



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 7, 2009

Mr. Tom Gurdziel
9 Twin Orchard Drive
Oswego, NY 13126-6107

Dear Mr. Gurdziel:

I am responding to your letter dated March 6, 2009, addressed to the U.S. Nuclear Regulatory Commission's (NRC) Chairman Dale E. Klein (Agencywide Documents Access and Management System (ADAMS) Accession Number ML090830446). In this letter you expressed some concerns and provided 11 suggestions for improving containment access and egress, following the containment event at Palisades Nuclear Plant (Palisades), which occurred on August 6, 2008.

On August 6, 2008, a Walkdown Team of five individuals entered the containment building to perform a walkdown of safety systems and components during a unit shutdown. After the tour was complete, the Walkdown Team could not exit the containment due to being unable to open the inner personnel air lock door. In addition, the Walkdown Team was unable to communicate with personnel outside containment due to a failure of the telephone system. In response to the incident, the NRC formed a special inspection team (SIT), that conducted a special inspection of this event at Palisades. The SIT identified several findings, which are recorded in the Palisades Nuclear Power Plant NRC Special Inspection Report 5000255/2080-010 (ADAMS Accession Number ML083100669).

The NRC staff has reviewed your suggestions for improving occupational safety involving containment access and egress. The U.S. Occupational Safety and Health Administration (OSHA) has jurisdiction over industrial safety and health at NRC-licensed facilities. The boundaries between the nuclear and radiological safety that the NRC regulates and industrial safety that OSHA regulates, are defined through a Memorandum of Understanding (MOU), dated December 23, 1988, between OSHA and the NRC (ADAMS Accession Number ML031140641).

We appreciate the effort you have taken to bring these suggestions to our attention. However, as described in Sections 3 and 4 of the MOU, the NRC does not have jurisdiction over the type of hazards associated with plant conditions which could result in an occupational risk and which do not affect the safety of the licensed radioactive materials. Your recommendations concerning improving containment access and egress controls pertain to industrial safety which resides under the purview and statutory authority of OSHA. Therefore, you may consider petitioning OSHA for further consideration of your suggested containment access improvements.

In accordance with OSHA regulations (Standards – 29 *Code of Federal Regulations (CFR)*), which can be accessed via www.OSHA.gov, petition for the promulgation, modification, or revocation of a standard – 1911.3, may be filed with the Assistant Secretary, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

T. Gurdziel

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In addition to your recommendations concerning industrial safety, Item 11 of your letter suggested that licensees should mark the expiration date on containment airlock seals. This suggestion does pertain to radiological safety and is within the jurisdiction of the NRC. However, the NRC does not plan to implement your recommendation because we have already established performance-based containment integrity and leakage testing requirements in 10 CFR 50.54(o) and Appendix J to 10 CFR Part 50, which rely on periodic testing to ensure containment leakage integrity. These requirements, established over 35 years ago, have proven to be effective.

Should you have any questions or comments regarding these matters, please contact Mr. Mahesh Chawla, the NRC Project Manager for the Palisades Nuclear Plant, at 1-301-415-8371, or via electronic mail at mahesh.chawla@nrc.gov.

Thank you for your interest in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen D. Howson" or similar, written in a cursive style.

Joseph Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

cc: Distribution via ListServ

T. Gurdziel

- 2 -

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Sincerely,

/RA by AHowe for/

Joseph Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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