

In the Matter of:

Charlissa C. Smith
(Denial of Senior Reactor Operator License)

ASLBP #: 13-925-01-SP-BD01

Docket #: 05523694

Exhibit #: CCS-080-00-BD01

Admitted: 7/17/2013

Rejected:

Other:

Identified: 7/17/2013

Withdrawn:

Stricken:

Steps showing how Mark Bates attempted to influence the Review Panels on July 5, 2012 and its effect on the First Document

**** (PORV critical and TE-130
understanding – suggested by
Region II Exam Team)**

Look at the date
(after panel left Atlanta)

From: Bates, Mark
Sent: Thursday, July 05, 2012 2:50 PM
To: Muller, David
Cc: Jackson, Donald; Steely, Chris; Widmann, Malcolm; McHale, John; Meeks, Michael; Capehart, Phillip; Franke, Mark
Subject: Vogtle Operating Test File - Carla Smith Appeal
Attachments: VG 2012-301 Carla Regrade After Appeal rev 6.docx

← **this Attachment (Exhibit CCS-___)
was sent to Review Panel Member**

Dave,

Earlier we provided several files that were used to construct the books that we had put together for your team when you were here in Atlanta. Those previous files contain attachments from our examiner notes to support the original documentation, so those files may still be useful. The file attached to this email is a more condensed version. Many cross-references to the applicant's original 303 are made, so it may be useful to have that in hand when reading this.

The attached file contains the following information:

- A summary of our grading approach.
- A justification of our original grading.
- A more critical evaluation documenting, explicitly, additional errors that were handled in a more implicit manner during the original grading.

We still remain committed to our original licensing decision, but within this file you will be able to see options that could be used in a more critical evaluation. I think you will also see that contrary to what the applicant contests (that we graded too harshly), we in fact were quite lenient compared to what the NUREG allows.

As stated in an earlier email, I will be at TTC for the next two weeks for AP-1000 training. I will be available via email and can respond to questions during breaks or after class has been completed for the day. Also, Phil and Michael should be available to respond to questions the next two weeks while I am at TTC. If there is anything that I forgot to send earlier, just let me know.

Thanks,
Mark

Mark A. Bates
Senior Operations Engineer
Division of Reactor Safety
United States Nuclear Regulatory Commission - Region II
245 Peachtree Center Ave., NE Suite 1200
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404-997-4612

STEP 2

Look at the First Draft Copy comments with no grades to determine if any of the Rating Factor that came from Mark Bates document (SEE BELOW) were used in the first draft.

From Exhibit CCS-101, page 1 Mark Bates Document in Email

Another point worth noting is that errors were not double-counted for any applicant, including Carla. If we had double-counted (assigned an error to more than one rating factor) errors only for Carla, then we would have been applying a different standard to Carla as compared to the other applicants. The exam team applied the exact same criteria to Carla for what was considered an error and for how those errors were assigned to only the root cause rating factor. In an unofficial capacity, within this document, we will show how a more critical approach could have been taken during the grading process. This more critical approach is also consistent with the guidelines of NRUEG-1021. It is worth reiterating that even though errors were not assigned to more than one rating factor, elements of these errors were taken into account implicitly during the original grading when assigning scores of "2" to rating factors when only two errors were documented on Form 303.

- **Mark Bates Starts off by explaining that he could have assigned for than one comment for each error**
- **Points out that he could have graded harder**
- **Explains why he chose 2 for the rating factors versus 1 (obviously he knew this would be questioned)**

STEP 3

Look at the First Draft Copy with No grades determined to see if any of the Rating Factors came from Mark Bates document

From Exhibit CCS-045, page 3 C. Smith Original Grade Sheet

Competencies/ Rating Factors (RFs)	RF Weights	RF Scores	RF Grades	Comp. Grades	Comment Page No.
1. Interpretation/Diagnosis					
a. Recognize & Attend	0.20	3	0.60		
b. Ensure Accuracy	0.20	1	0.20	1.70	8, 10
c. Understanding	0.30	1	0.30		12, 14
d. Diagnose	0.30	2	0.60		16

From Exhibit NRC-018, page 7 FIRST DRAFT

This is based on the comment on page 8 (EHC Pump) of C. Smith original exam and the first draft showed no changes from the original

Results of this review:

This review disagreed with the applicant and agreed with the original grading. The error during this event will be assigned to RF 1.b (Interpretation/Diagnosis—Ensure Accuracy).

STEP 4

Look at the First Draft Copy with No grades determined to see if any of the Rating Factors came from Mark Bates document

From Exhibit CCS-045, page 3 C. Smith Original Grade Sheet

Competencies/ Rating Factors (RFs)	RF Weights	RF Scores	RF Grades	Comp. Grades	Comment Page No.
1. Interpretation/Diagnosis					
a. Recognize & Attend	0.20	3	0.60		
b. Ensure Accuracy	0.20	1	0.20	1.70	8, 16
c. Understanding	0.30	1	0.30		12, 14
d. Diagnose	0.30	2	0.60		16

From Exhibit NRC-018, page 10 FIRST DRAFT

This is based on the comment on page 10 (SI/SLI block) of C. Smith original exam and the first draft showed removal from the original

Results of this review:

This review partially agreed with the applicant and disagreed with the original grading. No error will be assessed to the applicant as a result of her performance during this event, since her direction was in accordance with Procedure 19030-C step 12.b.

This would result in 0.2 points returned to Competency 1

STEP 5

Look at the First Draft Copy with No grades determined to see if any of the Rating Factors came from Mark Bates document

From Exhibit CCS-045, page 3 C. Smith Original Grade Sheet

Competencies/ Rating Factors (RFs)	RF Weights	RF Scores	RF Grades	Comp. Grades	Comment Page No.
1. Interpretation/Diagnosis					
a. Recognize & Attend	0.20	3	0.60		
b. Ensure Accuracy	0.20	1	0.20	1.70	8, 10
c. Understanding	0.30	1	0.30		12, 14
d. Diagnose	0.30	2	0.60		16

From Exhibit NRC-018, page 15 FIRST DRAFT written by Review Team
Results of this review:

This review did not agree with the applicant and identified an additional error beyond what was assigned in the original grading. This review assessed errors to RF 2.c (Procedures – Correct Use) and RF 5.b (Directing Operations—Oversight) based upon her performance during this event.

This is based on the comment on page 12 (Heaters in Manual) of C. Smith original exam, Review Team added 5b and 2c. 2c came from Mark Bates document

B. Potential Scoring of Competency 2 (Re-evaluation in response to appeal)

Competencies/ Rating Factors (RFs)	RF Weights	RF Scores	RF Grades	Comp. Grades	Cross Ref Below
2. Procedures					
a. Reference	0.30	2	0.60		A
b. EOP Entry	0.30	3	0.90	2.30	
c. Correct Use	0.40	2	0.80		B

From Exhibit CCS-101 ,
 page 9 - 10- Mark Bates
 attachment to email

The above grades could be assigned within the guidelines of NUREG-1021. The following list is used as a cross-reference to the errors above:

Mark Bates list 2C as an
 additional comment

B. The error originally documented on page 12 of Form 303 contained a clear procedure usage error. The examiner's notes (Capehart and Bates) both show that during the response to the failure of controlling pressurizer pressure channel PT-455, the applicant did not comply with the procedure when deciding not to place pressurizer heaters to AUTO as directed by the procedure. The error was not initially documented in Rating Factor 2.c because the root cause of the error was, and still is, believed to be a misunderstanding of the pressurizer pressure control system.

STEP 6

Look at the First Draft Copy with No grades determined to see if any of the Rating Factor that came from Mark Bates document were used

From Exhibit CCS-045, page 3 C. Smith Original Grade Sheet

Competencies/ Rating Factors (RFs)	RF Weights	RF Scores	RF Grades	Comp. Grades	Comment Page No.
1. Interpretation/Diagnosis					
a. Recognize & Attend	0.20	3	0.60		
b. Ensure Accuracy	0.20	1	0.20	1.70	8, 10
c. Understanding	0.30	1	0.30		12, 14
d. Diagnose	0.30	2	0.60		6

From Exhibit NRC-018, page 19 FIRST DRAFT written by Review Team

Results of this review:

This review did not agree with the applicant and identified an additional error beyond what was assigned in the original grading. This review assessed errors to RF 1.c (Interpretation/Diagnosis—Understanding) and RF 5.b (Directing Operations—Oversight) based upon her performance during this event.

This is based on the comment on page 14 (FIC 121) of C. Smith original exam, Review Team added 5b (1c was the original grade). 5b came from Mark Bates document

B. Potential Scoring of Competency 5 (Re-evaluation in response to appeal)

Competencies/ Rating Factors (RFs)	RF Weights	RF Scores	RF Grades	Comp. Grades	Cross Ref Below
5. Directing Operations					
a. Timely & Decisive Action	0.30	3	0.90		
b. Oversight	0.30	2	0.60	2.50	A, B
c. Solicit Crew Feedback	0.20	3	0.60		
d. Monitor Crew Activities	0.20	2	0.40		C

From Exhibit CCS-___ , page 9 - 10 Mark Bates attachment to email

Mark Bates list 5b as an additional comment

B. The error was originally documented on page 14 of Form 303. The applicant directed the RO to place FIC-121 back to automatic immediately after receiving the next malfunction (Failure of PT-508). In the presence of the PT-508 failure, the applicant's direction and RO's related actions caused a second transient by placing FIC-121 back to automatic, which caused charging flow to quickly lower. Unnecessarily inducing a transient on top of the PT-508 failure displayed an inability to provide the appropriate amount of direction to the crew. This error was originally assigned to Rating Factor 1.c. The exam team still believes the root cause of the applicant's deficiency was Interpretation/Diagnosis - Understanding; however, the Oversight issue could have been documented separately under Rating Factor 5.b.

STEP 7

Look at the First Draft Copy with No grades determined to see if any of the Rating Factors came from Mark Bates document

From Exhibit CCS-045, page 3 C. Smith Original Grade Sheet

3. Control Board Operations					
a. Locate & Manipulate	0.34	1	0.34		18, 19, 20
b. Understanding	0.33	3	0.99	1.99	
c. Manual Control	0.33	2	0.66		21

From Exhibit NRC-018, page 19 FIRST DRAFT written by Review Team
Results of this review:

This review partially agreed with the applicant and disagreed with the original grading. No error will be assessed to the applicant as a result of her performance during this event, since she did on at least one occasion request to the SS to withdraw control rods before Tave went low out of the designated band.

This is based on the comment on page 18 (Tavg/Tref) of C. Smith original exam, Review Team removed the comment.

STEP 8

Look at the First Draft Copy with No grades determined to see if any of the Rating Factors came from Mark Bates document

From Exhibit CCS-045, page 3 C. Smith Original Grade Sheet

3. Control Board Operations					
a. Locate & Manipulate	0.34	1	0.34		18, 19, 20
b. Understanding	0.33	3	0.99	1.99	
c. Manual Control	0.33	2	0.66		21

From Exhibit NRC-018, page 25 FIRST DRAFT written by Review Team

Results of this review:

This review partially agreed with the applicant and disagreed with the original grading.
No error will be assessed to the applicant as a result of her performance during this event.

This is based on the comment on page 20 (Tavg/Tref) of C. Smith original exam, Review Team removed the comment.

STEP 9

Look at the First Draft Copy with No grades determined to see if any of the Rating Factors came from Mark Bates document

From Exhibit CCS-045, page 3 C. Smith Original Grade Sheet

3. Control Board Operations					
a. Locate & Manipulate	0.34	1	0.34		18, 19, 20
b. Understanding	0.33	3	0.99	1.99	
c. Manual Control	0.33	2	0.66		21

From Exhibit NRC-018, page 28 FIRST DRAFT written by Review Team
Results of this review:

This review did not agree with the applicant and identified an additional error beyond what was assigned in the original grading. This review assessed errors to RF 3.c per the original grading (Control Board Operations—Manual Control) and RF 1.c (Interpretation/Diagnosis—Understanding) based upon her performance during this event.

This is based on the comment on page 21 (TE-130) of C. Smith original exam, Review Team added 1c (3c was on the original grade sheet).

B. Potential Scoring of Competency 1 (Re-evaluation in response to appeal)

Competencies/ Rating Factors (RFs)	RF Weights	RF Scores	RF Grades	Comp. Grades	Cross Ref Below
1. Interpretation/Diagnosis					
a. Recognize & Attend	0.20	2	0.40		A
b. Ensure Accuracy	0.20	1	0.20	1.50	B, C, D
c. Understanding	0.30	1	0.30		E, F, G
d. Diagnose	0.30	2	0.60		H

From Exhibit CCS-101 ,
page 8 Mark Bates
attachment to email

Mark Bates list 1c as an
additional comment for
page 21

Form 303.

G. See explanation in Section II.A.b.3 above for the error originally documented on page 21 of Form 303.

**SECTION II.A.b.3 is on
the page**

STEP 9 Continued

From Exhibit CCS-101, page 7 Mark Bates attachment to email

From Section II.A.b.3

- The applicant's error documented on page 21 (Rating Factor 3.c) of the original Form 303 was originally assigned only to Rating Factor 3.c because the exam team determined the root cause of the deficiency was associated with the applicant's ability to manually control an automatic function. However, this error contained elements of not understanding how TIC-0130 operated, in that the applicant also did not understand what corrective actions could be taken to regain control and place the system back in a normal alignment. This error could have also been documented in Rating Factor 1.c, in addition to documenting in Rating Factor 3.c. The applicant's actions did not demonstrate an understanding of how the plant systems and components operate and interact. Her misunderstanding, as it relates to diagnosis, is exemplified by her standing in front of the controller for approximately seven minutes without doing anything (not making a recommendation, not pulling a procedure, not taking an action) and then by making the statement that there was nothing that could be done except contacting Clearance & Tagging (C&T). This several minute period of inaction was followed first by the SRO directing the applicant to place the controller in manual, and then the SRO instructing the applicant on how the controller operated after another mis-operation error. It is true that the applicant recognized that there was a failure with TE-0130, which my examiner notes reflect, but her actions do not reflect an understanding of how that failure affected TIC-0130 and what operator actions could be attempted to correct the abnormal letdown alignment that resulted from the failure.
 - The error described on page 21 was used to support the fact that a score of "2" could not be justified in this Rating Factor. Although this error was not explicitly listed under Rating Factor 1.c in the original grading, it did contain elements of "understanding", and supported assigning a score of "1" in this rating factor. Explicit justification for assigning a score of "1" on Form 303 was not required in accordance with NUREG 1021.

The next page shows how the Grade Sheet would look based on the draft document (without grades)

Of the additional rating factors added **4 comments were new** (based on previous comments - written for additional competencies)

3 were from Mark Bates

Document:

2c – in reference to comment on page 12 on exam report

5b – in reference to comment on page 14 on exam report

3c – in reference to comment on page 21 on exam report