



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 15, 2011

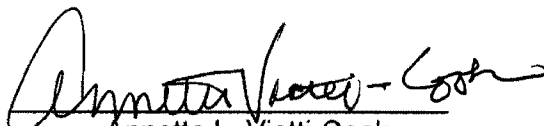
COMMISSION VOTING RECORD

DECISION ITEM: SECY-11-0137

TITLE: PRIORITIZATION OF RECOMMENDED ACTIONS TO BE
TAKEN IN RESPONSE TO FUKUSHIMA LESSONS
LEARNED

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 15, 2011.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.


Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-11-0137

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACZKO	X				X	10/28/11
COMR. SVINICKI	X				X	11/21/11
COMR. APOSTOLAKIS	X				X	11/14/11
COMR. MAGWOOD	X				X	11/8/11
COMR. OSTENDORFF	X				X	10/31/11

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Gregory B. Jaczko
SUBJECT: SECY-11-0137 – PRIORITIZATION OF
RECOMMENDED ACTIONS TO BE TAKEN IN
RESPONSE TO FUKUSHIMA LESSONS LEARNED

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

12/8/11

DATE

Entered on "STARS" Yes No

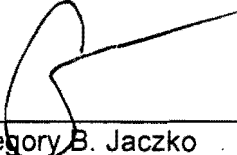
**Chairman Jaczko's Comments on SECY-11-0137,
"Prioritization of Recommended Actions to be Taken in Response to
Fukushima Lessons Learned"**

I commend the staff for their safety focus and the concerted effort they have made to provide the information necessary for the Commission to make a decision on actions needed to improve the safety of nuclear power plants based on the lessons learned, to date, from the Fukushima Dai-ichi accident. In three separate papers to the Commission over the past several months – the Near Term Task Force Recommendations (i.e., SECY-11-0093); the paper on actions to be taken without delay (i.e., SECY-11-0124); and in the subsequent paper on the Prioritization of Recommended Actions (i.e., SECY-11-0137), the NRC staff has identified and explained the basis for needed safety improvements. The staff clearly indicated the direction they think the NRC should be moving to improve the safety of nuclear facilities in the United States. Also, the additional reviews by the staff and interactions with a broad array of external stakeholders has led the staff to propose additional recommendations beyond the Near Term Task Force's recommendations that touch on additional important issues, such as spent fuel storage and emergency planning.

With the information provided by the staff, the advice, to date, of the Advisory Committee on Reactor Safeguards, and interactions with external stakeholders, the Commission is well positioned to provide clear, definitive direction on the adoption of the Near-Term Task Force recommendations. These same parties have all affirmed that the Near-Term Task Force recommendations are needed and appropriate for improving the safety of nuclear power plants in the United States. I continue to approve the adoption of all the Near-Term Task Force recommendations. I support the proposed actions described in SECY-11-0137 that are needed to implement the recommendations. The use of well-established regulatory processes (e.g., information collection and rulemaking) will continue to provide opportunities for external stakeholders to provide input as the staff documents the technical bases for and develops the language for new or revised requirements.

The Commission, NRC staff, as well as the ACRS, has done a tremendous amount of work thus far. My colleagues have devoted considerable time and attention to the important safety issues raised by the Fukushima accident. While we do not necessarily align on all aspects of the proposed recommendations, I continue to value their views and commitment toward providing the staff with direction to move forward. While a great deal of work has been done, we still have much work ahead of us. Once the Commission has provided the necessary policy direction on which recommendations to implement, the work of the staff and our external stakeholders needs to continue in earnest and in a coordinated fashion to improve the safe operation of nuclear facilities in the United States. I look forward to working with my colleagues in providing the staff any additional policy direction that is needed to implement the recommendations in a timely fashion.

The staff should strive to complete and implement the lessons learned from the Fukushima accident within five years - by 2016. As to some of the actions described in SECY-11-0137 with proposed schedules that indicate completion after five years, the staff should revisit those proposed schedules and look for innovative ways to complete the needed regulatory work within five years.



Gregory B. Jaczko

2/25/11

Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-11-0137 – PRIORITIZATION OF
RECOMMENDED ACTIONS TO BE TAKEN IN
RESPONSE TO FUKUSHIMA LESSONS LEARNED

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____

Original voted on 11/21/11.



SIGNATURE

11/28/11

DATE

Entered on "STARS" Yes XX No _____

Commissioner Svinicki's Comments on SECY-11-0137, "Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned"

I appreciate the staff's efforts to prioritize the Near Term Task Force (NTTF) recommendations, identify implementation challenges, identify additional recommendations, and develop schedules and milestones to include appropriate stakeholder engagement and involvement of the Advisory Committee on Reactor Safeguards (ACRS). I approve the staff's proposed prioritization of the Near-Term Task Force (NTTF) recommendations, and support action on the Tier 1 and Tier 2 recommendations, subject to the direction contained in the Staff Requirements Memorandum on SECY-11-0124 and subject to the following, additional comments.

Prioritization and Assessment

As I indicated in my vote on SECY-11-0124, it was my belief that having an accepted, common timeline of the sequence of events and an understanding of event progression at Fukushima Dai-ichi would enhance the lessons learned effort and stakeholder engagement process as we move forward in evaluating the technical bases for the proposed actions envisioned in SECY-11-0124, and now, SECY-11-0137. We now have available a narrative overview and timeline for the earthquake, tsunami, and subsequent nuclear accident at Fukushima Dai-ichi compiled by the Institute of Nuclear Power Operations (INPO). I commend the combined efforts of INPO, TEPCO, IAEA, and the Japanese nuclear safety regulatory community in developing this document.

Issued on November 11, 2011, INPO-11-005, "Special Report on the Nuclear Accident at the Fukushima Dai-ichi Nuclear Power Station," provides the most detailed accounting to date of the challenges faced by plant operators in the hours immediately following the March 11 earthquake and subsequent tsunami. While the report acknowledges that because of the extensive damage at the site, some details of the event remain unknown, the report is nonetheless well-organized and the most definitive accounting to-date of the accident progression. On the basis of my initial review of INPO 11-005, this report will serve as a useful input for the NRC staff to consider as the NRC's evaluation of these events – and the NRC's response to what they reveal – continues. Commissioner Magwood has also cautioned in his vote on SECY-11-0137 that we must evaluate carefully whether every change made in response to the Fukushima Dai-ichi events in Japan will be applicable elsewhere. The staff's work should be informed by this country-specific consideration; however, the INPO-produced chronology is still an appropriate input to the staff's development of technical bases for any proposed regulatory changes. I also agree with Commissioner Magwood that activities undertaken in response to the Fukushima events should be incorporated into the NRC's program of work at the earliest opportunity.

As I also said in my vote on SECY-11-0124, the other efforts underway to analyze the reactor accidents at Fukushima Dai-ichi -- such as the NRC-DOE cooperative effort discussed briefly in SECY-11-0137 -- will lead, inevitably, to conflicting views on accident sequence and event progression as a result of uncertainties in available

information. I continue to support the Commission's previous direction that where gaps in knowledge interfere with the staff's ability to make an informed recommendation on regulatory action, the staff should inform the Commission of these gaps. The staff should not feel driven to get ahead of the availability of reliable information in formulating recommendations for the Commission. Taking such a considered approach will have many advantages, including reducing the likelihood that the Commission could impose requirements that would, ultimately, be unworkable, thereby limiting the probability of repeating the Commission's experience with some of the requirements that were contained in the Three Mile Island Action Plan.

In the Enclosure to SECY-11-0137, the staff assessment and basis for prioritization for each Tier 1 recommendation states that "The staff concludes that this recommendation would improve safety." The staff's planned program of work for Tier 1 activities is substantial and continues to grow. I believe the staff should produce a prioritization for Tier 1 activities that will result in those items having the greatest impact being sequenced to occur earliest. Staff should prioritize activities within Tier 1 to identify those activities or actions that achieve the greatest safety benefit and/or have the broadest applicability regardless of the initiating event. This prioritization should be provided to the Commission concurrent with the paper being transmitted to the Commission regarding schedules, milestones, and resource impacts, discussed below.

I also agree with Commissioner Ostendorff's statement in his vote on SECY-11-0137 that decisions on adequate protection are among the most significant policy decisions entrusted to the Commission. I join him in reserving judgment on the bases for any new requirement stemming from the NTTF recommendations until I have had the opportunity to review how the staff proposes to apply the backfit rule (§ 50.109). In this vein, I also continue to support the requirement that staff should consult with the Commission via notation vote papers before issuing any orders, letters under 10 CFR 50.54(f), or any other instructions or guidance that would lead to a change in the design basis of licensed plants. As the staff proceeds with next steps for Tier 2 items, the staff should strive to quantify the improvement in safety (e.g., backfit analysis) that each recommendation is expected to achieve.

I look forward to receiving, within nine months from the date of SECY-11-0137, the staff's evaluation of the schedule and milestones, resources, and critical skill sets and implementation challenges related to addressing the Tier 3 recommendations to the Commission. That evaluation will provide a clearer picture of the timeframes for the staff's activities, moving forward.

Additional Issues Under Consideration

With respect to the six additional issues that the staff describes as having a clear nexus to the Fukushima Dai-ichi event and that the staff indicates may warrant regulatory action but that were not included with the NTTF recommendations, the staff should provide the results of its determination of whether any regulatory action is recommended or necessary in form of a SECY paper (information or notation vote, as

appropriate). Separate from these six additional issues, I support the staff's proposal that on a going-forward basis, the staff should focus on ensuring that issues that may, or may not, have a direct, clear nexus with the Fukushima Dai-ichi event are addressed through the appropriate regulatory process. These activities should be integrated with the staff's program of ongoing work, based on the item's relative impact on safety.

Implementation, Schedule, and Resource Challenges

In SECY-11-0137, the staff asserts that the overriding challenge it faces in implementing actions to address the NTF recommendations will be redefining agency priorities while ensuring that this process does not displace ongoing work that has greater safety benefit; i.e., regulatory activities that are necessary for continued safe operation, or other existing, high priority work. I agree. As articulated by Commissioner Magwood in his vote on SECY-11-0137, a rush to complete post-Fukushima items at the expense of the agency's many other regulatory initiatives may have an impact on ongoing safety work. We must remain mindful of the agency's safety priorities. As discussed above, I believe the staff should take the additional step of prioritizing Tier 1 activities, with a goal of identifying the subset of actions that achieve the greatest safety benefit and have the broadest applicability regardless of the initiating event. The results of this prioritization should be provided to the Commission in a notation vote paper and the paper should include a discussion of how these activities will be incorporated in NRC's planned program of work. The staff paper should also discuss options, with pros and cons, for reallocating contract resources to support Fukushima lessons learned activities.

For actions planned in FY 2012, the staff paper should discuss the budgetary add/shed process and decisions for the Fukushima-related activities and identify significant deferrals and cancellations of planned work. In addition, as part of the FY 2014 budget formulation process, the staff should similarly provide updated resource estimates for FY 2013 and FY 2014 to accommodate Fukushima lessons-learned activities. The FY 2014 Performance Budget proposal should include, as part of the FY 2013 Current Estimate, a detailed and scrutable discussion of proposed cancellations or deferrals of previously budgeted/planned activities that would be necessary to fund the plan of work associated with post-Fukushima regulatory actions.



Kristine L. Svinicki 11/28/11

NOTATION VOTE

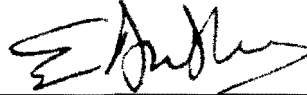
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: SECY-11-0137 – PRIORITIZATION OF
RECOMMENDED ACTIONS TO BE TAKEN IN
RESPONSE TO FUKUSHIMA LESSONS LEARNED

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

11/14/11

DATE

Entered on "STARS" Yes No

**Commissioner Apostolakis' Comments on SECY-11-0137
Prioritization of Recommended Actions to be Taken in Response to
Fukushima Lessons Learned**

I commend the staff for its efforts to prioritize the Near Term Task Force (NTTF) recommendations, identify implementation challenges, identify additional recommendations, and develop schedules and milestones to include appropriate stakeholder engagement and involvement of the Advisory Committee on Reactor Safeguards (ACRS). The staff has responded to Commission direction regarding the NTTF recommendations in a thorough manner and in a very short amount of time.

I approve the staff's prioritization of the NTTF and support action on the Tier 1 and Tier 2 recommendations as described in the enclosure to SECY-11-0037 and as modified by the staff requirements memorandum on SECY-11-0124.

I am pleased that the staff is considering additional issues with a clear nexus to the Fukushima Daiichi event that may warrant regulatory action but which were not included with the NTTF recommendations. The staff stated that, if consideration of these issues determines that regulatory action is required, it will prioritize these additional recommendations consistent with the approach taken with the NTTF recommendations. The staff should inform the Commission, via a note to or briefing of the Commissioners' Assistants, of its disposition of the additional issues identified in SECY-11-0037 that were not included in the NTTF recommendations. I agree with Commissioner Magwood that it makes sense to merge the issue of "Filtration of Containment Vents" with the Tier 1 issue of hardened vents for BWR Mark I and Mark II containments.

The staff has categorized Recommendation 3 regarding potential enhancements to the capability to prevent or mitigate seismically-induced fires and floods in Tier 3, consistent with the NTTF's assessment of this recommendation as one for longer-term evaluation. Recommendation 3 may include activities that go beyond the design basis. Enhancing the capability to prevent seismically induced fires and floods can be done with traditional design-basis methods. However, enhancing the capability to mitigate these events in a systematic way would require the identification of accident sequences, something that is not typically done in design basis evaluations. These accident sequences are best identified by probabilistic risk assessments (PRAs). As the NTTF report states in the discussion leading to Recommendation 3, "The Task Force concludes that the agency should reevaluate the closure of GSI-172 in light of the plant experience at the Kashiwazaki-Kariwa nuclear plant and the potential for common-mode failures of plant safety equipment as the result of seismically induced fires and floods." The proper framework for evaluating the potential for common-mode failures is a PRA. This framework would also address the ACRS concern that "Vulnerabilities to those hazards [severe storms or other site-specific hazards] and subsequent damage may not be identified from assessments that focus only on design-basis seismic and flooding events" (October 13, 2011 report).

Based on these observations, I propose that the development of a PRA methodology to evaluate potential enhancements to the capability to prevent or mitigate seismically induced fires and floods be initiated as part of Tier 1 activities. The implementation of NTTF Recommendation 3 would still remain in Tier 3. The development of the methodology that I propose to be initiated without delay is a necessary prerequisite for the implementation of this recommendation. In addition, insights gained from the development of this methodology will be useful to implementation of other NTTF recommendations.

As the Commission stated previously, the agency should strive to complete and implement the lessons learned from the Fukushima accident within five years. At the same time, I applaud the

staff's focus on maintaining the safety of operating facilities in its prioritization efforts and I support the objective of not unnecessarily diverting the NRC's or nuclear industry's focus from other important, ongoing safety-significant activities in the course of addressing the NTTF recommendations. I look forward to receiving, within nine months, the staff's evaluation of the schedule and milestones, resources and critical skill sets, and implementation challenges related to addressing the Tier 3 recommendations to the Commission. That evaluation will provide a clearer picture of the time that will be needed to complete all of the NTTF recommendations.

I agree with Commissioner Ostendorff that it is premature at this time to cast judgment on adequate protection as the basis for implementing the NTTF recommendations. I will evaluate the staff's basis for imposing new requirements when documented in notation vote papers for any new requirements promulgated by orders or rulemaking.

I appreciate the in-depth review of the staff's work done by the Advisory Committee on Reactor Safeguards (ACRS). The staff should carefully consider the conclusions and recommendations provided in the ACRS October 13, and November 8, 2011 reports. I look forward to reviewing the staff's responses to the ACRS.



George Apostolakis

11/14/11

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-11-0137 – PRIORITIZATION OF
RECOMMENDED ACTIONS TO BE TAKEN IN
RESPONSE TO FUKUSHIMA LESSONS LEARNED

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

8 November 2011

DATE

Entered on "STARS" Yes No _____

**Commissioner Magwood's Comments on SECY-11-0137,
"Prioritization of Recommended Actions to be
Taken in Response to Fukushima Lessons Learned"**

Since the events at Japan's Fukushima Daiichi site occurred in March 2011, the NRC was faced with the need to quickly and effectively understand the implications events on the other side of the globe might have for current and future nuclear power plants in the United States. This challenge is magnified by the reality that plant operation, government regulation, and industry practices associated with the Japanese nuclear power program are different from that of the United States. It would be unwise and incorrect to assume that every change made in response to Fukushima that might need to occur in Japan—or other countries, for that matter—should be applied in this country.

U.S. plants, regulations, and practices have been demonstratively strengthened by past adversity. The U.S. approach to emergency preparedness, formulated in the aftermath of Three Mile Island, is second to none in the world. The defense-in-depth of U.S. plants was enhanced after the September 11, 2001 terrorist attacks and, as the Near-Term Task Force (NTTF) report noted, nuclear plants in the U.S. have greater capability to withstand natural disasters of the magnitude faced by the four reactors most damaged by the tsunami that struck the Fukushima Daiichi site.

Nevertheless, there are clearly lessons for the U.S. to learn from Fukushima and there are changes and enhancements we should make. In reality, few if any such changes will come from an observation of some specific failure of a component, system, methodology, or practice that was in place at a Fukushima Daiichi reactor on March 11, 2011. The changes that we should consider arise largely as a result of methodically challenging our systems and approaches to assure that they are adequately protective of public health and safety.

When we identify changes that should be made and were not incorporated into U.S. plants and regulatory infrastructure in the past, it would be incorrect to assume that these changes represent active vulnerabilities that jeopardize safety. Rather, the changes now under consideration represent additional protection in the event of very low probability events. They are the life vest one might wear to drive over the Golden Gate Bridge or the parachute donned for a flight from Washington to Chicago. U.S. plants are safe. The judgment the Commission must now make is whether our regulatory approach sufficiently arms us to assure protection in the event that the very unlikely does indeed occur and to what extent such additional protection should be implemented.

It is my judgment that some additional protection is warranted. The work performed by staff thus far has contributed significantly to our ability to make an informed decision regarding the steps the NRC should now take. As I outlined in my vote on SECY-11-0093, I believed it essential to fully involve the staff in this effort immediately instead of months down the road as had been considered, and to charge staff with the task of engaging stakeholders to gain the views of experts outside the agency. We now see the fruits of this approach in SECY-11-0137.

Staff's engagement with the broad stakeholder community has helped the agency refine its approach to the complex technical and regulatory questions left in the wake of Fukushima and highlighted additional issues not analyzed by the NTTF that have considerable safety import. Staff's success in obtaining meaningful stakeholder input in the very short time period identified by the Commission and developing a strategy to develop and implement regulatory changes of such wide scope and significance is most impressive. Among many others, the Executive Director for Operations, the Deputy Executive Director for Reactor and Preparedness Programs, and the Directors of Nuclear Reactor Regulator and Nuclear Security and Incident Response have provided outstanding leadership in this instance and are to be commended.

As I have noted in earlier votes, the fact that U.S. plants are indeed safe provides us the time to develop and implement additional measures in a careful, logical and transparent manner in which our stakeholders will be fully engaged. I believe the approach outlined in SECY-11-0137 is fully consistent with this principle. I therefore approve the staff's recommendation with the provisos provided below.

First, it is vital that the regulatory work described in the staff's paper be fully integrated into the normal work of the agency as rapidly as practicable. While it is appropriate to assign a high priority to Tier 1 actions, I believe staff should establish a plan to absorb Tier 2 and Tier 3 actions into the agency's program or work at the earliest opportunity and anticipate the eventual dissolution of the Steering Committee chartered by the Commission. Only in this way can the items discussed in SECY-11-0137 be appropriately prioritized with other regulatory activities. We must assure that vital Tier 1 regulatory initiatives—such as the development of a rulemaking on station blackout—are given appropriate priority, but that other, non-Fukushima priorities are not unduly sacrificed as we move forward. Moreover, the Commission recently approved SECY-11-0032, "Consideration of the Cumulative Effects of Regulation in the Rulemaking Process." The SRM for that paper directed the staff to use the recently revised common prioritization of rulemaking process for prioritizing rulemaking activities. The Tier 2 and Tier 3 recommendations related to rulemaking are pertinent examples for implementing this direction.

A rush to complete post-Fukushima items at the expense of the agency's many other regulatory initiatives could compromise safety more than taking none of the steps discussed in SECY-11-0137. Despite the current, intense interest in the agency's response to Fukushima, we must remain mindful of safety priorities.

Second, I believe it important for the Commission to guide the key decisions associated with each regulatory activity outlined in SECY-11-0137. Staff should consult with the Commission via notation vote papers before issuing any orders, letters under 10 CFR 50.54(f), or any other instructions or guidance that would lead to a change in the design basis of licensed plants. Rulemakings, of course, will come before the Commission before they are proposed, and these should come to the Commission with a comprehensive evaluation and justification for any change in design basis.


Third, I support staff's general approach to what SECY-11-0137 calls "additional issues with a clear nexus to the Fukushima Daiichi event that may warrant regulatory action." I am pleased to see that staff has listened to stakeholders and plans further investigation of issues such as our current approach to the prestaging of potassium iodide (about which recent experience in Japan may tell us much). However, I am concerned by the lack of clarity in the paper regarding when and how these items will be assessed; in my view some of these items require our immediate attention.

For example, staff should quickly shift the issue of "Filtration of Containment Vents" from the "additional issues" category and merge it with the Tier 1 issue of hardened vents for Mark I and Mark II containments. While there is a need to understand the filtration issue before launching a specific regulatory action, I believe this issue must be considered in concert with the hardened vents matter, not separately.

Of the remaining items, I recommend that consideration of the "Loss of Ultimate Heat Sink" be given highest priority. Among the "additional issues", only the loss of ultimate heat sink involves protection of the reactor core. This issue appears to have been an important factor in the sequences that led to core damage at Fukushima Daiichi.

Staff should clarify its plans regarding all "additional issues." I suggest staff prepare a brief information paper to the Commission to explain its general approach to and prioritization of all "additional issues." I believe that, as with all other aspects of our Fukushima response, the Advisory Committee on Reactor Safeguards should provide its views of the staff's approach.

Fourth and finally, I support the suggestion made by Commissioner Ostendorff that staff provide the Commission a paper explaining the implementation of recommendations 2.1, 2.2, and 2.3 in coordination with the resolution of GI-199.



William D. Magwood, IV 11/8/11
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Ostendorff
SUBJECT: SECY-11-0137 – PRIORITIZATION OF
RECOMMENDED ACTIONS TO BE TAKEN IN
RESPONSE TO FUKUSHIMA LESSONS LEARNED

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None

M. Ostendorff
SIGNATURE

10/31/11
DATE

Entered on "STARS" Yes X No

Commissioner Ostendorff's Comments on SECY-11-0137, "Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned"

I approve the staff's recommendation on the prioritization of the Near Term Task Force (NTTF) recommendations provided in SECY-11-0137. I reiterate my support for an accelerated schedule for completing the station blackout rulemaking associated with NTTF recommendation 4.1, consistent with my vote on SECY-11-0124 and with the Commission's direction in the associated staff requirements memorandum to designate this rulemaking as high priority with a completion goal of 24 to 30 months. I also approve the staff's recommendation to take action on the Tier 1 and Tier 2 recommendations as described in the enclosure to SECY-11-0137, including the additional actions related to reliable hardened vents for Mark II boiling water reactors and spent fuel pool instrumentation. The following four comments accompany my decision.

First, the NRC staff has met the Commission's post-Fukushima direction in an exemplary manner. I commend the Executive Director for Operations (EDO), the Deputy Executive Director for Reactor and Preparedness Programs, the Steering Committee, and the Japan Lessons Learned Directorate for their leadership and efforts. The policy papers submitted after the Commission's decision on SECY-11-0093 have underscored the importance and value of the staff's input to the Commission decision-making process. In my July 27, 2010 vote on SECY-11-0093, I expressed support for a prioritized assessment of the recommendations conducted by a senior level steering committee. The prioritized assessment provided in SECY-11-0137 has enabled me to arrive at a better-informed public policy decision than if I had just voted on the NTTF report by itself without the benefit of staff and stakeholder input. In SECY-11-0137, the staff has appropriately called attention to the challenge of ensuring that the NRC's post-Fukushima actions do not displace ongoing work that is of high safety significance or high priority. I am confident that the leadership of the EDO and the oversight of the Steering Committee will help the Commission ensure that the NRC continues to effectively carry out its safety mission in the post-Fukushima environment.

Second, I note that the staff has proposed "to initiate actions on the NTTF recommendations under the premise of assuring or redefining the level of protection of public health and safety that should be regarded as adequate in accordance with the backfit rule." In the absence of a fully developed justification for a proposed new requirement, I find it premature at this time to cast judgment on adequate protection as the basis. In my view, decisions on adequate protection are among the most significant policy decisions entrusted to the Commission and are not impulsive "go or no-go" choices. As such, I am reserving my judgment on the bases for any new requirements stemming from the NTTF recommendations until I have had the opportunity to review how the staff proposes to apply the backfit rule (§ 50.109). Therefore, consistent with the Commission's direction in the staff requirements memorandum for SECY-11-0124, for any new requirements to be promulgated by orders, the staff should provide the Commission with a notation vote paper that includes the staff's documented evaluation to justify the new requirements. For rulemakings, the staff will provide associated notation vote papers to the Commission consistent with the established process. For any correspondence to NRC licensees (e.g., 50.54(f) letters or other generic communications) to obtain information needed to establish the technical bases for any regulatory actions, the staff need not provide a notation vote paper to the Commission.

Third, it appears to me that GI-199 is relevant to the staff's approach for addressing NTTF recommendations 2.1, 2.2, and 2.3. I think the Commission, and our external stakeholders, would benefit from a better understanding of the nexus between GI-199 and the path forward

for these NTTF recommendations. Specifically, I am interested in what, if any, impact the resolution schedule of GI-199 has on the effective and efficient implementation of recommendations 2.1, 2.2, and 2.3. The staff should provide the Commission with an information paper that details the staff's plans for closing out GI-199 and the interdependency between the close out of GI-199 and NTTF recommendations 2.1, 2.2, and 2.3. This paper should also include discussion of any other generic issues related to external events that may have a relationship to the implementation of NTTF recommendations.

Fourth, I have appreciated the insights and comments provided by interested parties outside the Agency. I remain committed to conducting the NRC's post-Fukushima activities in an open and transparent manner. I found that the staff's proposed plans in SECY-11-0137 appropriately include steps for stakeholder engagement. I look forward to further input from our external stakeholders and the Advisory Committee on Reactor Safeguards (ACRS). The staff should promptly review and consider the conclusions and recommendations in the October 13, 2011 ACRS letter regarding its initial review of the Task Force report and the staff's recommended actions to be taken without delay. I found that ACRS letter to be very insightful and illustrative of the significant value, expertise, and experience that the ACRS has to offer the Commission. In that same regard, I look forward to reviewing the ACRS's letter associated with SECY-11-0137.