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Oswego, NY 13126  
July 26, 2000

Michele G. Evans, Chief, Branch I  
Division of Reactor Projects, Region I  
US Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Dear Michele G. Evans:

I am sending you these comments in the hope that you will direct them to the appropriate Region I person. They address only the failure of the Indian Point 2 operating staff to log Emergency Plan events.

There is a story that goes somewhat this way: two people traveled a path to a fork. Each went a different way. Both ended up at the same place. I would like to provide a different path to get to a result we both desire. This result is Indian Point 2 logs that contain information on all significant plant events.

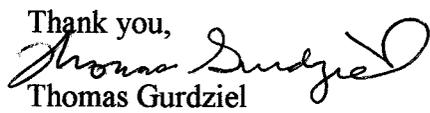
I don't see accountability for following (log keeping) procedures.

I do not particularly like the determination that the cause is non effective prior corrective actions. What are they going to do? Once again tell the operators to log items? The operators were supposed to learn about log entries before they went for their operator license exam. If they didn't learn before the exam and got a license anyway, they are still responsible for keeping proper logs. The shift foreman is responsible for work being done properly. The shift supervisor is responsible for the work done by the shift. Any shift manager they may have is also fully responsible for work being done in conformance with existing regulations and company procedures.

The cause (in my opinion), is a failure to perform. Here is my solution: hold each person in the chain of command responsible and fine them personally.

Logkeeper	3 weeks pay, but not less than \$3000
Shift foreman	5 weeks pay, but not less than \$5000
Shift supervisor	2 months pay, but not less than \$10000
Shift manager	2 months pay, but not less than \$10000 and license suspended for 2 months
Plant manager	license suspended for 6 months

No reply is needed if the operators will be fined. However, if such is not the case, I would appreciate the NRC rationale.

Thank you,  
  
Thomas Gurdziel

obligation to take such a step merely because it has been requested. The decision to forego enforcement is discretionary. When enforcement discretion is to be exercised, it is to be exercised only if the NRC staff is clearly satisfied that the action is warranted from a health and safety perspective.

### VIII. ENFORCEMENT ACTIONS INVOLVING INDIVIDUALS

Enforcement actions involving individuals, including licensed operators, are significant personnel actions, which will be closely controlled and judiciously applied. An enforcement action involving an individual will normally be taken only when the NRC is satisfied that the individual fully understood, or should have understood, his or her responsibility; knew, or should have known, the required actions; and knowingly, or with careless disregard (i.e., with more than mere negligence) failed to take required actions which have actual or potential safety significance. ~~Most transgressions of individuals at the level of Severity Level III or IV violations will be handled by citing only the facility licensee.~~

More serious violations, including those involving the integrity of an individual (e.g., lying to the NRC) concerning matters within the scope of the individual's responsibilities, will be considered for enforcement action against the individual as well as against the facility licensee. However, action against the individual will not be taken if the improper action by the individual was caused by management failures. The following examples of situations illustrate this concept:

- Inadvertent individual mistakes resulting from inadequate training or guidance provided by the facility licensee.
- Inadvertently missing an insignificant procedural requirement when the action is routine, fairly uncomplicated, and there is no unusual circumstance indicating that the procedures should be referred to and followed step-by-step.
- Compliance with an express direction of management, such as the Shift Supervisor or Plant Manager, resulted in a violation unless the individual did not express his or her concern or objection to the direction.
- Individual error directly resulting from following the technical advice of an expert unless the advice was clearly unreasonable and the licensed individual should have recognized it as such.
- Violations resulting from inadequate procedures unless the individual used a faulty procedure knowing it was faulty and had not attempted to get the procedure corrected.

Listed below are examples of situations which could result in enforcement actions involving individuals, licensed or unlicensed. If the actions described in these examples are taken by a licensed operator or taken deliberately by an unlicensed individual, enforcement action may