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Rulemakings and Adjudication Staff  
Office of the Secretary  
U.S. Nuclear Regulatory Commission

**Dear Mr. Speiser,**

This letter is to provide justification in support of my request to demand a hearing in accordance with 10 CFR 2.103(B)(2). On the letter dated November 20<sup>th</sup>, 2018 I was informed that the preliminary results of my operating test have become finalized.

As a result of the informal staff review the NRC deleted non-critical errors in rating factors (RFs) 1.c and 3.a for scenario 1. The staff also reassigned a critical performance deficiency from RF 3.b to 3.c. As a result a non-critical performance deficiency that was assigned to RF 3.b remained uncontested, and the overall grading assessment resulted in a failure.

The non-critical performance deficiency assigned to RF 3.b is described below:

The applicant initially took manual control of the pressurizer spray valves, but momentarily stopped his corrective action when he mistakenly believed that he was not getting the desired response. This caused a delay in achieving control of pressurizer pressure.

As a direct result of the contested item review this performance deficiency directly contributes to an operating test failure. This is an explicit change in status from the initial assessment and should be reevaluated by the NRC staff to determine if sufficient justification exists to substantiate an operating test failure. In accordance with NUREG-1021 ES-502 page 3 of 4 which states:

Informal NRC staff reviews shall be limited to the contested items only. However, in the unlikely event a new error is identified as a direct result of the contested item review, the uncontested error and its effect, if any, on the applicant's pass/fail result should be determined and documented.

In reference to the performance deficiency identified in Scenario 1 Event 2 HIC-1100 AUTO Fails, Spray Valves Open

The performance deficiency does not justify in detail the following items:

- the applicant’s performance against objective criteria (the correct answer or action with an appropriate facility licensee reference);
- the actual consequences of the applicant’s incorrect action in relation to the observed behavior;

Additionally, the performance deficiency misrepresents the expectation that the applicant was initially expected to take manual control of the pressurizer spray valves.

The process described in the performance deficiency is consistent with the use of human error prevention tools described in procedure PI-AA-103-1000, Human Performance Program Error Reduction Tools page 18 of 58, Stop, Think, Act, and Review.

The performance deficiency was assessed without consideration of objective criteria.

This task was pre-identified as a critical task. As such this task has explicit performance criteria for the successful completion of the critical task. The performance deficiency contends that there was a delay achieving control of pressurizer pressure. There were no explicit or implicit directions in the abnormal operating procedure (2-AOP-01.10, Pressurizer Pressure and Level rev. 10) or the scenario event guide that prescribes any requirement to close the pressurizer spray valves any faster than what was accomplished. The lowering trend of pressurizer pressure was reversed within 90 seconds. The performance deficiency was assessed based on the opinion of the evaluator that the internal deliberation of the applicant had the potential to cause an unnecessary trip. However, there was no consideration to compare observed performance against actual plant conditions, standards, or reference material.

The performance deficiency was assessed without any relevant operational consequence or observed incorrect behavior. Pressurizer pressure never lowered to the set point of the low pressure alarm at 2100 PSIA, the performance deficiency states “the applicant corrected it in a timely manner”, and subsequently pressurizer pressure was restored to the normal operating band.

The performance deficiency states that the applicant “initially expected the “auto output” indication to drop in response to pressing the down arrow.” This implies that this would not be an expected response in this condition (with pressurizer pressure going down). Omitted from

consideration is reference to the possibility that the pressurizer spray valves could have been subject to an alternate failure mechanism (such as mechanical failure) where the “auto output” (vertical bar graph) would be responding to lowering pressurizer pressure. The performance deficiency does state, “this error, if not corrected, could have led to an unnecessary reactor trip on low pressurizer pressure.” As stated in the performance deficiency the assessment of plant response was momentary, ultimately correct, and successful.

The performance deficiency was assessed without consideration of the fact that the event was initially misdiagnosed by another operator. The performance deficiency states:

The applicant, as the Board Reactor Control Operator (RCO), was expected to recognize that the pressurizer pressure control system had malfunctioned, and manually operate the pressurizer spray valves to control pressurizer pressure.

However, the scenario guide states the following:

HIC-1100 Pressurizer pressure controller will fail in Auto which will cause the main spray valves to go full open creating a rapid loss of pressurizer pressure. The ATC will identify the failure and take manual control of HIC-1100 to restore Pressurizer pressure to normal operating [value].

The event was scripted for and intended to be completed by the At the Controls Operator (ATC). However, the ATC misdiagnosed the event and was in the process of investigating the response of the Letdown System. When the ATC announced the perturbation on the Letdown system the applicant stepped over to monitor alternate systems. It was at this point that the rapidly lowering trend on pressurizer pressure was identified by the applicant and corrective action was taken. This sequence of events is truncated and misrepresented as described in the performance deficiency.

This performance deficiency should have been initially contested by the applicant during the original submittal of a request for an informal staff review. However, due to the fact that the performance deficiency was listed under the same RF as the failed critical task it was not consequential at the time of the initial submittal and therefore overlooked. When the informal staff review concluded its’ process, the failed critical task was reassigned to a different RF. The reassignment to a different RF was not anticipated by the applicant. As a result of the reassignment of the RF the performance deficiency discussed above which previously had not

had any impact on pass/fail status became relevant and its' effect should have been determined and documented by the NRC staff. NUREG-1021 ES-502 page 3 of 4 states:

Informal NRC staff reviews shall be limited to the contested items only. However, in the unlikely event a new error is identified as a direct result of the contested item review, the uncontested error and its effect, if any, on the applicant's pass/fail result should be determined and documented.

Due to the design of the exam the critical tasks were not equitably distributed amongst the different operators. The failure of the high power feedwater regulating valve should have been identified as a critical task before the exam was administered. This resulted in an exam where one operator was subject to the performance of four critical tasks. In comparison another operator was subject to two critical tasks, and the final operator was responsible to directly perform one critical task. Based on the facts stated above, and the fact that applicant successfully completed as many critical tasks as the operators assigned to the same scenarios combined there is sufficient objective evidence to determine that requirements supportive of the issuance of a license are satisfied.

Based on the lack of substantive justification described in the performance deficiency the applicant is requesting that the NRC rescind its final decision and perform an informal staff review of the performance deficiency assessed during Scenario 1 Event 2.

Respectfully,

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