



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 21 2010

Honorable Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Menendez:

Thank you for your letter of May 20, 2010 to Administrator Lisa Jackson and U.S. Nuclear Regulatory Commission (NRC) Chairman Gregory B. Jeczko, which has been forwarded to me for a reply. In your letter, you expressed concern about the April 2009 tritium ground water contamination incident at the Oyster Creek nuclear power plant and you requested an investigation and water tests.

The federal agency responsible for the regulation of nuclear power plants is the NRC. The U.S. Environmental Protection Agency (EPA) was made aware of the ground water contamination by the NRC shortly after its discovery. We have been following this matter closely since that time and are aware that the plant operator and NRC licensee, Exelon Corporation, the NRC and New Jersey Department of Environmental Protection (NJDEP) have investigated this incident and continue to do so. Although EPA does not have ground water standards for radionuclides, EPA does have the authority to regulate radionuclides in drinking water served to the public through water systems under the Safe Drinking Water Act. For tritium, EPA's standard is 20,000 picoCuries per liter.

We have reviewed NRC's documented assessments of the contaminated ground water condition at Oyster Creek, and discussed the findings with the NRC staff. The sources of the contamination were from leaks of two underground condensate transfer pipes identified on April 26, 2009 and repaired on May 2, 2009; and leakage from another condensate transfer pipe that was identified and terminated on or about August 24, 2009; both were corrected. The NRC determined that Exelon/Oyster Creek took appropriate measures to identify and terminate the leaks and initiated corrective actions. There has been no detectable concentration of any plant-related tritium contaminated water at any off-site environmental monitoring locations, including surface water, ground water or drinking water wells.

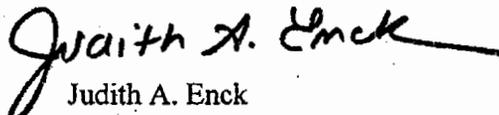
While EPA is not the regulatory authority for this facility, we do have authority under Section 1431 of the Safe Drinking Water Act. This section states that when EPA receives information that a contaminant, which is present in or is likely to enter a public water system or an underground source of drinking water, may present an imminent and substantial endangerment to the health of persons in the area, the Agency may take such

action as may be necessary to protect such persons related to impacted ground water. We have consulted with the NJDEP, which has similarly expressed its concerns to the NRC. A review team has been established with federal and state participation, as well as that of Exelon. Our most recent communication with state representatives on this team indicates that ground water monitoring at the site is being upgraded based on the recommendations of the team. The establishment of this review team and the additional water testing that will be performed are important steps.

EPA is in close contact with NJDEP and NRC to track the current and future results of the ground water monitoring. We will conduct our own independent data analysis review. We will focus on the protection of water quality, assure that all data needs are covered in the investigation, and offer any recommendations on the effort.

Finally, I recently contacted the NRC, Region 1 Administrator Sam Collins to assure him that I want to work closely with NRC on this matter. If you have further questions, please call me directly at 212-637-5000 or your staff may contact Peter Brandt, Chief for Intergovernmental and Community Affairs, at 212-637-3657.

Sincerely,


Judith A. Enck
Regional Administrator

cc: Samuel Collins, Region 1 Administrator, NRC