

May 30, 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 TESTIMONY OF FRANK J. EHRHARDT CONCERNING THE CLAIM
BY CHARLISSA C. SMITH THAT THE NRC IMPROPERLY DENIED HER
SENIOR REACTOR OPERATOR LICENSE APPLICATION

Introduction

Q.1. Please state your name, occupation, and by whom you are employed.

A.1. My name is Frank J. Ehrhardt. I am employed by the U.S. Nuclear Regulatory Commission (Region II) as a Branch Chief in the Division of Reactor Projects. A statement of my professional qualifications is attached hereto, as Exhibit NRC-058.

Background

Q.2. Please explain what your overall duties have been in connection with the denial of the Senior Reactor Operator (SRO) license application of Charlissa C. Smith (Ms. Smith).

A.2. I had no duties in connection with the denial of Ms. Smith's 2011 or 2012 license applications. However, after Ms. Smith received a license denial letter (following the 2012 examination), she contacted the Director, DIRS, contending bias on the part of the examiners that administered her 2012 examination. I was assigned by Region II management to

independently assess Ms. Smith's contention of bias in regard to administration of the 2012 examination.

Q.3. Please explain your involvement in Ms. Smith's application.

A. 3. I had no duties in connection with applicant's 2011 or 2012 license applications.

Q.4. Explain what first-hand knowledge you had of the denial.

A.4 I have no first-hand knowledge regarding the denial of the applicant's 2011 or 2012 license applications. As stated before, after Ms. Smith received a license denial letter (following the 2012 examination), she contacted the Director, DIRS, contending bias on the part of the examiners. I was assigned by Region II management to independently assess Ms. Smith's contention of bias in regard to administration of the 2012 examination.

Q.5 Explain which individuals you spoke with directly who either administered the test or performed the review.

A.5 As part of the independent review, I spoke directly with P. Capehart, M. Meeks, and M. Bates. P. Capehart was the Chief Examiner for Ms. Smith's 2011 examination. M. Meeks conducted portions of Ms. Smith's 2011 and 2012 examinations. M. Bates was the Chief Examiner and Examiner of Record for Ms. Smith's 2012 examination.

Q.6 What other documentation did review?

A.6. I requested docket files for Ms. Smith, as well as other applicants who took the Vogtle 2012 examination, and applicants who had been granted operating test waivers between 1/1/09 and 6/30/12, from the Operator Licensing Assistant (OLA), J. Vincent. I used information contained in these docket files to complete the independent review.

Q. 7. Was there a request for the waiver request box checked on the NRC form 398?

A.7 The waiver request box on Ms. Smith's NRC form 398, in her docket file, for the 2012 Vogtle examination was not checked.

Q. 8. Describe any other comments you have.

A.8. While conducting the fairness review, neither the examiners involved in Ms. Smith's 2011 or 2012 examination, nor any member of NRC management, explicitly or implicitly attempted to influence the outcome and I reached my conclusions based on my independent review.

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I, Frank J. Ehrhardt do hereby declare under penalty of perjury that my statements in the foregoing testimony and my statement of professional qualifications are true and correct to the best of my knowledge and belief.

**Executed in Accordance with 10 C.F.R. §
2.304(d)**

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Executed in Rockville, Maryland
this 30th day of May, 2013