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2/25

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February 9, 1994

PUBLIC UTILITIES COMMISSION OF TEXAS
SECURITY EXCHANGE COMMISSION
FEDERAL REGULATORY COMMISSION
NUCLEAR REGULATORY COMMISSION
NEW MEXICO PUBLIC UTILITY COMMISSION

REF: El Paso Electric Chapter 11

To Whom it may concern,

As a stockholder and a concerned citizen, I feel rejected in that the governmental agencies listed above allowed El Paso Electric (a public utility) to deteriorate to a chapter 11 status. The proposed merger/takeover by Central SouthWest at \$3.00 per share is certainly not in the best interest of the stockholders who stayed with the company since dividends were paid or those who had faith in PUBLIC UTILITIES controlled by government bodies.

Certainly rate increases and other means should have been applicable to correct the situation even in the depressed state of Texas and New Mexico area.

Unfortunately I experienced the same situation in that I owned Long Island Lighting when the nuclear problems forced Chapter 11 litigation. Once again I now own LILCO only because of the annual rate increases allowed for the next few years.

I also owned Gulf State Utilities during their turmoil and saw more litigation etc. but the turnaround and merger with Entergy has put this utility back into perspective once again.

I guess I was in error, investing in these Utilities, thinking that Public Utilities are safe investments. Each of these PUBLIC UTILITIES were paying nice dividends and seemed to be serving the general public and commercial facilities in a normal and reasonable fashion.

It appeared that all of the above PUBLIC UTILITIES had problems with Nuclear investments etc. which caused demise of each.

I guess what I'm looking for is a simplified 1 page answer as to reasons why a PUBLIC UTILITY is allowed to suffer these consequences and still operate effectively supplying their customers. Volumes of Chapter 11 data is unnecessary.

Respectfully,


L. J. Carriveau Jr.



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 28, 1994

50-528/529/530

Docket No. 55-50241

Mr. Mark D. Myers
5110 W. Aster Drive
Glendale, AZ 85304-1910

Dear Mr. Myers:

In response to your letter to the Director, Division of Reactor Controls and Human Factors, we have reconsidered the proposed denial issued to you on November 1, 1993, and reviewed the grading of the written and operating test administered to you on September 13, 1993, and September 15, 1993, in light of the information you supplied. As a result of our review, we find that you did not pass either the operating test or the written examination. The result of our review is enclosed.

Consequently, the proposed denial of your license application is sustained. If you accept the proposed denial and decline to request a hearing within 20 days as discussed below, the proposed denial will become a final denial. You may then reapply for a license in accordance with 10 CFR 55.35, subject to the following conditions:

- a. Because you did not pass the written examination administered on September 13, 1993, you will be required to retake a written examination.
- b. Because you did not pass the operating test administered to you on September 15, 1993, you will be required to retake an operating test.
- c. You may reapply for a license 2 months from the date of this letter. A reexamination will be scheduled, upon request by you or your facility management, shortly after your reapplication is received.

If you do not accept the proposed denial, you may, within 20 days of the date of this letter, request a hearing pursuant to 10 CFR 2.103(b)(2). Submit your request, in writing, to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, with a copy to the Assistant General Counsel for Hearings, Office of the General Counsel, at the same address.

Failure on your part to request a hearing within 20 days constitutes a waiver of your right to demand a hearing and, for the purpose of reapplication under

ACRS

Mr. Mark D. Myers

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February 28, 1994

10 CFR 55.35, renders this letter a notice of final denial of your application, effective as of the date of this letter.

If you have any questions, please contact Mr. Robert M. Gallo, at 301-504-1031.

Sincerely,

Original signed by

Bruce A. Boger, Director
Division of Reactor Controls
and Human Factors
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/o enclosures:

J. M. Levine, APS, Vice President Nuclear Production
E. G. Firth, APS, General Manager, Nuclear Training
R. A. Nunez, APS, Operations Training Manager

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*See previous concurrence

#3 2/23

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ENCLOSURE

NRC REVIEW OPERATING EXAMINATION FOR MARK D. MYERS - SRO CANDIDATE

CANDIDATE'S OPERATING EXAMINATION CONTENTION NO. 1:

This contention references the NRC's evaluation of the candidate for Competency C.3.a of the simulator test. This evaluation documented the candidate's performance in interpreting control room indicators correctly and verifying the status and operation of plant systems, in which the candidate received a grade of 2.

Summary of Examiner's Comments:

Following a loss of power to the RPS A channel (Loss of power to PNA-25 was the root cause), the candidate did not recognize that a steam generator (S/G) level instrument had failed in the D channel. The coincidence of the loss of power and the instrument failure did cause an auxiliary feedwater actuation signal and should have caused a reactor trip. The examiner's evaluation stated that the candidate should have identified the instrument failure during his review of procedure 41AO-1ZZ15, Loss of Instrument Bus.

Summary of Candidate's Contention:

The candidate stated that the procedure 41AO-1ZZ15 did not have a step requiring him to check the other channels and that the only reference to checking other channels is a note to check pre-existing conditions. Given the large number of alarms caused by the loss of power to the A channel, and that Technical Specifications (TS) allow one hour for action for the kind of failure that occurred, the candidate believed his performance was adequate.

NRC Analysis and Conclusion:

The NRC reviewed the examiner comments and the candidate contention for this sequence of events. The NRC has determined that the candidate should have prioritized his and the crew's response to alarms, specifically those alarms that indicated a potential emergency operating procedure entry condition. During the examination, higher priority alarms relating to the actuation of the auxiliary feedwater system and its potential to reflect a demand for a reactor trip were not recognized by the candidate. The consequences of the candidate's failure to recognize and prioritize the alarms received were that the candidate focused on the electrical power problem at the expense of other higher priority alarms.

The NRC has determined that a rating of 1 be assigned to Competency C.1.a, "NOTICE and ATTEND to annunciator and alarm signals in order of their importance and severity." The candidate's actions resulted in the crew initially failing to respond to the highest priority malfunction during the scenario. (K/A 194001A113 - 4.3/4.1 & 013000G001 - 4.0/4.1)

The NRC further noted that the original examination documentation rating of 1 for Competency C.1.c, "VERIFY that annunciator and alarm signals were

consistent with plant and system conditions," for failure to determine that the procedure in use (41A0-1ZZ15) was appropriate for the plant conditions, remains as originally graded, and represents a separate competency error. If performed properly, this verification would have provided a independent chance to review panel indications.

Finally, by reassigning the candidate's ratings to other competencies, the NRC assigns a rating of 3 to Competency C.3.a.

CANDIDATE'S OPERATING EXAMINATION CONTENTION NO. 2:

This contention references the NRC's evaluation of the candidate for Competency C.7.a of the simulator test. This evaluation documented the candidate's performance for taking timely and decisive actions when problems arose. The candidate originally received a grade of 1.

Summary of Examiner's Comments:

After a containment spray actuation (CSAS) the candidate allowed two reactor coolant pumps (RCPs) to operate for approximately three minutes before tripping them. The CSAS caused a loss of seal water injection and nuclear cooling water to the RCPs. These losses required RCPs be tripped immediately to avoid damage to the pumps and to minimize RCS inventory loss.

Summary of Candidate's Contention:

The candidate states that based on their procedures he was required to follow his safety function flow chart (SFFC) in order and that the first opportunity he had to consider stopping all RCPs was at the RCS pressure/temperature (P/T) evaluation block. He also states that they have no requirements to automatically stop the RCPs on a CSAS and that a CSAS does not isolate the seal water injection. He states his actions were in accordance with CEN-152 and station procedures.

NRC Analysis and Conclusion:

During its review, the Region concluded that the candidate correctly followed plant procedures. The text for Competency C.7.a will be deleted and the score will be changed from a 1 to a 3.

CANDIDATE'S OPERATING EXAMINATION CONTENTION NO. 3:

This contention references the NRC's evaluation of the candidate for Competency C.3.c of the simulator test. This evaluation documented the candidate's performance in demonstrating a thorough understanding of how the plant and components act and interact, in which the candidate received a grade of 1.

Summary of Examiner's Comments:

Following a rupture in the No. 2 S/G, auxiliary feedwater was used to refill the S/Gs. Emergency procedures for the secondary operator (SO) require that,

with one S/G available, 500 GPM be fed to that S/G or if two S/Gs are available, 250 GPM be fed to each. Although both S/Gs were available, the secondary operator did not feed the No. 1 S/G for 14 minutes following the reactor trip. Subsequently stopping feed flow to the No. 2 S/G resulted in pressurization of that S/G and the need to use the atmospheric dump valves (ADV) to lower No. 2 S/G pressure. If the feed flow had been adjusted evenly to both S/Gs, the ruptured S/G would not have to have been vented to atmosphere. During follow-up questions, the candidate did not appear to know why there were feedwater problems. During the scenario he did not provide direction to the SO to try to get 250 GPM auxiliary feedwater flow to each generator by throttling AFW flow. He should have been aware of the feed flow problem because the SO questioned if there was a break in the AFW piping which prevented feeding the No. 1 S/G. Providing feedwater flow to both S/Gs would have reduced a radioactive release to the environment by minimizing the use of ADVs from the ruptured S/G No. 2.

Summary of Candidate's Contention:

The candidate did not think the follow-up questions covered this part of the event sufficiently enough for the examiner to understand what was going on. Although they did have some problems with auxiliary feedwater, the candidates were very busy after the reactor trip and had to prioritize actions. The important issue was the ruptured S/G. The candidate decided that his first priority was to feed the ruptured S/G to 72% wide range (WR) as soon as possible to avoid steaming to atmosphere without the tubes covered. The candidate agreed that feeding No. 2 S/G rapidly to 72% with one auxiliary feedwater pump caused a differential pressure (DP) between S/Gs. He stated that it was then necessary to steam the No. 1 S/G to decrease pressure and allow feeding that S/G. Additionally, the candidate concludes with a statement that the NRC written test was not a fair test of their abilities and a request to review his written test in light of an average of 2.42 on the simulator test.

NRC Analysis and Conclusion:

The NRC reviewed the examiner comments and the candidate contention for this sequence of events. The NRC has concluded that the candidate did not understand the intent of followup questions after a scenario. These questions provide an opportunity for a candidate to explain the actions taken or provide further information on un verbalized thought processes during the scenario. There is nothing in the examination record or this contention that indicates the examiner was confused about the scenario or expected candidate actions for it.

In his contention, the candidate stated that he chose to feed the ruptured steam generator at 500 gpm rather than feeding both generators, which were available, at 250 gpm each. Feeding both generators at 250 gpm each is required by the procedure until each generator's wide range level is above 72%. The candidate admits in his contention that his choice to feed only one generator resulted in level and pressure problems in both steam generators. The NRC has concluded that the candidate failed to use procedures correctly and the consequences of this failure were significant errors that slowed

recovery and degraded the plant unnecessarily. Therefore, the NRC has reassigned this competency error to Competency C.4.b with a rating of 1. (K/A 061000G013 - 3.6/3.8 & 194001A102 - 4.1/3.9)

The NRC's analysis of the candidate's contentions on the written examination and its relationship with the simulator examination is covered later in this report.

Summary of NRC Analysis of Operating Test Appeal

The NRC has determined that the candidate has not justified operating test contentions 1 and 3. The NRC has further concluded to reassign competency ratings for the candidate's errors to the proper competencies. Contention 2 is accepted as described above. The following table summarizes the competency rating changes.

SUMMARY OF COMPETENCY RATING CHANGES

<u>COMPETENCY</u>	<u>ORIGINAL RATING</u>	<u>NEW RATING</u>
C.1.a	3	1
C.1.c	1	1
C.3.a	2	3
C.3.c	1	3
C.4.b	3	1
C.7.a	1	3

As a result, the NRC sustains the original denial for unacceptable performance in two competencies (1. UNDERSTAND AND INTERPRET ANNUNCIATORS AND ALARM SIGNALS and 4. COMPLIANCE WITH AND USE OF PROCEDURES) as described in the attached grading summary.

C. SENIOR REACTOR OPERATOR INTEGRATED PLANT OPERATIONS (SIMULATOR TEST) GRADING SUMMARY

COMPETENCIES/ RATING FACTORS	WEIGHT	3.0	2.0	1.0	TOTAL	SCENARIOS OBSERVED			COMMENT PAGE NO.
1. ALARMS/ANNUNCIATORS						1	2	3	
A. PRIORITIZE	0.30			0.30		<u>X</u>	<u>X</u>	—	—
B. INTERPRET	0.35	1.05				<u>X</u>	<u>X</u>	—	—
C. VERIFY	0.35			0.35	(1.7)	<u>X</u>	<u>X</u>	—	—
2. DIAGNOSIS						1	2	3	
A. RECOGNIZE	0.25	0.75				<u>X</u>	<u>X</u>	—	—
B. ACCURACY	0.25	0.75				<u>X</u>	<u>X</u>	—	—
C. DIAGNOSE	0.25	0.75				<u>X</u>	<u>X</u>	—	—
D. CREW RESPONSE	0.25		0.50		(2.75)	<u>X</u>	<u>X</u>	—	—
3. SYSTEM RESPONSE						1	2	3	
A. INTERPRET	0.35	1.05				<u>X</u>	<u>X</u>	—	—
B. ATTENTIVE	0.20	0.60				<u>X</u>	<u>X</u>	—	—
C. PLANT EFFECTS	0.45	1.35			(3.00)	<u>X</u>	<u>X</u>	—	—
4. PROCEDURES						1	2	3	
A. REFERENCE	0.25		0.50			<u>X</u>	<u>X</u>	—	—
B. CORRECT USE	0.50			0.50		<u>X</u>	<u>X</u>	—	—
C. CREW IMPLEMENTATION	0.25	0.75			(1.75)	<u>X</u>	<u>X</u>	—	—
5. CONTROL BOARD OPERATIONS						1	2	3	
A. LOCATE	0.25	0.75	0.50	0.25		—	—	—	—
B. MANIPULATE	0.25	0.75	0.50	0.25		—	—	—	—
C. RESPONSE	0.25	0.75	0.50	0.25		—	—	—	—
D. MANUAL CONTROL	0.25	0.75	0.50	0.25	(NE)	—	—	—	—
6. COMMUNICATIONS						1	2	3	
A. CLARITY	0.45	1.35				<u>X</u>	<u>X</u>	—	—
B. CREW INFORMED	0.35	1.05				<u>X</u>	<u>X</u>	—	—
C. RECEIVE INFORMATION	0.20	0.60			(3.0)	<u>X</u>	<u>X</u>	—	—
7. DIRECTING OPERATIONS						1	2	3	
A. TIMELY ACTION	0.20	0.60				<u>X</u>	<u>X</u>	—	—
B. SAFE DIRECTIONS	0.40	1.20				<u>X</u>	<u>X</u>	—	—
C. OVERSIGHT	0.20			0.20		<u>X</u>	<u>X</u>	—	—
D. CREW FEEDBACK	0.20	0.60			(2.6)	<u>X</u>	<u>X</u>	—	—
8. TECHNICAL SPECIFICATIONS						1	2	3	
A. RECOGNIZE	0.40			0.40		<u>X</u>	<u>X</u>	—	—
B. LOCATE	0.20	0.60				<u>X</u>	<u>X</u>	—	—
C. COMPLIANCE	0.40	1.20			(2.2)	<u>X</u>	<u>X</u>	—	—

NRC REVIEW OF WRITTEN EXAMINATION FOR MARK D. MYERS - SRO CANDIDATE

CANDIDATE'S WRITTEN EXAMINATION CONTENTION NO. 1:

This contention refers to the written test, question 25, which asks the candidate to identify one set of RCS parameters which would allow placing a low pressure safety injection pump in service.

Summary of Candidate's Contention:

The candidate claims there is no correct answer and therefore the question should be thrown out.

Summary of Regional Office Analysis and Conclusion:

The correct answer to the question, based on Licensee procedure 410P-1SI01 (1SI01), Shutdown Cooling Initiation, page 26, is C (347 F & 393 PSIA). 1SI01 states that RCS temperature and pressure must be below 350 F and 395 PSIA respectively. The candidate references the Unit 2 procedure 420P-2SI01 which was not sent to the NRC for test preparation. Follow-up with the facility determined that the Unit 2 procedure maximum RCS pressure had been changed to 385 PSIA. However, the change was made on October 5, 1993, after the written examination was given. The question was valid when it was given. The Region recommends retaining the question and not changing the candidate's score.

NRC Analysis and Conclusion

The NRC agrees with the Region's analysis. The question will be retained and the candidate's score is not changed for this question.

CANDIDATE'S WRITTEN EXAMINATION CONTENTION NO. 2:

This contention refers to the written test, questions 16, 89, 94, and 96.

Summary of Candidate's Contentions:

The candidate states that while these questions meet the regulations, they represent a change in expectations which are not an honest test of candidate abilities. He states that in the past any TS were supplied for action statements over an hour or for bases. The candidate had no indication of the change in expectation at the pre-test briefing. Had the candidate known that rote memorization of all Technical Specifications and their bases would be required, the candidate would have trained for that. The candidate asks that the questions be thrown out.

Summary of Regional Office Analysis and Conclusion:

Question 16:

The question asked the candidates to select one correct out of four sets of maximum heat-up/cool-down rates for a RCS temperature of 210 F. The Region V reviewers determined that the K/As for this knowledge were 4.1 (002000G005) and 3.6 (005000A101), and that 10 CFR 55.43(b)(2) requires that the written SRO examination include a representative sample of facility operating limitations in the TS and their bases. It was concluded that the SRO should know the heat-up and cool-down rates. The Region recommends that the question be retained and no change to the candidate's score be made.

Questions 89 and 96:

The questions each describe a plant LCO requirement, and then request the candidate to select the correct TS basis for the requirement. The candidate is required to recognize the correct basis statement. 10 CFR 55.43(b)(2) requires that the written SRO examination include a representative sample of facility operating limitations in the TS and their bases. The Region recommends that the questions be retained and no change to the candidate's score be made.

Question 94:

The question describes four situations related to the containment, and then requests the candidate to select the condition (LCO) that represents a loss of containment integrity. The candidate is required to analyze which condition describes a loss of containment integrity. 10 CFR 55.43(b)(5) requires that the written SRO examination include a representative sample of assessments of facility conditions and selection of appropriate procedures. The Region recommends that the question be retained and no change to the candidate's score be made.

General analysis: The issue of a change in expectations was not supported by any specific data. Portions of TS have been supplied for some test questions in the past, but these were needed for analysis questions which tested the ability to use complex action statements or required graphs/charts. The candidate also questioned the pre-test briefing. The NRC does not go over any specific details of the test at the pre-test briefing. The candidate states that the facility would have trained them to memorize the TS material if they knew that was required. The questions required either recognition of a TS bases or LCO, or identification of which event required entry into TS. These questions are within the allowed scope of a written SRO test.

NRC Analysis and Conclusion

The NRC disagrees with the candidate's contention that the NRC's expectations, regarding Limiting Condition for Operation (LCO) thresholds and Technical Specification bases, have changed. The NRC has consistently held SRO

candidates responsible for the recognition or recall of important and operationally oriented TS LCOs and bases. The NRC agrees with the Regional Office analysis and sustains their recommendations.

CANDIDATE'S WRITTEN EXAMINATION CONTENTION NO. 3:

This contention refers to the written test, question 42, which asks the candidate to identify the correct action to take with a fuel assembly in motion and a slow (five inches per minute) loss of water level in the refueling pool.

Summary of Candidate's Contention:

The candidate states there are two correct answers (B and C), since placing the assembly back in the core is better than leaving it suspended.

Summary of Regional Office Analysis and Conclusion:

The question states that while moving fuel, a slow loss of water level occurs. The question asks the candidate to identify the correct action to take with respect to the fuel assembly being moved. Two distractors place the assembly in the refueling canal, while one distractor places the assembly in the spent fuel pool. The correct answer to the question, based on Licensee procedure 41AO-1ZZ53 (1ZZ53), Loss of Refueling Pool and/or Spent Fuel Pool Level, pages 4 and 5, is to leave the assembly suspended in a deep area of the spent fuel pool, just above the floor. The candidate claims that if the assembly is in the refueling canal, above the core, it is better to place it anywhere in the core, rather than leaving it there. Replacing the assembly in any core location was one of the incorrect distractors. The procedure specifically cautions that the fuel assembly should not be placed anyplace in the core except for its original location. Procedure 1ZZ53 directs that a fuel element above the core should be returned to its designated core location. A caution statement states that other placement of the assembly could challenge shutdown margin. Consequently, the candidate's answer violated the facility procedural caution. The Region recommends that the question be retained and no change to the candidate's score be made.

NRC Analysis and Conclusion:

The NRC concurs with the Region's analysis. The NRC further observed that the candidate provided that "in section 2.0 of 42AO-2ZZ53 (it) says in part, if (the assembly) cannot go back into (an) analyzed location, then (it) should be (inserted) 2 assemblies away from any other (assembly) and supported on 2 sides." The NRC agrees that this caution is not a direction; however, it does limit the options of lowering the assembly into the core to any available location except the location from where it was removed. If the candidate believes the procedure provides inadequate guidance, that concern should be addressed through the facility licensee's procedure change process. The NRC sustains the Region's recommendation to retain the question without changes to the answer key.

CANDIDATE'S WRITTEN EXAMINATION CONTENTION NO. 4:

This contention refers to the written test, questions 34, 37, 48, 52, 90, and 93.

Summary of Candidate's Contention:

The candidate states that none of these actions would be done without the use of a procedure. In questions 34 and 93 the operator would be using alarm response procedures and exact setpoints would not be needed to be known. The number in question 37 would not be required to be known since one would be in the power operations procedure. Question 52 would be covered by procedure; plant management would not require them to start a reactor coolant pump from memory. Questions 48 and 90 are too picky when it comes to plant systems; the minute detail required by the test was not reasonable.

Summary of Regional Office Analysis and Conclusion:

Question 34:

The question described four conditions related to reactor coolant pumps (RCPs) and (based on abnormal procedures) required the candidate to identify which one required an immediate reactor trip and RCP trip. The candidate should recognize a condition requiring immediate actions. 10 CFR 55.41(b)(10) and 55.43(b)(5) require that the written SRO examination includes a representative sample of facility abnormal operating procedures and the ability to assess plant conditions during abnormal conditions. Immediate actions required by abnormal and emergency procedures should be committed to memory; the procedures should be subsequently used to verify all immediate actions have been completed. The Region recommends that the question be retained and no change to the candidate's score be made.

Question 37:

The question asked for the maximum plant power when one main feed pump was out of service. Based on two different pump limitations provided by the facility comments two correct answers were allowed (65 & 70%). The candidate is correct that he should have a procedure in hand when removing a feed pump from service. However, 10 CFR 55.41(b)(5) requires that the written SRO examination includes a representative sample of facility operating characteristics and operating limitations. This question is important knowledge if a main feed pump is lost while above 70% power. The Region recommends that the question be retained and no change to the candidate's score be made.

Question 48:

The question asked for the effect on volume control tank (VCT) level if the reference leg to one channel was lost. The question required the candidate to differentiate between the two VCT level channels, understand how the loss of reference leg would affect indicated level, and analyze how this fault would affect the operation of the VCT level control system. 10 CFR 55.41(b)(7)

requires that the written SRO examination includes a representative sample of facility control and safety systems including failure modes and automatic features. The VCT is a major component which is constantly used to maintain RCS inventory and operability of the charging pumps. The Region recommends that the question be retained and no change to the candidate's score be made.

Question 52:

The question provided a brief history of RCP stops/starts and asked for the earliest time when the RCP could be restarted. The candidate is correct in that he should not start an RCP based on memory of a procedure. The candidate was asked one of the precautions and limitations related to the RCPs. 10 CFR 55.41(b)(5) requires that the written SRO examination includes a representative sample of facility operating characteristics, including limitations. The Region recommends that the question be retained and no change to the candidate's score be made.

Question 90:

The question asked how long a station IE battery would have capacity to start a diesel generator following a station blackout. The question was asked due to the relatively short time the battery would be available after a station blackout. Lack of knowledge in this area could have significant negative effects if the 90 minutes was exceeded. 10 CFR 55.41(b)(8) requires that the written SRO examination includes a representative sample of facility components and capacity of emergency systems. The Region recommends that the question be retained and no change to the candidate's score be made.

Question 93:

The question asked the candidate to identify a condition which requires a trip of an RCP. The Region V review of facility comments concluded that the question should be retained. Based on abnormal procedures the candidate was required to identify which set of plant parameters required an immediate reactor trip and RCP trip. The candidate should recognize a condition requiring immediate actions. 10 CFR 55.41(b)(10) and 55.43(b)(5) require that the written SRO examination includes a representative sample of facility abnormal operating procedures and the ability to assess plant conditions during abnormal conditions. Immediate actions required by abnormal and emergency procedures should be committed to memory; the procedures should be subsequently used to verify all immediate actions have been completed. The Region recommends that the question be retained and no change to the candidate's score be made.

NRC Analysis and Conclusion:

The NRC has determined that questions 52 and 90 discriminated at too high a level as closed-reference questions. The NRC agrees with the Region's statement that indicated that an operator would be expected to refer to the procedure prior to starting a RCP. However, the NRC has concluded that it was inappropriate to test for the specific knowledge of pump start limitations without providing the procedure. Question 90 referenced a note (as opposed to

a caution) in the body of the blackout procedure that indicated that approximately 90 minutes of battery life were available before it would not support starting an emergency diesel generator. Because the operators have the ability to affect loads on the battery, the 90 minute value is not an absolute and could be extended by selective load reduction. Additionally, the question was worded such that choices "a" and "b" were also correct. The NRC has deleted these questions from the examination.

The NRC has determined that question number 37 has more than two correct answers in that different power levels can be found in plant procedures. The NRC will delete this question and adjust the candidate's score.

The NRC concludes that the remaining questions in this contention were both valid and appropriate for a SRO written examination. The NRC will retain these questions.

CANDIDATE'S WRITTEN EXAMINATION CONTENTION NO. 5:

This contention refers to the written test, questions 5, 16, 32, 37, 57, 81, and 93.

Summary of Candidate's Contention:

The candidate states that these questions "should be thrown out, because if they are wrong for the RO test then they are wrong for the SRO test." He further states that the candidates are "all trained to the same level", so they should be tested to the same level. In addition, if the majority of candidates failed a question, either the question was bad or it was not covered in the station's training program. In either case the operators should not be the ones to suffer. In question 81, it is not clear what the NRC was attempting to test.

Summary of Regional Office Analysis and Conclusion:

10 CFR 55.43(b) states that the NRC requires additional test scope for SROs as opposed to ROs. The SROs direct the ROs actions and may be the senior facility persons on site, consequently they are held to higher standards by the NRC. If the facility wants to train SROs and ROs to the same level the NRC does not object. However, the NRC tests have been written to meet the requirements of 10 CFR 55.41 and 43. NRC and facility reviews are conducted to screen out deficient questions and to resolve what was or was not taught by the facility.

Regarding question 81, the question was testing the ability of the candidate to analyze the effects on the plant and identify immediate action required. The candidate does not identify any other specific issue, consequently, there is no basis to delete the questions. The Region recommends that the question be retained and no change to the candidate's score be made.

NRC Analysis and Conclusion:

The contention is that a question determined to be inappropriate for a RO examination and removed, should be removed from the SRO examination since the facility trains the RO and SRO candidates to the same level. The NRC agrees with the Region's remarks in that SRO candidates are held to a higher level of knowledge and understanding than RO candidates. The fact that both ROs and SROs are trained to the same level is acceptable as long as that level of training assures that the SROs meet the minimum requirements to be licensed at the senior level. In fact, some questions on the RO written examination tested at the SRO level and were removed from the RO examination. The NRC has different knowledge standards for licensing SROs as described in 10 CFR 55.43 and the SRO examination tested to these knowledge standards.

Regarding the questions that the candidate contended should be deleted from the SRO examination:

- a. SRO examination question 5 is the same as RO examination question 3. Neither question was deleted from the examinations. The NRC has determined that the question was valid for both examinations based on 10 CFR 55.41 and 10 CFR 55.43.
- b. SRO examination question 16 is the same as RO examination question 14. This question examined knowledge of the maximum heatup and cooldown rates allowed by Technical Specifications. The question was commented on by the facility in the normal post-examination process. The Region responded to the comment in their examination report dated November 5, 1993 (Examination report 50-528/OL-93-03). The Region retained the question as an SRO question and deleted it from the RO examination. No change has been made to the Region's action.
- c. SRO examination question 32 is the same as RO examination question 29. This question examined knowledge of when to emergency borate. The question was commented on by the facility in the normal post-examination process. The Region responded to the comment in their examination report dated November 5, 1993 (Examination report 50-528/OL-93-03). The Region retained the question as an SRO question and deleted it from the RO examination. No change has been made to the Region's action.
- d. SRO examination question 37 was deleted due to the reasons explained in written examination contention number 4.
- e. SRO examination question 57 is the same as RO examination question 65. This question examined knowledge of tagging boundaries. The question was commented on by the facility in the normal post-examination process. The Region responded to the comment in their examination report dated November 5, 1993 (Examination report 50-528/OL-93-03). The Region retained the question as an SRO question and deleted it from the RO examination. No change has been made to the Region's action.
- f. SRO examination questions 81 and 93 were commented on by the facility in the normal post-examination process. The Region responded to the

comments in their examination report dated November 5, 1993 (Examination report 50-528/OL-93-03). The Region retained the questions as an SRO question and deleted them from the RO examination. No change has been made to the Region's action.

Overall, the NRC has concluded that, except for question 37, the remaining questions in this contention were both valid and appropriate for a SRO written examination.

CANDIDATE'S WRITTEN EXAMINATION CONTENTION NO. 6:

The candidate states that a written test, as with the whole test of a candidate, should be an effort on the part of the company and the NRC to ensure that candidates can and do operate the facility in a safe manner, but he does not believe that this test was a fair test of his abilities. He makes a general request that his license denial be assessed on its fairness in light of a 2.42 average on the integrated plant operations simulator test and a 77.6 percent on the written examination.

Summary of Regional Office Analysis and Conclusion:

The candidate's contention that the written test was not a fair test of his abilities is general and does not appear to be well supported by his comments on specific questions. He also questioned why he should fail the written test when he averaged 2.42 on the simulator test, but does not identify any specific correlation between the two tests. Without specific errors or omissions in the tests there is no basis for additional review of the written examination. The candidate's request for review did not identify any NRC errors or new information. 10 CFR 55.33 requires candidates to pass both a written examination and an operating test.

NRC Analysis and Conclusion:

The NRC has developed an operator licensing process that is both appropriate and consistent in discriminating between safe and unsafe operator performance. Considerable effort has been expended to make the process as objective as possible and to fully communicate the performance standards and NRC expectations. There is insufficient basis upon which to set aside the licensed operator performance standards designed to assure the ongoing protection of the public health and safety. Moreover, portions of the licensing examination overlap, but emphasize evaluation of different knowledge and ability areas on the different portions of the examination. It is simplistic and not reflective of actual test design to believe that a specific score on one portion of the examination should be applicable to scores on other portions of the examination.

Overall NRC Summary Analysis of Written Examination Appeal:

The NRC has determined that the candidate did not provide additional technical information or valid arguments to warrant revision of the written examination except for question numbers 37, 52, and 90, which the NRC is deleting from the examination. The NRC has concluded to delete these questions from the

examination because they discriminated at too high a level for a closed-reference examination. As a result, the NRC has changed the candidate's score from 76 of 98 (77.6%) to 75 of 95 points (78.9%) and is sustaining the original written examination failure on the basis of having not achieved 80% or greater on the written examination.

SUMMARY LISTING OF WRITTEN EXAMINATION SCORING CHANGES

<u>QUESTION NUMBER</u>	<u>NEW GRADING</u>
5	NO CHANGE
16	NO CHANGE
25	NO CHANGE
32	NO CHANGE
34	NO CHANGE
37	QUESTION DELETED
42	NO CHANGE
48	NO CHANGE
52	QUESTION DELETED
57	NO CHANGE
81	NO CHANGE
89	NO CHANGE
90	QUESTION DELETED
93	NO CHANGE
94	NO CHANGE
96	NO CHANGE
Resultant	75/95 = 78.9 % (Fail)

Distribution
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March 24, 1994

DOCKET NO(S): 50-528, 50-529
 and 50-530

Mr. Michael S. Bandrowski
 Radiation Program Manager, Region 9
 (A1-1)
 Environmental Protection Agency
 75 Hawthorne Street
 San Francisco, CA 94105

SUBJECT: PALO VERDE NUCLEAR STATION, UNITS 1, 2, AND 3

The following documents concerning our review of the subject facility are transmitted for your information.

✓	DESCRIPTION OF DOCUMENT	DATED
	Notice of Receipt of Application	
	Draft/Final Environmental Statement	
	Notice of Availability of Draft/Final Environmental Statement	
	Safety Evaluation Report, or Supplement No. _____	
	Environmental Assessment and Finding of No Significant Impact	
	Notice of Issuance of Environmental Assessment	
	Notice of Consideration of Issuance of Facility Operating License or Amendment to Facility Operating License	
	Biweekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Conditions See Page(s) _____	
	Exemption	
	Construction Permit No. CPPR- _____, Amendment No. _____	
	Facility Operating License No. _____, Amendment No. _____	
	Order	
	Monthly Operating Report for _____ transmitted by Letter	
	Annual/Semi-Annual Report: _____ transmitted by Letter	
X.	Other Semiannual Radioactive Effluent Release Rept Jul-Dec 1993	2/28/94

Office of Nuclear Reactor Regulation

Project Directorate V

Enclosures:
 As Stated

cc:

ACRS-1

OFFICE▶	LA:PDV <i>DFC</i>					
SURNAME▶	DFoster-Curseen					
DATE▶	3/24/94					

