

October 18, 2011

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – SECY-11-0124 – RECOMMENDED
ACTIONS TO BE TAKEN WITHOUT DELAY FROM THE NEAR-
TERM TASK FORCE REPORT

The Commission has approved the staff's proposed actions to implement without delay the Near-Term Task Force recommendations as described in SECY-11-0124, subject to the comments below.

The NRC should strive to complete and implement the lessons learned from the Fukushima accident within five years - by 2016.

The process for implementing new or modified regulatory requirements or programs should be transparent and the regulatory mechanism (e.g., order, rulemaking, 10 CFR 50.54(f) letter, generic letter, etc.) used to impose them should be as clear and specific as possible when issued.

As the staff evaluates Fukushima lessons-learned and proposes modifications to NRC's regulatory framework, the Commission encourages the staff to craft recommendations that continue to realize the strengths of a performance-based system as a guiding principle. In order to be effective, approaches should be flexible and able to accommodate a diverse range of circumstances and conditions. In consideration of events beyond the design basis, a regulatory approach founded on performance-based requirements will foster development of the most effective and efficient, site-specific mitigation strategies, similar to how the agency approached the approval of licensee response strategies for the "loss of large area" event under its B.5.b program.

Where gaps in knowledge in the analyses of the reactor accidents at Fukushima Dai-ichi interfere with the staff's ability to make an informed recommendation on regulatory action, the staff should inform the Commission of these gaps.

For Recommendation 2.1, when the staff issues the requests for information to licensees pursuant to 10 CFR 50.54(f) to identify actions that have been taken or are planned to address

plant-specific vulnerabilities associated with the reevaluation of seismic and flooding hazards, the staff should explain the meaning of “vulnerability.”

The staff should inform the Commission, either through an Information Paper or a briefing of the Commissioners’ Assistants, when it has developed the technical bases and acceptance criteria for implementing Recommendations 2.1, 2.3, and 9.3.

For NTF recommendations 4.2 and 5.1 the staff should provide the Commission with notation vote papers for Commission approval of the orders once the staff has engaged stakeholders and established the requisite technical bases and acceptance criteria. For cases in which backfits cannot be justified using existing requirements, yet the staff believes that regulatory enhancements should be made, the staff should clearly explain the legal and policy bases for proceeding.

For Recommendation 4.1 -- “Station blackout regulatory actions,” the staff should initiate the rulemaking as an advance notice of proposed rulemaking (ANPR) rather than a proposed rule.

The staff should designate the station blackout (SBO) rulemaking associated with NTF recommendation 4.1 as a high-priority rulemaking with a goal of completion within 24 to 30 months of the date of the Staff Requirements Memorandum for this SECY paper.

The staff should monitor nuclear industry efforts underway to strengthen SBO coping times and consider whether any interim regulatory controls (e.g., commitment letters or confirmatory action letters) for coping strategies for SBO events would be appropriate while rulemaking activities are in progress.

Concerning the potential to redefine what level of protection of public health and safety should be regarded as adequate, the Commission reaffirms its guidance to the staff in the SRM on SECY-11-0093 with respect to Recommendation 1.

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR