

July 26, 2013

Administrative Judge  
Ronald M. Spritzer, Chair  
Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
Washington, DC 20555-001

Administrative Judge  
William J. Froehlich  
Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
Washington, DC 20555-0001

Administrative Judge  
Brian K. Hajek  
Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
Washington, DC 20555-0001

In the Matter of  
Charlissa C. Smith  
(Denial of Senior Reactor Operator License)  
Docket No. 55-23694-SP

Dear Administrative Judges:

Pursuant to 10 C.F.R. §§ 2.1203 and 2.336 and the Atomic Safety and Licensing Board's ("Board") Order dated March 20, 2013, the staff of the Nuclear Regulatory Commission ("Staff") has attached (Attachment 1) a log of documents withheld from disclosure due to an applicable privilege.

Pursuant to 10 C.F.R. § 2.336(c), the Staff also submits the Affidavit of John McHale, certifying that all relevant materials required by this section have been disclosed, and that the disclosures are accurate and complete as to documents identified by July 23, 2013 (Attachment 2).

The NRC Staff notes that it has made a good faith effort to identify and characterize all documents meeting the criteria of 10 C.F.R. § 2.336(b) and 10 C.F.R. § 2.1203 in this proceeding. In identifying these documents, the Staff does not concede their relevance to the issues to be decided in this proceeding.

Sincerely,

***Signed (electronically) by***

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David Cylkowski  
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Washington, DC 20555  
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Date of signature: July 26, 2013

Enclosures: Attachment 1: NRC Privilege Log Update 5  
Attachment 2: Affidavit of John McHale

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)	)	ASLBP No. 13-925-01-AP-BD01

CERTIFICATE OF SERVICE

I hereby certify that the letter from David Cylkowski to the Board dated July 26, 2013 has been served upon the Electronic Information Exchange, the NRC's E-Filing System, in the above-captioned proceeding, this 26th day of July, 2013.

**/Signed (electronically) by/**

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