

July 15, 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 TO BOARD INFORMATION REQUESTS

The Nuclear Regulatory Commission (NRC) staff (Staff) provides the following information in response to the Atomic Safety and Licensing Board (Board) Order of July 10, 2013:

1. Proposed Exhibit CCS-014, at page 13 (handwritten page number) is part of the report entitled "Independent Review of Contentions Related to Waiver Process and Examiner Bias" (fairness report). This fairness report was developed in response to the request by CharliSSa C. Smith (Ms. Smith) that the NRC conduct an administrative review of her claims that Region II blocked the submission of her 2012 operating test waiver request and that the examiners of her 2012 operating test were biased against her due to their knowledge of her 2011 operating test performance. Frank Ehrhardt was the author of this report and is "the manager" referred to in the report. Mr. Ehrhardt did not retain the research substantiating the statement that "[t]he manager did find 33 instances over the last three years [(1/1/09 – 6/30/12)] when the region granted waivers of the operating test (11 SRO and 22 RO)" and that "the applicant's simulator test competency scores were, overall, significantly lower than any of the scores for those individuals who were granted waivers." However, Mr. Ehrhardt has reconstructed his original research to the best of his ability and it is attached as a table entitled

“Board Information Request 1.” Of note is that this reconstructed table contains 13 SRO and 19 RO applicants instead of the 11 SRO and 22 RO applicants as stated in the original fairness report. The Staff believes that this discrepancy was due to a clerical error during the initial research. However, Mr. Ehrhardt contends that this discrepancy would not have affected his original analysis.

2. Proposed Exhibit NRC-008 has been expanded to include the same information for all the Vogtle SRO and RO candidates that passed both the written exam and the operating test during the time period covered by NRC-008 and this expanded document is attached as “Board Information Request 2.”

3. All of the Forms ES-303 for all of the Vogtle SRO and RO license applicants who took the operating exam in either March 2011 and/or March/April 2012 are attached as three and six documents, respectively. These documents are privacy act/non-public and, as such, are filed *in camera*.

Respectfully submitted,

**/Signed (electronically) by/**

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing NRC STAFF ANSWER TO BOARD INFORMATION REQUESTS, dated July 15, 2013 have been served upon the Electronic Information Exchange, the NRC's E-Filing System, in the above captioned proceeding, this 15th day of July, 2013.

**/Signed (electronically) by/**  
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Dated at Rockville, Maryland  
this 15th day of July, 2013