

EDO Principal Correspondence Control

FROM: DUE: 11/05/08

EDO CONTROL: G20080701  
DOC DT: 09/26/08  
FINAL REPLY:

Tom Gurdziel  
Oswego, New York

TO:

Chairman Klein

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 08-0537

Leeds, NRR

DESC:

Indian Point (EDATS: SECY-2008-0593)

ROUTING:

Borchardt  
Virgilio  
Mallett  
Ash  
Ordaz  
Cyr/Burns  
Collins, RI  
Schaaf, OEDO

DATE: 10/17/08

ASSIGNED TO:

CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

**EDATS Number:** SECY-2008-0593

**Source:** SECY

## General Information

**Assigned To:** NRR

**OEDO Due Date:** 11/5/2008 5:00 PM

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** Indian Point

**Description:**

**CC Routing:** Region I

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20080701, LTR-08-0537

**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** EDATS

**Agency Lesson Learned:** NO

**Roadmap Item:** NO

## Process Information

**Action Type:** Letter

**Priority:** Medium

**Signature Level:** NRR

**Sensitivity:** None

**Urgency:** NO

**OEDO Concurrence:** NO

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:**

## Document Information

**Originator Name:** Tom Gurdziel

**Date of Incoming:** 9/26/2008

**Originating Organization:** Citizens

**Document Received by SECY Date:** 10/16/2008

**Addressee:** Chairman Klein

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: Oct 15, 2008 16:00*

PAPER NUMBER: LTR-08-0537

LOGGING DATE: 10/15/2008

ACTION OFFICE: EDO

AUTHOR: Tom Gurdziel

AFFILIATION: NY

ADDRESSEE: Dale Klein

SUBJECT: Indian Point

ACTION: Appropriate

DISTRIBUTION: Chairman, Comrs

LETTER DATE: 09/26/2008

ACKNOWLEDGED No

SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

EDO --G20080701

9 Twin Orchard Drive  
Oswego, NY 13126  
September 26, 2008

Chairman Dale E. Klein  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Dale E. Klein:

Now that it appears Entergy's Mike Balduzzi has the back-up power emergency sirens and the Unit I fuel pool under control at Indian Point, let me point out problems in other places.

#### Decision Making

I guess the biggest problem I see is the length of time it takes to make decisions. Maybe I should modify this statement to include: "and report them to the public". Now that we no longer use those manual typewriters, why should it take 60 days to issue an LER? Or, why is it necessary to wait 45 calendar days after a Special Inspection Exit meeting. (The 5 month goal for allegations fits right in here, too.)

Well, I think I know the reason. The NRC's (& industry's) decision making philosophy is not efficient. Presently, I believe it is something like this: "we can't make a mistake". Now that may work when you are doing tasks you have done many times before. (Here the rule might be: "Do it right the first time.")

However, I do not believe it is practical (and certainly not timely) to demand initial perfection when doing something new. In these cases, I believe it is more efficient to make a decision with the understanding that it may turn out to be at least partially wrong. This requires an open mind (or questioning attitude) to accept possible deficiencies in the solution and requires additional action to correct these deficiencies as they become apparent.

In fact, I believe adoption of this type of thinking is especially necessary now when you are reviewing work that has not been done before. I believe you need to accept the possibility that something can be missed and, when identified, would need to get the action necessary to fix it.

#### Taking Regulatory Enforcement Action

Your enforcement actions are not timely and not commensurate with performance failures. For one example, a firewatch was not performed at SONGS for over 5 years.

Instead of you providing a stiff fine to a plant operator which had increased risk of operation, you allowed them to participate in Alternate Dispute Resolution. Why should a rule violator be allowed to do your job of setting the punishment?

### Tunnel Vision

Presently, at least for the Vermont Yankee site, the NRC is exhibiting, to me, a very severe form of tunnel vision. By looking almost exclusively at safety-related equipment, your actions show that all is well. But, in my opinion, it is not.

Taking just the Vermont Yankee mechanical draft cooling towers, I think the recent history goes something like this:

The plant operator determines that, if the State of Vermont would allow them to discharge into the river slightly hotter water in the summer, they wouldn't need the non-safety related mechanical draft cooling towers. So they applied for permission to discharge hotter water and got approval, but not enough to eliminate the cooling towers. It appears to me that they apparently stopped doing necessary cooling tower inspection and maintenance sometime ago. Unfortunately, the missed inspections/repairs were necessary and their absence led to a disastrous and well pictured failure in 2007. Well, they got that repaired but in 2008 another (smaller) leak appeared. Using publicly available information sources, one reason for this first 2008 failure was the failure to install the 2007-designed fix of 3 parts. (Only two were installed.)

Clearly, this high visibility repair effort did NOT follow what should have been an approved work process. Simply put, this is unsafe. There is no other way to describe nuclear-site workers not following procedures.

In fact, couldn't you say that Tunnel Vision was a large part of why the Davis-Besse head eroded so much before action was taken? And, wasn't the NRC supposed to look at all things, not just those specifically identified, according to how I remember one of the NRC's Davis-Besse Lessons Learned?

Thank you,

  
Tom Gurdziel

Copy:

Commissioner Kristine L. Svinicki  
Commissioner Gregory B. Jaczko  
Commissioner Peter B. Lyons