

EDO Principal Correspondence Control

FROM: DUE: 07/16/12

EDO CONTROL: G20120453
DOC DT: 06/22/12
FINAL REPLY:

Representative Edward J. Markey

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** PRI **

CRC NO: 12-0298

Chairman Jaczko

DESC:

ROUTING:

Shutdown of Palisades Nuclear Power Plant - Leak
in Water Storage Tank (EDATS: SECY-2012-0330)

Borchardt
Weber
Johnson
Ash
Mamish
OGC/GC
Leeds, NRR
Casto, RIII
Zobler, OGC
Schmidt, OCA

DATE: 06/26/12

ASSIGNED TO:

CONTACT:

EDO

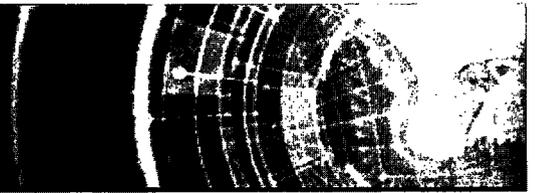
Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare response in accordance with OEDO
Notice-2009-0441-02 (ML093290179). NRR and
Region III to provide input to Roger Rihm, OEDO, if
required. Roger Rihm will coordinate response with
OGC and OCA.

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2012-0330

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 7/16/2012 11:00 PM

Other Assignees:

SECY Due Date: 7/18/2012 11:00 PM

Subject: Shutdown of Palisades Nuclear Power Plant - Leak in Water Storage Tank

Description:

CC Routing: NRR; RegionIII; OGC; OCA

ADAMS Accession Numbers - Incoming:
ML12178A446

Response/Package: NONE

Other Information

Cross Reference Number: G20120453, LTR-12-0298

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: Chairman Jaczko

Sensitivity: None

Approval Level: No Approval Required

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR and Region III to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Document Information

Originator Name: Representative Edward J. Markey

Date of Incoming: 6/22/2012

Originating Organization: Congress

Document Received by SECY Date: 6/26/2012

Addressee: Chairman Jaczko

Date Response Requested by Originator: 7/13/2012

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 26, 2012 07:47

PAPER NUMBER: LTR-12-0298 **LOGGING DATE:** 06/25/2012
ACTION OFFICE: EDO
AUTHOR: REP Edward Markey
AFFILIATION: CONG
ADDRESSEE: CHRM Gregory Jaczko
SUBJECT: Provides questions regarding the shutdown of Palisades
ACTION: Signature of Chairman
DISTRIBUTION: RF, OCA to Ack.
LETTER DATE: 06/22/2012
ACKNOWLEDGED: No
SPECIAL HANDLING: Commission Correspondence.
A response is requested by Friday, July 13.
NOTES:
FILE LOCATION: ADAMS
DATE DUE: 07/06/2012 **DATE SIGNED:**

EDO --G20120453

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 396-2900188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875-2900<http://markey.house.gov>**Congress of the United States****House of Representatives****Washington, DC 20515-2107****June 22, 2012**

The Honorable Greg Jaczko
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Jaczko:

I am writing to you regarding the June 12, 2012, shutdown of the nuclear reactor at the Palisades Nuclear Power Plant located on the southeastern shore of Lake Michigan near the city of South Haven, Michigan. I am concerned that the cause of the shutdown, a leak in a water storage tank that was dumping gallons of water into the reactor's control room, had been known to the plant licensee and to the U.S. Nuclear Regulatory Commission (NRC) for approximately one year, yet the leak was not repaired and, in fact, worsened, leading to the recent shutdown.

On June 12, 2012, Entergy Nuclear Operations, Inc. shut down the reactor due to a leak in the safety injection refueling water storage (SIRW) tank.¹ The 40 year old aluminum SIRW tank, which contains a minimum of 250,000 gallons of water, is a source of borated water (water that contains boric acid) for activities during refueling outages—the borated water floods the reactor cavity to cool the reactor when the plant's nuclear fuel is replaced. The tank also supplies the Emergency Core Cooling Systems and the Containment Spray System during emergencies.

The plant operators commenced the shutdown when the SIRW tank leakage exceeded the limit of 31 gallons per day established for the operability of the tank; the leak reached 31.4 gallons per day. The Event Notification report stated that “The licensee believes that the tank is leaking from several locations. However, at this time, they cannot determine exact locations. The refueling water has minor tritium contamination. The refueling water is being collected in a reservoir and then pumped into a holding tank. The licensee will be shutting down to cold shutdown.”²

I became aware of this SIRW tank leak and ensuing plant shutdown on June 14, 2012, when I received a letter from Billie Pirner Garde of Clifford & Garde, LLP (Attachment 1). Ms. Garde informed me that the leak had been observed during a June 30, 2011, NRC inspection and subsequently documented in an August 3, 2011 inspection report³ which stated that “The issue was more than minor because it impacted the equipment performance attribute of the Mitigating Systems Cornerstone, whose objective is to ensure the availability, reliability, and capability of systems that respond to initiating events to prevent undesirable consequences.”

¹ Preliminary Notification of Event or Unusual Occurrence - PNO-III-12-004

² <http://www.nrc.gov/reading-rm/doc-collections/event-status/event/2012/20120613en.html>

³ Palisades Nuclear Plant Integrated Inspection Report 05000255/2011003

Despite that assessment by the NRC, Ms. Garde has informed me that in the year following the inspection the leak had been continuous and increasing, leaking into the plant's Control Room and Auxiliary Building. A number of concerned individuals contacted Ms. Garde in order to alert her to water leaking into the plant's Control Room and Auxiliary Building. I was extremely alarmed to learn that she was told that the water was radioactive and being captured in "catch basins" with radioactive waste designators attached.

As you know, Palisades, which is one of the ten oldest nuclear plants in the U.S., has suffered a number of safety problems in recent years. In 2011, Palisades underwent five unplanned shutdowns. In the first six months of 2012, four official NRC enforcement actions have been issued.⁴ Furthermore, earlier this year, the NRC characterized Palisades as one of the least safe nuclear reactors in the country. The NRC assigns nuclear reactors to one of five categories based on their safety performance. Earlier this year Palisades was downgraded to the third category,⁵ a status currently shared only by two other reactors,⁶ and only one reactor in the country ranked lower.⁷

Given the troubled recent safety history at Palisades, I am very concerned to learn of yet another problem. My concern is compounded by the fact that this leak was known for approximately one year during which the licensee's response consisted of little more than collecting the water in a pail. I therefore ask that you address the following:

1. The June 14, 2012 Preliminary Notification of Event or Unusual Occurrence states that the licensee is investigating the cause of the leak and evaluating what repairs need to be completed prior to restarting the unit.
 - a. If that investigation is complete, please provide the results. Have the necessary repairs been made? If not, when will they be performed? How and when will the NRC verify that the repairs have been completed?
 - b. If that investigation is not complete, what is the expected completion date?
2. When were the effects of the leak into the Control Room and Auxiliary Building first observed by the licensee? How was it decided that the leak did not warrant further inspection or repair? After the NRC's June 30, 2011 inspection, what steps did the licensee take to address the leak? What actions did the NRC take to follow up on the status of the leak? When did NRC staff first receive information regarding the source of the leak into the Control Room and Auxiliary Building? Please provide copies of all documentation related to the discovery, monitoring, or remediation of the leak.
3. Was the leaking water ever tested for radioactivity? If so, when and what were the results of the test(s)? If it has not been tested, why not?
4. Please describe the nature of the "catch basin(s)" that is/was being used to collect the leaking water? Was this basin affixed with radioactive waste designators? Where was it

⁴ <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/reactors/p.html#Palisades>

⁵ http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/actionmatrix_summary.html#am_summary

⁶ The Perry Nuclear Power Plant's Unit 1 generator near Cleveland, Ohio, and the Susquehanna Nuclear Power Plant's Unit 1 generator in Berwick, Pennsylvania

⁷ The Browns Ferry Unit 1 near Athens, Alabama

located? How closely is this "catch basis" located to stations where employees of the facility typically sit or are stationed?

5. How was the collected water disposed of each day prior to the June 12, 2012, reactor shut down?
6. Entergy spokesperson Mark Savage has stated that they will "Shut the reactor down - which we've done, unload the water from the tank, find the leak, repair the leak, fill it up again and start the reactor back up."⁸ Has the water been disposed of yet? If so, how? If not, when will it be disposed of and how?
7. It has been reported that water was observed leaking in the control room. Have inspections been performed to determine if leaks are present in areas not immediately visible, for example, behind walls, into electrical panels, etc.? If yes, what was inspected and what were the results of those inspections? If no such additional inspections occurred, why not?
8. Ms. Garde informed me that on April 5, 2012, Palisades executives and NRC officials received a briefing on the results of a Safety Culture assessment that was performed by an outside consultant. Ms. Garde shared several alarming findings of this assessment, including:
 - 74% of respondents said they do not believe that they can openly challenge decisions made by management.
 - Only 65% of respondents feel that management wanted concerns reported.
 - 32% of respondents believe that management tolerates harassment and retaliation for raising concerns.
 - a. Please provide a copy of the final Safety Culture assessment report entitled "Palisades Nuclear Power Plant Safety Culture Assessment 2012" and dated April 18, 2012.
 - b. Please provide a copy of the presentation entitled "Palisades Nuclear Power Plant Safety Culture Assessment Results, dated April 5, 2012, and any other information from and about that assessment.
 - c. What action is the NRC taking in response to this Safety Culture assessment? How is the NRC ensuring that Palisades is taking appropriate actions in responding to the problems identified in the Safety Culture assessment?
 - d. What action did Entergy take in response to the safety culture findings?

Thank you very much for your consideration of this important matter. Please provide your response no later than close of business Friday, July 13, 2012. If you have any questions or concerns, please have your staff contact Dr. Makenzie Lystrup or Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,



Edward J. Markey

⁸ <http://www.michiganradio.org/post/palisades-nuclear-power-plant-shuts-down-fix-water-leak>

LAW OFFICE

CLIFFORD & GARDE, LLP

1707 L STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 289-8990

FAX (202) 289-8992

www.cliffordgarde.com

JOHN M. CLIFFORD*
BILLIE FIRNER GARDE**
STEPHANIE J. BRYANT***

* ALSO ADMITTED IN MD
** ALSO ADMITTED IN TX, WI
*** ALSO ADMITTED IN IA

June 14, 2012

The Honorable Edward J. Markey, Ranking Member
House Natural Resources Committee
2108 Rayburn House Office Building
Washington, D.C. 20515-2107

RE: Palisades Nuclear Power Plant

Dear Congressmen,

The Palisades Nuclear Power Plant is located in Michigan on the southeastern shore of Lake Michigan. It is one of the nation's older Pressurized Water Reactors (PWR), licensed originally in 1971, with the license renewed in 2007. The license to operate is currently held by Entergy Nuclear Operations, Inc. It is under the regulatory oversight of Region III of the Nuclear Regulatory Commission (NRC). On Tuesday, June 12, 2012, Palisades was shut down when a leak of water exceeded 31 gallons per day.¹ The leak has been constant and grown in size for at least the past year. And, this is not a minor leak. Last summer it was estimated at 15 gallons per day, its origin unknown. In my view, what is most disturbing is not that there is a leak that went uncorrected for over a year, but where the leaking water was going. The water was leaking into the Palisades nuclear power plant control room!²

This is the latest in a series of unfortunate events at Palisades over the past several years³, including an event in September 2011 during which the plant lost partial electrical control due to a decade

¹ It had been reported to me that the water was radioactive, and being captured in catch basins with radioactive waste designators attached.

² I bring these issues to your attention because the Office of the Inspector General of the NRC has proven itself to be completely useless in addressing any issues that question the competency, judgment, or decisions of the technical staff in carrying out its obligations. See, in particular, my letter of June 9, 2011, to NRC Chairman Gregory Jaczko regarding the OIG's actions in failing to address, if not deliberately covering up, the Staff's failures in regulating serious issues at the Byron nuclear power plant in Illinois, also located in the NRC's Region III. To the best of my knowledge, no action was taken as a result of the Byron situation, and no action has been taken with respect to the OIG. Thus, without any reforms there is no point in bringing issues to the OIG.

³ In 2010, the NRC issued Notices of Violations for failing to meet specific requirements for fuel storage in the spent fuel pool, specifically a fuel pool storage rack neutron absorber had deteriorated over the life of the plant to less than required. In January 2012 the NRC issued a Notice of Violation for failing to require inspections on aging equipment on the turbine driven auxiliary feedwater pump, which was inoperable from October 2010 to May 2011. In December 2011 after an operator left his controls during a heated argument, without a proper turnover to a

old, unidentified design flaw. Only the Operators excellent reaction saved the plant, and southeastern Michigan, from a catastrophic accident. New issues are now identified, including a complete collapse of its safety culture, that raise serious questions regarding whether the NRC should have reasonable assurance that the Palisades plant is able to operate in a manner that adequately protects the public health and safety.

This letter is to request your assistance in investigating and addressing the NRC's lack of adequate attention on serious issues at Palisades that it has found acceptable and tolerated.⁴

UNKNOWN LEAK OF WATER

One of the issues that the NRC has apparently tolerated is a growing leak of water into the Control Room and Auxiliary Building. When I learned of this concern from a number of Concerned Individuals (CIs) I contacted the NRC to inquire what, if any, knowledge that the NRC had about this leak and what action it had taken to address it. I was told that the leak had initially been identified last fall and was slated to be repaired during the recently completed outage. However, the NRC Staff conceded it was leaking again at 20 gallons a day. I was told that the information about this leak was reported in Inspection Report 05000255/2011003, and that no further information was publicly available. I was assured that the NRC was satisfied with the plant's actions with respect to the leak. In the meantime the leak continued to grow and be caught in a "catch basin." (A recent news article states that the NRC "*was made aware of the leak in April when the plant was shut down for refueling.*" Kalamzoo Gazette, June 14, 2012. That is not true.)

I then reviewed the August 3, 2011 Inspection Report (Palisades Nuclear Plant Integrated Inspection Report 05000255/2011003) and the regulatory discussion about the leak. According to the Inspection Report, the Licensee represented to the NRC that it had identified "water leakage from the ceiling in the control room during a period of heavy rain." (Inspection Report, at p. 16) Upon further investigation the Licensee apparently identified that water coming through a series of concrete walls, or catacombs, that support the Safety Injection and Refueling Water (SIRW) tank sitting on the roof of the Auxiliary Building which contains both trains of emergency core cooling system suction piping from the SIRW tank. It also identified boric acid and concrete washout on the floors, ceiling and some of the piping. The areas had not been inspected since at least 1995.

In December 2011 after an operator left his controls during a heated argument, without a proper turnover to a qualified individual or without obtaining permission from the Control Room Supervisor, the NRC issued a Confirmatory Order to Entergy on January 25, 2012. On February 14, 2012 the NRC issued another Notice of Violation for failing to verify the adequacy of the safety-related service water pump. Additionally, on February 14, 2012 the NRC issued a Notice of Violation for failing to ensure that work done on September 25, 2011 was done in accordance with proper procedures and instructions, resulting in a deficiency that caused the loss of the left train 125-Volt DC safety-related system and loss of both preferred AC sources associated with the left-train system, the "DC bus issue."

⁴ I note that the NRC issued a Confirmatory Order on January 25, 2012 which required Entergy to, among other things, "*conduct a safety culture assessment...*" within 180 days of the Order. Entergy agreed, as part of the Confirmatory Order, "*to make the results of this assessment available for NRC inspection, and Entergy agreed to address any relevant observations, findings, or recommendations in its Corrective Action Program.*" Confirmatory Order, at pp6, pg.6. Thus, it is noteworthy to point out that the decision to conduct a survey was not because Entergy realized it needed one, but because the NRC did.

The inspection report states that the “(d)etermination of the source of the leak was still underway.” Although the report briefly mentions water coming down the walls and into the control room and auxiliary room, the report is silent about the source of that water or whether it was radioactive. That report is the only public record of this leak. The report does not indicate any planned follow up by the NRC on this issue. This leak apparently did not alarm the NRC; last week when I advised it of the concern that had been brought to my attention by plant employees, the NRC staff attempted to convince me that the leak was not a problem.

It is beyond comprehension what the NRC has been doing over the past year on this issue. How can a growing leak of potentially radioactive water, from an unidentified source, leaking into the Control Room/Auxiliary Building and being captured in “catch basins” possibly be considered appropriate by the NRC staff? It goes without saying that large amounts of water, whether radioactive or not, leaking into and around the control room of a nuclear power plant could result in unanticipated widespread damage to the functionality of the control room infrastructure and circuitry? It should be pointed out that the initial 15 gallons a day, then 20 gallons a day, only reflects the measure of observable water into the areas of the control room that were visible. How much more water was seeping or leaking into areas of the control room that were inaccessible and obstructed, i.e., behind walls, into the electrical panels, impacting control systems?

A review of the publicly available records raises significant questions about the competency of the staff and its judgment at yet another poor performing Region III plant. It seems to me that either the Licensee staff made a misrepresentation to the NRC during the August 2011 inspection about what it knew, and when it knew it, regarding the source of water leaking down the walls of the Auxiliary Building, and into the Control Room, i.e., it was just heavy rain water; or the NRC itself is playing a shell game about the leak and about what information is included in the inspection report. Given the poor regulatory status of Palisades, one more problem could have easily forced a plant shut down. I cannot comprehend under what circumstances a leak of this magnitude, coming from an unidentified and unanalyzed source, running down the ceiling and walls of the Auxiliary Building and/or Control Room would be considered an acceptable risk for continued operations. What are the Palisades requirements and NRC regulations that address control room operations and habitability risks in the face of this leak?

If there was a competent internal Inspector General’s office that could review the actions of the Region III staff with respect to this matter, I would bring it to their attention. Unfortunately for the public, the NRC’s Office of Inspector General has stopped doing any meaningful work on issues of public health and safety significance, so it is again up to Congress to provide the oversight and accountability to ensure safety is the overriding priority.

PALISADES SAFETY CULTURE

The situation at Palisades is particularly serious because it has recently been confirmed that the site’s safety culture is at an industry low. On April 5, 2012 the site executives received a briefing on the results of a Safety Culture assessment performed by a credible third-party consultant. The NRC Resident Inspectors were in attendance at this briefing. Even though the NRC was advised of the results, they did not take or ask for a copy of the presentation or the report from the meeting. The Region took no action.

In fact, as far as I can tell, the NRC did nothing at all except continue on the path it was on - to expect this poor performing plant to cure itself.⁵

Data from the survey reveals that 74% of the almost 600 respondents do not believe that they can openly challenge decisions made by management. In some departments no one believed that was a possibility. Only 65% of the respondents, that is an average -- with some departments at over 90% negative -- agreed with the statement that management wanted concerns reported. 32% of the respondents believe that management tolerates harassment and retaliation for raising concerns. Even the numbers for the management team are abysmal. As stated in the report:

“All organizational work groups had consistently low scores with respect to, most of the survey statements related to Safety Conscious Work Environment. The pervasiveness and consistency of the results is clearly an area in need of attention.”

This is more than alarming. The NRC shut down the Millstone nuclear plant in 1996 when survey results revealed about 10% of the employees were fearful of retaliation for raising concerns. In this case, the results of the survey reveal a work force that is “chilled” to the point of immobilization. Yet the NRC resident staff sat through a briefing of the results of this survey and did nothing. The plant continued to operate, water continued to pour from the ceiling as employees walked by it every day, and the NRC simply continued to plan for inspections at their convenience, and allow the Licensee to figure out what to do. The NRC did not even obtain a copy of the final Safety Culture report. It seems to be not only the height of regulatory irresponsibility for any plant, but regulatory negligence at a troubled reactor where such serious problems are obvious.

Long before the NRC had regulations, policy statements or guidance about Safety Culture a group of Quality Control inspectors dumped a bucket of urine on the head of a whistleblower at the Zimmer nuclear power plant then under construction in Ohio. The next day the Region III Administrator at the time shut down the plant, and locked the gate until he had confidence that the workforce understood the expectations of the NRC. Although Zimmer was never completed, the issues that plagued that plant resulted from a decade of bad management and a broken safety culture. In 1996 the NRC took similar action at the Millstone plant in Connecticut. The Palisades survey results, coupled with the operational issues it has faced, and the impact of poor management on its workforce has placed the plant in a dangerous situation. A high percentage of the workforce had said that it doesn't understand its own responsibilities towards nuclear safety, and those that do are afraid to raise concerns. The plant should not be allowed to operate until the issues are fully aired publicly and the plant is required to undergo a significant recovery plan – at least as strenuous as the Millstone recovery was, since the results of the recent Palisades survey are much worse.

⁵ I note that Palisades is the subject of an upcoming NRC special inspection; but, results from this survey are so bad that it should have generated immediate and significant regulatory action. The foundation of the NRC's regulatory structure is the belief that all nuclear power plant personnel acknowledge their personal responsibility to ensure nuclear safety, as well as the willingness to raise concerns without fear of reprisal. Neither of these factors exists at Palisades right now. The NRC's decision to wait six months to perform a special inspection leaves everyone at risk of the consequences of a failed culture.

NRC NEGLIGENCE

This is a sad reflection on the NRC, which has been working hard on the issue of Safety Culture. It is not enough to have a handful of good policy people at headquarters, which it does have. The NRC must be required to demonstrate that all the resident inspectors are competent and qualified to perform their jobs and to identify and respond to precursors and indications of failed safety culture and serious degradations in work environments. This has been a concern to me for some time. Nuclear engineers are not experts on safety culture and often have no clue about what to look for or be concerned about in this area. On February 9, 2012, I testified at a Commission meeting on the "Views on Industry Activities Related to the NRC Safety Culture Policy Statement." In that presentation I identified that more work was needed by the Staff in some areas, specifically:

"More staff training needed in recognizing and identifying Safety Culture precursors. Resident inspectors are first line of defense, but are often the most overworked and least trained in recognizing Safety Culture issues."

Prepared testimony of Billie Pirner Garde, February 9, 2012.

The NRC staff was quick to take exception to my statement, Bill Borchardt, the NRC's Executive Director of Operations (EDO) stated in response to questions by the Commissioners that;

"...There is no position within the NRC that is more well positioned to identify safety culture issues that the resident inspector and they have been...very sensitive to those issues, and the ROP has provided a vehicle to get that more into a more clearly defined regulatory space. Having said that, there's also the balance that this is a policy statement and not a regulation, so we are mindful that we're not regulating safety culture as much as using it as a way to inform our other regulatory activities, to make sure that safety is enhanced and at the highest level possible with the licensees....."

Testimony of Bill Borchardt, p. 69-70. Other staff members chimed in to defend their position that Resident Inspectors were competent and qualified in this area, and no regulation was needed.

Unfortunately, the Resident Inspectors at Palisades apparently "did not get the memo" that the safety culture survey showed a complete collapse of the plant's culture and deserved more than just casual consideration, and inclusion in the next inspection. In this case, I am reminded of the infamous "red photo" of leaking rust colored boric acid that was given to the resident inspector at Davis Besse by a concerned systems engineer and sat on his desk for years as that plant avoided a near miss from a football size hole that had rusted in the reactor pressure vessel head. Had an accident occurred at Davis-Besse, or if there was an accident as a result of a catastrophic incident at Palisades, it would be the end of the nuclear industry in this country. The OIG's investigation of the Davis-Besse matter confirmed that the resident inspector completely dropped the ball by failing to understand or follow up on the significance of the event. (See, generally, NRC OIG Event Inquiry, case No. 03-02S, October 17, 2003.) In this case, as in Davis-Besse, there was no comprehension and no sense of urgency exhibited by the Resident Inspector to the information he learned on April 5, 2012. I attribute that to a lack of appreciation for the significance of the results he was privy to, and a degree of ignorance of the types of appropriate actions that should have happened immediately, i.e., stand downs, public expression of unacceptability of the

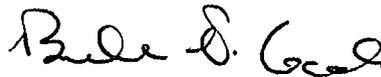
results, immediate messages to the workforce about retaliation, stop works, accountability for raising concerns, and formal and complete notice to the NRC. This is an unacceptable situation and needs to be addressed.

CONCLUSION

This is but one more example of the problems at the NRC lately. The entire situation at the Agency has reached levels that require congressional intervention and oversight, not just to address internal political squabbles, but focus on the work of the Agency – starting with replacing the Inspector General and his Deputy so that office can once again function to be the internal watchdog that should be responding effectively to these types of regulatory mishaps. I strongly urge you to consider these matters and take appropriate Congressional action.

Please feel free to contact me for additional information.

Respectfully,



Billie Pirner Garde

cc: Gregory Jaczko, Chairman
Kristine L. Svinicki, Commissioner
George Apostolakis, Commissioner
William D. Magwood, IV, Commissioner
William C. Ostendorf, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20515