

EDO Principal Correspondence Control

FROM: DUE: 10/11/05 EDO CONTROL: G20050648  
DOC DT: 08/25/05  
FINAL REPLY:

Attorney Nancy La Vista

TO:

Chairman Diaz

FOR SIGNATURE OF : \*\* GRN \*\* CRC NO: 05-0462

Dyer, NRR

DESC:

ROUTING:

Markey Letter Regarding NY Times Article on  
Dumpling Radioactive Waste

Reyes  
Virgilio  
Kane  
Silber  
Dean  
Cyr/Burns  
Travers, RII  
Johnson, OE  
Caputo, OI  
Strosnider, NMSS  
Outlaw, OCA

DATE: 09/19/05

ASSIGNED TO: CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20050561.

Template: SECY-017

E-RIDS: SECY-01



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August 25, 2005

Via Facsimile 301/415-5130  
 and U.S. Mail

The Honorable Niles J. Diaz, Chairman  
 11555 Rockville Pike  
 U.S. Nuclear Regulatory Commission  
 Rockville, MD 20582

To the Chairman and/or Whom it may concern:

This is a request under the Freedom of Information Act (5U.S.C.552).

On August 8, 2005, Representative Edward Markey requested the Commission's response to issues raised in New York Times Article of August 7, 2005 relating to reports that the NRC licensee Florida Power & Light appeared to have shipped radioactive waste to ordinary landfill and to some unknown locations in the early 1970s and early 1980s and request a copy of all responsive documents whether they are emailed, written or other in response to Representative Markey's questions as follows:

1. Has the Commission conducted its own independent investigation into the matters described in the Times article and the private litigation referred to in the article? If not, why not? If so, what has the Commission found?
2. Have any of Florida Power & Light's nuclear waste disposal practices been found by the Commission to be in violation of applicable laws and regulations? If so, what penalties have been imposed for these violations? If not, upon what basis did the Commission make its findings?

**FOIA/PA REQUEST**  
 Case No.: 2005-0339  
 Date Rec'd: 8-25-05  
 Specialist: BROWN  
 Related Case: \_\_\_\_\_

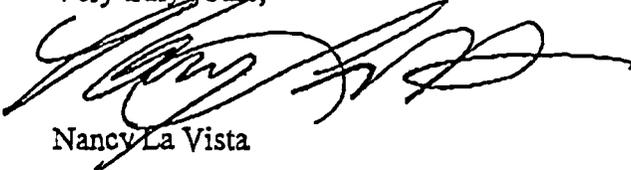
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3. The Times article raises the prospect of unlicensed and illegal nuclear waste disposal practices having been concealed from the Commission by a licensee. What is the penalty for concealing this type information from the NRC? Has the Commission looked into this possibility? Is there evidence that this may have occurred in this case? If so, what actions is the Commission taking in response?
4. Does the Commission believe that any of the documents uncovered in the pending private litigation warrant further investigation by the NRC staff to determine whether violations of applicable laws and regulations administered by the NRC may have been violated? If so, is such an investigation underway? If not, why not?
5. The Times article reports that tests of the teeth of two boys whose families have filed lawsuit against Florida Power & Light for alleged illegal nuclear waste dumping practices have revealed "abnormally high levels of radioactive strontium." Has the NRC conducted any testing or analysis to ascertain how these boys, or others living around alleged Florida Power and Light nuclear waste dumping sites, might have come to be exposed to such abnormally high levels of radioactive strontium? If not, why not? If so, please report on your findings and conclusions.
6. If it is true, as the Times reports, that Florida Power and Light may have disposed of radioactive waste at unlicensed sites, what would be the company's obligations under federal law with respect to cleaning up those sites and addressing any harm done to persons exposed to radiation as the result of such dumping?

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Please consider this my request for a copy of the responsive documents to the questions outlined above be provided to me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Nancy La Vista', written over a horizontal line.

Nancy La Vista

NLV/ecc