

August 16, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF TESTIMONY OF JANET C. VINCENT
IN RESPONSE TO BOARD EXHIBIT BRD-013 AND MR. LEA'S TESTIMONY

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

A.1. My name is Janet C. Vincent. I am employed by the U.S. Nuclear Regulatory Commission (NRC), Region II, as an Operator Licensing Assistant (OLA) in the Division of Reactor Safety.

Q.2. Please describe the nature of your responsibilities on behalf of the NRC staff (Staff).

A.2. As an OLA, I am primarily responsible for processing all operator license applications, operator license waivers, operator license medical updates, operator license renewals, and operator license amendments. Additionally, I track and process all incoming correspondence, establish and maintain all administrative records, instruct the administrative staff in routine tasks related to Operator Licensing activities, generate all licensing actions, provide general support and assistance to Operations Branch 1 and 2 personnel, and respond to stakeholders requests for information and status inquiries.

Q.3. Please describe the history of your employment with the NRC.

A.3. I have been employed by the NRC, Region II, as an OLA since July 2009. In total, I have been employed by Region II since 1981. From 1981 to 1985, I worked as a file clerk and word processor. From 1985 to 1991, I worked as the Branch Secretary in the Division of Reactor Projects. From 1991 to 2006, I worked as the Division Secretary in the Division of Reactor Projects. From 2006 to 2009, I worked in the Office of the Regional Administrator.

Q.4. 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.4. Even though the Region II Operations Branch has two OLA's, one for Operations Branch 1 and one for Operations Branch 2, and I am technically assigned to Operations Branch 1 working for Malcolm Widmann, I currently serve as the primary OLA for both branches because the other OLA is relatively new to the job and is still in training. Similarly, the other OLA often assists with Operations Branch 1 work. Since it fell under Operations Branch 1, I processed the NRC Form 398 information for all of the Vogtle applicants, including Ms. Smith, into our tracking database. I also processed all of the Vogtle applicants' final licenses or denial letters. With respect to Ms. Smith's later FOIA requests, both the other OLA and I processed the requests by retrieving, redacting personally identifiable information (PII), and entering into the Agencywide Documents Access and Management System (ADAMS) the relevant documents.

Q.5. Please explain your professional relationship with Edwin Lea (Mr. Lea).

A.5. I have known Mr. Lea professionally since the mid-1980s when I was the Branch Secretary in the Division of Reactor Projects. I work with all of the operator examiners in both branches, including Mr. Lea, on a daily basis. As the lead OLA, I prepare all of the correspondence that requires the review and concurrence of these operator examiners.

Q.6. Did you observe the examination team of Phillip Capehart, Jay Hopkins, and Michael Meeks following the Vogtle operator examinations of March/April 2011?

A.6. Yes, I did.

Q.7. Did you have any reason to believe that they treated this examination, or any applicant taking this examination, differently than any other examination or applicant?

A.7. No, I did not.

Q.8. Do you recall hearing at that time any examiner conversations specifically about Ms. Smith with respect to this examination?

A.8. No, I do not.

Q.9. Did you observe the examination team of Mark Bates, Michael Meeks, and Phillip Capehart following the Vogtle operator examinations of March/April 2012?

A.9. Yes, I did.

Q.10. Did you have any reason to believe that they treated this examination, or any applicant taking this examination, differently than any other examination or applicant?

A.10. No, I did not.

Q.11. Do you recall hearing at that time any examiner conversations specifically about Ms. Smith with respect to this examination?

A.11. No, I do not.

Q.12. Based on your observations of these examination teams, how would you generally describe their performance?

A.12. I would describe their performance as thorough and fair. It is the performance that I have grown accustomed to seeing during my employment at Region II. I observed the members of the examination team having discussions as a group and working through technical issues together, so as to ensure that the rules and regulations were being followed and were being applied on a consistent basis.

Q.13. In June 2012, did you observe Mark Bates, Michael Meeks, and Phillip Capehart gathering information on a previous operator examination in response to a request by Headquarters?

A.13. Yes.

Q.14. Were you involved with this information gathering?

A.14. No.

Q.15. What was your impression regarding this information gathering?

A.15. It seemed to me that the examiners were working hard to gather a large amount of requested information in a short amount of time.

Q.16. At this time, did you perceive any examiner to express concern that the gathered information had to be presented in any specific way so as to convince Headquarters to support the examiners' initial finding?

A.16. No, absolutely not. I didn't think that the examiners were making an argument one way or another, but just that they were gathering information.

Q.17. At about this same time, did Region II receive a Freedom of Information Act (FOIA) request from Ms. Smith?

A.17. Yes.

Q.19. Were you involved with gathering information for this request?

A.19. Yes, I assisted the examiners in finding and redacting for PII the requested documents.

Q.20. Did you speak to Mr. Lea at this time about this information gathering?

A.20. Yes.

Q.21. Generally, what was the content of this discussion?

A.21. Mr. Lea asked me what all of the information gathering was about and I told him that it had to do with an appeal by a Vogtle applicant named Charlissa C. Smith.

Q.22. During the evidentiary hearing, Mr. Lea stated that he spoke “to the OLA” and asked “if she knew what was going on with the appeal.”¹ Have you read this statement in the transcript of the evidentiary hearing?

A.22. Yes.

Q.23. Is it your understanding that this statement refers to the discussion between Mr. Lea and yourself that you just described?

A.23. Yes.

Q.24. During the evidentiary hearing, Mr. Lea continued by stating that, “[the OLA] informed me at that point in time that the Region was getting really nervous because there were indications that the parties involved in the Headquarters review of it were going to issue [Ms. Smith] a license.”² Is this statement correct?

A.24. No, this statement is not correct and it does not make sense to me. First of all, I would have had no knowledge on which to make a conclusion about the possible outcome of a Headquarters review. Furthermore, I was involved with the FOIA request and not with the Headquarters request and so I would not have made a comment regarding the Headquarters review at all.

Second, I would not have said that “the Region was getting really nervous.” This would imply that the Region was trying to hide that it had done something wrong and I would not have made this implication. As I said before, from all of my observations, it was my impression that Mr. Bates, Mr. Capehart, and Mr. Meeks always worked hard to make sure that the rules and regulations were being followed and were being applied on a consistent basis. I have never seen anything questionable regarding their work. Therefore, I would not have implied to Mr. Lea that they were taking any actions to hide any wrongdoing. My best recollection is that I said to

¹ Transcript of Evidentiary Hearing in the matter of Charlissa C. Smith at 701 (July 17-18, 2013) (“Tr.”).

² *Id.*

Mr. Lea something like, “the FOIA request by Ms. Smith involved a lot of work in a short timeframe and it was stressful for everyone involved.”

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AFFIDAVIT OF JANET C. VINCENT

I, Janet C. Vincent, do hereby declare under penalty of perjury that my statements in the foregoing testimony are true and correct to the best of my knowledge and belief.

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

Janet C. Vincent
Operator Licensing Assistant
Division of Reactor Safety
Region II Office
U.S. Nuclear Regulatory Commission
Atlanta, GA 30303
(404) 997-4765
Janet.Vincent@nrc.gov

Executed in Rockville, Maryland
this 16th day of August, 2013