

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.

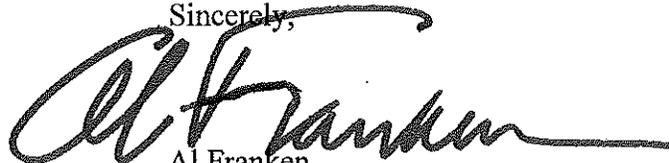
NRC has also been accused of inadequate regulation when it comes to emergency diesel generators. A report released by Congressman Ed Markey last week says that in the past eight years there have been at least 69 reports of emergency generator malfunction at 33 nuclear plants, including several incidents 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