

EDO Principal Correspondence Control

FROM: DUE: 08/11/11

EDO CONTROL: G20110548
DOC DT: 07/15/11
FINAL REPLY:

Marvin S. Fertel
Nuclear Energy Institute (NEI)

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** PRI **

CRC NO: 11-0418

Chairman Jaczko

DESC:

ROUTING:

NRC Near-Term Task Force Report - Fukushima
(EDATS: SECY-2011-0424)

Borchardt
Weber
Virgilio
Ash
Mamish
OGC/GC
Bowman, OEDO

DATE: 07/26/11

ASSIGNED TO:

CONTACT:

NRR

Leeds

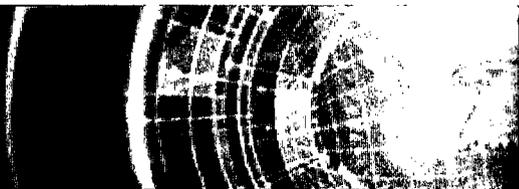
SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

ERIDS: SECY-01

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2011-0424

Source: SECY

General Information

Assigned To: NRR

OEDO Due Date: 8/11/2011 11:00 PM

Other Assignees:

SECY Due Date: 8/15/2011 11:00 PM

Subject: NRC Near-Term Task Force Report - Fukushima

Description:

CC Routing: NONE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20110548, LTR-11-0418

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: Chairman Jaczko

Sensitivity: None

Approval Level: No Approval Required

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Marvin S. Fertel

Date of Incoming: 7/15/2011

Originating Organization: NEI

Document Received by SECY Date: 7/26/2011

Addressee: Chairman Jaczko

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 25, 2011 11:30

PAPER NUMBER: LTR-11-0418 **LOGGING DATE:** 07/18/2011
ACTION OFFICE: EDO

AUTHOR: Marvin Fertel
AFFILIATION: NEI
ADDRESSEE: Gregory Jaczko
SUBJECT: NRC near-term task force report

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

LETTER DATE: 07/15/2011
ACKNOWLEDGED: No
SPECIAL HANDLING: Commission Correspondence

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 08/15/2011 **DATE SIGNED:**

EDO --G20110548



NUCLEAR ENERGY INSTITUTE

Marvin S. Fertel
PRESIDENT AND
CHIEF EXECUTIVE OFFICER

July 15, 2011

The Honorable Gregory B. Jaczko
Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop 016 C1
Rockville, MD 20852

Subject: NRC Near-Term Task Force Report

Project Number: 689

Dear Chairman Jaczko:

The nuclear energy industry is reviewing the NRC Near-Term Task Force's Recommendations for Enhancing Reactor Safety in the 21st Century and we look forward to providing comments to the staff on the recommendations. In general, the industry agrees with many of the issues identified by the task force. While there are some near-term actions that are clear from the available information, the basis for many of the recommendations clearly was disadvantaged by the fact that detailed information from the accident was, as the task force noted, "unavailable, unreliable and ambiguous."

The task force report lacks the rigorous analysis of issues that traditionally accompanies regulatory requirements proposed by the NRC. Better information from Japan and more robust analysis is necessary to ensure the effectiveness of actions taken by the NRC and avoid unintended consequences at America's nuclear energy facilities. The report also discusses at length proposals to modify the existing regulatory framework for nuclear energy facilities. If the commission decides to pursue some or all of the task force proposals related to the regulatory framework, these activities should be separated from the specific Fukushima Daiichi lessons learned recommendations.

The nuclear energy industry has taken seriously the accident at Fukushima Daiichi and continues to compile lessons learned that can be applied at U.S. reactors. As the NRC task force has concluded throughout the 90-day review, U.S. nuclear energy facilities are safe. Since the March accident, the industry has conducted detailed inspections at our facilities and taken steps necessary to enhance safety as well as responded to NRC-mandated actions at the facilities. As the NRC confirmed, every

The Honorable Gregory B. Jaczko

July 15, 2011

Page 2

company operating a nuclear plant has verified its ability to safely manage the facility even in an extreme event, regardless of its cause.

We will continue to work with the NRC to identify potential enhancements in safety that should be made. In this regard, the continued assessment of information from Japan and the sharing of information compiled by the NRC, the industry and others that are assessing the accident will be critical to reaching the correct lessons learned for identifying the appropriate regulatory and industry action.

In that respect, it is incumbent upon the commission to move forward both expeditiously and responsibly in identifying the lessons learned from the accident. The competent, professional NRC staff should analyze the lessons learned and obtain broad stakeholder input in the most meaningful way. The industry is fully committed to participate in stakeholder forums on this report, beginning at the July 28 public meeting at the NRC.

NEI and our industry partners are coordinating the industry's Fukushima response activities and are developing recommendations for the industry in seven "building blocks"—integrated organizations created to develop and execute action plans in specified areas of focus. The industry has already taken measures to enhance safety and preparedness. Nonetheless, the industry will ensure that no gaps exist in our response activities and that there is no duplication of effort among the industry organizations and companies. We recognize that to maintain the highest standard of safety and security, we must continually evolve and improve the industry's standards of practice, and adapt to events and new information that affect our industry.

The industry is concerned that the task force's use of phrases such as "patchwork of regulatory requirements" undermines the comprehensive body of regulatory requirements imposed by the NRC, the agency's extensive inspection and oversight process, and the excellent safety performance at the industry's 104 reactors. As the task force report notes, operation of U.S. nuclear energy facilities does not pose a risk to public safety. In fact, the NRC has not identified any significant adverse trends in safety at U.S. reactors in its last 10 years of reporting.

The industry certainly agrees that the safety benefits of new requirements should be used to prioritize and integrate any new requirements with those currently being considered by the agency, such as work hours for plant workers, cyber security and fire protection. In doing so, the NRC should use its formal process for evaluating the resource implications of new or revised regulatory requirements both on the agency staff and nuclear energy facility staff. It might be useful if the NRC prioritized activities in an integrated schedule that includes all new requirements being developed or implemented over the next five years.

The Honorable Gregory B. Jaczko

July 15, 2011

Page 3

The task force report stated that all of its recommendations should be considered within the "adequate protection" standard. However, the basis for the recommendations contained in the task force report requires more expansive and detailed analyses to ensure that they actually address the lessons learned from the Fukushima accident. After the necessary and appropriate analyses are conducted by the NRC staff, the commission should expect the staff to justify the value of any new or revised requirements consistent with NRC standard practice. If any proposed new requirements are justified within the adequate protection standard, the commission should review these on a case-by-case basis.

The industry is fully committed to enhancing safety at America's nuclear energy facilities. NEI and its members look forward to participating in the rigorous and systematic process for public comment and review of the task force recommendations. There are differences between the Japanese and U.S. approaches both in operation of nuclear energy facilities and the regulatory oversight of these facilities. The agency should recognize these as well as still-emerging information from Japan as we move forward to address the lessons learned.

Sincerely,



Marvin S. Fertel

c: The Honorable Kristine L. Svinicki, Commissioner, U.S. Nuclear Regulatory Commission
The Honorable William D. Magwood, IV, Commissioner, U.S. Nuclear Regulatory Commission
The Honorable George Apostolakis, Commissioner, U.S. Nuclear Regulatory Commission
The Honorable William C. Ostendorff, Commissioner, U.S. Nuclear Regulatory Commission
Mr. R. William Borchardt, Executive Director for Operations, U.S. Nuclear Regulatory Commission