

March 26, 2012

Mr. J. R. Tolbert, Executive Director
National Caucus of Environmental Legislators
1920 L St., N.W. Suite 800
Washington, D.C. 20036

Dear Mr. Tolbert:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated January 31, 2012, concerning the agency's implementation of the lessons learned from the Fukushima Dai-ichi event. Please be assured that the NRC staff is moving forward on the recommendations from the Near-Term Task Force (NTTF) report as expeditiously as possible.

The March 11, 2011, Great Tohoku Earthquake and subsequent tsunami highlighted the possibility that extreme natural events could challenge the defense-in-depth safety strategies in place at nuclear power plants. Although the NRC is confident the continued operation of the nuclear power plants in the U.S. does not pose an imminent threat to public health and safety, our review of the events at Fukushima identified opportunities to enhance nuclear safety in the U.S.

The staff prioritized the NTTF recommendations into three tiers. Tier 1 consists of those recommendations which the staff determined should be started without unnecessary delay, and for which sufficient resource flexibility, including availability of critical skill sets, exists. Tier 2 are those recommendations that could not be initiated in the near term due to factors that include the need for further technical assessment and alignment, dependence on Tier 1 issues, or availability of critical skill sets. These actions do not require long-term study and can be initiated when sufficient technical information and applicable resources become available. Finally, Tier 3 includes those recommendations that require further staff study to support a regulatory action, have an associated shorter-term action that needs to be completed to inform the longer-term action, are dependent on the availability of critical skill sets, or are dependent on the resolution of NTTF Recommendation 1, which is being treated separately. The Commission has approved the staff moving forward on the Tier 1 and 2 activities and has requested more information on its plan to implement Tier 3 activities.

On March 9, 2012, the Commission approved issuance of three orders and a request for information to implement Tier 1 activities. These orders and requests for information were issued to licensees on March 12, 2012, and may be found on the NRC's web page for Actions in Response to the Japan Nuclear Accident (<http://www.nrc.gov/japan/japan-info.html>).

Several of the concerns mentioned in your letter are being considered under the planned implementation of the recommendations from the NTTF report and additional recommendations that the NRC staff has developed. Ensuring sufficient electrical power for critical emergency equipment may be considered as part of the Station Blackout rule-making. The staff issued an Advanced Notice of Proposed Rulemaking on this topic on March 20, 2012. The prevention and mitigation of beyond-design-basis events are being considered as part of several recommendations, most notably the seismic, flooding, and other external hazards reevaluations, and the order to develop specific mitigating strategies for beyond-design-basis external events.

With respect to your concerns about spent fuel storage, the NRC continues to believe that use of spent fuel pools and dry casks for spent fuel storage both provide adequate protection of public health and safety and the environment. Information the NRC has obtained to date indicates that no offsite radioactive release has occurred from spent fuel stored in the pools or dry casks at Fukushima Dai-ichi. Nothing we have learned from our review of the Fukushima accident indicates that there is a safety or security reason to mandate the accelerated transfer of spent fuel from pool storage to casks. Nevertheless, consistent with the NRC's mission, the NRC is continuing research on event progression in spent fuel pools following a loss of cooling water. This effort includes an ongoing study of the effect of removing older fuel from pools in an expedited manner and placing the fuel in dry storage. The NRC recognizes that a number of factors must be considered when moving spent fuel to dry cask storage, and the agency plans to explore all issues fully to ensure the continued safe storage of spent fuel. In related matter, as part of the Tier 1 activities, the NRC has issued an order requiring licensees to install additional instrumentation in the spent fuel pool in order to reduce the uncertainties about the condition of the spent fuel pool during beyond-design-basis events.

Concerning your comments about emergency planning requirements, the NRC staff is not currently recommending any changes to the size of the emergency planning zones. The NTTF did not find any reason to alter the zones, and the NRC staff is confident that the current emergency planning zones are adequate. Nevertheless, as part of its post-Fukushima response, the NRC staff plans to conduct additional analyses to review this matter. The agency has categorized this effort as a Tier 3 activity. For more information on the initial decision to make the recommendation and the NTTF determination that the current emergency planning zones are adequate, please see the Frequently Asked Questions document available on the NRC's website, as referenced above.

As requested, Rosetta Virgilio, senior liaison project manager for the Office of Federal and State Materials and Environmental Management Programs, has contacted your office about arranging a meeting with the NRC staff. She may be reached at 301-415-2367 or by e-mail at Rosetta.Virgilio@nrc.gov.

A concise summary of the status of implementation of the NTTF recommendations was sent to Congress in a report issued on March 12, 2012. This report can be found electronically at our Agencywide Documents Access and Management System (<http://www.nrc.gov/reading-rm/adams.html>) using ML12052A079. I've also enclosed a copy.

Thank you for your interest in these matters.

Sincerely,

/RA/

Gregory B. Jaczko

Enclosure:
As stated