

March 30, 2012

The Honorable Brad Sherman
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Sherman:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of February 8, 2012, to U.S. Department of Energy Secretary Chu and me regarding safety and security at U.S. nuclear power plants following the accident at Fukushima Dai-ichi. You expressed particular concern about boiling water reactors (BWRs) with Mark I containments and the potential for our review to be narrowly focused on the susceptibility of U.S. nuclear power plants to “foreseeable events.”

From everything that the agency has assessed to date, the agency believes that there is no imminent risk from continued operation of nuclear power plants in the United States and from continued licensing of both existing and new nuclear power plants. At the same time, the NRC’s assessment of insights from the events at Fukushima Dai-ichi has led us to conclude that additional requirements should be imposed on licensees to increase the capability of nuclear power plants to mitigate the possible consequences of extreme natural events.

The agency’s July 2011 Near-Term Task Force Report, noted in your letter, included a set of 12 overarching recommendations: six for industry action to enhance safety; two for action to enhance NRC programs; and four for NRC longer-term study. A subsequent staff report proposed a prioritization plan for implementing those recommendations, as well as six additional recommendations that were identified after the Task Force report was issued. In December 2011, the Commission approved the staff’s prioritization plan without significant schedule modification.

The NRC staff has been conducting regular public meetings with stakeholders, including the public, industry representatives, and the Advisory Committee on Reactor Safeguards. Input from these meetings, as well as feedback from members of Congress and language accompanying the NRC’s FY 2012 Appropriations Act, were considered in the development of three orders and a request for information that implement a number of the recommendations that the Commission believes should be undertaken without delay. The orders and a request for information were issued to NRC licensees on March 12, 2012.

One of the orders requires BWRs with Mark I and Mark II containments to have a reliable hardened vent system to remove decay heat and maintain control of containment pressure following beyond-design-basis events that result in the loss of active containment heat removal capability or prolonged station blackout (SBO). The agency also plans to explore whether such a requirement would be appropriate for other containment designs. The other two orders were issued to all reactor licensees, including holders of construction permits and holders of combined licenses, requiring the installation of enhanced spent fuel pool

instrumentation and the development of strategies to maintain or restore core, containment, and spent fuel pool cooling capabilities should they be impacted by a beyond-design-basis event. These enhancements are intended to address a broad range of beyond-design-basis events that could be more severe than those natural events expected to occur over the life of a nuclear power plant.

The agency anticipates issuing implementation guidance for the orders by August 31, 2012. Each licensee will be required to achieve full compliance within two refueling cycles after the issuance of the guidance, or by December 31, 2016, whichever comes first.

The "request for information" letters ask for information from licensees based on a reevaluation of seismic and flooding hazards using the latest NRC requirements and guidance, seismic and flooding reviews and inspections by the licensees of their facilities, and an assessment of current communications systems and equipment used during an emergency to ensure that power to the communication equipment is maintained during a large-scale natural event.

The remaining highest-priority recommendations consist of two rulemakings addressing SBO and integration of emergency procedures at nuclear power plants. Work on both of those recommendations is under way. We anticipate being able to begin work on the next set, or "Tier 2," recommendations after we collect information from the "Tier 1," or near-term activities, and as soon as resources currently devoted to near-term activities become available. Additional longer-term activities, designated as "Tier 3 activities," will follow.

I am enclosing a copy of a March 12, 2012 report sent to Congress which provides a summary of the regulatory actions taken by the NRC in response to lessons learned from the nuclear accident at Fukushima.

Thank you for your interest in this matter. I am confident that we are making significant progress toward the timely and effective enhancement of the safety of nuclear power plants in the United States. If you need any additional information, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko

Enclosure:
As stated