July 20, 2006

James E. Dyer, Director
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Dyer:

On behalf of the more than two dozen organizations and individuals listed below, I am responding to your draft Director's Decision dated June 28, 2006, regarding the groundwater contamination petition we submitted January 25, 2006, pursuant to 10 C.F.R. §2.206. We profoundly disagree with that decision.

You personally seem to have learned nothing from the Davis-Besse debacle and are repeating the very same regulatory mis-steps that Region III under your leadership took on Davis-Besse. When your Region III inspectors were handed Condition Report 2000-0782 clearly showing boric acid corrosion control problems at Davis-Besse in April 2000, they took a "hands off" approach and assumed the problem would fix itself. This *laissez-faire* approach was adopted despite the NRC having taking enforcement action against the owner of Davis-Besse less than a year earlier for similar boric acid control problems (i.e., the RC-2 valve problem). The Davis-Besse debacle that transpired in Region III with you at the helm prompted the NRC to conduct a 7,000 person-hour lessons-learned effort. When your NRR staff was handed report after report about radioactive spills at Braidwood, Indian Point, Salem, Connecticut Yankee, Callaway etc., they are taking a "hands off" approach and assuming some undocumented, ill-defined voluntary industry initiative will make it all better. And there's another major NRC lessons-learned effort underway to examine what when wrong within NRR with you at its helm. An apparently unlearned lesson from the thousands of person-hours devoted to NRC lessons-learned efforts is that the public would better served by more NRC attention to the road ahead instead of so much time looking in the rear-view mirror at what you did wrong.

The two most disturbing aspects of your draft decision on our petition are:

1. It relies heavily on rumors about a voluntary industry initiative. While your staff held two public meetings with the industry on this subject (and who knows how many secret phone calls), there was no publicly available documentation about the specifics of the rumored initiative other than the few words appearing in NEI's PowerPoint slides for the May 9th public meeting on June 28th when you proposed to deny our petition.[1] The "collected works" available to the public on the alleged industry initiative (i.e, the May 9th Power Point slide, the two one-page hand-outs from the June 21st public meeting, and the three documents sent by NEI to NRC on July 12th) provide no substantive information and outline – at best – this notion about an industry initiative. And yet that information void somehow provided you amply bases for rejecting our petition. Shameful, unless, of course, you were pre-disposed to nod "yes" to anything industry promises verbally and

[1] The hand-outs from the June 21st public meeting (ML061910205 and ML061910199, each a whopping one page in length) between NEI and NRC appeared to the public in ADAMS on July 18, 2006. The e-mail from NEI dated July 12, 2006, to NRC (ML061950013) and its attachments (ML061950015 and ML061950017) appeared to the public in ADAMS on July 17, 2006.

Add: Jon H Thompson
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shake "no" to anything we meticulously document in writing with extensive source citations. The fact that you would rely – essentially sight unseen – on vague rumors about an alleged industry voluntary plan is extremely disconcerting.

2. It relies exclusively on non-binding, non-required, non-regulated industry promises. As you point out to us in your decision, the owners of NRC-licensed nuclear power plants have not committed to the NRC to do anything. Instead, they have a contractual obligation with the Nuclear Energy Institute. Thus, any owner opting not to submit information to the NRC will not be violating a regulations or a regulatory commitment to the NRC, but only a breach of contract with NEI. And even if all owners dutifully honor their NEI contracts by submitting information to the NRC, the Petitioners are concerned about the veracity and accountability for this voluntarily supplied information. If the right thing is done and our petition granted, the owners will provide the information to the NRC under the accuracy and completeness conditions of 10 C.F.R. 50.9 and/or 10 C.F.R. 50.54(f). As documented in Table 2 below, licensees have repeatedly violated these regulatory requirements by providing incomplete and/or inaccurate information to you. Given the industry's pitiful track record conforming with those information accuracy and completeness standards, it is totally improper for you to rely on the markedly lower information accuracy and completeness standard associated with information provided to avoid breaching an NEI contract.

The Petitioners are not convinced by the reasons provided in your draft decision and reiterate our request for all of the actions requested in our petition. The following two tables provided more specific and detailed reasons why we remain unconvinced and steadfast in our request.

TABLE 1: PETITIONERS POINT-BY-POINT REBUTTAL

NRC Point	Petitioners' Counterpoint
All available information on those releases shows no threat to the public health and safety. (Draft Director's Decision, last paragraph of page 3)	**"All available information" is precisely the objective for and reason behind our petition. If "all" were sufficiently broad such that people living downstream and downhill of NRC-licensed facilities could reasonably believe that they and their families were not exposed to unlawful, unplanned releases of radioactive liquids, there would be no need for the Demands For Information sought by the Petitioners. But "all" in this case is very, very narrow, leaving few Americans with reasonable assurance they are not exposed to unlawful, unplanned releases of radioactive liquids.** **What the Petitioners do know is that the licensee for the Braidwood nuclear plant, with the knowledge and therefore implied consent of the NRC, repeatedly spilled millions of gallons of radioactively contaminated water and that some of that contaminated water migrated offsite in an unmonitored, uncontrolled, and unlawful manner.**

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	What the Petitioners (and the NRC) do not know is whether there are any NRC-licensed facilities with spills of radioactively contaminated water as bad as or worse than Braidwood. The petition seeks to bridge this information gap. The draft Director's Decision seeks to accept the gap in some kind of "ignorance is bliss" scheme.
"*We recognize that the radiological impact of these releases on public health is not a concern here,*" said James Caldwell, NRC Regional Administrator. "*However making sure that nuclear material doesn't end up where it's not supposed to be is important. It is also important to analyze the situation and to mitigate it quickly and efficiently when an unplanned release occurs.*"[2]	**Petitioners emphasize that the NRC cannot "make sure that nuclear material doesn't end up where it's not supposed to" simply by edict and press release. The NRC needs to acquire, review, and independently analyze currently unavailable information so as to "analyze the situation." The objective for and reason behind the petition is to provide the NRC with information that it presently lacks. Without this information, the NRC simply cannot perform the "important" task of analyzing the situation.**
The NRC's actions include conducting special inspections, revising NRC inspection guidance, and forming a lessons-learned task force. (Draft Director's Decision, final paragraph on page 3)	**Public confidence is not helped when an agency needs so many lessons learned task forces.** **The public would be better served by an agency displaying some capacity for incorporating lessons learned from lessons learned task forces so as to reduce the number of miscues that invoke lessons learned task forces.**
A DFI [demand for information] *is a significant action. It should be used only when it is likely that an inadequate response will result in an order or other enforcement action.* (Draft Director's Decision, before	**The Petitioners hasten to remind the NRC that an inadequate response by one of its licensees to a series of groundwater containment events at the Braidwood nuclear plant in Illinois led to the NRC taking enforcement action:** ***"NRC Issues a White Finding to Exelon for the Handling of Unplanned Tritium Releases at Braidwood."*** **NRC News Release No. III-06-026, June**

[2] Nuclear Regulatory Commission, News Release No. III-06-026, "NRC Issues a White Finding to Exelon for the Handling of Unplanned Tritium Releases at Braidwood," June 30, 2006.

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final paragraph on page 4)	**30, 2006** **Thus, it is reasonable that, absent an adequate response to the Demands For Information sought in this petition, this history will repeat itself. It is NOT unduly speculative to suggest that which happened just a few days ago might happen again in the future unless SOMETHING is done to correct the behavior problem. The Petitioner's DFI is doing SOMETHING. The proposed denial of this petition by the NRC equates to doing NOTHING. The Petitioners are not satisfied, or amused, by this NRC inaction.** **It might be that you were unaware of the NRC enforcement action taken against Exelon for the groundwater contamination at Braidwood. After all, the enforcement action was announced on June 30th, two days after you proposed denying our petition. If this new information alters your decision, please let us know.**
During the meetings on May 9 and June 21, 2006, NEI described an industry initiative that includes the participation by licensees for all commercial nuclear power reactors, both operating and decommissioning. (Draft Director's Decision, first paragraph on page 6)	**As of July 17, 2006, the only paper available to the public on the so-called, alleged "industry initiative" are the slides from the May 9th public meeting.[3]** **In SECY-99-063 dated March 2, 1999, the NRC outlined key elements for voluntary industry initiatives. The 6th key element defined by the NRC staff was "public participation" which included this provision:** ***"Care must be taken to ensure that sufficient information is available from voluntary initiatives to keep the public informed and to support appropriate opportunities for public participation. Issues such as the proprietary nature of material would need to be addressed. The staff intends to solicit stakeholder input to help with the process development and make the guidelines publicly available."*** **The Petitioners point out that the paucity of publicly available information on the alleged voluntary industry initiative fails to approach this standard. There's nearly**

[3] The hand-outs from the June 21st public meeting (ML061910205 and ML061910199, each a whopping one page in length) between NEI and NRC appeared to the public in ADAMS on July 18, 2006. The e-mail from NEI dated July 12, 2006, to NRC (ML061950013) and its attachments (ML061950015 and ML061950017) appeared to the public in ADAMS on July 17, 2006.

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	more verbage in the disclaimer on a bottle of aspirin than appears in the collected works from the industry on its alleged voluntary initiative. The rumored voluntary industry initiative is so poorly documented that the public has had no real opportunity to comment on the initiative. And that detail-deprived documentation provides the NRC with insufficient basis to find that it adequately covers the information needs identified in our petition.
The NRC staff believes that the industry initiative and related questionnaire will satisfy the NRC's current information needs. The NRC will monitor the implementation of the action plans at power reactor facilities and will respond as appropriate to additional cases of groundwater contamination such as those referenced in the Petition. The NRC therefore has concluded that a DFI to licensees for operating and decommissioning power reactors is not warranted at this time. Other forms of generic communication that would require a written response from licensees were considered but likewise are deemed unnecessary at the current time. In accordance with established NRC procedures (e.g., NRR Office Instruction LIC-503, "Generic Communications Affecting Nuclear Reactor Licensees"), the NRC staff may describe in a Regulatory Issue Summary the agency's acceptance of the industry initiative as part of the longer	**Petitioner NEIS responds:** **NEIS is not concerned with whether "the industry initiative and related questionnaire will satisfy the NRC's current information needs." Our prime concern is from this point forward whether the public gets ITS information needs met. NRC has historically made a farce of meaningful regulation by capriciously picking and choosing among the information is DOES receive, to the point where it can no longer discriminate between fact and fantasy. The institutionalization and codification of such psychotic group think has progressed to such a point as to make it impossible for NRC to maintain that its regulations can demonstrate the benchmarks used to determine if the Rule of Law still exists in this context, if it ever did.** **All Petitioners respond to the point about "NRC's current information needs" by emphasizing the fact that on June 28, 2006, when the draft Director's Decision was mailed to us, the NRC had received scant information from the industry about its alleged voluntary initiative. Apparently, the NRC's threshold on "information need" is so low that "scant" suffices. If the NRC's information needs for the amount of information it possessed on the alleged voluntary initiative is any indication, it appears to the Petitioners that the NRC's information needs for the amount of information from its licensees about groundwater contamination are dangerously low.** **During the May 9th public meeting between NEI and NRC, the NEI representative suggested that the first question in our petition (e.g, What are the systems and components at your licensed facility that contain radioactively contaminated water?) was unnecessary because all of that information resides in Chapter 11 of the Updated Final Safety Analysis Report for each NRC-licensed power**

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term resolution of this issue. (Draft Director's Decision, first full paragraph on page 6)	**reactor. Petitioners Gunter and Lochbaum contested this assertion during the meeting, pointing out that the NRC removed UFSAR information from the public arena after 09/11. The NEI representative indicated he hadn't realized this information was no longer publicly available. The NRC responded to Petitioners Gunter and Lochbaum by committing to restore the UFSAR Chapter 11 information to the public arena. On July 18, 2006, the NRC contacted Petitioner Gunter and informed him that the NRC did not have all of the Chapter 11 information in electronic format, thus making it very hard to post said information on the NRC website or place it in ADAMS. The NRC offered to mail Petitioner Gunter a CD with whatever Chapter 11 files the NRC had in electronic format.** **This reneging on the promise (and the Petitioners re-emphasize our concern about unfulfilled promises) made to us during the May 9th meeting is simply unacceptable. First, we have reason to believe that one or more plant owners will explain in its submittal to the NRC that the equipment containing radioactively contaminated water at its nuclear plant is that equipment described in UFSAR Chapter 11 – the now "hidden" files. Second, the Petitioners possess the ability to transfer documents from hard copy form and microfiche to electronic format and we know for a fact that the NRC also possesses this capability (we order documents in hard copy form or on microfiche in the NRC's Public Document Room and have the option of receiving our ordered files in electronic format), so the excuse about not having all the UFSAR Chapter 11's in electronic format is hollow at best. Third, the mere fact that the NRC cannot easily provide the UFSAR Chapter 11 material is a very strong and compelling argument for the Demands For Information sought in our petition. After all, if its all that hard to fetch this material, the Petitioners have ample reason to believe that NRC inspectors and other decision-makers are not doing the fetching when making other regulatory decisions – omissions that might be corrected when the NRC received the information from its licensees in response to Question #1 in our petition.**
The industry initiative was unanimously approved by the Chief Nuclear Officers for	**The Petitioners take zero comfort in knowing that, if plant owners renege on their alleged promises to NRC to comport themselves by the terms and conditions of the alleged**

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power reactor licensees and each licensee is contractually obligated as a member of NEI to implement the actions defined in the initiative. (Draft Director's Decision, middle paragraph on page 6)	**industry initiative, they will find themselves in breach of contract with the nuclear industry's trade group. The NRC should be ashamed for even trying to substitute contractual obligations for regulatory compliance/enforcement.** **Table 2 documents numerous instances (and Table 2 is an abridged listing) where NRC's licensees were sanctioned for having provided the agency with incomplete and/or inaccurate information in violation of federal regulations.** **Given this chronic history of NRC's licensees failing to abide by federal regulations regarding complete and accurate submittals, it is LUDICROUS for the NRC to think – yet alone believe – that the submittals received by the agency from a non-binding, non-required, non-regulated voluntary exercise will be "magically" complete and accurate.** **The Petitioners remind the NRC staff of the consensus it recorded on use (and misuse) of voluntary industry initiatives following a September 1, 1998, public workshop on the subject in Chicago:** ***"A comment from a majority of participants at the September 1, 1998, stakeholders' meeting, including people with interests in industry and the environment, was that issues related to adequate protection of public health and safety are the responsibility of the NRC and should not be addressed through voluntary industry initiatives. The staff agrees that relying on voluntary industry initiatives in lieu of NRC actions to ensure adequate protection would be inappropriate since they would be based on commitments rather than requirements."*** SECY-99-063, March 2, 1999 **The Petitioners remind the NRC staff of the sheer folly in relying on non-binding commitments rather than somewhat binding requirements.**
Because the NRC's interactions with NEI and power reactor licensees will result in the information requested by the Petitioners	**The Petitioners respectfully and <u>TOTALLY</u> disagree.** **First, the NRC really doesn't know what information it may receive from its licensees via the alleged industry initiative for the simple reason that the industry hasn't bothered to**

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being available to the public, the NRC considers the portion of the Petition related to power reactors to be granted in part. (Draft Director's Decision, second full paragraph on page 7)	**submit substantive details about their alleged initiative. Thus, the NRC based its decision largely on rumors, supposition, and undocumented nuances.** **Second, even if the alleged industry initiative results in NRC's licensees submitting information to the agency along the lines of that specified in the petition, there's a huge difference between the credibility of information submitted under 10 CFR 50.9 and/or 10 CFR 50.54(f) and information voluntarily submitted. The former is subject to regulatory sanctions if later determined to be incomplete or inaccurate, as shown by the long but abridged listing provided in Table 2. The latter is worth the paper it's typed upon and no more.** **The Petitioners analyze the scope and quality of the information the nuclear industry apparently volunteered to submit to the NRC in the following point/counterpoint.**
On July 11, 2006, someone working in the nuclear industry provided UCS with a single-page document titled "Industry Groundwater Protection Initiation Voluntary Data Collection Questionnaire." The Petitioners believe this document to be the same as the one handed out by the NEI representative at the June 21, 2006, NRC public meeting, but we are unable to verify it since the NRC, as of July 17, 2006, had not yet posted the hand-outs from this public meeting to either its website or its online electronic library. The Petitioners assume the information the NRC thinks the industry may provide it are the answers to the following five questions: *1. Briefly describe the program*	**The answers to the industry's five question survey CAN NOT sufficiently answer the five questions posed in our petition.** **First, each of the five questions on the industry survey includes the qualifier "briefly." In fact, three of the questions begin with this rejoinder. As evidenced by the abridged list of times when NRC licensees violated federal regulations by providing the agency with inaccurate and/or incomplete information, the Petitioners are justifiably skeptical about the quality of the industry's "brief" answers to voluntary questions. The industry has a demonstrated penchant for providing the NRC with incomplete information, in violation of federal regulations. The Petitioners are rightfully concerned about the completeness of "brief" responses voluntarily submitted under penalty of NEI breach of contract. The Demands for Information sought by the Petitioners would have required NRC's licensees to provide complete and accurate information pursuant to 10 C.F.R. § 50.9 and/or 10 C.F.R. §50.54(f). The NRC's proposed acceptable of "brief" replies to questions voluntarily answered is all too likely to result in half-truths and innuendoes.** **Second, the questions on the industry survey are designed to**

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and/or methods used for detection of leakage or spills from plant systems, structures, and components that have a potential for an inadvertent release of radioactivity from plant operations into groundwater. 2. *Briefly describe the program and/or methods for monitoring onsite groundwater for the presence of radioactivity released from plant operations.* 3. *If applicable, briefly summarize any occurrences of inadvertent releases of radioactive liquids that had the potential to reach groundwater and have been documented in accordance with 10 CFR 50.75(g).* 4. *If applicable, briefly summarize the circumstances associated with any <u>onsite</u> or <u>offsite</u> groundwater monitoring result indicating a concentration in groundwater of radioactivity released from plant operations that exceeds the maximum contaminant level (MCL) established by the USEPA for drinking water.* 5. *Briefly describe any remediation efforts undertaken or planned to reduce or eliminate levels of radioactivity resulting from plant operations in soil or groundwater onsite or offsite.*	**render non-detailed, general responses whereas the Petitioners crafted questions that would require detailed, specific responses. For example, the industry survey's first question is "Briefly describe the program and/or methods used for detection of leakage...". The Petitioners' analogous questions (Nos. 2 and 3) were "What methods are being used to monitor leakage..." and "What is the largest leak rate that can remained undetected by the monitoring methods...". The Petitioners' questions would elicit information as to the size of leak that could remain undetected, thus providing essential information needed to evaluate whether the onsite groundwater monitoring capabilities (e.g., response to industry survey question 2) are sufficient. Absent such details, meaningful assessments of the responses will be impossible.** **The Petitioners do not consider it likely that the responses to the industry survey questions will sufficiently address the questions posed in our petition. Therefore, the Petitioners reiterate our request for the NRC to issue the Demands for Information to obtain the information necessary to permit meaningful evaluations of the groundwater contamination risk.** **The Petitioners also note that whereas Question 5 on the industry survey is backward looking (i.e., what have you done to clean up yesterday's spills(s)), our Question 5 is forward looking (i.e., "What assurance is there against a leak of radioactively contaminated water into the ground around your licensed facility from remaining undetected long enough to permit migration offsite in quantities exceeding federal regulations?"** **There is a significant difference between the Petitioners' five questions and the five questions in the industry survey. One of the Petitioners (Lochbaum) worked on commitment documentation and verification projects at the Grand Gulf, Wolf Creek, Susquehanna, and Salem nuclear plants. That experience provides the Petitioners with clear insights into what constitutes "licensing commitments" made to the NRC. The five questions in the industry survey will elicit responses of a descriptive nature (e.g., the spent fuel pool has level instrumentation that can indicate a leak in progress). Descriptive text is <u>not</u> considered a licensing commitment and therefore is unlikely to be entered into the**

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	onsite commitment control program. On the other hand, the five questions posed by the Petitioners will elicit responses that are "licensing commitments." For example, the Petitioners' fifth question seeks responses on assurances against an undetected leak migrating offsite. Such responses will likely be along the lines of steps x, y, and z. Those responses move beyond mere description of onsite systems to describe the specific features and practices relied upon to prevent the undesired outcome. That explicit reliance becomes a licensing commitment, tracked within the commitment control program. Inclusion within the commitment control program provides greater assurance that whatever is done today is not undone tomorrow. **Addressing "sins of the past" is important, but secondary to ensuing that no more harm is done. The industry survey simply does not provide that assurance, or any assurance. The Petitioners' Question 5 is extremely important in that speaks to how all the elements (e.g., monitoring leakage from plant piping, pools, and tanks containing radioactively contaminated water, understanding site hydrology, sampling onsite wells, etc.) work together to protect people in nearby communities. The answers to Petitioners' Questions 1-4 provide the context and detail needed for us, and the NRC, to independently determine if the answer to Question 5 is adequate. The answers to the industry survey's five questions do not permit a comparable assessment. Therefore, the industry survey is not a suitable or appropriate substitute for the Petitioners' five questions.**
"Most RTRs [research and test reactors] *are operated as needed to support specific research or educational needs, which power reactors are generally operated continuously between refueling and maintenance outages."* (Draft Director's Decision, 1st paragraph on page 8)	**The Petitioners agree that this statement is true, but question why such an irrelevant and totally pointless statement was written.** **No one, repeat no one, has suggested that there is a causal linkage between power level of the NRC-licensed facility and the initiation of or severity of the leak of radioactively contaminated water. Indeed, the spills at Connecticut Yankee, Salem, and Indian Point came from the spent fuel pools and are totally unrelated to the licensed power level and operating history of the nearby reactors.** **Unless Draft Director's Decisions need to satisfy some word count criterion (perhaps to compensate for the lack of**

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NRC Point	**Petitioners' Counterpoint**
	written words from the industry about their alleged voluntary initiative), Petitioners don't understand why this irrelevant statement was provided.
"Another factor is that the volume of contaminated water at RTRs is much less than those routinely handled by power reactors. Further, the amount of inventory-makeup water at RTRs to address evaporation and controlled leakage known and relatively small. Therefore, licensees will likely recognize even a small loss of water to the environment. This characteristic introduces a practical defense against the release of liquid effluents... ". (Draft Director's Decision, 2nd paragraph on page 8)	**The Petitioners hasten to point out that the NRC staff has conveniently omitted from this discussion another characteristics of RTRs – their geographical "footprint" is much smaller than that of NRC-licensed power reactors and RTRs are physically located closer to highly populated areas. A factor in how long it takes radioactively contaminated water to migrate past the fence boundary and potentially expose members of the adjacent community to harm is the size of the owner-controlled property. That size for RTRs is a mere fraction of that for power reactors. A factor in how much harm can occur when radioactively contaminated water migrates past the fence boundary is the population density on that side of the fence. The population density outside the fence of many RTRs is significantly higher than that outside the fence of NRC-licensed power reactors.** **So, while it is true that RTRs have smaller volumes of contaminated water, they also have smaller land margins should a leak occur. The NRC has not shown that the volume scale factor is not at least matched by the land area scale and population proximity factors.** **In addition, the NRC staff's position that RTR "licensees will likely recognize even a small loss of water to this environment" is absurd given the history on this matter. The spent fuel pool at the RTR at Brookhaven (not an NRC-licensed RTR but an RTR nonetheless) was known to be leaking radioactively contaminated water for many years, yet its operator and regulator did nothing about it. Likewise, there were numerous leaks of MILLIONS OF GALLONS OF RADIOACTIVELY CONTAMINATED WATER at the NRC-licensed Braidwood facility spanning many years that the owner and the NRC knew about but nothing about. The Petitioners sought more than this pattern of mindful neglect through the 5th and final question in the Demands For Information requested via our petition:** **5. What assurance is there against a leak of radioactively contaminated water into the ground**

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	around your licensed facility from remaining undetected long enough to permit migration offsite in quantities exceeding federal regulations? **In denying the DFI for RTRs, the NRC is essentially answered question 5 with "sheer luck."** **The Petitioners are not satisfied by this NRC answer.**

Over the past decade, NRC's licensees have repeatedly violated federal regulations by providing the NRC with incomplete and inaccurate information. As the data in Table 2 shows, sometimes the licensees deliberately lie to the NRC while sometimes they are doing their best but provide incomplete or inaccurate information to the NRC via incompetence. This ongoing legacy of willful misconduct and incompetence provides NO foundation for the NRC to lower the bar for information on groundwater contaminated received from its licensees.

TABLE 2: ABRIDGED LISTING OF SANCTIONS FOR PROVIDING NRC WITH INCOMPLETE AND INACCURATE INFORMATION		
Reactor name	**Date / Enforcement Action No.**	**Violation**
Byron (IL)	10-27-05 / EA-05-159	"...an engineer at the Byron Station did not perform assigned surveillances of safety-related ventilation systems and the engineer also falsified records associated with those inspections."
Catawba (SC)	01-24-05 / EA-04-189 & EA-04-236	"The cited violation involves two examples of DEC's [Duke Energy Corporation] failure to submit complete and accurate information in violation of 10 CFR 50.9." "DEC stated that it did not contest the violation. ... Based on DEC's review of the issues, the root causes for the first example involved inadequate preparation and review for accuracy ... and inadequate attention to the literal accuracy of statements in the submittal. The root causes for the second example involved a failure to maintain Updated Final Safety Analysis Report (UFSAR) Chapter 15 dose information current."
DC Cook (MI)	09-29-04 / EA-04-109	"...information about the SRO's [Senior Reactor Operator] cardiac condition had been known to AEP's MRO [medical review officer] since January 15, 1997, and the failure to provide accurate and complete information to

TABLE 2: ABRIDGED LISTING OF SANCTIONS FOR PROVIDING NRC WITH INCOMPLETE AND INACCURATE INFORMATION		
Reactor name	**Date / Enforcement Action No.**	**Violation**
		the NRC regarding the pre-existing medical condition of a licensed SRO within 30 days, as required by 10 CFR 50.74(cc), is a regulatory concern. Moreover, had the medical information been complete and accurate at the time the license renewal was sought by AEP on December 18, 1999, the NRC would have taken a different regulatory position by applying the appropriate restriction to the SRO license."
Dresden (IL)	08-29-03 / EA-03-102	"Information on that form [operator requalification application] indicated the operator passed a comprehensive written examination on November 30, 2001, and the operator met all other requalification requirements. The NRC renewed the licensed on March 7, 2002. ... The requalification period at the Dresden Station began on January 10, 2000, and ended on January 4, 2002. No comprehensive written examination meeting the requirements of 10 CFR Part 55 was administered at the Dresden Nuclear Station during the requalification period."
Dresden (IL)	06-23-03 / EA-02-264 & EA-02-265	"The Office of Investigations concluded that members of your staff willfully provided false information concerning: (1) the condition of HPCI [high pressure coolant injection] system support; (2) air in the HPCI system; and (3) HPCI system peak pressure."
Prairie Island (MN)	12-13-02 / EA-02-068	"The violation involved the failure to provide to the NRC, during the April 13 and 16, 2001, NOED [Notice of Enforcement Discretion] telephone conferences, and in letters to the NRC dated April 13 and 16, 2001, complete and accurate information regarding the potential for oil incompatibility to be a cause for the problem with the D6 EDG [emergency diesel generator] and for the D5 EDG to be similarly susceptible."
Limerick (PA) & Peach Bottom (PA)	10-23-01 / EA-01-189 & EA-01-188	"OI [NRC Office of Investigations] substantiated that two former EIS technicians deliberately falsified siren maintenance records to reflect that required activities had been performed, when, in fact, they had not been

TABLE 2: ABRIDGED LISTING OF SANCTIONS FOR PROVIDING NRC WITH INCOMPLETE AND INACCURATE INFORMATION		
Reactor name	**Date / Enforcement Action No.**	**Violation**
		performed. OI also substantiated that one of the former EIS technicians installed jumper wires in the siren boxes to bypass failure detection circuitry."
Palisades	06-27-01 / EA-01-088	"The violation involved the failure to provide complete and accurate information in letters dated February 16, 2000, and February 18, 2000, requesting a Notice of Enforcement Discretion (NOED) and an exigent Technical Specification (TS) change request, respectively."
Nine Mile Point (NY)	05-02-01 / EA-01-011	"...the former CSO [NRC-licensed chief shift operator] deliberately failed to provide truthful, accurate and complete information on the health history forms for the purpose of misleading your Medical Review Officer."
River Bend (LA)	01-05-99 / EA-98-132	"The violation involves deliberate misconduct by a licensee manager, the RBS Superintendent of Radiation Control, when he provided an NRC senior resident inspector with information he knew was not accurate and not complete during a meeting on October 15, 1997."

In sum, the Petitioners are not persuaded by the draft decision and reiterate our request for actions specified in the petition.

Sincerely,

David Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
1707 H Street, NW Suite 600
Washington, DC 20006
(202) 331-5430

The Petitioners (arranged alphabetically):

Alliance for Nuclear Responsibility

PO Box 1328
San Luis Obispo, CA 93406
(858) 337-2703
www.a4nr.org

Frieda Berryhill
2610 Grendan Avenue
Wilmington, DE 19802

Lou Zeller
Nuclear Campaign Coordinator
Blue Ridge Environmental Defense League
PO Box 88
Glendale Springs, NC 28629
www.BREDL.org

Jeffrey Brown
22 Mary Ann Drive
Brick, NJ 08723

Sandra Gavutis
Executive Director
C-10 Foundation
Newburyport, MA 01950
(978) 465-6646

Deb Katz
Citizens Awareness Network
Box 83
Shelburne Falls, MA 01370
www.nukebusters.org

Norm Cohen
Executive Director
Coalition for Peace and Justice
321 Barr Avenue
Linwood, NJ 08221
(609) 601-8583

Nancy Burton
Connecticut Coalition Against Millstone
147 Cross highway
Redding Ridge, CT 06876

Matt Baker
Executive Director
Environment Colorado
1536 Wynkoop Street, Suite 100
Denver, CO 80202
(303) 573-3871 x309
www.environmentcolorado.org

Holly Binns
Field Director
Florida Public Interest Research Group
(850) 224-3321

Glenn Carroll
Coordinator
Georgians Against Nuclear Energy (soon to be Nuclear Watch South)
PO Box 8574
Atlanta, GA 31106
(404) 378-4263

Sidney Goodman
158 Grandview Lane
Mahwah, NJ 07430

Alan Muller
Executive Director
Green Delaware
Box 69
Port Penn, DE 19731
(302) 834-3466, (302) 836-3005 fax
www.greendel.org

Jim Riccio
Greenpeace

Dr. Kymn Harvin

Suzanne Leta
Advocate
New Jersey Public Interest Research Group
11 N. Willow Street
Trenton, NJ 08608
(609) 394-8155 x310

Jim Warren
Executive Director
North Carolina Waste Awareness & Reduction Network
PO Box 61051
Durham, NC 27715-1051
www.ncwarn.org

Dave Kraft
Director
Nuclear Energy Information Service
3411 W. Diversey, Suite 16
Chicago, IL 60647
(773) 342-7650, (773) 342-7655 fax
www.neis.org

Paul Gunter

Director, Reactor Watchdog Project
Nuclear Information and Resource Service
1424 16th Street NW, #404
Washington, DC 20036
(202) 328-0002

David Masur
Director
PennEnvironment
1334 Walnut Street, 6th Floor
Philadelphia, PA 19107

Mary Lampert
Pilgrim Watch
148 Washington Street
Duxbury, MA 02332
(781) 934-0389

Dolores C. Pino, Esq.
7200 Wilson Terrace
Morton Grove, IL 60053-1142

Michele Boyd
Legislative Director, Energy Program
Public Citizen
215 Pennsylvania Avenue, SE
Washington, DC 20003
(202) 454-5134

Mike Shriberg, Ph.D.
Director
Public Interest Group in Michigan
103 E. Liberty Street, Suite 202
Ann Arbor, MI 48104
www.pirgim.org

Lisa Rainwater van Suntum
Indian Point Campaign Director
Riverkeeper, Inc.
828 South Broadway
Tarrytown, NY 10591
(914) 478-4501 x221

Jane Swanson
Spokesperson and Member, Board of Directors
San Luis Obispo Mothers for Peace
P.O. Box 164
Pismo Beach, CA 93448
(805) 595-2605

Luke Metzger
Advocate

Texas Public Interest Research Group

Eric Epstein
Chairman
TMI Alert
4100 Hillsdale Road
Harrisburg, PA 17112
(717) 541-1101, (717) 541-5487 fax
www.tmia.com

David Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, DC 20006
(202) 223-6122

Norm Cohen
Executive Director
UNPLUG Salem Campaign
321 Barr Avenue
Linwood, NJ 08221
(609) 601-8583