NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MAGWOOD

SUBJECT: SECY-11-0093 – NEAR-TERM REPORT AND RECOMMENDATIONS FOR AGENCY ACTIONS FOLLOWING THE EVENTS IN JAPAN

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___

SIGNATURE

19 July 2011
DATE

Entered on "STARS" Yes X No ___

Commissioner Magwood's Comments on SECY-11-0093
"Near Term Report and Recommendations for
Agency Actions Following The Events in Japan"

On March 23, 2011, the Commission approved formation of a task force to conduct a systematic and methodical review of NRC's regulatory requirements, program and processes and to recommend whether the agency should make near term improvements as a result of the events at the Fukushima Dai-ichi nuclear power plant in Japan. This task force was established on March 30, 2011 and, after months of works, provided the Commission with a report on July 12, 2011.

I congratulate this six-person team for its impressive effort. The task force members worked independently, drawing on their substantial experience and their interactions with NRC staff to produce a very important report. In creating this process, the Commission determined that it was vital to determine whether an analysis of the events at the Fukushima Dai-ichi plant could identify any imminent safety risks to U.S. facilities as soon as possible. Therefore, the task force was instructed to work on a very compressed schedule.

As a result, the task force was required to work without the benefit of the full analytical resources of the agency, stakeholder input, contact with licensees, or the formal advice of the Advisory Committee for Reactor Safeguards. Despite these circumstances, the task force was able to complete a wide-ranging report that highlights many compelling issues. All six members of the task force are to be commended for their dedication to this endeavor.

I expect that our many stakeholders are pleased to learn that, based on the hard work of this task force, a full consideration of NRC's regulatory framework in light of the events at Fukushima verifies that there are no imminent threats to safety at U.S. nuclear power plants. Perhaps the most important comment from the task force is the following:

> *The current [U.S.] regulatory approach, and more importantly, the resultant plant capabilities allow the Task Force to conclude that a sequence of events like the Fukushima accident is unlikely to occur in the United States and some appropriate mitigation measures have been implemented, reducing the likelihood of core damage and radiological releases. Therefore, continued operation and continued licensing activities do not pose an imminent risk to public health and safety.*

Further, the task force goes on to emphasize:

> *Although complex, the current regulatory approach has served the Commission and the public well and allows the Task Force to conclude that a sequence of events like those occurring in the Fukushima accident is unlikely to occur in the*

United States and could be mitigated, reducing the likelihood of core damage and radiological releases.

Nevertheless, as this agency has indicated on many occasions, there are lessons to learn from Fukushima that can be used to consider further improvements in our regulatory framework. The task force has highlighted many areas for consideration, providing the Commission with 12 thought-provoking recommendations.

Some of the task force's comments raise very complex technical and regulatory questions that will require significant analysis. In particular, I note that the Commission will need to understand and discuss the task force's recommendations regarding its proposed regulatory approach to beyond design basis requirements (or, as the task force prefers to call them, "extended design basis" requirements). In many ways, these recommendations break new ground that could have very far-reaching consequences.

I also note that, given the task force's limitations, it was not possible to give all issues the consideration they deserve. As a key example, at the task force's final briefing to the Commission on July 19, 2011, task force members indicated that they did not yet have sufficient information from the Fukushima experience to identify whether there are lessons for the U.S. to consider regarding the use of potassium iodide. Moreover, the task force pointed out that, lacking the medical expertise required to understand the implications of any data that is forthcoming from Japan, they would not be in a position to render a judgment in any event. Clearly, such expertise exists elsewhere and we must consult with experienced personnel in and out of government to reach the best conclusion. I do not view this as an isolated case; it is my view that to assure the full consideration of this and many other issues, the agency must engage fully outside experts and stakeholders.

Fortunately, the NRC has the analytical resources and stakeholder engagement capabilities to deal with these matters in an efficient manner. The Commission's SRM for COMGBJ-11-0002, which authorized the creation of the task force, was structured to allow the recommendations of the task force to be reviewed and, where appropriate, implemented using NRC's expert staff organizations, established stakeholder processes, and ACRS review. Since the task force has found no imminent risk to public health and safety, we have the opportunity to apply our resources and processes to best effect.

The Chairman has publically proposed a "roadmap" that entails a series of Commission meetings over the next few months that would facilitate public outreach and an eventual decision by the Commission to assign work to the staff. I appreciate this proposal and look forward to working with my colleagues to schedule any meetings necessary to complete this work. However, I believe that we should not wait any longer to engage the full NRC staff in this effort; the staff can engage stakeholders in rapid, comprehensive fashion—with multiple issues receiving priority attention in parallel—while the Commission continues its consideration of the lessons learned from Fukushima.

Therefore, as anticipated by the SRM that created the Task Force, I recommend that the Executive Director of Operations immediately assign review of the task force report recommendations to the steering committee of senior managers established for that purpose. The steering committee should consider the task force recommendations to be of high priority and work with line organizations to adjust their activities accordingly. In keeping with NRC's transparent and open processes, this review should include dialogue with all stakeholders including public interest groups; industry; Federal, state, and local agencies; and members of the public. This step is vital as it will allow us to benefit from the efforts of organizations outside the NRC that have devoted significant time and resources to considering how to respond to the lessons of Fukushima.

Also, as anticipated by the task force SRM, staff should work with the ACRS to obtain its formal review of all task force recommendations.

I note that the task force report provides somewhat greater specificity than I, at least, had anticipated when the Commission developed the SRM. Moreover, the Commission is finalizing additional guidance to the staff, through COMWDM-11-0001/COMWCO-11-0001, regarding enhancements to the agency's stakeholder engagement practices that should be made with regard to this and other efforts. Therefore, it is appropriate for the Commission to review and approve an update of the charter for the steering committee through a notation vote paper (a draft charter was provided to the Commission in the form of a Commissioner's Assistants note on June 28, 2011). This notation vote paper should be submitted to the Commission no later than two weeks from the date of the SRM for SECY-11-0093.

I recommend that all proposed actions arising from this review (including the application of orders when found to be necessary to respond to existent threats to safety), as well as reasonable options, be provided to the Commission via notation vote papers for its review and final approval.

Further, while I appreciate the task force's conclusion that continued operation of nuclear power plants and continued licensing activities do not pose an imminent risk to public health and safety, there may be some recommendations that can and should be implemented essentially immediately. Given this, I further recommend that within 20 days of the SRM associated with this SECY paper, the EDO should provide the Commission with a notation vote paper that identifies and makes recommendations regarding any task force suggestions that can, and in staff's judgment, should be implemented without further delay.

Finally, within 45 days of the SRM associated with this SECY paper, the EDO should provide the Commission with a notation vote paper recommending a prioritization of the recommendations from the task force. This paper should identify, based on the process overseen by the EDO and the steering committee, any high-priority items that can be presented to the commission before the end of 90 days after the issuance of an SRM. Input from stakeholders must be considered when developing any recommended schedule. I believe this approach will allow the agency to conduct its evaluation of the entire body of task force recommendations in a holistic manner.

7/19/11

William D. Magwood, IV Date