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October 31, 2008

The Honorable Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Washington DC 20555

Dear Chairman Klein:

On the evening of October 29, 2008, a fire broke out at the Pilgrim Nuclear Station in Plymouth, Massachusetts. This dangerous event within a nuclear power plant in my State is of great concern to me, and raises again the longstanding issue of fire safety for our nation's nuclear power plants.

For years now the Nuclear Regulatory Commission (NRC) has allowed licensees to remain dangerously out of compliance with critical fire protection regulations. The NRC's shortcomings in this area have been outlined in two reports from the Government Accountability Office (GAO): "Fire Protection: Barriers to Effective Implementation of NRC's Safety Oversight Process," (GAO/RCED-00-39), issued in April 2000; and "Nuclear Safety: NRC's Oversight of Fire Protection at U.S. Commercial Nuclear Reactor Units Could be Strengthened," (GAO-08-747), issued in June 2008. NRC's lack of progress in confronting this issue is extremely disconcerting. From the fire at the Pilgrim Plant in 2000 to the NRC's subsequent attempts to re-write the fire protection regulations in a manner that would make plants compliant rather than make them safe, the issue of whether our nation's nuclear power plants are fully protected against fires remains a matter of significant public interest and concern.


I have yet to be persuaded that the NRC is on a path to do the right thing and require the nation's plants to be brought compliance with NRC's fire protection regulations. This latest event only heightens my concern and my interest in assuring that all appropriate measures are undertaken to protect these facilities against dangerous fires. In order to determine the full scope of this event, I would appreciate responses to the following questions:

1. How did the fire at Pilgrim start? Please fully describe the location of the fire, the fuel which burned, and whether there was human error that may have enabled the fire.
2. According to the Nuclear Regulatory Commission (NRC) Event Notification Report, the Pilgrim fire was "discovered" at 8:50 PM. What does the term "discovered" mean? Who "discovered" it and how? How long was the fire burning before it was "discovered?"

3. The Event Notification Report states that the fire was extinguished at 9:09 PM, which is 19 minutes after it was "discovered." Why did it take so long to extinguish this fire?
4. The Event Notification Report states that an off-site fire-fighting unit responded to the fire. Was the on-site fire-fighting unit unable to extinguish the fire? Was the local fire department called because the staffing of the on-site fire-fighting unit was insufficient?
5. Please describe the passive fire-protection systems that were installed at or near the location of this fire at the Pilgrim reactor. Did the fire penetrate any passive fire barriers? Were there any malfunctions by these systems?
6. Please describe the active fire-protection systems that were installed at or near the location of this fire at the Pilgrim reactor. Were there any malfunctions by these systems?
7. Was the reactor operating at the time of the fire? Did the fire ever threaten the safe operation and safe shutdown of the reactor?
8. Is Pilgrim in full compliance with NRC's fire protection regulations? If not, when will Pilgrim be brought into compliance?
9. Is Pilgrim one of the plants transitioning to the recently adopted NFPA 805 option? If so, what is the schedule for this transition and when will it be completed?
10. Has the NRC issued any enforcement actions against Pilgrim for any violation of fire protection regulations? If so when, for what, and what was the result?
11. Does Pilgrim currently have an exemption from any fire protection regulations? If so, what exemptions have they been granted and when were they approved? Do any of these exemptions in any way relate to the location, events, or materials surrounding this event, or have anything to do with this fire?
12. Will the NRC conduct any additional inspections as a result of this fire? If so, what type of inspection, and when will the inspection be concluded? I would appreciate a copy of any inspection report that is issued as a result of this event.
13. What steps, if any, does the NRC intend to take in response to the findings and recommendations made by the GAO in its June 2008 report?

I would appreciate responses to these questions by November 14, 2008. If you have any questions, please contact Will Huntington of my staff at 202-225-2836.

Sincerely,



Edward J. Markey