

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Chairman Gregory B. Jaczko  
**SUBJECT:** SECY-11-0076 – IMPROVING THE PUBLIC RADIATION SAFETY CORNERSTONE OF THE REACTOR OVERSIGHT PROCESS

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_ Attached  X  None \_\_\_



\_\_\_\_\_  
SIGNATURE

7/12/11  
\_\_\_\_\_  
DATE

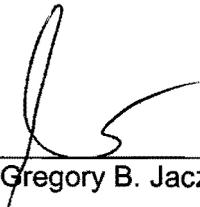
Entered on "STARS" Yes  x  No \_\_\_

**Chairman Jaczko's comments on SECY-11-0076, "Improving the Public Radiation Safety Cornerstone of the Reactor Oversight Process"**

I support the staff's efforts to enhance the Reactor Oversight Process to emphasize defense in depth through prevention, detection, and mitigation of groundwater contamination. I also support the staff's commitment to work with internal and external stakeholders on this enhancement to the performance indicator program. I continue to believe that periodic updates to the agency's performance indicators are necessary in order to revitalize the NRC's oversight and ensure better insights into a licensee's performance.

Over the past several years, instances of buried piping leaks have led to inadvertent ground water contamination at 65 operating nuclear power plants. The Environmental Protection Agency set a maximum contaminant level of drinking water at 20,000 picocuries per liter (pCi/L) for tritium. Thirty-eight of these plants have had leaks or spills that involved tritium in excess of 20,000 pCi/L at some time during their operating history. Fourteen plants are currently reporting tritium, from a leak or spill, in excess of 20,000 pCi/L. Although many plants have had leaks or spills involving tritium, no plant is currently detecting tritium in the offsite environment, or in drinking water, in excess of 20,000 pCi/L. The fact that these events have not had offsite impacts does not mean it is acceptable for licensees to have accidental releases of radiation – even onsite. In some cases, the releases have not had offsite consequences because the plumes have migrated to much larger bodies of water in which there is sufficient dilution to reduce the concentration levels. While this fact has positive impacts on the overall health effect, it is simply inappropriate for the regulator to base its inaction on the dilution strategy. The NRC's response should, however, be objective and commensurate with the risk significance of the leak – not the level of public outcry. That is precisely what a performance indicator will do. As with all our performance indicators, there will be a need to properly establish the white, yellow, and possibly red threshold using a strong focus on risk significance. It may in fact turn out that most of the events we are currently tracking will simply be green findings. Having the performance indicator will allow for an effective method of communicating the significance of these events to the public and reduce the use of ROP deviations and other subjective reactions to these events.

The staff's current practice of deviating from the Reactor Oversight Process to address licensee performance involving groundwater contamination does little to help our stakeholders' understanding of the significance of the leakage and the licensee's performance. I agree with some of our stakeholders that the current practice of applying the deviation process compromises the predictability and objectivity of the Reactor Oversight Process. While I appreciate the industry's efforts to address underground leakage and groundwater contamination, I believe it is necessary for the agency to objectively and independently monitor licensees' performance and openly provide that information to the public. Therefore, I approve the staff's recommendation of modifying one or more key program areas of the Reactor Oversight Process to minimize reliance on Action Matrix deviations and yield more consistent, reliable regulatory outcomes.

  
Gregory B. Jaczko  
Date 7/02/11