

## THE CARLA SMITH WAIVER PROCESS

Following the grading of the 2011 Vogtle exam, P. Capehart sent emails to both M. Meeks and J. Hopkins independently asking them if they would recommend giving a waiver to the applicants they examined (for future exams). Both M. Meeks and J. Hopkins recommended to not grant waivers for Carla Smith (reference attached emails). Carla was the only applicant that was not recommended for a routine waiver. P. Capehart forwarded these recommendations to M. Widmann, along with his own recommendation to not grant a waiver for Carla Smith.

On June 7, 2011, [REDACTED], Vogtle operations training supervisor, sent an email to M. Meeks discussing the potential waiver requests for the upcoming March 2012 initial exam. Of note in this email, [REDACTED] identifies Carla Smith as one of three applicants from the 2011 exam that Vogtle identified as requiring further evaluation. M. Meeks had been assigned as the Chief Examiner (under instruction) for the March 2012 exam, with M. Bates assigned as the Chief Examiner of record. After receiving this email, M. Meeks consulted with P. Capehart, J. Hopkins, M. Bates, and M. Widmann to formulate a consolidated response from the region. Because everyone agreed that Carla Smith's performance on the 2011 exam was sufficiently poor to not grant a routine waiver, the decision was made to notify Vogtle that all of the other applicants, except Carla Smith, would probably receive the routine waiver of the operating test. For Carla Smith, it was agreed to notify Vogtle that if she submitted a waiver request for the operating test, "...for C. Smith, Region II would likely deny a waiver of the operating test portion of the exam." M. Meeks replied to [REDACTED] email on August 2, 2011.

In Carla Smith's cover letter to request an appeal, she states:

It is understood that a waiver is granted on a case by case basis. If the intent was to deny the waiver then the applicant should have the opportunity to formally submit a waiver for review. If the regional office decided to deny the waiver then per ES-204, Page 2 of 7: "the regional office shall promptly notify the applicant in writing concerning the disposition of the request, and provide an explanation for the denial." Unfortunately this did not occur, The NRC examiners on the current examination team (to include the operating test examiner) were consulted and they strongly discouraged the submittal of a waiver of the operating exam on my behalf.

Throughout the exam development process, at no time did anyone from the NRC notify either Vogtle training personnel, or Carla Smith directly, that they were prohibited from submitting a waiver request from Carla Smith. As evidenced from the above statement and the attached emails, the consistent message to the Vogtle training management (there was no direct communication between anyone in the NRC and Carla Smith) was that if a waiver request was submitted, “it would likely be denied by the region.” Contrary to the applicant’s contention cited above, the “operating test examiner,” M. Bates, did not have any interaction with Carla Smith directly concerning her potential operating test waiver. Furthermore, M. Bates was not directly involved in the discussions concerning Carla Smith’s performance on the 2011 exam—the decision to likely deny a waiver was made by the 2011 exam team (P. Capehart, J. Hopkins, and M. Meeks), in consultation with the branch chief, independently of any input from M. Bates. Additional information concerning M. Bates’ assignment as Carla Smith’s examiner of record are included in a following section.

Irrespective of the region’s likely denial of an operating test waiver for Carla Smith, the facility licensee did not submit any waiver request to the region. Therefore, the region never denied any waiver. Furthermore, the region never formally sent a letter to Carla Smith explaining a denial of a waiver (per ES-204) because the waiver request was never submitted.

In the applicant’s cover letter to her appeal of the grading of her operating test, she states:

It is unclear to the applicant why I was required to retake the operating test. The applicant passed the previous years’ simulator test with some margin and scored 100% (pass) on the JPM portion, (see results). Another applicant passed the JPM portion with the minimum score and was granted a waiver.

The other referenced applicant from the 2011 exam is [REDACTED]. For his operating test, he has three total comments on the entire simulator scenarios. Although [REDACTED] was graded as “UNSAT” on three JPMs, two of these are administrative JPMs and one was a simulator JPM. A comparison between the two applicants’ grading of the 2011 operating test is shown below:

Operating Test Portion	Carla Smith	
Total Number of Simulator Scenario Comments	12	3
Number of Administrative JPM Failures	0	2
Number of System/In-Plant JPM Failures	0	1
Number of Administrative JPMS with Comments	1	1
Number of System/In-Plant JPMS with Comments	5	2

As stated in NUREG 1021, ES-301 B.3., the simulator scenario portion of the operating test is “...the most performance-based aspect of the operating test and is used to evaluate the applicant’s ability to safely operate the plant’s systems under dynamic, integrated conditions.” With this guidance in mind, the applicant’s comparative performance on the dynamic simulator scenarios weighed more heavily in the regional decision to grant the waiver to [REDACTED]; on the one hand, and to notify the facility that the region would likely deny the waiver for Carla Smith, on the other.

In hindsight, Carla Smith’s performance on the dynamic simulator portion of the 2012 exam, which led to documentation of approximately 18 comments on the 303 form, retroactively supports the region’s position that her performance on the 2011 exam warranted additional evaluation on the 2012 exam.