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SPECIFICATION OF CLAIMS

Alfred J. Morabito

NUCLEAR REGULATORY COMMISSION

Docket No. 55-6075 Official Exhibit No. 1
 In the matter of Alfred Morabito
 Status IDENTIFIED x
 Action x RECEIVED
 Intervenor REJECTED
 Com's Off'r
 Contractor HR DATE 2/21/88
 Other Witness
 Reporter Andrew Emerson

Official Exhibit No.

Morabito Exh 1

(SQ, Party Name)

Identified

Disposition:

RejectedMorabito

Date:

2/21/88

Reporter:

EMEA

No. Pages:

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Morabito
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BEFORE ADMINISTRATIVE JUDGE:

CHARLES BECHHOEFER

In the Matter of

Alfred J. Morabito

Senior Operator License for
Beaver Valley Power Station, Unit 1

Docket No. 55-60755

ASLBP No. 87-551-02-SP

SPECIFICATION OF CLAIMS:

I. Issues to be resolved:

1. Did I successfully pass the written examination?
2. Did I successfully pass the simulator examination?
3. If, as a result of these proceedings, it is determined that I have passed either the written or the simulator examinations, what does that mean with regard to the quality of the progressive reviews performed by various senior officials in the licensing branch of the NRC who upheld the grading of both examinations?
4. Is the license examination process valid?
 - A. Are the written examinations constructed, verified, and graded in accordance with accepted educational standards and standards of professional conduct?

- B. Are the operating examinations administered and graded by qualified examiners?
- C. What are the standards that the NRC invokes regarding the quality, competence and experience of its examiners?

II. History:

The history of this matter is presented in chronological sequence in Exhibit A. The chronology ends with service of the Order of the Commissioners on July 1, 1987 stating that my request for a hearing is granted.

III. Background of Appellant:

I have 21 years of cumulative experience in commercial nuclear power, commencing in June, 1966 when I was employed by Duquesne Light Co. as a Chemist at the Shippingport Atomic Power Station. My nuclear power experience is summarized through August 1984 in Exhibit B. That summary documents my continual progression in experience and responsibility up to and including my promotion to Station Superintendent in January of 1983. In the position of Station Superintendent, I was the senior Duquesne official on site. In that capacity, I was responsible for the nuclear and the industrial safety of the personnel at the station and for the protection of the health and safety of the public. Additionally, as Superintendent, I was responsible for the efficient functioning of the station and its equipment and for the effectiveness and productivity of the workforce. Exhibits C, D, E, and F are just a few of many documents which

provide evidence and testimony to the astuteness with which I discharged my responsibilities. Exhibit G presents a few sequential reports which document my personal commitment to the use of tried and true management tools; in this case Management By Objectives, MBO. Exhibit H provides proof of my creative and independent thinking which resulted in the development and implementation of "Excellence of Operations" at the Shippingport Station. Exhibit I presents a few examples of work efforts which I chose to highlight for the Excellence of Operations program and thereby provide an intrinsic reward to the workers involved and motivation to others. Because my talents and leadership ability have been tempered and steel-hardened by the fire of field operations, I have the confidence to ask the NRC to prove its competence in the task of licensing nuclear power plant operating personnel. It is my hope and intent that these proceedings will lead to the development of a more valid and verified licensing process.

IV. Argument for Issue #1: Did I pass the written exam? (Refer to Exhibit J for the test questions, answer key, answers given, and grade given):

The following questions from Sections 5, 6, 7, and 8 of the written exam were graded incorrectly:

Question # 5.03 b. The question asked "What adverse fuel assembly condition could result if actual heat flux exceeds critical

heat flux. For the situation posed by the question, clad failure will not occur unless and until DNB occurs. DNB is the adverse condition which is analyzed in the Safety Analysis Reports as being the cause of other adverse conditions. The NRC exam grader apparently did not have enough knowledge to independently judge my answer; therefore, if my answer did not match the key, I was given less than full credit. My answer is just as correct as, and probably more correct than the NRC answer key. Full credit should have been given.

Question 5.060 b. required the memorization of a mathematical formula to correctly answer the question. NUREG 1021, Chapter ES-402 states that mathematical expressions regarding reactor behavior usually need not be committed to memory and will be supplied when questions requiring their use are included in the exam. Though this statement could be shown to apply only to reactor behavior formulae, it is common practice for the NRC to include thermodynamics formulae and constants on the formula page of the exam or within the exam itself. The formula required to solve this problem was not included in the exam and, in fact, was apparently required to be memorized since it was weighted at 0.3 points. It is not a formula used by operating personnel in their daily duties; nor can I think of an instance in my 21 years of operating experience that I used that formula. For all of the above reasons, this question should be thrown out of the exam. In addition, this question shows a lack of quality control on construction of the exam.

and a lack of appreciation for what is truly significant knowledge for operating personnel to have committed to memory.

Question 5.10 a.: The exam grader took away 0.5 points for my failure to include the words stated in the answer key regarding the effect of the Doppler coefficient of reactivity. However, I performed a calculation in answer to that question. That calculation shows, more accurately than the NRC key, that the power increase is shared between the moderator and the Doppler effects and the resulting temperature distributions will be significantly different if rods are not moved. Full credit should have been given for this answer.

Question 6.03 b.: The question asked for the three design features of the component cooling water system that minimize the effect of a rupture of the RCP thermal barrier. The answer key listed three design features. The exam grader apparently did not realize that there are more than the three listed in the key. My answer "separation of thermal barrier CCR supply from pump motor and lube oil cooling supply" is a correct answer because it allows continued operation of the RCP after thermal barrier rupture so that a controlled plant shutdown can be accomplished rather than a plant trip due to loss of one RCP. That certainly mitigates the consequences of an RCP thermal barrier rupture by a specific design feature. My answer "the ability to manually isolate the thermal barrier" is a specific design feature that allows

continued RCP operation and subsequent cooldown and depressurization for repair without allowing chromated cooling water to backflow into the reactor coolant system thru the ruptured thermal barrier as the plant is depressurized. Though not the answers in the key, my answers are correct. Full credit should be given.

Question 6.06 a.: This question asked "What is used to control RCS pressure during cold solid plant operations"? The question didn't ask for normal control. The word "what" is very ambiguous. My answer involving the over pressure protection system is a protective function that "controls" RCS pressure. Full credit should be given.

Question 6.06 b. is an example of the petty, vindictive attitude among NRC examiners at Region I. In answer to that question, I listed a temperature setpoint as 470°. The exam grader recognized it as close but not correct. He accepted my answer, wrote the correct setpoint as 475° and gave me full credit. In the full regrade after my first appeal, the regrading examiner marked that response as incorrect and took off 0.2 points. The full regrade is required by policy, but it is intended to find errors that were not found the first time not second guess the first grader on his allowance of answers that show proof of knowledge though the knowledge of things like an exact setpoint may be slightly off the mark. If it was judged acceptable the first time, it should have been acceptable the second time. Apparently the second grader felt that if he had to give points back, he was also going to take points away wherever he could even though

nothing new had been discovered about the answer to that question:
Give back 0.2 points.

Question 6.07 a.: The question asked why the operability of the steam generator code safety valves was important during power operation. The answer which I gave was correct and can be proven by reference to the 4th paragraph on page 25 of Exhibit K which is a lesson plan from the License Retraining Program at Beaver Valley Power Station. Attachment 1 of Exhibit K shows the core safety limit curve on which I have drawn the associated steam generator code safety valve protection line to show how violation of the safety limit curve is avoided. Full credit should have been given for my answer but the exam grader apparently didn't even have enough background knowledge to question why my answer was so different from the key answer, let alone take the time and effort to research whether my answer might possibly be correct.

Question 6.07 b.: The initial grading of this question, its subsequent handling in the regrade (NRC states in Attachment 1 to W. F. Kane's letter to Alfred J. Morabito dated Nov. 12, 1986, see Exhibit L, that there are many varied reasons for closing the MSIVs, there is no definite answer, the question is deleted.) and its reinstatement at my request in my second appeal letter; proves the confusion and apparent incompetence of the Region 1 licensing section with

regard to the choosing and grading of exam questions. Even after reinstatement of the question, at my request, I was only given half credit because the grader claimed that both of my answers said the same thing. I submit Exhibit M which is a copy of pages 10.3-2 and 10.3-5 of the BVPS Updated Final Safety Analysis Report. The second paragraph under section 10.3.1.2. states that the main steam trip valves provide back-up for the non-return valves to prevent blowdown of the intact steam generators through a ruptured pipe between a non-return valve and another steam generator. The first paragraph of section 10.3.1.3. states that if the rupture occurs downstream of the trip valve, valve closure stops the flow of steam through the pipe rupture....etc. Now, I pose the following situation: One main steam header ruptures between the main steam isolation (trip) valve and the non-return valve. In this situation, the MSIV for the steam generator feeding the ruptured header closes to stop the flow of steam from that steam generator (my answer No. 1) and the other two MSIVs close to back-up the non-return valve on the ruptured header thus preventing blowdown of the intact steam generators (my answer No. 2). Full credit should be given for my answers.

Question 6.09.a.: The NRCs answer to this question is absolutely incorrect. The quench spray cutback valves and bypass orifices were installed to improve the net positive suction head, NPSH, for the low head safety injection pumps and for the inside and outside recirculation

pumps for the most limiting DBA condition, single failure of one entire train of engineered safety features (quench spray and safety injection). These modifications were installed by design change package, DCP, 189. The cutback valves were installed to keep the containment pressure from becoming excessively negative (subatmospheric) and thus maintain increased pressure on the containment sump thereby helping to maintain NPSH for the pumps which take suction from the sump. Flow diversion lines were installed to pump cool spray water to the suction of the inside and outside recirculation pumps to help subcool the water in the sump and thus also aid in improving the NPSH. The orificed bypass lines; however, were installed around the cutback valves to ensure a continued flow of 1100 gpm after the cutback valves closed. That bypass flow is necessary for several reasons. When cutback occurs, the continued input of energy from the RCS break causes the regained subatmospheric pressure in the containment to start increasing. The bypass flow is needed to minimize the increase; not to minimize the negative pressure as is stated in the NRC key. It is the function of the cutback valves to minimize the negative pressure! An additional reason for the need for the orificed bypasses reveals itself in the event of a single failure event for one train of quench spray and safety injection. Cutback will occur before all of the sodium hydroxide from the chemical addition tank is injected; because of loss of 2 of 4 injection pumps. All of that chemical is assumed to be needed to ensure that radioactive iodine does not evolve from the sump water due to a low pH

condition. If there were no bypass around the cutback valves, some amount of chemical would not be injected to the containment. The orificed bypass lines allow for complete injection of the chemical, even after cutback occurs. My answer is correct. Full credit should be given. The NRC's answer key is incorrect and should be corrected before that question is used again. Exhibit N provides information that led to the installation of DCP-189. It is offered as proof of my preceeding statements.

Question 7.02.c. To answer this question, a candidate had to remember step 16 on page 11 of procedure FR-C.1. This is not a required memorize item. The steps of the Emergency Operating Procedures, EOPs, that license candidates are expected to memorize are defined in the Beaver Valley Power Station Operating Manual, ch. 48, section 1/2.48.2., page 8, as shown in Exhibit O. This question should be deleted.

Questions 7.06 b., 7.07 b., 7.07 c., 7.08 b., and 7.08 c. are all examples of ineffective testing technique. The answers to all of these questions are obvious when the procedure is in hand. The evolutions associated with these questions would not be performed without reference to the procedure. These are not required memorize knowledge items for operations personnel. Proper testing technique for these issues would be to state the caution, limit, or step and ask "why"

they say what they say. This approach must be considered one of the fixes to the existing licensing process, a process that I am challenging in this proceeding.

Question 8.05: My answer to this question was given full credit during the initial grading. During the regrade conducted after my first appeal, 1 point was deducted. The regrading examiners' reasoning was that in my original answer I hadn't specified what the limits were for, and had simply stated they were to prevent release of radioactivity (page 2, Exhibit L). In my second appeal letter, Exhibit P, I stated that the question specifically stated that the candidate should discuss the relationships among Limiting Conditions for Operations, Limiting Safety System Settings and Safety Limits in terms of preventing release of radioactivity to the environment. My answer did exactly that. The regrade examiner even quoted my use of the term "release of radioactivity". It should be obvious from these remarks and the associated exhibits that the examiner was vindictively looking to manufacture reasons for taking away points. In addition, when I refuted the regrade, see Exhibit P, the response from the Region, Exhibit Q, was that my comments were not relevant to the pass/fail decision and therefore were not reviewed. That statement is further proof of the intransigent and vindictive attitude that prevails among the examiners. I am an American citizen. I am entitled to the most correct grade of my examinations that I can possibly

get. No examiner has the right to determine that comments such as mine are not relevant and therefore not worthy of consideration. A change in philosophy and some grooming in good manners is definitely needed in the operator licensing branch of the NRC.

Question 8.06 a.: The NRC is incorrect. Exhibit R; Station Administrative Procedure, chapter 4, page 13 of 52; shows that the required personnel are not called out immediately, they are called out immediately after the emergency is under control. My answer is correct.

Question 8.11 a.: This is another example of intransigence, vindictiveness, and an attempt to manufacture reasons for taking away points in the regrade. My remarks in Exhibit P explain why my answer is correct. The NRC's response in Exhibit Q provides evidence of their insensitivity and, in this case, stupidity.

Conclusion:

When all of the preceeding comments plus the comments in my appeal letters of Sept. 11, 1986 and Dec. 16, 1986 are considered, and appropriate grades assigned to each question, it will show that I did indeed pass each section of the written examination with greater than 70% and that I did indeed pass the overall exam with greater than 80%.

- V. Argument for Issue #2: Did I pass the simulator examination? (Refer to Exhibit J for simulator scenarios, examiner's remarks, grades, and comments.)

Examiner's comment 2.5.H.- page 5 of ES-301: This comment is incorrect. See my comment on page three of Attachment B, Exhibit S. This comment should be deleted.

Examiner's comment 5-1.C.-page 6 of ES-305: (See my remarks on page 2 of Attachment B in Exhibit S.) The examiner based his grade of M, marginal, for my knowledge of "normal procedures" on the fact that an accepted practice, and in fact a practice that was stressed during my simulator training, pulling the source range fuses, was performed by me though no procedure existed to govern that action. My comments in Exhibit S are accurate. Though I did not request a grade change at that time, I now request that the comment be deleted. It does not present a valid test of the item that was being tested.

Examiner's comment 5.2.A-page 6 of ES-305: (See my remarks on page 4 of Attachment B in Exhibit S) As stated in my remarks in Exhibit S, I did not consider two power range channels inoperable. Prior to invoking the referenced AOP and appropriate technical specification, I would have made a "declaration" to the crew that two power range channels were inoperable. In addition, I would have had to tell them

which ones were inoperable, otherwise they would not have known which instruments to follow during the down-power transient. I could only determine that information by forcing some small reactivity change to occur while watching for instrument response. I chose a small power reduction as a conservatively induced reactivity change. If any two instruments had failed to respond properly, I would have had the plant headed in the proper direction. As it turned out, all instruments responded appropriately, so I ordered the power reduction stopped after 5%. No procedure is required for such action. The examiner's comment should be deleted.

Examiner's comment 2.5.E.- page 8 of ES-305: (See my remarks on page 5 of Attachment B in Exhibit S) This is an example of subjective decision making by the examiner. His comment is true but he doesn't tell the whole story. My remarks in Exhibit S complete the story. When viewed as a whole, the conclusion must be reached that I said and did nothing wrong. So what is the basis for the grade being "M" rather than "S"? Delete the comment and upgrade to "S".

Examiner's comment 7.1 - page 8 of ES-305: (See my remarks on page 6 of Attachment B in Exhibit S.) What a ridiculous examining technique! The examiner has based his opinion and grade of my knowledge of technical specifications on the fact that I did not know that one of the few thousand components at Beaver Valley Power Station that are not technical specification items was in fact not a technical specification item.

Further, this discussion occurred while we were standing in the diesel generator room, looking at and discussing some great and important components that are in fact covered by technical specifications. The examiner's comment should be disregarded as a basis for forming the judgment of my knowledge of technical specifications. The grade should be changed to "S".

Examiner's comment 6.A.7. - page 10a of Es-305: (See my remarks on page 7 of Attachment B in Exhibit S.) I was initially very concerned by this comment because converting from ppm to dk/k had never been a weak point for me. Under the Freedom of Information Act, I requested the notes and logs which I had generated during my exam. These are presented as Exhibit T. Apparently the examiner's comment was generated by my mock performance of OST 1.49.2. The error that gave rise to the examiner's comment was not my inability to convert ppm to dk/k but rather the fact that I read the differential boron worth as -8.65 pcm/ppm rather than -8.35 pcm/ppm from Fig. 4 of the OST. Now look what really happened. I knew at the start of the calculation that the existing boron concentration was higher than required for the existing conditions. The applicable condition was 1.C.4. I didn't have to go any further. I offered to perform the calculation anyway. The examiner accepted that offer. At that point, I had to make an assumption of what boron concentration I would work with so that I could get a differential boron worth that was on the graph. Note that Fig. 4 only goes to 1800 ppm

but the existing boron concentration was 2147 ppm. I chose 1416 ppm because that was the minimum allowed. In performing steps 2 & 3, I was well aware of the fact that I would be dividing the boron worth into zero. Whether the worth was -8.65 or -8.35 didn't matter since the answer in step 3 would still be zero. Consequently, the answer in step 5 was accurate. If there is a comment to be generated here, it would be that I incorrectly or carelessly read a wrong value from the graph; but, since it didn't affect the accuracy of the results, the grade should at least have been an "M".

Examiner's comment 8.B.4. - page 10a of ES-305: (See my remarks on page 1 of Attachment B in Exhibit S.) What qualifies the examiner to say that 10 minutes is an excessive amount of time? When did the time become excessive? Was it after 3 min. or 5 min. or 7 min.? And when it did become excessive, why did the examiner let me continue searching for the procedure until I finally found it? He was wasting my examination time if the outcome of successfully finding the procedure was going to be a grade of "U" anyway! As stated in my remarks in Exhibit S, 10 min. is not excessive. The personnel accountability function has to occur first. That typically takes 20 to 30 minutes. Delete the comment or at least the word excessive and change the grade to "M".

Examiner's comment 8.C.2. - page 10a. of Es-305: (See my remarks on page 8 of Attachment B in Exhibit S.) This comment points to the lack

of expertise of the examiner. In addition it is another example of negative testing technique, i.e., my knowledge of station security procedures was judged as marginal because I didn't know the combination to the NSS's key cabinet - a combination that, as a trainee, I was not expected to know nor, by station security requirements, even allowed to know! Delete the comment and upgrade from "M" to "S". How can an examiner's comment like this make it through a quality assurance review and several additional levels of review within the NRC?

Examiner's comment #1 on Attachment 1/4 to ES-302-11: (See my preceeding remarks for examiner's comment 5.2.A. above.) Delete this comment.

Examiner's comment #2 on Attachment 1/4 to ES-302-11: (See my remarks on page 9 of Attachment B in Exhibit S.) In addition to my referenced remarks I have to ask the question "So what?" with regard to the examiner's comment. Did I or did I not direct the proper action? Answer - I did! Is it not more difficult to direct the taking of an action that is different than the action that your senses had indicated might be the correct action? Answer - it is! In spite of what I had expected, the indications from the operator told me something different. I reacted with excellent supervisory control to direct the action that was proper rather than the action I might have expected to direct. The examiner's comment is frivolous and should bear no weight with regard to the grading of my supervisory capabilities. Further, it should be

considered a positive statement with regard to my use/compliance of procedures; i.e. I directed the action required by the procedure, in response to the operators identification of conditions, rather than the action that I might have expected to take in response to what I thought the conditions might be.

Examiner's comment #3 on Attachment 1/4 to ES-302-11: (See my remarks on page 9 of Attachment B in Exhibit S.) As a result of my earlier comments, this comment has already been deleted by the NRC.

Examiner's comment #4 on Attachment 1/4 to ES-302-11: This is the only valid comment with regard to compliance/use of procedures. It is not sufficient to support a grade of "U".

Examiner's comment #1 on Attachment 2/4 to ES-302-11: (See my remarks on page 10 of Attachment B in Exhibit S.) As a result of my actions, the plant was placed in a natural circulation mode. All parameters were maintained safely within limits. No "red path" criteria were reached. The induced transient was mild and no adverse effects on the health and safety of the public or station personnel occurred and no equipment damage occurred. In addition, the complex procedure for securing the reactor coolant pumps was performed flawlessly, providing evidence of my good familiarity with the control board and my dexterity at performing several simultaneous and dependent sequential actions.

This comment does not support a grade of "BU".

Examiner's comment #2 on Attachment 2/4 to ES-302-11: (See my remarks on page 10 of Attachment B in Exhibit S). It is important that I restate the fact that I was not confused; only hesitant to verify the position of the valve based on the demand indication for the valve positioner alone. Note that at this time the examiner was under the impression that there were position indicating lights for that valve. The NRC has since indicated that the examiner was wrong! The industry is well aware that a demand signal to a positioner is not a foolproof indication of valve position. I took a few seconds to convince myself that the demand indication was all that was available to me. The conference with the balance of plant operator helped. What is significant here is that the examiner thought that there were position indicating lights and there are not. The examiner thought that I should have used the position indicating lights. Since I didn't he thought I was confused. In reality, it was his confusion that made him write the comment about my confusion. And it is his continued obstinacy that is perpetuating this error. Here is an example of an examiner trying to use his erroneous knowledge to support his opinion that my performance was unsatisfactory. That's BAD! Delete this comment.

Examiner's comment #3 on Attachment 2/4 to ES-302-11: (See my remarks

on page 11 of Attachment B in Exhibit S.) The actions occurred as stated. Exhibit U explains the basis for the step in question. note that the step is precautionary. There is no reason to expect that the containment sump pumps will start when the safety injection or containment isolation signals are reset. If they did start, two series isolation valves, which tripped close on the CIA signal, would stop any discharge from leaving the containment boundary. This was not a major oversight in the overall scheme of the accident. In the context of measuring my familiarity with the control board, I note that Exhibit U lists eight actions that are to be taken to complete this step. Of those eight, I missed one. This was due to my haste to complete the step. This occurrence hardly supports a grade of "U" for control board operations.

Examiner's comment #4 on Attachment 2/4 to ES-302-11: (See my remarks on page 11 of Attachment B in Exhibit S.) As stated in my referenced remarks, there is no indication of successful reset of CIA from the control room that would normally be used in a situation like this by the reactor operator. Failure to properly reset CIA does not have any safety significance to the public or to the plant. In addition, I further demonstrated my ability to diagnose the fact that one train of CIA had not been reset, through my deft operation of various controls at the board after the scenario was completed. I immediately recognized the situation, correctly determined which CIA train had not been reset,

and successfully reset CIA in front of the examiner. This comment does not support a grade of "U" for control board operations.

Examiner's comment #1 on Attachment 3/4 to ES-302-11: (See my remarks on page 11 of Attachment B in Exhibit S.) This comment must be deleted. The examiner's scenario called for a high level alarm on B steam generator to be the initiating event for this bypass valve failure. The level Alarm did not occur! With no alarm condition to call my attention to a potential problem, there was no reason for me to do more than acknowledge the balance of plant operator's report that B steam generator feed flow was spiking in a manner similar to what had occurred in the first scenario, which turned out to be a problem in the simulator itself. After calling for maintenance support to check the problem, and after verifying with the BOP operator that the feedwater flow increase was returning to normal and was under control, I concurred with her request to take manual control of the B steam generator feed regulating valve and turned my attention to other problems. The scenario did not occur as it was intended to occur; see Simulator Administration Form for SB-2, event #1, Exhibit J; consequently, my actions were different than what was expected and they were obviously effective since we never lost control of B steam generator level.

Examiner's comment #2 on Attachment 3/4 to ES-302-11: (See my remarks on page 11 of Attachment B in Exhibit S.) The examiner cites his

comments on use of procedures and crew interaction as support for grading my supervisor ability as unsatisfactory. I have taken issue with many of the examiner's comments, in addition, I have presented Exhibits B through I as examples of my supervisory leadership, judgement, and capabilities. In addition, I submit Exhibits V, W, and X as additional evidence of my ability to discharge supervisory responsibilities in field operations in a nuclear power plant environment. If, through these various exhibits, I provide convincing evidence of my dedication to Excellence In Operations and my ability to direct the achievement of that Excellence, then I ask the question, "What is wrong in the licensing evaluation process that the examiner's arrive at so many faulty conclusions"? I will answer the question by saying: the examiners are not qualified to make the judgments they are making and the process that allows that situation to exist without being corrected is faulty.

Examiner's comment #1 on Attachment 4/4 to ES-302-11: (See my remarks on page 12 of Attachment B in Exhibit S) This comment must be deleted.

There were no AC buses energized when I assessed the situation. Several seconds later, after the only available diesel generator was up to speed, it closed on the bus and loaded; but the bus was deenergized when I looked at it. I had the symptoms for loss of all AC power and accordingly directed the performance of the immediate action steps of ECA 0.0. All of this was proper and accurate for the symptoms that I had at the time I directed entry into ECA 0.0. During verification of the immediate

action steps, I requested verification that all emergency buses were de-energized as required by step 8. The operator observed one emergency bus energized; by now the one available diesel generator had come up to speed and loaded on the bus. In accordance with the procedure, I directed transition to E-0. Everything was done properly and accurately and under my direct supervision. At no time was the plant placed in a less safe condition and safe shutdown was achieved. It was a beautifully performed emergency response. If the examiner found something to criticize, he manufactured it in his mind. I venture to say, though I don't know for sure, the examiner has never been in an emergency in a nuclear power plant control room and his judgement shows it.

Examiner's comment #2 on Attachment 4/4 to ES-302-11: (See my remarks on page 12 of Attachment B in Exhibit S) The examiner lied in the last sentence of his comment. Exhibit Y is a notarized statement from the operator who gave me the report during the scenario. It clearly shows that she knew I had understood her report. In Exhibit L the NRC responded to my remarks by saying that the use of hand signals to indicate the amount an instrument is reading above normal is unsatisfactory. That comment is an unsupported, biased judgement. It is not valid and as proof I state that on the basis of the operator's report and my subsequent follow-up questions, I made the correct decision! I challenge the examiner to say under oath that I didn't make the correct decision!

Examiner's comment #3 on Attachment 4/4 to ES-302-11: (See my remarks on page 13 of Attachment B in Exhibit S) This is another example of my dedication to procedure compliance. I followed the questioning technique of the procedure and when the response was given that was different than I had anticipated, I directed the response action in accordance with the procedure, not in accordance with my judgement. To the extent that I can influence nuclear training, I will never criticize a trainee for thinking out loud thus allowing his thoughts to be shared by the crew and corrected by them if necessary. The judgement of my performance must be objectively based on whether or not I took the correct action and safely directed the operation of the plant; not on the examiner's opinion of my thought patterns. It takes a good supervisor, a good communicator, a good crew interactor to be able to generate enough information during an emergency to subsequently subjugate his own thoughts to the real facts and act accordingly and correctly.

NRC response to my comment on ES-302-4, Attachment 1/4, comment 1 (See Exhibit L): The quotation stated infers that I gave that direction to the operating crew, when in reality, it was quoted from my written response in Exhibit S. As it plainly states in Exhibit S, I ordered a 10% power reduction. The power reduction was performed without reference to a procedure. That is properly permitted by station administrative policy. The power reduction was stopped after 5% because I had completed my assessment of the precision of the nuclear instruments. The examiner may not have

liked what he saw, but that's too bad. I was the SRO and I did what I felt was necessary to answer questions in my mind. I also kept the crew informed of what I was thinking and of my final assessment of the condition and accuracy of the nuclear instruments. I did nothing wrong and I kept the plant within all of its safe operating limits. Without knowing it, I foiled the examiners scenario because the normal boration needed for the power reduction and the programmed drop in Tave masked the dilution. Apparently they don't like it when the scenario doesn't go as planned. They aren't qualified to handle the unexpected.

NRC response to my comment on ES-302-11, Attachment 1/4, comment 4 (See Exhibit L): Look at the smoke screen that is being thrown up. I missed one part of a step in a sequence of 20 steps that are required to be memorized and performed without reliance on a procedure. The SRO is required to back me, the operator, up by reference to the procedure. He did that and I responded to his direction just like a good operator should. There are valid situations, the 10% power reduction being one of them, where the procedure does not have to be relied on and there are valid situations like response to decreasing pressurizer pressure and level where action can be taken without reference to the procedure if the necessary actions are known to the operator provided he verifies his actions by reference to the procedure as soon as the plant is stable (if no transient like a tube rupture occurs in the interim). The examiner is apparently not qualified to form judgements in this area because he can't keep these

instances and variations straight in his mind.

NRC response to my comment on ES-302-11, Attachment 2/4, comment 3 (See Exhibit L): I offer 21 years of safe operation and supervision of nuclear power plant operations as positive proof of my ability as a safe operator. The examiner has an insufficient background and qualification to support his subjective opinion about my ability as a safe operator.

NRC response to my comment on ES-302-11, Attachment 3/4, comment 1. (See Exhibit L): This response proves that the failed feedwater regulating bypass valve scenario did not occur as planned in the scenario. With no alarm to call my attention to a particular situation, I had to rely on my operator for input as to what was happening. In addition, please note that with the operator standing in front of the control board, I could not see any unusual indications and with no alarm to suggest that an unusual condition existed, I had no reason to go look at the operators control board. In addition to the above comments, I call attention to Exhibit Z, page 3, statement IV.3. in which the NRC acknowledges that candidates were distracted by erroneous electrical spikes in megawatt, steam flow and feed flow recorders. What the examiner didn't realize is that the distraction was so thorough that even when the spike was the start of a real transient, the temptation was to write it off as a continuation of the previous anomaly.

NRC response to my comment on ES-302-11, Attachment 4/4, comment 1 (See Exhibit L): The comment as written in the original NRC report, Exhibit J, was used to support a judgement of poor crew interaction and communication. It really shows excellent crew interaction and communication, strong procedure compliance and good supervisory judgement. If the examiner thinks that it does not demonstrate a correct understanding of plant response to a loss of offsite power, that's his perspective. He can't use that comment to support an unsatisfactory performance regarding crew interaction and communication. In this response, the NRC now admits that the symptoms which I saw were true symptoms. They go on to say that I didn't diagnose the cause correctly. This statement by the NRC again shows their lack of qualifications and their ignorance with regard to the use of symptom based emergency operating procedures (EOP). Entry into the EOPs is on the basis of symptoms. Diagnoses is not required nor expected. The EOPs perform the diagnosis after the immediate actions are completed. We, the operating crew, did a beautiful job in responding instantly to the problem and using the procedures properly to diagnose the situation and resolve the problem. We should have received accolades instead we received criticism. Score my performance as a "plus" in this scenario.

NRC response to my comment on ES-302-11, Attachment 4/4, comment 2 (See Exhibit L): As stated in earlier comments, if there was any uncertainty over the communication occurring between me and the BOP operator, it was

only in the mind of the examiner. I knew what was going on. The BOP operator knew what was going on. I made the correct decision based on the hand signal communication and answers to follow-up questions which I asked. The fact that correct decisions were made proves the adequacy of the use of hand signals in this instance. The examiner is not qualified to say that the use of hand signals is unsatisfactory. This is another example of an examiner forming an erroneous judgement on the basis of a subjective opinion. The facts support the conclusion that the use of hand signals was adequate and satisfactory!

NRC response to my comments on ES-302-11, Attachment 4/4, comment 3 (See Exhibit L): The NRC reviewers are totally incorrect in this statement. Their premise that emergency boration was required is wrong and they have finally admitted to me that emergency boration was not necessary. Proof of this admission is evidenced by Exhibit AA, a letter from Mr. Victor Stello in response to my Freedom of Information Act appeal. Only if emergency boration were necessary would I have to be giving the RO direct supervision to ensure it was being performed and was not stopped until boron concentration had been verified. For the situation in the scenario, emergency boration was not necessary and therefore the RO could control the starting and stopping of normal boration at will while I directed my attention to the overall situation.

NRC response to my comment on ES-302-11, Attachment 3/4, comment 2 (See Exhibit L): As stated in earlier comments, there was no alarm condition to alert the supervisor to an actual upset condition. The initial increase in feed flow indication appeared to be a continuation of a simulator problem that occurred in the first scenario. In their subsequent formal comments to Duquesne Light Co. management after the exam, NRC acknowledged that the electrical spikes on various recorders were a distraction to the candidates. The scenario did not proceed as planned. The initiating criteria was supposed to be an alarm. The alarm never came in. My supervisory direction to the BOP operator was provided in response to her description of the feed flow spike which she became aware of because of her close attention to her instrumentation. If the recorder chart tracing is viewed today (See supplemental page 3 for Attachment 3 in Exhibit P) it can be seen that when the feed flow increase occurred, it did look like a spike. As time went on, the tracing decreased to normal on a ramp but the operator did not have the ability to see into the future when the tracing spiked initially. I reacted appropriately to the situation and gave adequate direction to regain control of the plant. As shown in Exhibit P, all parameters returned to normal. By taking manual control of the B steam generator feed regulating valve, the effect of the failed open bypass was nullified. The crews actions should have received a satisfactory grade.

When all of my preceeding comments are considered and added to concessions already made by the NRC, it will be observed that my inaccuracies on

the simulator come down to these;

- 1) Did not properly diagnose a dilution condition
- 2) Tripped the reactor coolant pumps unnecessarily
- 3) Did not place a containment sump pump switch in the off position
- 4) Did not properly reset CIA

None of those failures placed the plant in an unsafe condition, nor jeopardized the health and safety of the public or of the personnel at the plant. None of the failures generated an unanalyzed condition nor even led to degraded critical safety function parameters. Many of the actions which I correctly took mitigated the consequence of severe transients and were performed in a manner that should have generated accolades. In the case of the dilution accident, the actions which I directed actually controlled the malfunction even though I did not diagnose it as a dilution. All of these facts prove safe, conservative nuclear power plant operation and sensitive and responsible supervision with dedication to procedure compliance and willingness to correct my thoughts when plant indications dictate that actual conditions are different than I had supposed. For all these reasons, I did indeed pass the simulator examination!

VI, Argument for Issue 3:

If I have successfully proven my case with regard to passing either the written or simulator examinations, then serious questions are raised regarding the adequacy of the review process, the capability of the reviewers and the honor with which senior officials in the NRC view their

handwritten signatures when forwarding the results of substandard work performed by their subordinates. This entire process to date seems to have been aimed at wearing me out and causing me to lose heart through a subtle attack on my job security rather than making an honest effort to resolve the situation.

Even if I have failed to prove passing of the examinations, it should be obvious that I was not given a fair opportunity to correct whatever erroneous information existed and which I have been able to prove did exist.

VII. Argument for Issue 4:

The arguments presented for issues 1, 2, & 3 prove that the license examination process is not valid. In addition, I made a Freedom of Information Act request, identified as FOIA-87-352, which requested information that I believe will prove the lack of qualification of certain examiners and a failure of Region I to qualify its examiners according to the NRC's own examiner standards. My FOIA request and subsequent additional information is presented in Exhibit BB. I ask that the Presiding Officer request that the NRC staff present him with the information requested by Exhibit BB so that he can review the accuracy of my statements. If that is not possible, then I request to be able to supplement this brief when the information has been presented to me and I have had time to analyze it.

VIII. Desirability of Oral Presentation:

By his MEMORANDUM AND ORDER dated July 15, 1987, the Presiding Officer requested the parties to address whether oral presentations are necessary or desirable. Accordingly, I state that an oral presentation may not be necessary if agreement to revise the license examination process can be reached as a result of these proceedings and regardless of whether or not I prove all of my claims. If, however, continued obstinacy toward revision of the license examination process continues to exist within OLB, then an oral presentation would be desirable as a platform for initiating national debate on what the license examination process ought to be and what the qualifications of the examiners ought to be.

END OF SPECIFICATION

Respectfully submitted this 31ST day of July, 1987.

Witness my hand and Notary Seal

This 31ST day of July 1987

Notary Walter J. Debo

Alfred J. Morabito

Signature

Alfred J. Morabito

WALTER J. DEBO, NOTARY PUBLIC
New Brighton Boro, Beaver County
My Commission Expires MAY 10, 1988
Member, Pennsylvania Association of Notaries