

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary


FROM: Chairman Gregory B. Jaczko

SUBJECT: SECY-12-0025 – PROPOSED ORDERS AND
REQUESTS FOR INFORMATION IN RESPONSE TO
LESSONS LEARNED FROM JAPAN'S MARCH 11,
2011, GREAT TOHOKU EARTHQUAKE AND TSUNAMI

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

2/27/12

DATE

Entered on "STARS" Yes x No

**Chairman Jaczko's Comments on SECY-12-0025,
"Proposed Orders and Requests for Information in Response to Lessons Learned from
Japan's March 11, 2011, Great Tohoku Earthquake and Tsunami"**

The rapidly approaching one-year anniversary of the tragic earthquake, tsunami, and nuclear accident in Japan is a poignant reminder of the importance of our work for nuclear safety in the United States. I commend the extraordinary efforts of the NRC staff to thoroughly analyze the issues, prepare draft positions, engage stakeholders, and present a well documented proposal to the Commission; all while accelerating the previously determined schedules.

In the interest of openness, the agency has taken unprecedented efforts to involve stakeholders in the development of the proposed Orders and 10 CFR 50.54(f) letters in SECY-12-0025. I applaud the level of participation from all interested stakeholders, their valuable contributions to help improve our regulatory products, and their willingness to adjust schedules to accommodate tight timelines.

I approve issuance of the proposed Orders on the basis of adequate protection. While the initiating events are of very low likelihood, the events at Fukushima have reinforced that any nuclear accident with public health and safety or environmental consequences is inherently unacceptable to society. It is in that vein that we must require appropriate precautions to minimize the consequences of events traditionally dispositioned as beyond-design-basis accidents, like natural disasters. This concept was advanced by the Near Term Task Force (NTTF) in Recommendation 1 and I believe reevaluation of where accidents fall between design basis, an "extended" design basis, and beyond design basis will be a critical step to ensure a safe, logical, and predictable regulatory structure. I believe the three proposed Orders are prudent actions to address these postulated accidents and I continue to support adoption of all of the NTTF recommendations.

I support the staff's evaluation regarding waiting until February 2013, to require submission of licensee plans for implementing their hardened vent designs to allow time for a Commission decision on the topic of filtered vents. As noted in the SECY, the staff plans to send a policy paper to the Commission in July 2012 which will outline considerations for the addition of filters to the hardened vent designs. I believe it is important that the Commission make a decision on the topic of filtered vents this summer so that licensees will have more certainty and can move forward with implementing their vent designs without fear of NRC changing the requirements.

I do have some concerns over the use of 10 CFR 50.54(f) letters for a number of these Tier 1 actions. 50.54(f) letters are requests for information and at the end of the day, do not require licensees to take action to improve safety at their facilities. Once the agency receives responses to these requests, we will still need some regulatory vehicle to impose any necessary actions to ensure we do not find ourselves in the same situation identified in the NTTF report regarding voluntary industry initiatives and actions taken to address external events which are not required (e.g., IPEEE). I am concerned that this iterative process will allow for additional delay and less efficient use of staff resources, rather than taking a single regulatory action in the form of an Order. For example, the 50.54(f) letter for NTTF Recommendation 9.3 concerning emergency preparedness staffing and communications contains clear and straightforward direction and would not require a two-step regulatory process to implement, so it could also be effectively implemented through an Order.


I am also concerned about the timeframes related to seismic reevaluation. Per the 50.54(f) letter, seismic hazard reanalysis will not be required to be complete until 2013 – 2015, and the

risk assessments will not be required to be complete until 2016 – 2019. I understand the complexity of these seismic analyses and the limited seismic expertise available to perform them, but I simply cannot accept a timeline that puts this issue well into the later part of the decade – without even addressing implementation of any required action. A fundamental lesson from Fukushima was that there was evidence the design-basis protection may not bound the most severe events predicted for the site, and action wasn't taken to address that gap. The latest seismic data from the Central and Eastern United States shows that a number of plants may be exposed to seismic hazards that exceed their safe shutdown earthquake. I fail to see how this situation is any different from this primary lesson from Fukushima regarding appropriate consideration of possible hazards. We must take action on this information in a thoughtful, yet decisive manner. I continue to support completion of this activity within the five year timeframe set by the Commission in SRM-SECY-11-0124.

With respect to applicability of the 50.54(f) letter regarding Recommendation 2.1 for new units at Vogtle, I believe that while there is a general expectation that the newly issued seismic source model would not result in differences in the seismic hazard characterizations, the licensee should still be required to show that the reanalysis does not identify any new hazards. The SECY notes that staff will confirm this position once new software is available; however, I believe this incorrectly places the burden of proof on the NRC staff rather than the licensee. The staff should request that Vogtle Units 3 and 4 respond to the 50.54(f) letter on Recommendation 2.1.

Another important step facing the staff and stakeholders is the development of implementing guidance for these Orders and letters. Both NRC staff and industry stakeholders will benefit from having clearly defined guidance and expectations as early in the process as possible. I encourage staff and stakeholders to pursue the development of guidance with the urgency taken for the development of the Orders and letters. I believe an important piece of the guidance will be the definition of proper quality assurance pedigree assigned to the equipment enhancements. Since events we are addressing are largely beyond-design-basis events, we need not hold licensees to the same quality requirements as safety-related equipment. Reliable, commercial grade equipment would be an appropriate solution, so long as the expectations for 'reliable' are clearly outlined in the guidance documents.

I still strongly believe that all Fukushima-related enhancements should be complete within five years. The events of September 11, 2001, while not related to nuclear facilities, occurred on American soil and the NRC took action to increase the security of nuclear reactors and materials. While the Fukushima accident occurred in another country and under a different regulatory structure, I hope we recognize the importance of applying lessons we learn from this nuclear accident and make necessary safety improvements in the United States. The Tier 1 post-Fukushima items are only the first phase of our regulatory actions. While these were the items the Commission directed to be taken without delay, it is critical not to lose sight of the Tier 2 and Tier 3 items. Tiers 2 and 3 were created to better categorize recommendations from the NTF report which required competing resources or additional research and review – but they were not categorized as Tier 2 or 3 because they were low priority. The Task Force identified 12 recommendations which were intended to be addressed as a whole, rather than in an overly iterative or piecemeal fashion. To that end, I look forward to the staff's continued work on these items and additional detail to be provided this summer.



Gregory B. Jaczko

2/27/12

Date