregoing reasons and upon consideration of the entire record in this matter, it is this 19th day of October, 1998, ORDERED, that:

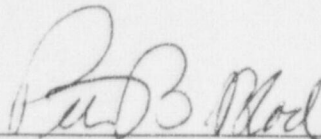
1. The Hearing requested by Mr. Shaun P. O'Hern is granted under 10 C.F.R. Part 2, Subpart L.
2. By no later than November 3, 1998, Mr. Shaun P. O'Hern will specify the examination questions that he wishes to make a subject of this hearing.

3. The Staff of the Nuclear Regulatory Commission (Staff) may have 21 days from the date of Mr. O'Hern's filing within which to prepare and serve a Hearing File.

4. Within 30 days of the service of the Hearing File on him, Mr. O'Hern will file the Written Presentation described in detail in 10 C.F.R. § 2.1233.

5. Within 20 days of receiving Mr. O'Hern's Written Presentation, the Staff will file its Written Presentation.

6. Requests for extensions of time may be filed promptly. Requests must be filed more than five days before a filing is due except in cases of emergency.



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Peter B. Bloch, Administrative Judge  
Presiding Officer

Rockville, Maryland

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

SHAUN P. O'HERN

(Denial of Reactor Operator's  
License Application)

Docket No.(s) 55-32442-SP

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (ESTABL'G SCHEDULE...) 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.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

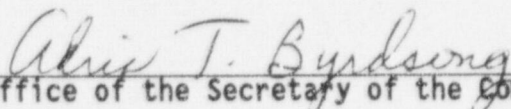
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Shaun P. O'Hern  
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Dated at Rockville, Md. this  
19 day of October 1988

  
Office of the Secretary of the Commission