

March 14, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
MARK A. CARTER, JR.)	Docket No. 55-42504
)	
(Denial of Senior Reactor)	
Operator License Application))	
)	

NRC STAFF'S ANSWER NOT OPPOSING PETITIONER'S EXTENSION REQUEST

On October 10, 2012, Mark A. Carter, Jr. (Petitioner) was administered a Senior Reactor Operator (SRO) written examination. On November 20, 2012, the Nuclear Regulatory Commission (NRC) Staff issued a proposed notice of denial of the Petitioner's SRO license application because of a failure to achieve a passing score on the written examination.

On November 30, 2012, the Petitioner requested an informal NRC Staff review of the proposed denial notice, in particular, the Petitioner requested that the grading of two written examination questions be reviewed. The NRC Staff completed this review and, on February 25, 2013, issued a letter confirming its proposed denial and issuing a final denial of Petitioner's SRO license application. In the NRC Staff's final denial letter, the Staff informed the Petitioner of the opportunity to request an adjudicatory hearing; the need to utilize the NRC Electronic Information Exchange to make such a request; the applicability of the 10 C.F.R. § 2.309(f) contention admissibility requirements to hearing requests; and the opportunity to seek an extension of time for good cause for the filing of a hearing request.

With respect to setting the time to request an adjudicatory hearing, the Petitioner was informed that he may, within 20 days of the date of the final denial letter, request an adjudicatory hearing pursuant to 10 C.F.R. § 2.103(b)(2). Prior to the lapse of this 20-day

period, the Petitioner has requested a 30-day extension of the time limit to request an adjudicatory hearing. Pursuant to 10 C.F.R. § 2.307(a), such time limits may be extended by the Commission for good cause.

The Petitioner argues that there is good cause for an extension because the reasoning provided by the NRC Staff for its final denial illustrated that the NRC Staff and the Waterford Steam Electric Station (Waterford) may be interpreting Technical Specification 3.3.3.1 differently and thus that the Petitioner will not be able to determine whether to request an adjudicatory hearing until this possible difference between the Staff and Waterford is resolved.

Based on the above assertions of facts and the timely filing of a request for extension to file a request for a hearing, the NRC Staff does not oppose the Petitioner's request to extend the time limit for requesting an adjudicatory hearing by 30 days, or specifically until April 16, 2013.

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'S ANSWER NOT OPPOSING PETITIONER'S EXTENSION REQUEST dated March 14, 2013 have been served upon the Electronic Information Exchange, the NRC's E-Filing System, in the above captioned proceeding, this 14th day of March, 2013.

/Signed (electronically) by/

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Dated at Rockville, Maryland
this 14th day of March, 2013