

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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July 21, 2011

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Upton:

Last week, the Nuclear Regulatory Commission's Japan task force released a report summarizing its review of America's nuclear reactors and their ability to respond to a catastrophic event like the one that struck Japan in March. We are writing to request that you schedule a hearing on this report as soon as possible.

The task force found that "a sequence of events like the Fukushima accident is unlikely to occur in the United States."<sup>1</sup> The task force also concluded that "continued operation and continued licensing activities do not pose an imminent risk to public health and safety."<sup>2</sup> While this is good news, it does not provide an assurance of public safety. After all, the catastrophic events in Japan were unlikely but occurred nonetheless.

The task force appears to agree, concluding that NRC and the nuclear power industry need to do more to prevent or respond to events of low likelihood and high consequence, such as a prolonged loss of power resulting from a severe natural disaster. Such events pose an unacceptable risk to public health and safety should they occur.

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<sup>1</sup> Nuclear Regulatory Commission, Near-Term Task Force, *Recommendations for Enhancing Reactor Safety in the 21<sup>st</sup> Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident* (July 12, 2011) at vii.

<sup>2</sup> *Id.*

The task force report includes 12 recommendations to strengthen safety requirements at nuclear power plants and, in effect, redefine what NRC considers an adequate level of protection. For example:

- The task force recommends that the NRC require licensees to reevaluate the seismic and flooding hazards at their sites and upgrade their reactors, as necessary, to protect against these hazards.<sup>3</sup>
- The task force recommends that the NRC strengthen the ability of nuclear reactors to cope with an extended loss of power, as occurred in Japan, and to pre-plan and pre-stage offsite resources to allow for core and spent fuel cooling during prolonged blackout conditions.<sup>4</sup>
- The task force recommends that NRC require that nuclear power plants install a seismically-qualified means to spray water into the spent fuel pools and improve their ability to monitor conditions in spent fuel pools if all power is lost.<sup>5</sup>

Chairman Gregory Jaczko has outlined a “road map” for Commission decision-making in order to obtain, in a timely manner, stakeholder input on the task force’s recommendations. His stated goal is to provide clear Commission direction on each of the task force’s recommendations within 90 days. He also has called on NRC and the nuclear industry to commit to implementing all lessons from the Fukushima accident within five years, half as long as it took the industry to implement improvements following the September 11 attacks.<sup>6</sup> That is a reasonable timeline given the potentially grave risks of delay.

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<sup>3</sup> *Id.* at 30.

<sup>4</sup> *Id.* at 37-38.

<sup>5</sup> *Id.* at 45-46.

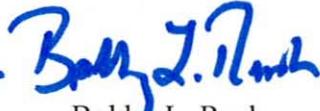
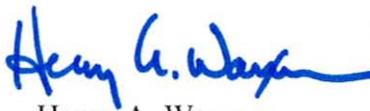
<sup>6</sup> Nuclear Regulatory Commission, *Remarks as Prepared for Delivery by Chairman Gregory B. Jaczko on Fukushima and U.S. Nuclear Safety at National Press Club, Washington, D.C.* (July 18, 2011).

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During Committee consideration of H.R. 2401 on July 12, 2011, you mentioned that you had been briefed on the task force's recommendations and assured the Committee that we would "entertain those recommendations" in order to "learn constructively" from the events in Japan.<sup>7</sup> We agree that the Committee needs to hear from the task force members about their recommendations and the reasons for making them.

We urge you to schedule a hearing as soon as possible.

Sincerely,



Henry A. Waxman  
Ranking Member

Bobby L. Rush  
Ranking Member  
Subcommittee on Energy  
and Power



Gene Green  
Ranking Member  
Subcommittee on Environment  
and the Economy

cc: The Honorable Ed Whitfield  
Chairman  
Subcommittee on Energy  
and Power

The Honorable John Shimkus  
Chairman  
Subcommittee on Environment  
and the Economy

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<sup>7</sup> House Committee on Energy and Commerce, Remarks of Chairman Fred Upton, *Markup on H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011* (July 12, 2011).