

August 23, 2011

The Honorable Jon Runyan  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Runyan:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of June 23, 2011, seeking additional information regarding NRC actions in response to the June 2011 Government Accountability Office (GAO) report entitled "Nuclear Regulatory Commission: Oversight of Underground Piping Systems Commensurate with Risk, but Proactive Measures Could Help Address Future Leaks." I agree with the GAO recommendations and the staff has activities underway to address them.

The first recommendation was for me to direct the staff to "periodically evaluate the extent to which the industry's voluntary Groundwater Protection Initiative will result in prompt detection of leaks and, based upon these evaluations, determine whether the agency should expand its groundwater monitoring requirements." Prior to the report, the NRC had already been performing routine inspections of nuclear power plant licensees using an established inspection procedure. This procedure requires the NRC to inspect licensee Groundwater Protection Initiative programs by reviewing reported groundwater monitoring results and changes to the licensee's written program for identifying and controlling spills or leaks to groundwater. The industry's Buried Piping Integrity Initiative and Underground Piping and Tanks Integrity Initiative are designed to result in nuclear power plant licensees evaluating all subsurface tanks and pipes that potentially contain radioactive materials, including tritium. These initiatives typically cause licensees to adopt predictive maintenance approaches for inspection and repair so that degradation would be identified and mitigated instead of being allowed to progress to the point that leaks occur. Through the NRC's inspections of licensee programs, we are able to regularly review the status of industry implementation of the industry's initiatives and consider regulatory changes, as appropriate.

The second recommendation was for me to direct the staff to "stay abreast of ongoing industry research to develop technologies for structural integrity tests and, where they become feasible, analyze costs to licensees of implementing these tests compared with the likely benefits to public health and safety, [and for the NRC to] determine whether it should expand licensees' inspection requirements to include structural integrity tests for safety-related underground piping." The NRC is actively staying abreast of industry research efforts to determine whether regulatory requirements should be expanded. The agency has established milestones in the staff's Buried Pipe Action Plan to periodically assess both the performance of available technology and the need to make changes to the current regulatory framework.

You also requested an explanation of how the NRC is working to reduce the lag time in leak reporting and how any such action would improve leak reporting at Oyster Creek. Currently, as part of their voluntary initiative, licensees report this information to the NRC in their annual effluent report. The NRC examines this information and takes action on it, as appropriate. The Commission has recently reviewed the groundwater protection issue and

issued a staff requirements memorandum for the groundwater protection program (Agencywide Documents Access and Management System Accession No. ML112270292). Additionally, the staff recommended in a recent paper (SECY-11-0076) that the Commission endorse its efforts to enhance the Regulatory Oversight Process (ROP) to emphasize defense in depth through prevention, detection, and mitigation of groundwater contamination. Inherent in this recommendation is a staff commitment to work with internal and external stakeholders. The agency is in the process of identifying improvements in the information provided on our website and in the annual effluent reports.

As noted above, the ongoing NRC inspections of licensee Groundwater Protection Initiative programs enable us to regularly review the status of industry action and to consider regulatory changes, as appropriate. Please be assured that the NRC will take additional action should we believe it is necessary to adequately protect public health and safety.

If you need additional information, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

**/RA/**

Gregory B. Jaczko