

NEI Comments on NRC Operator Licensing Lessons Learned Report

LLRT Rec.	NRC LLRT Recommendation	NEI Comment	NEI Recommendation
1.1	Discontinue the practice of restoring a point when two non-critical errors are offset by correctly performing another activity in the same rating factor."	NEI disagrees with this proposed change. The practice of restoring a point for 2 non-critical errors when a correct action off-sets an error should be continued. This guidance was elaborated upon in May of 2014 (ML14107A395), shortly after the Vogtle candidate decision in March of 2014 and then incorporated into NUREG 1021 Rev. 10 as a requirement, even though previous revisions of NUREG-1021 allowed this option. The point-back practice now compensates for the fact that a competency with 10 non-critical opportunities should not be treated the same as one with 4 non-critical opportunities by rewarding compensating performance, which the LOFG agrees with. Giving credit for proper correction of errors within a competency eliminated the concern that a single mistake in a competency is unrecoverable.	No change to NUREG-1021.
1.2	For simulator performance scoring, the range of scoring should be from 0 to 3 instead of 1 to 3. The passing threshold will remain 1.8. Operator Licensing and Training Branch (IOLB) review, revise, and clarify the definition of critical task (CT).	NEI disagrees with this proposed change. This recommendation would have the unintended consequence of reducing reliability in grading, and will lead to both higher failure rates and an increase in the number of appeals similar to the one experienced at Vogtle. Furthermore, examiner bias toward (against) a candidate could easily be hidden by applying a "0" with the proposed criteria vs. a "1" in the current grading scheme. In addition, changing the definition of a critical task contradicts years of written definitions in NUREG-1021 and guidance from owners groups and other sources that have functioned well. For example, inadvertently actuating RPS or ESFAS does not necessarily adversely challenge the safety	No change to NUREG-1021.

LLRT Rec.	NRC LLRT Recommendation	NEI Comment	NEI Recommendation
		<p>of the plant or the health and safety of the public, and therefore does not meet the age-old definition of a critical task.</p> <p>Regarding the 0-3 scale proposed change, NEI understands that the NRC reviewed the results of 740 exams conducted during 2013 and 2014. 62 of these exams resulted in failures; but when the proposed grading criterion was applied retrospectively, the number of failures increased to the range of 90-95, a 50% increase in failure rate. Nothing in the LLRT report indicates NRC believes that there are currently a significant number of licensed operators at the controls who are not considered competent, as this change would imply.</p>	
1.3	<p>There should be guidance for the exam team and for the review panel regarding post-exam CTs:</p> <ul style="list-style-type: none"> • Wording to support the identification of post exam CTs should be in ES-302 and ES-303 • Documentation in the ES that it is acceptable for scenarios to contain more than the target number of CTs. • OLMC-500 should be revised to prohibit a review panel from identifying and applying new CTs. 	<p>A review panel should not be afforded the opportunity to create a post-scenario critical task under any circumstance. It has been proven time and again that it is difficult, if not impossible, to recreate a scenario after the fact whether it is for examination purposes, scenario based testing purposes, etc. Furthermore, NEI disagrees with the need to have different definitions of a critical task for initial license and requalification purposes; a critical task is a critical task and recommendation 1.4 supports this position.</p>	No change to NUREG-1021.
1.4	<p>Examiners Standards be modified to state that a CT is only a CT as determined by the multi-factor definition regardless if it is or is not initially identified as one on Forms ES-D1 or 2.</p>	<p>NEI agrees. This recommendation supports the notion that a critical task is already defined and understood in NUREG-1021.</p>	Implement change as recommended.
1.5	<p>Examiner Standards be modified to limit the association of a performance deficiency to no</p>	<p>NEI agrees with the LLRT recommendation that the Examiner Standards be modified to limit the</p>	Implement change as recommended by the

LLRT Rec.	NRC LLRT Recommendation	NEI Comment	NEI Recommendation
	more than two rating factors.	association of a performance deficiency to no more than two rating factors. This recommendation should limit double jeopardy and prevent examiner bias toward a candidate. NEI disagrees with the recommendation of the OLIT that this change does not need to be made.	LLRT.
1.6	IOLB strongly establish and re-iterate expectations regarding Examiner Standards implementation and the regions must implement the program consistently.	NEI agrees and we note that while Regional consistency is very important, driving consistency down to the examiner level is key, as documented in the ASLB report.	Implement actions to promote alignment between IOLB and the regional offices.
1.9	An audit peer review program should be developed that performs a regional review utilizing cross-regional examiners with the intent to target specific focused items to evaluate areas that will identify differences and best practices among the regions.	NEI recommends that an audit peer review program include appropriate independent external individuals that do not have a day-to-day stake in the examination process. Such individuals would be uniquely suited to provide unbiased, fully-independent input into the health of the program.	As stated.
2.1	Waiver requests and decisions will be dispositioned in formal correspondence. Emphasize that licensees submit waivers early in process. Add wording to corporate notification letter.	NEI agrees with the need for formal correspondence for early communication of the likely need for a waiver. However a 60-day advance notification, while helpful in some instances, is not always early enough to support decisions during candidate selection. Early good-faith, albeit informal, communications have traditionally taken place prior to the start of an 18 – 24 month initial license program to avoid having a candidate reach the final stages of the program only to be denied a license based on the denial of a waiver submitted much later in the process. Such situations should be avoided. NEI proposes a change to NUREG-1021, ES-201 to encourage a submittal of a waiver request prior to commencement of initial operator license training to resolve any uncertainty around the acceptability of a candidate to enter the program. NRC review	Revise NUREG-1021, ES-201, ES-202, and/or ES-204 to allow earlier consideration of waivers to support the candidate selection process.

LLRT Rec.	NRC LLRT Recommendation	NEI Comment	NEI Recommendation
2.2, 2.3, 2.4	<p>Establish a "marginal performance band" such as scoring between 80-84 on the written exam, scoring between 1.8 and 2.0 on any competency on the simulator exam, and achieving only 80% on the JPM portion. If an applicant fails a portion of the exam but scores above the marginal performance band in other portions then the Region may grant a waiver of the passed sections.</p> <p>Revise NUREG 1021 to be consistent with the words in 10 CFR 55.35 on the use of the word "excused." This is based on sufficient justification which is what the new marginal performance band is based on.</p> <p>Revise NUREG 1021 to clarify requirements of 10 CFR 55.35 and 10 CFR 55.47 with respect to waivers or excusal of examination requirements.</p>	<p>of waiver requests prior to a candidate's entry in to the operator license training program simply formalizes current regulatory practice.</p> <p>NEI does not agree with the concept of establishing a marginal performance band. By the nature of the operating exam, the potential exists for candidates to be evaluated using different simulator scenarios and JPMs, as opposed to the written exam where each candidate receives an exam based on their respective license level. In addition, candidates are assigned different evaluators. Due to the somewhat subjective nature of grading a dynamic performance evaluation and the differences in examiner tendencies, the suggested marginal performance band is not a valuable and reliable tool. Finally, neither the LLRT nor the OLIT reports presented a basis for the need to include a marginal performance band.</p>	No change to NUREG-1021.
3.3	<p>For any appeal, the affected region shall submit their review of the contested items via a formal memo from the Director of DRS to IOLB for consideration by the review team. If the appeal proposes a reversal of the original licensing decision then the affected region shall be afforded the opportunity to submit an additional written response articulating any further opposing view. This</p>	<p>NEI does not agree with this recommendation and believes that allowing the affected region to provide an additional written response for a failure reversal perpetuates the appeal process with the potential for introducing issues similar to those that resulted in the Vogtle candidate ASLB decision.</p>	No change to NUREG-1021.

LLRT Rec.	NRC LLRT Recommendation	NEI Comment	NEI Recommendation
	<p>additional response shall be from the Regional Administrator to the Director NRR.</p>		
3.6	<p>Both the Examiner Standards and OLMC-0500 should contain guidance that documentation be handled in accordance with MD 3.4 and Inspection Manual Chapter (IMC) 0620, Inspection Documents and Records. The examiner standard should contain guidance that after the administrative review is completed and documented then pre-decisional drafts, email correspondence and other background information should be deleted. OLMC-0500 should contain guidance to create an "Administrative Review" ADAMS package to store documents required to satisfy MD 3.4. The team recommends rewriting OLMC-0500 to consider partitioning the OLMC into separate sections for each part of the exam and medical appeals.</p>	<p>NEI agrees that established records policies should be followed.</p>	<p>Implement change as recommended.</p>
4.1	<p>A re-examination following an allegation of conflicts of interest or bias shall be observed by a branch chief or other management official IAW IMC-0102, Oversight and Objectivity of Inspectors and Examiners at Reactor Facilities.</p>	<p>NEI agrees and recommends that the revised wording should be consistent with Recommendations 3.1 and 3.2 in that individuals involved, including the branch chief, should be independent and not involved in the original examination.</p>	<p>Revise NUREG-1021 as recommended.</p>