

EDO Principal Correspondence Control

FROM: DUE: 06/16/11

EDO CONTROL: G20110371

DOC DT: 05/18/11

FINAL REPLY:

Senator Al Franken

TO:

Chairman Jaczko

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 11-0303

Chairman Jaczko

DESC:

ROUTING:

Oversight of Safety at Nuclear Plants in the  
United States (Requested Due Date: 6/17/11)  
(EDATS: SECY-2011-0302)

Borchardt  
Weber  
Virgilio  
Ash  
Muessle  
OGC/GC  
Leeds, NRR  
Wiggins, NSIR  
Zimmerman, OE  
McCrary, OI  
Satorius, RIII  
Burns, OGC  
Schmidt, OCA

DATE: 05/23/11

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare response in accordance with OEDO  
Notice 2009-0441-02 (ML093290179). NRR, NSIR, OE,  
OI, and Region III to provide input to Roger Rihm,  
OEDO, if required. Roger Rihm will coordinate  
response with OGC and OCA.

Template: SECY-017

E-RIDS: SECY-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** SECY-2011-0302

**Source:** SECY

## General Information

**Assigned To:** OEDO

**OEDO Due Date:** 6/16/2011 11:00 PM

**Other Assignees:**

**SECY Due Date:** 6/20/2011 11:00 PM

**Subject:** Oversight of Safety at Nuclear Plants in the United States

**Description:**

**CC Routing:** NRR; NSIR; OE; OI; RegionIII; OGC; OCA

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20110371, LTR-11-0303

**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** EDATS

**Agency Lesson Learned:** NO

**OEDO Monthly Report Item:** NO

## Process Information

**Action Type:** Letter

**Priority:** Medium

**Sensitivity:** None

**Signature Level:** Chairman Jaczko

**Urgency:** NO

**Approval Level:** No Approval Required

**OEDO Concurrence:** YES

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:** Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR, NSIR, OE, OI and Region III to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate with response with OGC and OCA.

## Document Information

**Originator Name:** Senator Al Franken

**Date of Incoming:** 5/18/2011

**Originating Organization:** Congress

**Document Received by SECY Date:** 5/23/2011

**Addressee:** Chairman Jaczko

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: May 19, 2011 16:27*

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**PAPER NUMBER:** LTR-11-0303 **LOGGING DATE:** 05/18/2011  
**ACTION OFFICE:** EDO

**AUTHOR:** SEN Al Franken  
**AFFILIATION:** CONG  
**ADDRESSEE:** Gregory Jaczko  
**SUBJECT:** NRC's oversight of safety at nuclear plants in the U.S.

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF, OCA to Ack

**LETTER DATE:** 05/18/2011  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** Commission Correspondence  
**NOTES:** Response due within 30 days  
**FILE LOCATION:** ADAMS  
**DATE DUE:** 06/20/2011 **DATE SIGNED:**

## United States Senate

WASHINGTON, DC 20510-2309

May 18, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Jaczko:

I write regarding the Nuclear Regulatory Commission's (NRC) oversight of safety at nuclear plants in the United States. Nuclear plants generate 20 percent of America's electricity and will continue to be part of our electricity generation portfolio for decades to come. But we cannot be too careful in ensuring Americans are protected from threats – foreseen and unforeseen – that could compromise the safety of nuclear plants. The accident at Japan's Fukushima Daiichi nuclear plant was a grave reminder that we must take the strongest precautions when establishing and enforcing safety regulations to prevent and respond to threats to our country's nuclear energy infrastructure.

The charge of the NRC is to issue and enforce effective safety standards for the 104 licensed nuclear reactors at 65 plant sites across the United States. Incidents over the past several years raise questions about the NRC's effectiveness in carrying out this mission. As the NRC moves forward in its comprehensive safety review of U.S. nuclear plants and evaluates reforms to nuclear safety regulation, I urge you to err on the side of caution and make the safety of Americans your top priority.

Yesterday, the *New York Times* reported that documents from Tokyo Electric Power Company, the operator of the Fukushima plant, reveal failures of the plant's venting system. These failures resulted in buildup of hydrogen gas, which ultimately resulted in explosions at three of the plant's reactors. Boiling water reactors using Mark I or Mark II containment designs use the same or similar venting systems as the one at Fukushima. We have 23 Mark I reactors and 8 Mark II reactors here in the United States. In Minnesota, the Monticello nuclear plant uses a Mark I reactor. In 2006, in a letter to the NRC, a worker at Monticello raised concerns about the plant's venting system, stating that "scenarios that incapacitate operators or cause pneumatic or electrical power failures also prevent containment venting." The concerns raised by this Monticello worker played out five years later in the events at Fukushima. This raises serious concerns about the capacity of the venting systems at Monticello and the other U.S. boiling water reactors to withstand major shocks and function effectively in an emergency.

Additionally, last week, initial findings from the safety review revealed systematic problems in the NRC's methodology for assessing nuclear plant safety. For example, currently NRC evaluates a plant's ability to handle a problem at just one reactor. But for ensuring safety at plants with multiple reactors, like the Prairie Island Nuclear Plant in Red Wing, MN, such a policy cannot guarantee a plant's ability to withstand shocks to multiple reactors. I look forward

to seeing the NRC's plan to address the issues already identified and the others that emerge as you complete the safety assessment.

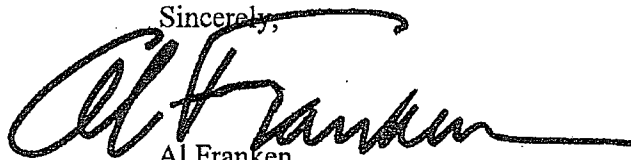
NRC has also been accused of inadequate regulation when it comes to emergency diesel generators. A report released by Congressman Ed Markey last week says that in the past eight years there have been at least 69 reports of emergency generator malfunction at 33 nuclear plants, including several incidents at Prairie Island. This should raise significant concerns, for as we know, the failure of emergency generators at Fukushima was a key factor in the reactor core meltdown.

Beyond these more recent findings, there has been ongoing scrutiny of NRC's oversight of fire safety at nuclear plants. In a 2008 GAO investigation, NRC operators reported 125 fires at 54 sites between 1995 and 2007. GAO highlighted a number of long-standing issues impeding fire safety at nuclear plants. For example, NRC had failed to determine the effectiveness of fire wraps as fire safety measures. In addition, NRC had placed no limit on the duration that nuclear plants could take "interim compensatory measures" before making necessary replacements or repairs required for fire safety – potentially exposing them to increased risks.

As you complete your safety assessment, I urge you to release the full extent of your findings to Congress and to the public, along with your plans for addressing the safety issues that are identified. Additionally, within 30 days of receiving this letter, I request an update from you on your plans to address the safety issues highlighted by the May 17th *New York Times* article and the 2008 GAO report.

Thank you for your prompt and thorough consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Franken", with a long horizontal flourish extending to the right.

Al Franken  
United States Senator