

April 8, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CHARLISSA C. SMITH) Docket No. 55-23694-SP
)
(Denial of Senior Reactor)
Operator License Application))
)

NRC STAFF ANSWER OPPOSING MS. SMITH'S MOTION TO COMPEL DISCOVERY OF
DOCUMENTS PROTECTED BY THE DELIBERATIVE PROCESS PRIVILEGE

INTRODUCTION

Pursuant to 10 C.F.R. § 2.323(c), the Staff of the Nuclear Regulatory Commission (Staff or NRC Staff) hereby files its answer to "Request Motion to Compel Disclosure of Items on Attachment 2: Privilege Log Submitted on March 21, 2013" (Motion to Compel) submitted on March 29, 2013 by CharliSSa C. Smith (Ms. Smith).¹ The Staff opposes the Motion to Compel with respect to those documents protected by the deliberative process privilege as explained below.

BACKGROUND

Ms. Smith moves to compel the disclosure of eight documents identified on the Staff privilege log, specifically, those documents with the following Agencywide Documents Access and Management System (ADAMS) Accession Numbers: ML13071A261, ML13071A228,

¹ Request Motion to Compel Disclosure of Items on Attachment 2: Privilege Log Submitted on March 21, 2013 (dated Mar. 28, 2013, but filed on Mar. 29, 2013) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13088A011) (Motion to Compel).

ML13070A067, ML13070A050, ML13070A070, ML13071A226, ML13070A072, and ML13070A074.²

The first four of these NRC Staff predecisional deliberative documents, ML13071A261, ML13071A228, ML13070A067, ML13070A050, are described on the privilege log as satisfying the deliberative process privilege as “[e]mails with discussion of draft informal review.”³ Ms. Smith requested an informal review of her failed 2012 operating test on June 5, 2012.⁴ Generally, these emails, with the exception of ML13071A228, contain the input of various individual Staff members related to the then-ongoing composition of the NRC Staff “Informal Review Results” document memorializing the informal review of Ms. Smith’s 2012 operating test failure.

The remaining four requested NRC Staff predecisional deliberative documents, ML13070A070, ML13071A226, ML13070A072, ML13070A074, are described on the privilege log as satisfying the deliberative process privilege as drafts of the NRC Staff Informal Review Results document.⁵ Specifically, these documents are revisions 1-4 of the NRC Staff Informal Review Results document. A redacted version of the final revision of the NRC Staff Informal Review Results document, revision 5, is available to Ms. Smith as part of the hearing file.⁶ Additionally, the hearing file contains two versions of the NRC Staff Informal Review Results

² *Id.* at 1.

³ Letter from David Cylkowski, Counsel for the NRC Staff, to Ronald M. Spritzer, William J. Froehlich, Brian K. Hajek, Atomic Safety and Licensing Board Members, Attachment 2 - CharliSSa Smith SRO License Denial Hearing File and Mandatory Disclosures Privilege Log - Initial Disclosures (Mar. 21, 2013) (ADAMS Accession No. ML13080A502) (Privilege Log).

⁴ Letter from CharliSSa C. Smith to Director, Division of Inspection and Regional Support, NRC, Appeal Request for Re-grade Vogtle 2012 Exam (June 5, 2012) (ADAMS Accession No. ML13074A558) (Informal Review Request).

⁵ Privilege Log.

⁶ Informal Review Results – CharliSSa C. Smith Senior Reactor Operator Applicant, Vogtle Electric Generating Plant (Rev. 5, Redacted) (ADAMS Accession Nos. ML13079A367 (unsigned), ML13079A399 (signed)) (Informal Review Results, Rev. 5).

document that predate revision 1.⁷ A summary of the final revision of the NRC Staff Informal Review Results document was mailed to Ms. Smith contemporaneously and a redacted version of this document is also included in the hearing file.⁸

Finally, with respect to all of the requested documents, with the exception of ML13071A228 as explained below, the designated NRC official has asserted the deliberative process privilege after personal review and consideration, has stated with particularity, in combination with the privilege log, the information subject to the privilege, and has stated precise and certain reasons for preserving the confidentiality of the documents.⁹

DISCUSSION

I. LEGAL STANDARDS FOR THE DELIBERATIVE PROCESS PRIVILEGE

Final NRC records and documents shall not be exempt from disclosure except for, *inter alia*, “[i]nteragency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Commission.”¹⁰ This exemption is substantively identical to Exemption 5 of the Freedom of Information Act (FOIA).¹¹ Exemption 5 of the FOIA protects from disclosure those documents normally privileged in civil discovery, “including documents protected by the common law predecisional or deliberative process privilege.”¹² The deliberative process privilege is unique to the government.¹³ It protects inter-

⁷ See “Redacted VogtleSimsScenappeal2012.pdf” (ADAMS Accession No. ML13079A344); “Redacted VogtleSimsScenappeal2012 1.pdf” (ADAMS Accession No. ML13079A352).

⁸ Letter from Ho. K. Nieh, Director, Division of Inspection and Regional Support, NRC, to Charliisa C. Smith, Summary of Informal Review Results Sustaining Failure of Operating Test (Nov. 15, 2012) (ADAMS Accession No. ML13080A100); “Redacted Vogtle SRO Sim Appeal failure ltr FINAL.pdf” (ADAMS Accession No. ML13080A094).

⁹ See Declaration of Ho Neih (Apr. 8, 2013); Privilege Log.

¹⁰ 10 C.F.R. § 2.390(a)(5).

¹¹ See 5 U.S.C. § 552(b)(5).

¹² *Georgia Power Co.* (Vogtle Electric Generating Plant, Units 1 and 2), CLI-94-5, 39 NRC 190, 197 (1994) (citing *Jordan v. Department of Justice*, 591 F.2d 753, 772 (D.C. Cir. 1978)).

and intra-agency communications “reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated.”¹⁴ The privilege is not limited to policymaking communications; rather, it may attach to “the deliberative process that precedes most decisions of government agencies.”¹⁵

The purposes for the deliberative process privilege are that:

First, [the privilege] protects creative debate and candid consideration of alternatives within an agency, and, thereby, improves the quality of agency policy decisions. Second, it protects the public from the confusion that would result from premature exposure to discussions occurring before the policies affecting it had actually been settled upon. And third, it protects the integrity of the decision-making process itself by confirming that officials would be judged by what they decided, not for matters they considered before making up their minds.¹⁶

This logic has been endorsed by the Supreme Court, which has stated that, “[t]he deliberative process privilege rests on the obvious realization that officials will not communicate candidly among themselves if each remark is a potential item of discovery and front page news.”¹⁷

Communications protected under the deliberative process privilege must be both (1) “predecisional” and (2) “deliberative.”¹⁸ Communications are predecisional if they were prepared before the adoption of an agency decision and specifically prepared to assist the decision-maker in arriving at his or her decision.¹⁹ Communications are deliberative if they

¹³ *Id.*

¹⁴ *Id.* (quoting *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 150–53 (1975)).

¹⁵ *Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1)*, ALAB-773, 19 NRC 1333, 1341 (1984).

¹⁶ *Vogtle*, CLI-94-5, 39 NRC at 197 (quoting *Jordan*, 591 F.2d at 772–73).

¹⁷ *Dep’t of Interior and Bureau of Indian Affairs v. Klamath Water Users Protective Ass’n*, 532 U.S. 1, 8-9 (2001).

¹⁸ *Vogtle*, CLI-94-5, 39 NRC at 197.

¹⁹ *Id.*

reflect a consultative process,²⁰ that is, if they “contain[] opinions, recommendations, or advice pertaining to agency decisions.”²¹ Thus, Federal Courts have held that communications protected by the deliberative process privilege include “the raw materials that went into the formulation” of an agency Commissioner’s remarks, as well as “a preliminary draft of . . . [an] official document.”²²

Factual material is not protected by the privilege, unless the factual material is “inextricably intertwined” with the predecisional and deliberative material so that its disclosure would reveal the deliberative process of the agency.²³

The deliberative process privilege is a qualified privilege.²⁴ This means that the agency claiming the privilege bears the initial burden of demonstrating that it is applicable.²⁵ Once this demonstration is made, the privilege can only be defeated by a demonstration of an overriding need for the material.²⁶

II. THE DELIBERATIVE PROCESS PRIVILEGE APPLIES TO DOCUMENTS
ML13071A261, ML13070A067, ML13070A050, ML13070A070, ML13071A226,
ML13070A072, ML13070A074

The documents ML13071A261, ML13070A067, ML13070A050, ML13070A070, ML13071A226, ML13070A072, and ML13070A074 requested by Ms. Smith are protected by the deliberative process privilege and the designated NRC official asserts the deliberative process

²⁰ *Id.* at 198.

²¹ *Dairyland Power Co-op. v. United States*, 77 Fed. Cl. 330, 337 (2007) (quoting *Abramson v. United States*, 39 Fed. Cl. 290, 295 (1997)).

²² *Shoreham*, ALAB-773, 19 NRC at 1342.

²³ *Vogtle*, CLI-94-5, 39 NRC at 198.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

privilege with respect to them.²⁷ These documents are protected because they are contemporaneous documents related to a then on-going agency decision-making process, created as part of the internal debate among individual Staff members through which the final agency decision was ultimately reached with respect to Ms. Smith's informal review request. Additionally, protecting these seven documents is in accordance with the purposes of the deliberative process privilege.

The seven documents are of two types: non-final drafts of the NRC Staff Informal Review Results document and emails discussing the content of these drafts. Such non-final drafts of an official Agency document and comments on these drafts are *per se* protected by the deliberative process privilege.²⁸

First, the documents are predecisional because they were prepared before the final Agency decision regarding the informal review requested by Ms. Smith as part of the process to arrive at that final Agency decision. Ms. Smith points out that one early draft of the document indicates that the re-grade results in a passing score whereas other early drafts indicate that the re-grade sustains her failing score.²⁹ She states that this difference demonstrates that the review panel did make a "decision consistent with issuing a reactor operator license" but that this final decision was later changed from pass to fail.³⁰ However, what the alleged existence of such differences in different drafts and emails actually demonstrates is that these documents were simply part of a continuing decision-making process that culminated in the final Agency decision sustaining Ms. Smith's failure, which is described in the final NRC Staff Informal

²⁷ Declaration of Ho Neih (Apr. 8, 2013).

²⁸ *Russell v. Department of the Air Force*, 682 F.2d 1045 (D.C. Cir. 1982) (holding that drafts and comments on drafts of an Air Force historical study are shielded by FOIA Exemption 5 because releasing these documents would prevent their authors from acting candidly, could lead to public confusion regarding the official Air Force view, and would inappropriately "disrob[e]" an agency decision-maker's judgment).

²⁹ Motion to Compel at 2.

³⁰ *Id.* at 2-3.

Review Results document. The earlier recommendation of passing was not a final Agency decision, but was one of several individual NRC Staff member's interpretations that were debated as part of the process to assist the ultimate decision-maker in arriving at the actual final Agency decision, which was a confirmation of Ms. Smith's 2012 operating test failure.

Second, the documents are deliberative because they reflect a consultative process in that they contain the opinions, recommendations, or advice of various individual NRC Staff members pertaining to the Agency decision on Ms. Smith's informal review request.

Third, protecting these seven documents is in accordance with the purposes of the deliberative process privilege. Their protection protects creative debate and candid consideration of alternatives within the Agency, thus improving Agency decisions. To release such non-final documents detailing the debate over the particulars of the re-grading of Ms. Smith's operating test would chill future such debate and inhibit NRC Staff members from fully developing their viewpoints and collaborating with one another. Also, releasing these documents could confuse the final Agency interpretation of how each portion of Ms. Smith's operating test should be graded, in that non-final drafts and comments could be used inappropriately as representative of the official view of the Agency, rather than as merely preliminary views of individual NRC Staff members. Finally, the protection of these documents protects the integrity of the NRC Staff decision-making process. Disclosing the internal workings of the Agency and showing how the ultimate decision-maker acted with respect to the options presented to him or her is exactly what the deliberative process privilege seeks to prevent.

For these reasons, the documents ML13071A261, ML13070A067, ML13070A050, ML13070A070, ML13071A226, ML13070A072, and ML13070A074 requested by Ms. Smith are protected by the deliberative process privilege.

III. THE DELIBERATIVE PROCESS PRIVILEGE DOES NOT APPLY TO DOCUMENT ML13071A228

Ms. Smith also requests the disclosure of document ML13071A228, which was initially listed among the several other privileged documents. ML13071A228 is a series of emails transmitting a document entitled "List of AP1000 Critical Tasks Final." These emails basically communicate the disclaimer that the document attached thereto is a final document but subject to future revision. This type of communication is not protected because it does not represent opinions, recommendations, or advice pertaining to the development of some final agency decision; rather, it is a statement of fact unrelated to on-going decision-making. Therefore, upon further personal review, the designated NRC official does not assert the deliberative process privilege with respect to this document.³¹ Since ML13071A228 is not privileged, the Staff does not oppose its disclosure.

IV. WITH RESPECT TO THOSE DOCUMENTS TO WHICH THE DELIBERATIVE PROCESS PRIVILEGE DOES APPLY, MS. SMITH HAS NOT DEMONSTRATED AN OVERRIDING NEED FOR THE DOCUMENTS SUFFICIENT TO DEFEAT THE PRIVILEGE

The Staff has a valid claim of deliberative process privilege with respect to documents ML13071A261, ML13070A067, ML13070A050, ML13070A070, ML13071A226, ML13070A072, and ML13070A074. A valid claim of deliberative process privilege can only be overcome by "some overriding need or special circumstances."³² In weighing the requestor's need for the protected material against the Government's interest in confidentiality, courts have frequently considered five factors:

- (i) the relevance of the evidence sought to be protected;
- (ii) the availability of other evidence;
- (iii) the 'seriousness' of the litigation and the issues involved;
- (iv) the role of the government in the litigation; and
- (v) the possibility of future timidity by government

³¹ Declaration of Ho Neih (Apr. 8, 2013).

³² *Shoreham*, ALAB-773, 19 NRC at 1343.

employees who will be forced to recognize that their secrets are violable.³³

In general, if a document is deliberative and predecisional some harm to the consultative process is presumed to result from disclosure.³⁴ Ms. Smith has not demonstrated an overriding need or special circumstances sufficient to overcome this presumed harm and defeat the deliberative process privilege because the information that she seeks regarding the re-grading of her 2012 operating test is either available from other sources or not relevant to the controversy at issue in this proceeding.

Ms. Smith has raised the following arguments in this proceeding to support her claim that her senior reactor operator license application was improperly denied. She has argued that she shouldn't have been required to take the 2012 operating test in the first place because she passed the 2011 operating test and achieved a higher score on the JPM portion than another applicant who was granted a waiver.³⁵ She stated that she was not given the opportunity to submit a waiver of the 2012 operating test because the Staff "strongly discouraged the submittal of a waiver of the operating exam on [her] behalf."³⁶ Furthermore, she claimed that the evaluators of the 2012 operating test were biased against her based upon her performance on the 2011 operating test and, as a result, held her to a different standard than other applicants.³⁷ Finally, she identified seven issues with the grading of her 2012 operating test.³⁸

Ms. Smith's first argument in favor of the disclosure of the privileged documents is that, though her request for an informal review identified seven issues with the grading of the 2012 operating test, the Staff had only responded to one of those issues in its letter to her

³³ *In re Subpoena Served upon Comptroller of Currency*, 967 F.2d 630, 634 (D.C. Cir. 1992).

³⁴ *Dairyland*, 77 Fed. Cl. at 337.

³⁵ Informal Review Request at 1.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Motion to Compel at 1.

summarizing the final NRC Staff Informal Review Results document.³⁹ Therefore, she is requesting the disclosure of the Staff work product in order to rectify this alleged omission. However, the requested documents encompassing revisions 1-4 of the NRC Staff Informal Review Results document and email comments relating to these revisions are not required to address this alleged omission, because revision 5 to the NRC Staff Informal Review Results document is the complete final Agency decision on the re-grading of Ms. Smith's 2012 operating test and it is already available to Ms. Smith in the hearing file.⁴⁰ In fact, this Staff document explicitly addresses eleven "contentions" that it attributes to Ms. Smith.⁴¹ Because other sources are available to address this concern, Ms. Smith's first argument is insufficient to overcome the presumed harm from the disclosure of the seven documents protected by the deliberative process privilege.

Ms. Smith's second argument in favor of the disclosure of the privileged documents is that the Staff re-grading was conducted improperly because the Staff "focused on finding additional comments to sustain the failure versus determining if the petitioner met the requirements of Title 10, Section 55.33(a) of the Code of Federal Regulations" so that Ms. Smith was not "being evaluated by an equal standard."⁴² Similar to Ms. Smith's bare assertion that the 2012 operating test evaluators were biased, this second argument extends that claim of bias to include the informal review panel members due to their being provided comments on the informal review by the NRC Region to which the 2012 operating test evaluators belong (*i.e.*, Region II).⁴³ This second argument fails to overcome the deliberative process privilege for three reasons. First, any alleged bias of the informal review panel is not relevant to the controversy at

³⁹ *Id.*

⁴⁰ Informal Review Results, Rev. 5.

⁴¹ *Id.*

⁴² Motion to Compel at 1-2, 4.

⁴³ See "Region II Comments on Finalized Panel Recommendations (MAB) rev 2 12OCT2012.docx" (ADAMS Accession No ML13071A242).

issue in this proceeding. Second, the requested privileged documents are not relevant to the alleged bias of the evaluators. Third, the documentation of Region II's interaction with the informal review process is already available to Ms. Smith from another source.

As discussed above, Ms. Smith argues in this proceeding that her senior reactor operator license application was improperly denied because, *inter alia*, there were errors in the grading of her 2012 operating test sufficient to change her score from failing to passing. Her 2012 operating test has been graded on two separate occasions, once by the 2012 operating test evaluators and once by the informal review panel. In ruling on the Staff denial of Ms. Smith's application, this Atomic Safety and Licensing Board Panel (Board) will, in part, evaluate Ms. Smith's claims of error against the grading determinations made by both the 2012 operating test evaluators and the informal review panel. The final decision of the informal review panel is relevant as an example of the Staff's approach to grading operating tests. This, in turn, is relevant to how Ms. Smith's 2012 operating test should be graded and whether this grading results in a passing score. However, whether the informal review panel was influenced by bias is not relevant to the denial of Ms. Smith's application. Therefore, a request to compel disclosure of the privileged documents in order to investigate the alleged bare assertion of bias of the informal review panel is not cognizable in this proceeding and thus the disclosure request should be denied.

Unlike the alleged bias of the informal review panel, the alleged bias of the 2012 operating test evaluators may be relevant to this proceeding because it was the observations of these evaluators that developed the record upon which the original grading and the later re-grading of Ms. Smith's 2012 operating test are based. Ms. Smith claims that the 2012 operating test evaluators were biased against her because of their knowledge of her 2011 operating test performance.⁴⁴ Also, she claims that these evaluators demonstrated this bias during the

⁴⁴ Informal Review Request at 1.

informal review process by trying to influence the informal review panel to reach a final decision of failing.⁴⁵ However, these arguments still do not overcome the deliberative process privilege. None of the requested privileged documents could be used to demonstrate the alleged bias by the 2012 operating test evaluators, because none of the documents were written by the evaluators or even by members of Region II. Additionally, documentation that represents the Region II opinion regarding the informal review is already available to Ms. Smith in the hearing file.⁴⁶ In any case, a bare assertion of bias should not overcome the established legal presumption that “governmental officials, acting in their official capacities, have properly discharged their duties.”⁴⁷ Rather, “[c]lear evidence” is usually required to rebut this presumption.⁴⁸

In conclusion, Ms. Smith has not demonstrated that there is an overriding need or special circumstances sufficient to overcome the harm to the consultative process presumed to result from the disclosure of the requested documents protected by the deliberative process privilege, because the requested documents are either not relevant or not necessary to the resolution of the controversy before this Board.

⁴⁵ Motion to Compel at 2-4.

⁴⁶ “Region II Comments on Finalized Panel Recommendations (MAB) rev 2 12OCT2012.docx” (ADAMS Accession No ML13071A242).

⁴⁷ *Louisiana Energy Services, L.P.* (Nat’l Enrichment Facility), CLI-06-22, 64 NRC 37, 49 n.48 (2006) (citing *Nat’l Archives and Records Admin. v. Favish*, 541 U.S. 157, 174 (2004)).

⁴⁸ *Id.*

CONCLUSION

Accordingly, the Staff respectfully requests that the Motion to Compel be denied, with the exception of its request to compel disclosure of document ML13071A228.

Respectfully submitted,

/Signed (electronically) by/

Jeremy L. Wachutka
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
Telephone: (301) 415-1571
E-mail: Jeremy.Wachutka@nrc.gov

April 8, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CHARLISSA C. SMITH) Docket No. 55-23694-SP
)
(Denial of Senior Reactor)
Operator License Application))
)

DECLARATION OF HO NIEH

I, Ho Nieh, do hereby state as follows:

1. I am employed as the Director of the Division of Inspection and Regional Support (DIRS) in the U.S. Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR). My supervisory responsibilities include oversight of the NRC's operator licensing program.

2. As part of their responsibilities in updating the hearing file and mandatory disclosures for the above-captioned proceeding, NRC staff members identified documents as privileged for containing information concerning the Staff's predecisional deliberative process. The identified documents are listed in Attachment 2 to the Staff's initial hearing file submission dated March 21, 2013.

3. I have personally reviewed the documents identified as protected by the deliberative process privilege in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that all of the documents, with the exception of document ML13071A228, contain predecisional information concerning the Staff's informal review of CharliSSa C. Smith's 2012 operating test failure. These documents contain either the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect

the final agency position with respect to the matters discussed therein. The documents comprise part of the deliberative process necessary for the Staff's completion of the informal review.

4. Further, I have determined that disclosure of these documents could result in harm to the agency, in that it would (a) disclose the preliminary views of individual Staff members and/or the Staff and thus potentially could create confusion as to the actual policy or views of the NRC; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussion could serve to chill future deliberations and could interfere with its ability to engage in free exchange of opinions and analyses prior to publishing its final decisions; and (c) imply or suggest incorrectly that matters considered before the final agency decision may somehow call into doubt the integrity of that final decision.

5. Accordingly, I formally invoke the deliberative process privilege with respect to the documents listed as deliberative process in Attachment 2 to the Staff's initial hearing file submission dated March 21, 2013, with the exception of document ML13071A228.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Accordance with 10 CFR § 2.304(d)
Ho Nieh

Executed in Rockville, Maryland
this 8th day of April, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CHARLISSA C. SMITH) Docket No. 55-23694-SP
)
(Denial of Senior Reactor)
Operator License Application))
)

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing NRC STAFF ANSWER OPPOSING MS. SMITH'S MOTION TO COMPEL DISCOVERY OF DOCUMENTS PROTECTED BY THE DELIBERATIVE PROCESS PRIVILEGE dated April 8, 2013 have been served upon the Electronic Information Exchange, the NRC's E-Filing System, in the above captioned proceeding, this 8th day of April, 2013.

/Signed (electronically) by/
Jeremy L. Wachutka
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
Telephone: (301) 415-1571
E-mail: Jeremy.Wachutka@nrc.gov

Dated at Rockville, Maryland
this 8th day of April, 2013