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FROM: DUE: 04/30/02 EDO CONTROL: G20020207
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FINAL REPLY:

Representative James A. Leach

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 02-0259

Chairman Meserve

DESC: ROUTING:

Representative Markey's Comments on Security at
Nuclear Power Plants (Walter E. Wright)

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Collins, NRR

DATE: 04/11/02

ASSIGNED TO: CONTACT:
NSIR Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

**OFFICE OF THE SECRETARY
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Date Printed: Apr 10, 2002 16:31

PAPER NUMBER: LTR-02-0259 **LOGGING DATE:** 04/10/2002
ACTION OFFICE: EDO

AUTHOR: James Leach
AFFILIATION: REP
ADDRESSEE:
SUBJECT: Concerns regarding comments made by Rep. Edward Markey regarding security at nuclear
power plants

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

LETTER DATE: 04/09/2002
ACKNOWLEDGED: No
SPECIAL HANDLING:

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FILE LOCATION: Adams

DATE DUE: 05/02/2002 **DATE SIGNED:**

JAMES A. LEACH
1ST DISTRICT, IOWA



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CHAIRMAN EMERITUS

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CHAIRMAN

CONGRESS OF THE UNITED STATES

April 9, 2002

The Honorable Richard A. Meserve
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Via Facsimile: (301) 415-1757

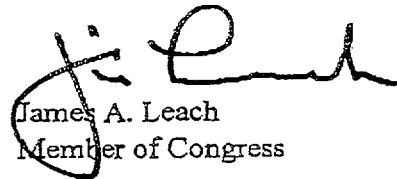
Dear Mr. Chairman:

I am writing to forward for the Commission's consideration a letter received from a constituent, Walter E. Wright, the Director of Emergency Management for Linn County, Iowa.

The letter speaks for itself. I would appreciate being informed of the NRC's response, both to report to which Mr. Wright refers and to his reaction to it, in order that I may in turn respond to his concerns.

Your attention to this request is appreciated. If you need further information or having questions regarding it, please have your staff contact Peter Matthes of my staff at (202) 225-6576.

Sincerely,


James A. Leach
Member of Congress

JL:pmt

enclosure

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Phone: (319) 363-2671 Day or Night • Fax: (319) 398-5316 • E-Mail: linnema@jmbest.net

4 April 2002

Honorable Jim Leach
411 3rd Street, SE, Suite 760
Cedar Rapids, Iowa 52401

SUBJECT: Comments on Statements by Congressman Markey

Dear Congressman Leach,

I need to address a problem that has been caused by Congressman Ed Markey, of the 7th Massachusetts Congressional District. Congressman Markey's recent comments questioning security at nuclear power plants seem to be diverting real concern over public safety away from the true risk to the public's health and safety. I am enclosing a copy of Congressman Markey's press release concerning security gaps at nuclear power plants.

My reason for bringing this to your attention is that Congressman Markey's comments twist the truth for political gain, and by doing so causes me a problem in my office since I end up spending valuable time refuting his "official releases". His actions have caused my public to question and fear our nuclear facility, question my ability to warn and protect them, and have created a misguided fear for our public safety.

Congressman Markey asked the Nuclear Regulatory Commission several questions. The Chairman of the NRC responded to these questions. From the NRC responses Congressman Markey then developed a Position Paper titled "SECURITY GAP, A Hard Look at the Soft Spots in our Civilian Nuclear Reactor Security", which only used "nuggets" of the NRC response as foundation for his comments. I will attempt to address some of these points as it concerns Linn County, home of the Duane Arnold Energy Center, Iowa's only nuclear power plant.

1. The NRC does not know how many foreign nationals are employed and does not require adequate background checks to determine if they are a member of a terrorist organization. Each facility does an extensive background check of all employees, foreign or not. The NRC is not in charge of hiring at each individual facility. The NRC does require that all plants meet the federal guidelines for unescorted access to a facility. Also why focus on foreign nationals, why not any employee? Remember Timothy McVeigh was not a foreigner.

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2. The NRC does not know what its licensee spends on security or how many guards are employed. Again, if Congressman Markey wants specific information on specific plant security he can get this from the respective nuclear facility. The total amounts spent are not a regulatory issue.
3. 21 nuclear power plants are within 5 miles of an airport, but 96% of the plants were not designed for even a small airplane impact on the facility. This is where I think Congressman Markey goes way too far. In his Press Release he list two airports near the Duane Arnold Energy Center. Both of these are non-paved strips, one is rated for a single engine plane, and one is only used for ultra-lite aircraft. Even small commercial planes could not operate out of these strips. He then bridges the reader to mental images of the World Trade Center attack as he addresses the three jumbo jets that attacked the World Trade Center and the Pentagon on 9/11. This kind of comparison is similar to comparing apples to oranges. He states that the plants did not consider attacks by jumbo jets in their design. This is a cheap shot since NO ONE in ANY industry planned for attacks by jumbo jets prior to September 11th, but at least the power plants did address for smaller commercial aircraft strikes when they were designed. Also Congressman Markey clouds the definition of "small aircraft". The plant tests were done 30 years ago with the "jumbo jets" of the day such as the Boeing 707.
4. Aircraft impact in the containment structure of a nuclear reactor is not the only way to cause a full scale core meltdown. Congressman Markey is very loose with "core meltdown" language. The nuclear power plants have numerous redundant systems in place that are designed to shut down the reactor safely. Multiple failures of these systems are trained on and exercised numerous times a year. Even if there is damage to support systems that does not always lead directly to a core meltdown and by inference a release of radiation.

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5. The NRC has rejected placing anti aircraft capabilities at nuclear facilities, even though other countries have chosen to do so, knowing many reactors are located close to airports.
Newton's Law reminds us that if you shoot down an aircraft, especially over a populated area such as Cedar Rapids, the probability of the plane crashing into the urban area and causing death and destruction is far greater than the risk of any potential release of radiation caused by the same aircraft striking the nuclear facility. Also, what about the risk of "friendly fire" from an edgy trigger finger without adequate command and control system.
6. Security of Spent Nuclear Fuel is inadequate because spent nuclear fuel in significant quantities exists at reactors all across the US and is stored in buildings that are not hardened.
Spent fuel is stored in hardened facilities, usually next to the reactor itself. These facilities are reasonably hardened, though not as much as the main reactor. How much concrete and steel is needed to meet the Congressman's definition of hardened?
7. The NRC has not scientifically determined how long spent fuel casks can withstand a continued fire and has not provided information on worst-case consequences of a breach of a spent fuel cask.
Spent fuel casks for storage and shipment go through numerous tests for safety of the spent fuel inside. Independent laboratories have performed numerous tests, including immersing casks in jet fuel and burning them at temperatures of more than 2000 degrees. There was no breach of the integrity of the cask. He is concerned over the amount of fuel from a jumbo jet crashing into the facility, similar to the World Trade Center attack. Data coming out of the investigation from the WTC attacks shows that 1/3rd of the fuel burnt up in the initial fireball and that the WTC fire that caused the towers to collapse was from the office furnishings that caught fire and only some of the fuel. Also local fire suppression can be brought to bear more effectively on buildings the height of nuclear facilities versus the multistory "skyscraper" of the WTC.

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8. Security at nuclear reactors continues to be inadequate even after the September 11 attacks. It took six months for the NRC to require enhanced security at nuclear facilities.

I personally have seen the extra security at the Duane Arnold Energy Center. This went into effect immediately and upgrades have been made since 9/11. Just because the NRC did not make a "legally binding" order does not mean that each nuclear facility did not take appropriate steps to increase security. Some worry about attacking Special Forces getting into the nuclear facility. If they get into the facility what does the Congressman think they are going to do, snatch the spent fuel rods, put them in a sack and run out the door unseen? Even if they could get a spent fuel rod, the only danger to the public is using the fuel pellets in a conventional explosive device to spread radiation particles to create a panic. A terrorist can get similar nuclear material from less protected medical and engineering facilities.

9. The NRC has historically failed to adjust security regulation to address the risk of the evolving threat. Again, I have seen and been briefed by the staff at the DAEC on upgraded security measures taken to relate to specific threats. Most facilities do these steps based on advisories and do not wait for binding regulations that may come down later.

I personally feel that Congressman Markey is making unnecessary and misleading blanket statements based on partial facts. This is especially true when his comments are broad, industry wide statements. Congressman Markey's comments are deceptive and causes the public to shift their concern from what I believe to be the more probable risk to immediate public safety--Chemical Facilities. The risk to the public from a chemical release is far greater than any potential release of nuclear material. A nuclear release MAY increase the risk of cancer in 50 years, while a chemical release CAN KILL IMMEDIATELY and cause explosions similar to the destruction at "Ground Zero" in New York. Also most chemical facilities are less protected than nuclear facilities and are in fact very vulnerable, even to small private aircraft.

When Congressman Markey sends out the type of misinformation under his Congressional Letterhead, he creates a great deal of misunderstanding and distrust of the effort by the nuclear industry and for me personally, by inferring the local emergency management system can not protect the health and safety of the public in and around nuclear facilities.

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I feel Congressman Markey should address the ONE nuclear facility in the State of Massachusetts. If this facility is not meeting the standards he feels necessary, he would have the ability to affect the necessary changes to improve public safety in his state. Congressman Markey could spend his time more wisely by focusing his "Public Safety" effort on the 92 chemical facilities registered in his state in the EPA's Risk Management Program.

I have enclosed for your review copies of the news releases from Congressman Markey, the response from the NRC that triggered his comments, and supporting documentation from the Nuclear Energy Institute that provided additional information.

If you need any additional information, please contact me.

Thank you for your support.

Respectfully,



WALTER E. WRIGHT, CEM
Director of Emergency Management