

EDO Principal Correspondence Control

FROM: DUE: 07/06/05

EDO CONTROL: G20050454
DOC DT: 06/22/05
FINAL REPLY:

Senator James M. Jeffords

TO:

Chairman Diaz

FOR SIGNATURE OF : ** PRI **

CRC NO: 05-0330

Chairman Diaz

DESC:

ROUTING:

Secure Nuclear Materials/Penalties

Reyes
Virgilio
Kane
Silber
Dean
Burns
Collins, RI
Dyer, NRR
Caputo, OI
Cyr, OGC
Outlaw, OCA

DATE: 06/23/05

ASSIGNED TO: CONTACT:
OE Johnson

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with Region I.

Template: SECY-017

E-RIDS: SECY-01

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

ANDREW WHEELER, MAJORITY STAFF DIRECTOR
KEN CONNOLLY, MINORITY STAFF DIRECTOR

June 22, 2005

The Honorable Nils J. Diaz
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

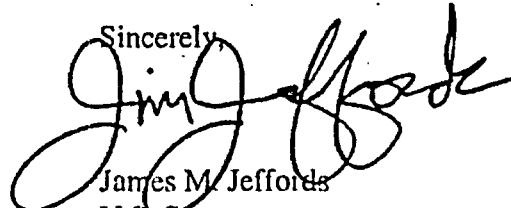
Dear Chairman Diaz:

I write in response to the letter sent by Region I Administrator Samuel Collins today to Entergy Nuclear regarding the levying of civil penalties in the case of missing fuel rods at Vermont Yankee. I read with concern the Nuclear Regulatory Commission's (NRC) justification for eliminating all penalties on the basis of action by the licensee to locate the material. The NRC should not send the message to licensees that simply acting to recover fuel rods discovered missing only upon an NRC-ordered inspection is sufficient to overcome years of poor materials accounting.

The total maximum civil penalty for the violations at Vermont Yankee was \$60,000, less than \$10 per day for the possible twenty-four years that these fuel rods were missing. In the Vermont Yankee case, I acknowledge the NRC may be justified in using discretion not to impose the full penalty against the current licensee. Entergy has not owned the facility for the entire time this fuel had been missing in the spent fuel pool and, as the NRC noted, took actions to locate it. However, by imposing no penalty, the NRC missed an opportunity to use its enforcement discretion to work with the licensee and develop a new, comprehensive materials tracking system to ensure spent fuel is secure.

As you know, I am committed to reforming the materials accounting system at nuclear power plants. I remain deeply concerned that the NRC regards spent fuel rods as a minimal risk for public exposure to radiation, and this decision adds to my concern. The NRC should do all it can to ensure nuclear materials are secure, including using its authority to impose penalties, as appropriate.

Sincerely,



James M. Jeffords
U.S. Senator

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Creation Date: 6/22/05 4:19PM
From: "Ashley, Thomas (EPW)" <thomas_ashley@epw.senate.gov>

Created By: thomas_ashley@epw.senate.gov

Recipients

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