

EDO Principal Correspondence Control

FROM: DUE: 06/01/05 NOON

EDO CONTROL: G20050397

DOC DT: 05/27/05

FINAL REPLY:

Senator George V. Voinovich
Senator Thomas R. Carper

TO:

Chairman Diaz

FOR SIGNATURE OF :

** GRN **

CRC NO: 05-0287

DESC:

Post Hearing Q's from the May 26, 2005 Hearing on
Nuclear Issues

ROUTING:

Reyes
Virgilio
Kane
Silber
Dean
Cyr/Burns
Kim, OEDO
Outlaw, OCA

DATE: 05/31/05

ASSIGNED TO:

CONTACT:

| | |
|------|------------|
| NSIR | Zimmerman |
| NRR | Dyer |
| NMSS | Strosnider |
| RES | Paperiello |
| HR | Bird |
| CFO | Funches |
| EDO | Malloy |
| OE | Johnson |
| OGC | Cyr |

SPECIAL INSTRUCTIONS OR REMARKS:

Office assignments are attached. Use Q&A format attached. Provide hard copy with diskette to T. J. Kim, OEDO by noon, June 1, 2005. Provide mark-up, as needed, to proposed responses attached. Q&As due to OCA by noon, June 2, 2005. OCA to prepare response to Congress with Q&As. Response to Congress due by C.O.B., Friday, June 3, 2005.

1/5
F-2

Template: SECY-017

E-RIDS: SECY-01

JAMES M. INHOFE, OKLAHOMA, CHAIRMAN

JOHN W. WARNER, VIRGINIA
CHRISTOPHER S. BOND, MISSOURI
GEORGE V. VOINOVICH, OHIO
LINCOLN DIAZEE, RHODE ISLAND
LISA MURKOWSKI, ALASKA
JOHN THUNE, SOUTH DAKOTA
JIM COWMY, SOUTH CAROLINA
JOHNNY ISAKSON, GEORGIA
DAVID VITTER, LOUISIANA

JAMES M. JEFFORDS, VERMONT
MAX BAUCUS, MONTANA
JOSEPH I. LIEBERMAN, CONNECTICUT
BARBARA BOXER, CALIFORNIA
THOMAS R. CARPER, DELAWARE
HILLARY RODHAM CLINTON, NEW YORK
FRANK LAUTENBERG, NEW JERSEY
BARACK OBAMA, ILLINOIS

ANDREW WHEELER, MAJORITY STAFF DIRECTOR
KEN CONNOLLY, MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-8175

May 27, 2005

The Honorable Nils Diaz
Chairman
Nuclear Regulatory Commission
Mail Stop 016D1
Washington D.C. 20555

Dear Chairman Diaz:

Thank you for appearing before the Senate Subcommittee on Clean Air, Climate Change, and Nuclear Safety on Thursday, May 26, 2005. We appreciate your testimony in our effort to conduct oversight on the Nuclear Regulatory Commission. Your testimony was helpful and we know that your input will prove valuable as the Committee continues its work on this important topic.

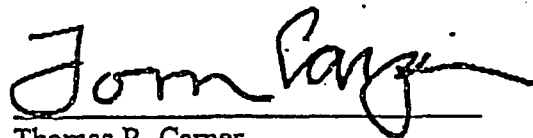
Enclosed are questions that have been submitted by Senators Inhofe, Jeffords, Voinovich, and Lautenberg for the hearing record. Please submit your answers to these questions by 5 pm Thursday, June 2, 2005 to the attention of David Lungren, Senate Committee on Environment and Public Works, 415 Hart Senate Office Building, Washington, D.C. 20510. In addition, please provide the Committee with a copy of your answers via electronic mail to David_Lungren@epw.senate.gov. To facilitate the publication of the record, please reproduce the questions with your responses.

Again, thank you for your assistance. Please contact Brian Mormino at (202) 224-8098 or Tom Lawler at (202) 224-3168 with any questions you may have. We look forward to reviewing your answers.

Sincerely,



George V. Voinovich
Chairman



Thomas R. Carper
Ranking Member

QUESTIONS FOR NRC FROM SENATOR INHOFE

05-26-05 HEARING

1) Last year I asked a question about the potential increase in efficiencies and resource allocation if the NRC were to consolidate the regional offices' functions into the NRC headquarters. Would the NRC function more efficiently if we consolidated the regional functions, keeping the resident inspectors in place? This could eliminate some redundancy in overhead and help provide Headquarters with the experienced staff they need. What have been the results been of that review?

2) Some witnesses today will express concern with NRC's oversight and enforcement of security requirements at nuclear facilities - what assurances can you provide this committee that not only are you taking the steps to ensure that security standards are robust, but also that the Commission is taking the necessary steps to ensure that these standards that you have set are being met by the licensees?

3) The NRC has taken a number of steps to increase security at power plants. With this latest upgrade of the DBT, is it correct to say that you have asked all that should be asked of licensees under the current threat condition? It is vital that we provide certainty to the licensees so that they can implement the requirements and train for these conditions. Can you assure me that we are at a stage where that certainty exists?

4) It is my understanding that the NRC has been moving ahead with its plan to change its regulatory process to one that is risk-informed and performance-based. This is a process that is strongly supported by industry as well as by some of your critics. Would you explain to me where the NRC is at regarding this process and are you moving quickly on fully implementing this process change?

5) During the hearing I asked you to comment on GAO recommendations and what the NRC has done in response.

Senator Jeffords Questions for 05-26-05 Hearing on Nuclear Issues

NRC Chairman Nils Diaz and Commissioners

1. The National Research Council report also highlights the continuing security concerns presented by spent nuclear fuel pools. About a third of the nuclear facilities are designed with the spent fuel pool above ground, including the Vermont Yankee facility in my state.

Though the Commission will certainly have to discuss these issues further, what immediate steps has the Commission taken address the risks identified in the report posed by above ground pool storage?

2. The last chapter of the National Research Council report suggests that the Commission's controls on information may be inhibiting security improvements. It states that representatives of the study team, and even of industry were frustrated by the Commission's restrictions on sharing data that could help with "early actions to address identified vulnerabilities."

The panel stated it was "unable to examine several important issues" related to the security of spent fuel, in part "because it was unable to obtain needed information from the Nuclear Regulatory Commission."

I know the real need to protect classified security information, but would you describe for the Committee your general view about the types information that must be shielded from the companies charged with the security of nuclear material and what information should be given to them.

3. The Congressional request for the recent National Academy study was prompted by conflicting claims about the safety and security of spent nuclear fuel at power plants done by researchers at Princeton in 2003. Do you support NAS's call for the development of "maximum credible threat scenarios" that incorporate the use of outside expert judgment?

Question - NRC Chairman Nils Diaz

1. I would like to give you an opportunity, Chairman Diaz, to address the April 7, 2005 Matthew Wald New York Times story. In that story, you are quoted as having said that spent fuel pools are "not easily breached structures," and that after an attack they would be easy to cool with "a couple of fire hoses". These statements caused concern in my state both among the public and among some technical experts regarding whether the cooling system you describe would be sufficient or able to be deployed in the event of an attack.

Do you still stand by this statement? Do you believe that additional analysis is warranted to determine appropriate methods for fuel pool fire response? Is the Commission considering additional guidance or regulations regarding cooling systems?

Senator Voinovich Questions for NRC Commissioners
EPW Subcommittee Oversight Hearing on the NRC
May 26, 2005

1. NRC's testimony indicates that the Commission is taking action to address safety culture by identifying appropriate measures and developing guidance for licensees – leading up to the modification of the Reactor Oversight Process. Please go into greater detail for the Committee on what the Commission has discovered and what actions the NRC has and will take.
2. In its 1998 report to Congress, the Commission concluded that the Price-Anderson Act has proven to be "remarkably successful" and is "prudent public policy". The report's specific recommendation was: "Because the Act has benefited from extensive public discussion and legislative modifications over the years, only modest changes, if any, need be contemplated in connection with its renewal". Does NRC still support the conclusion of your 1998 report to Congress that the Price-Anderson Act should be extended with only modest – or perhaps no – changes?
3. NRC has requested increased funding. What steps has the Commission taken to save money?
4. NRC has proposed to move their Technical Training Center in Chattanooga, Tennessee to a location near its headquarters in Rockville, Maryland. Please provide the cost-benefit analysis on moving this Center.

QUESTIONS OF SENATOR FRANK R. LAUTENBERG
ENVIRONMENT & PUBLIC WORKS COMMITTEE
SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE,
AND NUCLEAR SAFETY
OVERSIGHT HEARING ON
THE NUCLEAR REGULATORY COMMISSION
Thursday, May 26th, 2005

QUESTION ONE FOR ANY COMMISSIONER:

Though the NRC has improved its oversight of the industry in recent years, why is it that the Inspector General, the GAO, interest groups and whistleblowers, continue to highlight safety issues? Is the NRC really committed to a "Safety Conscious Work Environment?"

QUESTION TWO FOR ANY COMMISSIONER:

The Government Accountability Office has found that the NRC has "no plans to address the systemic weaknesses that allowed" the near disaster at Davis-Besse to occur in 2002. What is being done within the NRC to prevent the lax oversight which occurred at Davis-Besse from occurring again?

QUESTION THREE FOR ANY COMMISSIONER:

What is the NRC doing to encourage people with safety concerns to speak up and how are "whistleblowers" being protected and supported by the agency? Were any "whistleblowers" invited to speak at today's hearing? What message does it send that they were/were not?

QUESTION FOUR FOR ALL COMMISSIONERS:

My constituents are deeply concerned about a repeat of a September 11th style attack – in which nearly 700 New Jerseyans lost their lives. If a large passenger jet can bring down the World Trade Center, can the NRC really be sure that nuclear reactor containment systems would withstand such a direct, high-speed hit?