

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 05, 2010 09:38

PAPER NUMBER: LTR-10-0444 LOGGING DATE: 10/04/2010

ACTION OFFICE: EDO

To: Zimmerman, OE

AUTHOR: Thomas Saporito

Cys: EDO  
DEDMRT  
DEDR  
DEDCM  
AO

AFFILIATION: FL

ADDRESSEE: CHRMs Gregory Jaczko

NR  
NSIR  
Brock, OEDO

SUBJECT: NRC Enforcement Policy with respect to groundwater contamination.

ACTION: Appropriate

DISTRIBUTION: Chrm, Comrs, OGC

LETTER DATE: 10/01/2010

ACKNOWLEDGED: No

SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

Template: SECY-017

E-RIDS: SECY-01

## McKelvin, Sheila

---

**From:** NRCExecSec Resource [NRCExecSec.Resource@nrc.gov]  
**Sent:** Friday, October 01, 2010 10:24 AM  
**To:** McKelvin, Sheila; Mike, Linda; Champ, Billie  
**Subject:** FW: NRC ENFORCEMENT POLICY

-----  
**From:** Thomas Saporito[SMTP:SAPORITO3@GMAIL.COM]  
**Sent:** Friday, October 01, 2010 10:23:10 AM  
**To:** Jaczko, Gregory  
**Cc:** Ninh, Son; Wert, Leonard; Kugler, Andrew; NRCExecSec Resource;  
Whited, Ryan; R2ORA\_EICSMailCenter Resource; Paige, Jason;  
Hamman, Jeffrey; Orf, Tracy; Sykes, Marvin; Checkle, Melanie; Gody, Tony;  
Evans, Carolyn; DeMiranda, Oscar; [jstilts@reformer.com](mailto:jstilts@reformer.com)  
**Subject:** NRC ENFORCEMENT POLICY  
**Auto forwarded by a Rule**

Dear Chairman Jaczko:

Please consider the news article shown below in review of the U.S. Nuclear Regulatory Commission's (NRC's) current enforcement policy with respect to operation of 104-commercial nuclear power reactors in the United States of America.

In addition to the issues raised in the news article, my review of the NRC's enforcement policy raises significant concerns about the agency's Reactor Oversight Program (ROP) and the agency's ability to protect public health and safety in these circumstances. Notably, the NRC's currently policy, as stated publicly through your office, is that upon discovery of a safety violation at a nuclear facility regulated by the NRC, the agency will increase its inspection activities at that facility depending on the severity of the violation. Thus, the NRC's enforcement policy fails to adequately protect public health and safety because the agency's enforcement policy fails to take meaningful actions such as imposition of monetary penalties and actions to revoke or suspend operating licenses issued by the NRC.

Notably, the recent explosion of the Deep Sea Horizon oil rig which killed 11-workers was a direct result of the U.S. Government's failure to protect public health and safety and the environment through enforcement and inspection activities associated with deep water oil drilling activities off the coast of the United States. Clearly, the NRC must make proper use of lessons learned from that severe accident and review the NRC's enforcement policy in the circumstances. As you are certainly aware, the BP oil disaster would pale in comparison to a significant nuclear accident at a nuclear power reactor which has the potential to spew high-level nuclear particles into the environment. Such an accident could result in the complete melt-down of a nuclear power facility and kill and/or injure hundreds-of-thousands of people and devastate cities and even entire states with high-level radio-active contamination for more than 50,000 years!

Nuclear power generation is inherently dangerous and requires constant surveillance by the NRC and by the licensee management and nuclear workers to ensure for the health and safety of the public and for the protection of the environment. Indeed, the national security and economic interests of the United States dependent on a strong and pro-active enforcement policy on the part of the NRC.

Kind regards,

Thomas Saporito, Executive Director  
[EndangeredPlanetEarth.blogspot.com](http://EndangeredPlanetEarth.blogspot.com)  
Post Office Box 8413, Jupiter, FL 33468  
Phone: 561-972-8363 Fax: (561) 247-6404  
Electronic Mail: [saporito3@gmail.com](mailto:saporito3@gmail.com)

Advocate of Greenpeace USA - Think Before Printing and Save a Tree

## Scientists: NRC fails to protect public

By JOSH STILTS / Reformer Staff

Friday October 1, 2010

BRATTLEBORO — In the past several months, leaks of radioactively contaminated water have been discovered at three nuclear power plants in the northeastern part of the United States.

According to a report released Wednesday by the Union of Concerned Scientists, the Nuclear Regulatory Commission has failed to protect the public.

David Lochbaum, a safety advocate for UCS, who assisted with the report, said the NRC has ignored more than two dozen violations since 2006.

"NRC's enforcement record was spotty before 2006," Lochbaum said. "But since then, the agency has given power plants a free pass when it comes to leaking radioactively contaminated water. We want to encourage the NRC to enforce its regulation."

A dozen cases are reviewed in detail in the report, he said, including some in which the NRC enforced its regulations and how that changed the plant owner's response.

The severity of the leak played no role in determining whether the agency sanctioned the plant's owner or how severe the sanction was.

"The NRC might as well have based its decision on whether to enforce its safety regulations by spinning a roulette wheel," Lochbaum said. "There is a three-way contract among the NRC, power plant owners and the public. The NRC honors its contract with plant owners by never demanding higher safety levels, but breaks its contract with the public by repeatedly accepting much lower safety levels."

### Test

results from a November 2009 ground water sampling site at the Vermont Yankee Nuclear Power Plant showed levels of tritium had leaked from the plant.

Neil Sheehan, a spokesman for the NRC, said the agency responded appropriately.

"Vermont Yankee got additional oversight and we're continuing to engage them on that issue," Sheehan said. "It wouldn't be accurate to say that we have ignored the leak."

In July a small amount of tritiated water, less than 1 percent of what was found at Vermont Yankee, was found in similar monitoring wells at Plymouth's Pilgrim Nuclear Station in Massachusetts. Both plants are owned and operated by Entergy.

When the tritium leak was stopped in mid-February at Vermont Yankee, Entergy began, "an aggressive groundwater remediation campaign with the stated goal of removing 300,000 gallons of tritiated water," said Larry Smith, a spokesman for Vermont Yankee said.

As of Sept. 16 the nuclear power plant has extracted approximately 262,000 gallons of tritiated water, he said. Entergy's initial plan was to return the extracted groundwater to the power block of the reactor for "re-use as makeup water," he said.

The station's current and projected water storage operational levels indicated that the station would require at least another four years before the balance of extracted groundwater as station makeup water would be acceptable, Smith said.

"This is a large inventory of water to be stored on site for any extended length of time," he said. "While Vermont Yankee is licensed and permitted to discharge radioactive liquids to the Connecticut River, the company's

Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov  
(148.184.200.145) with Microsoft SMTP Server id 8.1.393.1; Fri, 1 Oct 2010  
10:23:59 -0400

X-Ironport-ID: mail2

X-SBRS: 4.4

X-MID: 26424554

X-fn: None

X-IronPort-AV: E=Sophos;i="4.57,266,1283745600";  
d="jpeg'145?scan'145,208,145,217";a="26424554"

Received: from mail-gx0-f169.google.com ([209.85.161.169]) by mail2.nrc.gov  
with ESMTP; 01 Oct 2010 10:23:56 -0400

Received: by gxk24 with SMTP id 24so1643025gxk.14 for <multiple  
recipients>; Fri, 01 Oct 2010 07:23:56 -0700 (PDT)

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;  
d=gmail.com; s=gamma;  
h=domainkey-signature:received:received:message-id  
:disposition-notification-to:date:from:reply-to:organization  
:user-agent:mime-version:to:cc:subject:content-type;  
bh=/NnwfCAHg6aDAUhNvDkbSJIsXVBqfN2/QVr1NPTvtgQ=;  
b=tIU0/hKYc9dmYalutlv404G1myNQCcs1N75B7j5qKoSxJYHIXrRr32UyFCQlgzQcBOg  
uHLGZq9LY5AXq4kPxe+cTkblGijKCXuvcsRdDV22dyz+GYNlewNTC+ejuTDNXujAh93F  
jQpser4LdmuZyzRqMYLeRzuPARYQcQrq2XV8=

DomainKey-Signature: a=rsa-sha1; c=noaws;  
d=gmail.com; s=gamma;  
h=message-id:disposition-notification-to:date:from:reply-to  
:organization:user-agent:mime-version:to:cc:subject:content-type;

b=Sq5HdFG5DgjM28XKzcxq6+RwQB6IXMEv9q8nLKN5vSFp6uOyimPLqNPtNgPSG8qz6H  
FSYs3LDAHYXfNdy4KFhf7KI5oDPVKRS4VfQcbC/r1poRit3liR5Wdcbn5ftsNZukiKWU  
CDkXH4yfxrY0nhshV0/uDr7chITs5YA08tK8g=

Received: by 10.101.58.10 with SMTP id l10mr571671ank.258.1285943035976;  
Fri, 01 Oct 2010 07:23:55 -0700 (PDT)

Return-Path: <saporito3@gmail.com>

Received: from [192.168.1.1] (adsl-9-226-138.mia.bellsouth.net [65.9.226.138])  
by mx.google.com with ESMTPS id q7sm1921252anf.6.2010.10.01.07.23.18  
(version=SSLv3 cipher=RC4-MD5); Fri, 01 Oct 2010 07:23:51 -0700  
(PDT)

Message-ID: <4CA5EECE.7040609@gmail.com>

Disposition-Notification-To: Thomas Saporito <saporito3@gmail.com>

Date: Fri, 1 Oct 2010 10:23:10 -0400

From: Thomas Saporito <saporito3@gmail.com>

Reply-To: saporito3@gmail.com

Organization: Endangered Planet Earth

User-Agent: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.9.2.9) Gecko/20100915

Lightning/1.0b2 Thunderbird/3.1.4

MIME-Version: 1.0

To: gregory.jaczko@nrc.gov

CC: Ninh Son <Son.Ninh@nrc.gov>,

"Leonard Wert, Jr." <Leonard.Wert@nrc.gov>,

Andrew Kugler <andrew.kugler@nrc.gov>,

Annette Vietti-Cook <NRCExecSec@nrc.gov>,  
Ryan Whited <ryan.whited@nrc.gov>,  
Region II Email Center <R2ORA\_EICSMailcenter.Resource@nrc.gov>,  
Jason Paige <Jason.Paige@nrc.gov>,  
Jeffrey Hamman <Jeffrey.Hamman@nrc.gov>,  
Tracy Orf <Tracy.Orf@nrc.gov>, Marvin Sykes <Marvin.Sykes@nrc.gov>,  
Melanie Checkle <Melanie.Checkle@nrc.gov>,  
Anthony Gody <Tony.Gody@nrc.gov>, Carolyn Evans <Carolyn.Evans@nrc.gov>,  
Oscar DeMiranda <Oscar.Demiranda@nrc.gov>,  
jstilts@reformer.com

Subject: NRC ENFORCEMENT POLICY

Content-Type: multipart/alternative;

boundary="-----070902070902020409060300"