

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER APOSTOLAKIS
SUBJECT: SECY-11-0093 – NEAR-TERM REPORT AND
RECOMMENDATIONS FOR AGENCY ACTIONS
FOLLOWING THE EVENTS IN JAPAN

Approved XX Disapproved XX Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached X None ___



SIGNATURE

7/28/11
DATE

Entered on "STARS" Yes No _____

**Commissioner Apostolakis' Comments on SECY-11-0093
Near-Term Report and Recommendations for Agency Actions
Following the Events in Japan**

I commend the Near-Term Task Force for its comprehensive review of NRC processes and regulations in light of the events in Japan. The Task Force has done an outstanding job of fulfilling its charter and developing a wealth of information for consideration by the Commission. The six individuals comprising the Task Force worked under difficult circumstances and with less-than-complete information regarding the events that occurred at the Fukushima Daiichi Nuclear Power Plants. They are to be congratulated for producing a well thought-out report on the early insights from Fukushima as they relate to the U.S. fleet of operating power reactors and to new reactors currently under review.

The Task Force found that the current regulatory system has served the Commission and the public well and it concluded that a sequence of events like that which occurred at Fukushima is unlikely to occur in the United States. As I discussed at the Task Force briefing to the Commission on July 19, 2011, many people have referred to the events at Fukushima as "unthinkable" and imply that we should strive to protect U.S. plants from events that are of extremely low probability. However, there is growing evidence that the historical record of tsunamis had not been used properly to determine the design basis at Fukushima Daiichi and, consequently, the protection of the plants was not sufficient. The accident was not of extremely low probability, i.e., it was not "unthinkable". This observation suggests that we should be mindful of striking a proper balance between confirming the correctness of the design basis and expanding the design basis of U.S. plants.

The Task Force stated that its review activities were structured to reflect insights from past lessons-learned efforts including those that followed the 1979 accident at Three Mile Island (TMI). As the Task Force pointed out, "the post-TMI review considered a number of actions that were proposed for general safety enhancement rather than being directed at specific safety weaknesses revealed by the TMI accident. As a result, some of the actions taken by the NRC after TMI were not subjected to a structured review and were subsequently not found to be of substantial safety benefit and were removed." I join the Task Force in its desire to avoid repeating such a mistake.

The Task Force concluded that "continued operation and continued licensing activities do not pose an imminent risk to public health and safety". At the same time, the Task Force is proposing to build on the existing safety foundation with twelve specific recommendations. I agree with Commissioner Magwood's statement that some of the Task Force's proposals raise technical and regulatory questions that will require further analysis. The Task Force recommendations will also require thoughtful interactions with external stakeholders. In addition, the Commission will benefit from the recommendations of NRC senior managers and the Advisory Committee on Reactor Safeguards (ACRS) during its deliberations on these issues. At the same time, I support Chairman Jaczko's goal of reaching a timely disposition of the Task Force's recommendations. In my view, the Commission should strive to reach a decision on the recommendations within 90 days from the date of the SRM for SECY-11-0093.

The Chairman's Tasking Memorandum dated March 23, 2011 (COMGBJ-11-0002) directed the staff to establish a near-term and a longer-term review of the events in Japan. With the completion of the near-term review, I propose that the following actions be implemented to

assist the Commission in reaching a timely disposition on the Near-Term Task Force recommendations:

1. I agree with Commissioners Svinicki, Magwood, and Ostendorff that the Executive Director for Operations (EDO) should provide a notation vote paper proposing a charter updating the structure of the longer-term review contained in the Chairman's tasking memorandum. I agree with Commissioner Ostendorff's suggestions regarding the content of the charter. The staff's paper should be submitted to the Commission no later than two weeks from the date of the SRM for SECY-11-0093.
2. I join Commissioners Magwood and Ostendorff in directing the EDO to prepare a notation vote paper prioritizing the Task Force recommendations. The paper should evaluate each recommendation, explain the basis for the prioritization, and identify any additional recommendations that the staff deems appropriate. During its deliberations, the staff should interact with external stakeholders. The paper should be submitted to the Commission within 45 days from the date of the SRM for SECY-11-0093.
3. I support the Chairman's proposal that the Commission hold public meetings with the staff and external stakeholders to offer an opportunity to provide feedback on the Task Force recommendations directly to the Commission.
4. As soon as possible after the EDO has provided to the Commission the paper requested in item 2 above, the ACRS should review the staff's evaluation and prioritization of the Task Force recommendations and submit a report to the Commission.