



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

COMMISSIONER

June 2, 2011

The Honorable Barbara Boxer  
Chairman, Subcommittee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

Dear Madam Chairman:

I appeared before the Committee on Environment and Public Works on May 25, 2011. From that hearing, you forwarded questions for the hearing record. The responses to those questions are enclosed. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Ostendorff", is written over the typed name.

William C. Ostendorff

Enclosures:  
As stated

cc: Honorable James M. Inhofe

**Environment and Public Works Committee Hearing**  
**May 25, 2011**  
**Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff

Questions from:

Senator Barbara Boxer

1. The NRC recently directed its resident inspectors to inspect every plant's ability to respond to an event similar to what occurred in Japan. The NRC summary of the inspections stated that, "While individually none of these observations posed a significant safety issue, they indicate a potential industry trend of failure to maintain equipment and strategies required to mitigate some design basis and beyond design basis events." What does the NRC plan to do with the information discovered during these inspections? Should we expect improvements?

Answer

The results of the inspections are being assessed in greater detail through the NRC's Reactor Oversight Process and also will be examined by the NRC's task force examining the agency's regulatory requirements, programs, and processes, and their implementation. The NRC staff will assess the findings using the Significance Determination Process and will make the results publicly available in NRC inspection reports for the associated facilities. Several of these sites have already resolved their issues and the remaining sites are actively working to resolve theirs with NRC oversight.

While the results of these NRC inspections reaffirmed every plant's capability to provide core and spent fuel pool cooling following large fires or explosions, it is likely that the task force review ultimately will recommend actions to enhance safety and preparedness at US operating reactors.

The NRC also issued Bulletin 2011-01 on May 11, 2011, to nuclear power reactor licensees requesting comprehensive information on how the plants are complying with requirements to deal with the potential loss of large areas of the plant after extreme events. The NRC will review the responses to determine if any additional regulatory actions need to be taken.

2. Inspections of California's two nuclear power plants turned up numerous problems that need to be corrected. Examples of issues identified at Diablo Canyon Power Plant include:
  - a. Vehicles parked in areas that could block access to emergency equipment;

- b. Reliance on state highways and access roads that may be inaccessible after an earthquake for an alternative seawater source for cooling and diesel fuel;
- c. Portable long-term cooling pump would not function when tested;
- d. The licensee was unable to get hoses from the water reservoir to the plant because a fence, which had been added for additional security, was in the way; and
- e. Operators had not participated in an exercise or tabletop drill with offsite fire responder and onsite fire brigade.

Examples of issues identified at San Onofre Nuclear Generating Station include:

- a. Deficiencies in training, qualifications and a lack of continuing training for operators and support staff in dealing with severe accidents;
- b. A lack of a written agreement for fuel oil supply to support emergency diesel generators for more than 7 days; and
- c. Identification of storage locations for some firefighting equipment could be impacted by a seismic event.

Are you surprised by the number of safety issues that have been identified at nuclear power plants around the country? In your opinion, what should the NRC do in order to ensure these problems are resolved? How can we prevent similar safety issues from occurring in the future?

#### Answer

During the recent temporary inspections following the Fukushima event, our inspectors found that 12 of the 65 sites inspected had issues with one or more of the relevant requirements. Three of the 12 sites have already resolved their issues. While none of these findings posed an immediate safety issue, they collectively indicate a potential industry trend of failure to maintain equipment and strategies required to mitigate some design and beyond-design-basis events. On one hand, I am not surprised at the number of findings given the depth of our review. On the other hand, I believe that these issues warrant further evaluation. The NRC's task force will evaluate whether changes should be made to our regulatory framework, including the scope and frequency of our inspection activities in light of the lessons learned from the Fukushima event.

In the meantime, I remain confident that the NRC's oversight programs in conjunction with licensee corrective action programs will continue to identify and resolve problems. In addition, NRC licensees are required to ensure that they prevent the recurrence of significant safety problems. If problems continue, the NRC's oversight process calls for increasing regulatory engagement as performance declines.

3. On April 11th PG&E asked the Nuclear Regulatory Commission to delay final processing of the Diablo Canyon license renewal application until after PG&E has completed the 3-D seismic studies and submitted a report to the NRC addressing the results. Do you believe the NRC should ensure that all stakeholders, including local citizens, are able to comment on the relevance of this information as part of the normal NRC relicensing process?

Answer

As a general matter, I believe that the NRC should ensure that all stakeholders, including local citizens, are able to comment on the relevance of any information as part of the normal NRC relicensing process. The NRC's existing process for license renewal provides opportunities for the public to participate in the NRC's decision making process. This is accomplished by way of public participation in NRC meetings on license renewal, review and comment on rules and regulatory guidance documents related to license renewal, and hearings associated with specific applications.

Regarding the Diablo Canyon license renewal, stakeholders, including local citizens, will be able to comment on the relevance of the 3-D seismic studies in at least one of two ways. Stakeholders will be able to comment on the environmental impact statement (EIS) regarding the Diablo Canyon license renewal application when it is published. After the EIS is published, members of the public will have the opportunity to comment on the EIS, in person at an NRC-sponsored public meeting to be held near the plant or in writing through [www.regulations.gov](http://www.regulations.gov). Stakeholders may also petition the NRC for an action at any time.

4. The NRC license renewal process does not require a review of emergency planning, security, current safety performance or seismic issues because, according to the NRC, these items are dealt with on an ongoing basis. In light of what happened in Japan, do you believe the NRC should reevaluate what is reviewed during the license renewal process? Does it make sense to consider changes in population and emergency preparedness during license renewal? Are there other issues that could be appropriately addressed within the license renewal process?

Answer

The Commission, in 1991, determined that, with the exception of age-related degradation of certain passive, long-lived systems, structures, and components (SSCs), the NRC's existing regulatory process is adequate to ensure that the licensing bases of all currently operating plants provide and maintain an acceptable level of safety for operation. The Commission considered whether or not to include emergency planning, security, and other topics, but reasoned that the existing regulatory process was sufficient to address those issues. The Commission maintained that the focus of license renewal applications



should be limited to the management of age-related degradation for SSCs that are included in the scope of license renewal. At this time, I continue to support the focus of the NRC's license renewal process.

The NRC considers new information that we learn from our oversight and licensing programs on a continuous basis. When safety issues are identified, the NRC will address them and consider whether changes are needed to our regulatory framework. For example, in 2005, the NRC began a reexamination of new earthquake hazard information under our Generic Issues Program. Under this program, the NRC staff identified an issue referred to as GI-199 that is aimed at investigating the safety and risk implications of updated earthquake-related data and models. In addition, the NRC put in place a number of regulatory requirements following the terrorist attacks of September 11, 2001 in order to strengthen the security at NRC-licensed facilities. In a similar approach, the NRC's task force for the events in Japan is evaluating whether changes are needed to our regulatory framework. The task force will issue a report with recommendations to the Commission in July 2011, which is likely to recommend safety enhancements. The task force's recommendations could take on a number of different forms, including changes to existing requirements and/or new requirements. The Commission will vote on any recommendations that require a Commission policy decision. I believe this to be an appropriate course of action.

I should note that the Commission has before it a comprehensive revision to the NRC's emergency preparedness regulations. If approved, the new requirements will enhance licensee emergency preparedness. These new requirements include, among others, provisions to address hostile action based preparedness and evacuation time estimate updating. I have carefully studied the revised regulations and have filed my vote on this matter.

5. In light of the challenges posed by power disruptions in Japan, do you believe the NRC should revisit the requirements for backup power and redundant power sources at nuclear power plants?

Answer

This is indeed a very important issue for the Commission and the Commission held a public meeting on April 28, 2011, to discuss the NRC's regulatory framework in this area. The requirements for backup and redundant power sources are being reviewed by the NRC task force studying the events at Fukushima and assessing their impacts on U.S. plants. The task force will issue a report with recommendations to the Commission in July 2011, which is likely to recommend safety enhancements. The task force's recommendations could take on a number of different forms, including changes to existing requirements and/or new requirements. The Commission will vote on any recommendations that require a Commission policy decision.

Senator Frank R. Lautenberg

1. Today's New York Times reports that spent nuclear fuel stored in pools in the United States presents a greater risk than spent fuel in Japan. To address this risk, the Institute for Policy Studies recommends that the U.S. move away from storing spent fuel in pools and toward dry cask storage. Do you agree with this recommendation?

Answer

The NRC has conducted several studies to evaluate the safety of spent fuel pools (SFP) and dry cask storage. These studies conclude that both spent fuel pools and dry cask storage are safe. For example, following the terrorist attacks of September 11, 2001, the NRC undertook an extensive reexamination of spent fuel pool safety and security. As a result of this reexamination, the Commission directed licensees to implement strategies to maintain cooling of spent fuel stored in pools. These strategies included implementation of passive improvements for cooling (e.g., fuel configuration in the pool) and ensuring the availability of equipment, procedures, and trained staff to employ a water spray system with a pump that does not require alternating current electric power.

Based on existing studies, the NRC continues to believe that both spent fuel pools and dry casks represent storage methods that provide appropriate protection of public health and safety. Though I support this NRC position, I believe that the NRC will continue to learn more from its ongoing research activities in this area that will help inform our decision-making going forward.

The NRC has ongoing research on enhanced modeling of the effect of loss of coolant for spent fuel pools. The agency is sponsoring spent fuel zirconium fire tests at Sandia National Laboratories to validate severe accident codes to support future nuclear regulatory activities. Zirconium fire experiments will be useful for modeling accident scenarios such as late core melt progression, complete loss of water during refueling, and dry cask storage. As a result of the recent events in Japan, the NRC is conducting an updated SFP safety study to estimate the relative consequences of dry storage versus spent fuel pool storage.

Additionally, in response to the recent events in Japan, the Commission directed the NRC staff to establish a senior level task force to conduct a methodical and systematic review of our processes and regulations to determine whether the agency should make additional enhancements to our regulatory system. This activity will have both near-term and longer-term components and will include an examination of spent fuel storage practices in light of recent events to determine whether changes to our regulations are necessary and appropriate to ensure continuing protection of public health and safety.

Senator Tom Udall

1. Thank you for your service during your career with the Navy, the NNSA, and now the NRC. Historically uranium mining and milling has led to much more disease, and loss of life in the U.S. than any power plants accidents. Congress created the Radiation Exposure Compensation Act in response.

Many abandoned mines in New Mexico are only now being cleaned up. At the same time, there is a push to re-start and expand uranium mining. Earlier this month, the NRC reportedly suspended review of a controversial uranium solution mine in South Dakota due to groundwater concerns. This is of interest in New Mexico where there are controversial pending proposals to conduct similar projects.

Could you describe your perspective on the Commission's uranium mining permitting process in particular as it regards in-situ solution mining?

Does the NRC permitting work involve EPA when mining involves underground injection near groundwater resources?

Do you believe that the NRC permitting process can assure that mining sites will be restored to their pre-mining environmental state?

Will you urge your fellow Commissioners and the NRC staff to become informed about the legacy of uranium mining in the American West in order to ensure that we do not repeat the mistakes of the past when it comes to uranium mining?

Answer

I believe that the NRC has a robust licensing process for in situ recovery (ISR) facilities to ensure the protection of public safety and the environment. Due to the extraction process occurring in the groundwater, groundwater monitoring and restoration are a focus of the staff during licensing reviews. Current regulations for remediation of such facilities reference EPA regulations and require that facilities remediate to one of the following standards: 1) pre-mining conditions, 2) maximum concentration limits established in the regulations, or 3) proposed alternate concentration levels which the licensee must demonstrate to be as low as reasonably achievable without posing a substantial hazard to human health or the environment. The NRC staff coordinates extensively with the EPA on groundwater issues, since the EPA or authorized State is responsible for issuing a Class III Underground Injection Control Permit under the Safe Drinking Water Act at an ISR site. Based on meetings I have had with the NRC staff and several potential applicants, I am confident that the staff's reviews in this area have been thorough.

The area of uranium milling is of Commission interest and the Commission held meetings in 2008 and 2010 to solicit input from various stakeholders with diverse views on uranium milling. Concerns regarding legacy issues at previous uranium recovery sites were discussed at these meetings. I have also met with several potential applicants and with individuals who have concerns about the environmental impacts of NRC's licensing actions. These interactions have emphasized the need for consideration of stakeholder concerns with the environmental impact of licensed facilities.

In addition, agency management has been actively involved in the multi-agency effort to address the legacy issues associated with uranium contamination on Navajo lands. If reconfirmed, I will continue to keep informed of the staff's efforts to apply lessons learned from previous mining activities to future licensing actions.

2. There are 22 Native American tribes in New Mexico and many live near or on lands historically mined for uranium and proposed for future uranium development. The Grants Uranium Belt underlies parts of the Acoma and Laguna Pueblos, as well as a portion of the Navajo Nation. At the heart of the belt is Mount Taylor, a location of sacred significance for many tribes in the Southwest. For these and other tribes in the southwest, cold war era uranium development has left a difficult legacy. This legacy has led some tribes, including the Navajo Nation to ban any further uranium mining on tribal lands.

In your work at the NRC, how do you view the responsibility of the Federal Government to conduct government-to-government relations with Native American Tribes played out during the recent increase in interest in uranium development?

What outreach has the NRC conducted with tribes, to ensure that tribes are able to participate in government to government consultation relating to mineral development on and near tribal lands?

Answer

I believe it is critically important for the agency to ensure open and transparent interactions with stakeholders, including the tribes, during our regulatory activities. The regulations require Federal agencies to consult with any tribe that may attach religious and cultural significance to resources affected by an NRC action. The NRC staff is currently interacting with more than 25 tribes on six ongoing projects located in Nebraska, South Dakota, and Wyoming. I believe that such face-to-face interactions have significant value and are consistent with the agency's principle of openness.

Recognizing the importance of tribal interactions during the uranium recovery licensing process, the staff recently developed a strategy for outreach and communication with Indian tribes potentially affected by uranium recovery sites. The strategy can be viewed at: <http://www.nrc.gov/materials/uranium-recovery/public-meetings/ind-tribe-strat.pdf>.

The NRC also made a concerted effort to proactively meet face-to-face with tribes in New Mexico, including the Navajo, and participated in site visits with tribal representatives. Additionally, the NRC staff participated in a Tribal Leaders Summit in March 2011 with more than 20 tribal leaders and participated in a site visit with three tribes in May 2011 to the proposed Nichols Ranch ISR facility located in Wyoming. Lastly, the staff plans to conduct a meeting and site visits associated with two on-going ISR projects located in South Dakota and Nebraska with more than 10 tribes in early June as part of the process requiring interaction with the tribes during licensing.

3. It is my understanding that you have visited the URENCO uranium enrichment facility near Hobbs, NM. I would like to thank you and the NRC for their hard work to ensure that this facility opened successfully, and I trust that NRC oversight will ensure that it continues to operate both safely and efficiently.

It is my further understanding that the NRC is considering a rule change for a low level waste reclassification of depleted uranium hexafluoride that would impose a new performance standard on uranium tails disposal which is significantly higher than standards for other waste materials.

Please explain your position and perspective on this proposed waste re-classification, including how this would impact the operations of the New Mexico facility and worker and community safety.

Answer

I understand that, recognizing that some wastes such as depleted uranium have unique technical characteristics, the NRC is currently undertaking a limited rulemaking to require site-specific analyses for the disposal of all low-level radioactive waste streams, including depleted uranium (DU). The site specific analysis will ensure that waste is disposed of in a manner commensurate with its risk. This rulemaking is intended to enhance confidence in the safe disposition of all waste streams disposed of at a commercially licensed low-level waste facility. While the Commission's decision predated my appointment, I support the continued development of a proposed rule for Commission review.

My understanding through visiting the LES facility and discussing this issue with NRC and licensee staff is that the rulemaking is not expected to impact operations at the LES site. The facility currently has adequate storage capability for the DU until it is converted and disposed at one of the available commercial disposal facilities.

# 777



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

COMMISSIONER

June 15, 2011

The Honorable Darrell E. Issa  
Chairman, Committee on Oversight  
and Government Reform  
United States House of Representatives  
Washington, DC 20515

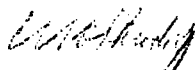
Dear Mr. Chairman:

I am responding to your May 26, 2011 letter to Chairman Jaczko regarding information requested by the NRC's Advisory Committee on Reactor Safeguards (ACRS) to review the NRC's response to the nuclear accident at the Fukushima Daiichi nuclear power plant in Japan.

In your letter, you asked whether "any other NRC Commissioner or employee informed members of the ACRS that they will not receive this information or that there will be a delay in receiving this information?" Neither I, nor any member of my personal staff, have informed the ACRS that they will not receive the information or that there will be a delay in receiving the information they requested.

As you noted, the technical experts appointed to the ACRS have provided objective analysis and advice to the NRC Commissioners for many years. I share your view that the ACRS is well positioned to conduct an independent review of the NRC's response to Fukushima.

Sincerely,

  
William C. Ostendorff

cc: Representative Elijah E. Cummings

2

# 904  
**Sexton, Kimberly**

**From:** Herr, Linda  
**Sent:** Tuesday, June 28, 2011 1:50 PM  
**To:** Catherine Gernes  
**Cc:** Nieh, Ho  
**Subject:** RE: Meeting Request

**Importance:** High


Good afternoon Catherine:

Regrettably, Cmr. Ostendorff is not be available to meet with Mr. Lundquist or Mr. Sakamoto during Mr. Sakamoto's visit to DC this trip. Cmr. Ostendorff's term ends June 30, 2011 as an NRC Commissioner and he is out of the office Wednesday, June 29<sup>th</sup> and Thursday, June 30<sup>th</sup>.

Please relay our apologies to Mr. Lundquist and Mr. Sakamoto. In the event that Cmr. Ostendorff is reconfirmed in the very near future, I'd be happy to set something up for them to meet the next time Mr. Lundquist and Mr. Sakamoto are in town.

Very best regards,

*Linda S. Herr*  
Administrative Assistant to  
Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
PH: 301-415-1759  
FAX: 301-415-1757

 Please consider the environment before printing this e-mail.

**From:** Catherine Gernes [<mailto:c.gernes@bwstrategies.com>]  
**Sent:** Monday, June 27, 2011 11:58 AM  
**To:** Herr, Linda  
**Subject:** Meeting Request

Commissioner Ostendorff,

I am sending this meeting request on behalf of Andrew Lundquist, Managing Partner of BlueWater Strategies.

BlueWater Strategies is a bipartisan consulting firm here in Washington DC. [www.bwstrategies.com](http://www.bwstrategies.com) As you can see from the BlueWater web site, Andrew worked in the Senate for a number of years including as Staff Director of the Senate Energy Committee.

Andrew is requesting a meeting with Commissioner Ostendorff on behalf of Mr. Hiroshi Sakamoto, Vice President of Toshiba.

Mr. Sakamoto is responsible for overseeing Toshiba's U.S. nuclear business, and is on the Board of Directors of USEC.

Mr. Sakamoto is also directly involved in overseeing Toshiba's support for TEPCO's restoration and cleanup efforts at the Fukushima Daiichi site, including the activities of Westinghouse and Babcock and Wilcox.

Mr. Sakamoto is requesting this meeting with the Commissioner to provide a briefing on the status of the ongoing efforts at Fukushima.

Mr. Sakamoto will be in Washington on Thursday and Friday of this week, and can come on Wednesday as well if that is necessary. Mr. Sakamoto returns to Japan next week to work on the Fukushima effort, and thus is available only this week or in several weeks when he returns.

Please advise if the Commissioner might have time on Thursday or Friday and Wednesday if needed to meet with Mr. Lundquist and Mr. Sakamoto.

If you have any questions please do not hesitate to call me or Andrew at 202-589-0015.

Cheers,  
Katie

Catherine Gemes  
BlueWater Strategies LLC  
400 North Capitol Street, NW  
Suite 475  
Washington, DC 20001  
Phone: (202) 589-0015  
Fax: (202) 589-1516  
Web: [www.bwstrategies.com](http://www.bwstrategies.com)

NOT FOR PUBLIC DISCLOSURE



#198

**Sexton, Kimberly**

**From:** Catherine Gernes [cgernes@bwstrategies.com]  
**Sent:** Tuesday, June 28, 2011 2:22 PM  
**To:** Herr, Linda  
**Cc:** Nieh, Ho  
**Subject:** RE: Meeting Request

Linda,  
Thank you for letting us know I will pass along the Commissioner's regrets. We wish him well in the future.

Cheers,  
Katie

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**From:** Herr, Linda [mailto:Linda.Herr@nrc.gov]  
**Sent:** Tuesday, June 28, 2011 1:50 PM  
**To:** Catherine Gernes  
**Cc:** Nieh, Ho  
**Subject:** RE: Meeting Request  
**Importance:** High

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Please relay our apologies to Mr. Lundquist and Mr. Sakamoto. In the event that Cmr. Ostendorff is reconfirmed in the very near future, I'd be happy to set something up for them to meet the next time Mr. Lundquist and Mr. Sakamoto are in town.

Very best regards,

*Linda S. Herr*

Administrative Assistant to  
Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
PH: 301-415-1759  
FAX: 301-415-1757



Please consider the environment before printing this e-mail.

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**From:** Catherine Gernes [mailto:cgernes@bwstrategies.com]  
**Sent:** Monday, June 27, 2011 11:55 AM  
**To:** Herr, Linda  
**Subject:** Meeting Request

Commissioner Ostendorff,

I am sending this meeting request on behalf of Andrew Lundquist, Managing Partner of BlueWater Strategies.

BlueWater Strategies is a bipartisan consulting firm here in Washington DC. [www.bwstrategies.com](http://www.bwstrategies.com) As you can see from the BlueWater web site, Andrew worked in the Senate for a number of years including as Staff Director of the Senate Energy Committee.

Andrew is requesting a meeting with Commissioner Ostendorff on behalf of Mr. Hiroshi Sakamoto, Vice President of Toshiba.

Mr. Sakamoto is responsible for overseeing Toshiba's U.S. nuclear business, and is on the Board of Directors of USEC.

Mr. Sakamoto is also directly involved in overseeing Toshiba's support for TEPCO's restoration and cleanup efforts at the Fukushima Daiichi site, including the activities of Westinghouse and Babcock and Wilcox.

Mr. Sakamoto is requesting this meeting with the Commissioner to provide a briefing on the status of the ongoing efforts at Fukushima.

Mr. Sakamoto will be in Washington on Thursday and Friday of this week, and can come on Wednesday as well if that is necessary.

Mr. Sakamoto returns to Japan next week to work on the Fukushima effort, and thus is available only this week or in several weeks when he returns.

Please advise if the Commissioner might have time on Thursday or Friday and Wednesday if needed to meet with Mr. Lundquist and Mr. Sakamoto.

If you have any questions please do not hesitate to call me or Andrew at [202-589-0015]

Cheers,  
Katie

**Catherine Gernes**  
**BlueWater Strategies llc**  
**400 North Capitol Street, NW**  
**Suite 475**  
**Washington, DC 20001**  
**Phone: (202) 589-0015**  
**Fax: (202) 589-1516**  
**Web: [www.bwstrategies.com](http://www.bwstrategies.com)**

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#945

Sexton, Kimberly

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Tuesday, July 12, 2011 9:38 PM  
**To:** Sharkey, Jeffrey; Bubar, Patrice; Nieh, Ho  
**Subject:** FW: Inhofe Comments on NRCs 90 Day Post Fukushima Report

**From:** [matt\_dempsey@epw.senate.gov [mailto:matt\_dempsey@epw.senate.gov]]  
**Sent:** Tuesday, July 12, 2011 8:33 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** Inhofe Comments on NRCs 90 Day Post Fukushima Report

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**PRESS UPDATE**  
U.S. Senate Committee on  
**ENVIRONMENT & PUBLIC WORKS**

**Minority Press Update**

## Inhofe Comments on NRCs 90 Day Post Fukushima Report

Tuesday, July 12, 2011

Contact:

Matt Dempsey [matt\_dempsey@epw.senate.gov]

Katie Brown [katie\_brown@epw.senate.gov]

## Inhofe Comments on NRC 90 Day Post Fukushima Report

[Link to Press Release](#)

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, commented today on the release of the Nuclear Regulatory Commission's (NRC's) "Near Term Task Force Review of Insights From the Fukushima Daiichi Accident".

"In the wake of the Fukushima accident NRC Chairman Greg Jaczko has assured us repeatedly that our nuclear reactors are safe," Senator Inhofe said. "Jaczko testified before the EPW Committee in April saying, 'we believe that plants in the United States continue to operate safely' and he reaffirmed this statement again in his testimony in June. So why has the NRC suddenly recommended sweeping regulatory changes in this report apparently without an adequate technical or regulatory basis to justify these modifications? Even the task force acknowledges in the report that its understanding of the accident has been constrained by the fact that key information was, "...in many cases, unavailable, unreliable, or ambiguous..."

**Only last month, NRC staff admitted that the Fukushima Daiichi spent fuel pools were believed to be intact, contrary to Chairman Jaczko's testimony before Congress March 16 that at least one of the pools had lost most if not all of its water.**

**"Also, a nuclear accident in Japan should not automatically be viewed as an indictment of U.S. institutional structures and nuclear safety requirements. Our regulatory systems and culture are fundamentally different, most notably with the establishment in the United States of the NRC early in the industry's history whose sole focus is to regulate the safe use of nuclear materials. A systematic and methodical regulatory comparison should determine if there are differences that either indicate necessary safety enhancements or provide added confidence that our nuclear safety regime adequately protects public health and safety. Changes in our system may be necessary, but sweeping revisions are premature without first taking into account the full extent of the differences between the United States' and Japan's nuclear safety regulations.**

**"Nuclear energy accounts for roughly 20% of US electricity generation — it is essential for providing reliable, clean energy for America. As this report comes to light, I am concerned that it will become another weapon in the Obama Administration's attack on affordable energy, or an excuse to unleash a regulatory agenda that will only harm our economy."**

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#944

Sexton, Kimberly

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Wednesday, July 13, 2011 10:28 PM  
**To:** Sharkey, Jeffrey; Nieh, Ho; Bubar, Patrice  
**Subject:** Fw: Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

**From:** matt\_dempsey@epw.senate.gov [mailto:matt\_dempsey@epw.senate.gov]  
**Sent:** Wednesday, July 13, 2011 07:15 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

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**PRESS UPDATE**  
U.S. Senate Committee on  
**ENVIRONMENT & PUBLIC WORKS**

Minority Press Update

## Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

Wednesday, July 13, 2011

### Contacts:

Matt Dempsey [Matt\_Dempsey@epw.senate.gov] (202) 224-9797

Katie Brown [Katie\_Brown@epw.senate.gov] (202) 224-2160

## Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

*Chairman Jaczko refuses to conduct a study of the differences between Japanese and US regulatory systems because it is 'difficult and time-consuming'*

[Link to Press Release](#)

[Link to July 8 letter from Inhofe to Jaczko](#)

Washington, D.C.-Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, commented on his conversation today with Nuclear Regulatory Commission (NRC) Chairman, Greg Jaczko, concerning the NRC's report just released publically, "Near Term Task Force Review of Insights From the Fukushima Daiichi Accident". During the

discussion, Senator Inhofe had the opportunity to ask the Chairman about a letter he had sent to him on July 8, in which he asked that the NRC conduct a full and systematic review of the differences in the regulatory systems of the United States and Japan before moving forward with sweeping regulatory changes. Chairman Jaczko replied that such an endeavor would be "difficult and time-consuming."

**"I appreciate Chairman Jaczko taking the time to speak to me about the NRC task force report, but after our discussion I am even more concerned about the NRC's regulatory agenda going forward," Senator Inhofe said. "Up until it was released, I was under the strong impression that the report would focus on lessons for the United States regarding the nuclear accident in Japan - even the report's title suggests this. Instead it focuses almost completely on potential disasters in the United States and how they might affect our reactors. This is certainly not what we were led to believe it would be, especially considering that our plants are already required to be designed to withstand natural disasters."**

**"In a letter dated July 8, I asked Chairman Jaczko to make sure that the NRC engages in a thorough study of the fundamental differences between the regulatory systems of Japan and the United States. But instead, the NRC is poised to overhaul our regulatory system without having the full picture of what happened in Japan and without a clear understanding of our regulatory differences. When I asked Chairman Jaczko again today if the NRC would be willing to engage in this study, he refused saying that such an undertaking would be 'difficult and time-consuming.'**

**"If safety were truly the priority, the NRC would focus on learning lessons from the accident in Japan to determine whether these recommendations are the right ones. Instead, it is clear that this is just another case of 'regulate first, ask questions later' in an effort to stifle nuclear power and drive up the cost of energy for all Americans."**

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NUCLEAR ENERGY INSTITUTE

Marvin S. Fertel  
PRESIDENT AND  
CHIEF EXECUTIVE OFFICER

July 15, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Mail Stop 016 C1  
Rockville, MD 20852

**Subject:** NRC Near-Term Task Force Report

**Project Number:** 689

Dear Chairman Jaczko:

The nuclear energy industry is reviewing the NRC Near-Term Task Force's Recommendations for Enhancing Reactor Safety in the 21<sup>st</sup> Century and we look forward to providing comments to the staff on the recommendations. In general, the industry agrees with many of the issues identified by the task force. While there are some near-term actions that are clear from the available information, the basis for many of the recommendations clearly was disadvantaged by the fact that detailed information from the accident was, as the task force noted, "unavailable, unreliable and ambiguous."

The task force report lacks the rigorous analysis of issues that traditionally accompanies regulatory requirements proposed by the NRC. Better information from Japan and more robust analysis is necessary to ensure the effectiveness of actions taken by the NRC and avoid unintended consequences at America's nuclear energy facilities. The report also discusses at length proposals to modify the existing regulatory framework for nuclear energy facilities. If the commission decides to pursue some or all of the task force proposals related to the regulatory framework, these activities should be separated from the specific Fukushima Daiichi lessons learned recommendations.

The nuclear energy industry has taken seriously the accident at Fukushima Daiichi and continues to compile lessons learned that can be applied at U.S. reactors. As the NRC task force has concluded throughout the 90-day review, U.S. nuclear energy facilities are safe. Since the March accident, the industry has conducted detailed inspections at our facilities and taken steps necessary to enhance safety as well as responded to NRC-mandated actions at the facilities. As the NRC confirmed, every

company operating a nuclear plant has verified its ability to safely manage the facility even in an extreme event, regardless of its cause.

We will continue to work with the NRC to identify potential enhancements in safety that should be made. In this regard, the continued assessment of information from Japan and the sharing of information compiled by the NRC, the industry and others that are assessing the accident will be critical to reaching the correct lessons learned for identifying the appropriate regulatory and industry action.

In that respect, it is incumbent upon the commission to move forward both expeditiously and responsibly in identifying the lessons learned from the accident. The competent, professional NRC staff should analyze the lessons learned and obtain broad stakeholder input in the most meaningful way. The industry is fully committed to participate in stakeholder forums on this report, beginning at the July 28 public meeting at the NRC.

NEI and our industry partners are coordinating the industry's Fukushima response activities and are developing recommendations for the industry in seven "building blocks"—integrated organizations created to develop and execute action plans in specified areas of focus. The industry has already taken measures to enhance safety and preparedness. Nonetheless, the industry will ensure that no gaps exist in our response activities and that there is no duplication of effort among the industry organizations and companies. We recognize that to maintain the highest standard of safety and security, we must continually evolve and improve the industry's standards of practice, and adapt to events and new information that affect our industry.

The industry is concerned that the task force's use of phrases such as "patchwork of regulatory requirements" undermines the comprehensive body of regulatory requirements imposed by the NRC, the agency's extensive inspection and oversight process, and the excellent safety performance at the industry's 104 reactors. As the task force report notes, operation of U.S. nuclear energy facilities does not pose a risk to public safety. In fact, the NRC has not identified any significant adverse trends in safety at U.S. reactors in its last 10 years of reporting.

The industry certainly agrees that the safety benefits of new requirements should be used to prioritize and integrate any new requirements with those currently being considered by the agency, such as work hours for plant workers, cyber security and fire protection. In doing so, the NRC should use its formal process for evaluating the resource implications of new or revised regulatory requirements both on the agency staff and nuclear energy facility staff. It might be useful if the NRC prioritized activities in an integrated schedule that includes all new requirements being developed or implemented over the next five years.



#219

**Sexton, Kimberly**

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**From:** Dolley, Steven [Steven\_Dolley@platts.com]  
**Sent:** Thursday, July 28, 2011 1:30 PM  
**To:** Nieh, Ho  
**Subject:** NRC review of Fukushima task force report

Hello Ho, I'm writing this afternoon for Inside NRC on the different approaches recommended by commissioners for the agency review of the Fukushima TF recommendations. I've now got a copy of Commissioner Ostendorff's vote sheet on Secy-11-0093, but if you have any additional comments please let me know.

Thanks,  
Steve

Steven Dolley  
Managing Editor, Inside NRC  
Platts  
202-383-2166 Office  
202-383-2187 Fax

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

COMMISSIONER

July 29, 2011

The Honorable James M. Inhofe  
Ranking Member, Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510-3603

Dear Senator Inhofe:

I appreciate your letter of July 8, 2011, concerning the NRC's review of the Fukushima nuclear-accident.

I agree that a nuclear accident in Japan should not be automatically viewed as an indictment of the U.S. institutional structures and nuclear safety requirements. In a public Commission meeting held on July 19, 2011, I stated that "while I fully support the thoughtful consideration of any potential safety enhancements in a systematic and holistic manner, I personally do not believe that our existing regulatory framework is broken."

As you know, the Commission is currently reviewing the report and recommendations of the NRC's Near-Term Task Force established to review the Fukushima accident. I cast my vote on the Task Force report on July 27. This vote was made public on July 28, and a copy is attached for your information.

I appreciate you sharing your views on areas where comparison of U.S. and Japanese requirements might be of value. I have discussed the content of your July 8 letter with the NRC's Executive Director for Operations.

I appreciate your interest and support for the NRC's activities in this very important area.

Sincerely,

A handwritten signature in black ink, appearing to read "W. C. Ostendorff", is written above the printed name.

William C. Ostendorff

Attachment: As stated

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER OSTENDORFF

SUBJECT: SECY-11-0093 – NEAR-TERM REPORT AND  
RECOMMENDATIONS FOR AGENCY ACTIONS  
FOLLOWING THE EVENTS IN JAPAN

Approved   X   Disapproved   X   Abstain       

Not Participating       

COMMENTS: Below        Attached   X   None       

  
\_\_\_\_\_  
SIGNATURE

  7/27/11    
\_\_\_\_\_  
DATE

Entered on "STARS" Yes   X   No

**Commissioner Ostendorff's Comments on SECY-11-0093  
Near-Term Report and Recommendations for  
Agency Actions Following the Events in Japan**

I want to thank the Task Force for their dedicated efforts in completing their review in a relatively short period of time. Their report represents a very significant first step in learning from the events at Fukushima. That said, there is much more to be done. I would like to thank Dr. Charles Miller for his committed leadership of the Task Force. While I have some views that differ from those of the Task Force, that is expected and to be encouraged in an agency that prides itself on openness and transparency.

This is perhaps one of the most important votes I will cast as a Commissioner. The gravity of this subject mandates thoughtful reflection upon the NRC's *Principles of Good Regulation – Independence, Openness, Efficiency, Clarity, and Reliability*. With these principles in mind, I have carefully reviewed the Task Force report, sought input from the NRC staff, and listened to the views of my colleagues on the Commission. I will offer my views on SECY-11-0093 organized under these main areas: (I) Overarching decision-making principles; (II) Addressing the NRC's regulatory framework – Task Force recommendation 1; (III) Short-term regulatory actions; and (IV) Governance of the NRC's actions going forward and the long-term review.

I. Overarching decision-making principles

Following the March 23, 2011 tasking memorandum for COMGBJ-11-0002, I was keenly interested in what judgments the Task Force would make regarding the safety of U.S. operating reactors of all designs. To this very point, I highlight that the Task Force observed that (page 18):

*Although complex, the current regulatory approach has served the Commission and the public well and allows the Task Force to conclude that a sequence of events like those occurring in the Fukushima accident is unlikely to occur in the United States and could be mitigated, reducing the likelihood of core damage and radiological releases.*

*Therefore, in light of the low likelihood of an event beyond the design basis of a U.S. nuclear power plant and the current mitigation capabilities at those facilities, the Task Force concludes that continued operation and continued licensing activities do not pose an imminent risk to the public health and safety and are not inimical to the common defense and security.*

The above findings anchor my views on how to responsibly move forward in assessing the Task Force recommendations. Let me offer four additional observations:

- 1) In October 2010, an Integrated Regulatory Review Service team conducted an international peer review mission to assess the NRC's regulatory program and found that "the NRC has a comprehensive and consistent regulatory system that has been

developed in a determined manner” and that “the NRC has a strong drive for continuous improvement in its own performance and has well achieved its goals”;

- 2) The Fukushima tragedy occurred in another country whose regulatory structure is quite different from that found in the U.S.;
- 3) I agree with the statements made by Commissioner Apostolakis at the July 19, 2011 Commission meeting, that the occurrence of the tsunami on March 11 was not an unthinkable external event; and
- 4) There is still a great deal that we do not know about Fukushima concerning the sequence of events, failure modes of equipment, functionality, and execution of procedures, etc.

These four observations helped frame my study of the Task Force report and recommendations.

As noted earlier, the NRC's *Principles of Good Regulation* are relevant to my decision-making on the Task Force report. Regarding the process for addressing the Task Force recommendations and the long-term review, I believe that three of these principles deserve specific mention. First, the principle of *Clarity* calls for the Commission to provide immediate direction to the staff on the philosophical approach that should guide the disposition of the Task Force recommendations. Second, the principle of *Reliability* leads me to conclude that to ensure that our regulations are not in an unjustifiable state of transition, the substantial institutional knowledge and operational experience of the NRC should be fully utilized in moving forward to address the Task Force recommendations. Third, the principle of *Openness* requires us to engage external stakeholders in a meaningful way. The spirit of this third principle underlies the June 23, 2011 COM on “Engagement of Stakeholders Regarding the Events in Japan” that I co-authored with Commissioner Magwood (COMWDM-11-0001/COMWCO-11-0001). In that light, I support the underlying premise of Chairman Jaczko’s proposal for the Commission to have public meetings to engage stakeholders and to inform Commission decision-making in a timely, responsive manner. I look forward to working with all of my colleagues on the Commission to determine the appropriate subjects and schedule for such Commission meetings.

## II. Addressing the NRC’s regulatory framework – Task Force recommendation 1

I appreciate the Task Force’s thoughtful accounting of the background for the NRC’s current regulatory framework. Some in the press have focused on the use of the word “patchwork” in the report to describe the NRC’s existing regulatory framework. I think that term diminishes the dynamic, evolving nature of the NRC’s regulatory framework. Our predecessors took certain concrete actions in response to the events at Three Mile Island and the attacks of September 11, 2001. With the benefit of hindsight, one could suggest there may have been better ways to approach certain issues at the time. But, I am not a critic of those past actions. Rather, I personally believe that previous NRC staff and Commissions used their best judgment to frame

courses of action appropriate to address the problems they faced. While that regulatory approach, one of a dynamic and evolving nature, may not have the coherence of a framework that might be developed with the luxury of being done in a closed room at one static point in time, it does not mean that the framework is not effective. To the contrary, I believe that the NRC's Reactor Oversight Process (ROP) is a key example of an evolutionary change that has resulted in a rigorous oversight program that is focused on safety in the areas of greatest risk significance. Since 2000, NRC inspection findings in the ROP have brought to light substantive issues on nuclear reactor operations, plant design, maintenance, and defense-in-depth, and corresponding corrective actions to address such findings.

As stated earlier, the Task Force noted that "the current regulatory approach has served the Commission and the public well." I also reiterate what I stated at the July 19, 2011 public Commission meeting on the near-term report: "While I support thoughtful consideration of any potential safety enhancements in a systematic and holistic manner, I do not believe that our existing regulatory framework is broken."

Consistent with the NRC's organizational value of *Excellence* that drives us to be continuously improving and self-aware, I support moving forward, but not at this time, with Task Force recommendation 1. Such an effort would constitute a highly significant undertaking for the entire agency and realistically would take some number of years to accomplish. While I support the notion of enhancing our existing framework, I firmly believe that any such effort should be undertaken as a separate, distinct effort from the rest of the Fukushima Task Force recommendations. Acting upon recommendation 1 in the near-term will distract the NRC from timely and responsive action on those Task Force recommendations that would enhance safety in the near-term and are ripe for execution. Therefore, I propose that recommendation 1:

- 1) Be pursued independent of any activities associated with the review of the other Task Force recommendations; and
- 2) Be deferred for action and commence only after receiving future direction from the Commission. To facilitate this Commission direction, the EDO should submit a notation vote paper to the Commission that would take into account the cumulative lessons learned and stakeholder input from the review of other Task Force recommendations, and provide the Commission with a full range of options for addressing recommendation 1. This notation vote paper should be provided to the Commission no later than 18 months from the date of the final Staff Requirements Memorandum (SRM) for SECY-11-0093.

### III. Short-term regulatory actions

I agree with Commissioner Magwood that there are short-term actions that the agency should consider to enhance safety. As such, I support Commissioner Magwood's recommendation with some modification. Specifically, I recommend that within 30 days (instead of 20 days) of the final SRM associated with this paper, the EDO should provide the Commission with a

notation vote paper that identifies and makes recommendations regarding any Task Force recommendations that can, and in the staff's judgment, should be implemented, in part or in whole, without unnecessary delay. I would add additional guidance that the staff should, in framing these short-term actions, consider the wide range of regulatory tools available. Again, these short-term actions should be assessed using the NRC's existing regulatory framework. Taking this step in the short-term will get the agency and licensees started down the path to implement appropriate safety enhancements sooner rather than later.

While I will carefully review the short-term actions that the EDO will submit in the notation vote paper described above, I believe I have an obligation to the NRC's external stakeholders and the NRC staff to communicate my view on certain Task Force recommendations. Based on my review and understanding of the accident at Fukushima, I believe the areas listed below warrant short-term regulatory attention and I offer them for consideration as appropriate by the EDO.

- 1) Reevaluate the seismic and flooding hazards at their sites against current NRC requirements and guidance (related to Task Force recommendation 2.1);
- 2) Perform seismic and flood protection walk-downs to identify and address plant-specific vulnerabilities and verify the adequacy of monitoring and maintenance for protection features such as watertight barriers in the interim period (related to Task Force recommendation 2.3);
- 3) Issue an advanced notice of proposed rulemaking and develop the technical basis to revise 10 CFR 50.63 to strengthen station blackout mitigation capability (related to Task Force recommendation 4.1);
- 4) Review 10 CFR 50.54(hh)(2) equipment protection from design-basis external events and additional equipment needs for multiunit events (related to Task Force recommendation 4.2);
- 5) Review venting capability and accessibility for Mark I and Mark II containments (related to Task Force recommendation 5.1); and
- 6) Maintain and train on Severe Accident Management Guidelines (related to Task Force recommendations 8.4 and 12.2).

#### IV. Governance of the NRC's actions going forward and the long-term review

In March, I applauded and supported Chairman Jaczko's prompt efforts to bring a proposal to the Commission for the NRC's response to the events in Japan. Now we find ourselves nearing the end of July, knowing more than what we knew in March. As I have learned more, my thinking about the NRC's response to Fukushima has certainly evolved since the Commission established the Task Force in March. Therefore, I find it timely for the Commission to build on

our earlier decisions and fine-tune our vision for the NRC's actions going forward and for the long-term review.

It is with this backdrop and the principles of *Clarity*, *Reliability*, and *Openness* in mind that I recommend the EDO provide the Commission with a notation vote paper with a charter for the structure, scope, and expectations for assessing the Task Force recommendations and the NRC's longer-term review. The draft charter should be based upon the concept envisioned by the EDO and Deputy EDO for Reactor and Preparedness Programs that establishes a senior level steering committee reporting to the EDO and supported by an internal advisory committee and an external panel of stakeholders. This charter should include as an objective that the steering committee would provide, through the EDO, an integrated, prioritized assessment of the Task Force recommendations along with its recommendations and bases for further regulatory actions. This model of review has effectively served the Commission in other significant efforts such as the Groundwater Task Force, the Davis-Besse Lessons Learned Task Force, and the Discrimination Task Force. The draft charter for Commission review should also incorporate any direction provided by the Commission in response to COMWDM-11-0001/COMWCO-11-0001. To support timely and clear Commission direction to the NRC staff, the paper should be provided to the Commission no later than two weeks after the date of the final SRM for SECY-11-0093.

In addition, I join Commissioners Magwood and Svinicki in directing the EDO within 45 days of the date of the final SRM for SECY-11-0093 to provide the Commission with a notation vote paper recommending a prioritization of the Task Force recommendations informed by the steering committee. This paper should include the technical and regulatory bases for the prioritization and include recommendations for appropriate stakeholder engagement as well as for Commission meetings.

Given that I have significant reservations about proceeding at this time to implement recommendation 1, I believe additional guidance to the envisioned steering committee and NRC staff is appropriate as they assess the Task Force report and provide their recommendations back to the Commission. At the July 19 Commission meeting, I specifically asked the Task Force the following question: "If the Commission did not approve Recommendation 1, would that change the Task Force recommendations for rulemaking and orders?" The answer I received was "yes." In that light, and given my position on deferring action on recommendation 1, I find it essential for the Commission to provide direction to the steering committee that they should assess the Task Force recommendations through the lens of the Task Force's finding that "the current regulatory approach has served the Commission and the public well." Therefore, consistent with existing practices, the staff should continue to consider risk insights and defense-in-depth to inform their recommendations on what actions may provide for a substantial increase in safety or are necessary to provide reasonable assurance of adequate protection.



# 934

Sexton, Kimberly

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**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Monday, August 01, 2011 2:50 PM  
**To:** Nieh, Ho; Bubar, Patrice; Sharkey, Jeffry  
**Subject:** UCS working on a report

I'm sitting in a briefing with David Lochbaum covering their report: "U.S. Nuclear Power After Fukushima: Common Sense Recommendations for Safety and Security". There is a paragraph that states:

The President must appoint people to the NRC who will make public safety their top priority. This is not the case today. For example: four out of five commissioners recently voted to extend the deadline for nuclear power reactors to comply with fire protection regulations until 2016 at the earliest.

When I asked him about that, he indicated UCS is working on a report that will argue that case by summarizing all the votes where Jaczko is in the minority. I wanted you to know that's in the works, in case you hadn't heard already.

NOT FOR PUBLIC DISCLOSURE

10



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

COMMISSIONER

August 18, 2011

The Honorable Barbara Boxer  
Chairman, Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

The Honorable James M. Inhofe  
Ranking Member, Committee on  
Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Boxer and Ranking Member Inhofe:

I appeared before the Committee on Environment and Public Works on August 2, 2011, along with my colleagues on the Commission. On August 3, 2011, you forwarded questions for the hearing record. The responses to those questions are enclosed. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Ostendorff", is written above the printed name.

William C. Ostendorff

Enclosures:  
As stated

Senator James Inhofe – Question 1

Do you believe the Commission would benefit from greater involvement of the ACRS on the NRC's longer term review rather than merely reviewing the staff's final product? If not, why not?

Answer

Yes. The Advisory Committee on Reactor Safeguards (ACRS) has a long standing history of providing the Commission with independent advice regarding licensing, operation, and related safety issues, including the adequacy of proposed safety regulations and policies. As a Commissioner, I have benefited from input from the ACRS.

Senator James Inhofe – Question 2

Please describe the processes the NRC uses to revise its regulatory requirements following new information or world events. Notwithstanding the seriousness of the events in Japan, there doesn't seem to be a reason to alter the Commission's normal processes to take account of any lessons learned from the events in Japan given the repeated assurances that U.S. plants are operating safely. Do you agree? If not, why not?

Answer

The NRC continuously assesses new information from a variety of sources, including domestic and international operational experience, and the results of our reactor oversight program. If necessary, the NRC can initiate a proposed rule or change a rule in order to provide reasonable assurance of adequate protection or to enhance safety. Further, any member of the public may petition the NRC to develop, change, or rescind one of its regulations.

As the Task Force report stated, "the current regulatory approach has served the Commission and the public well" and "continued operation and continued licensing activities do not pose an imminent risk to public health and safety." While I support thoughtful consideration of potential safety enhancements in a systematic and holistic manner, I do not believe that our existing regulatory framework is broken. I believe that our current regulatory processes and tools comprehensively enable the NRC to apply the lessons learned from Japan.

Senator James Inhofe – Question 3

Do the Commission's regulations provide a mechanism for applying lessons learned from Japan to COLs or certified designs already issued? Is there any material difference in NRC's ability to apply those lessons to COLs or certified designs as opposed to plants that are currently licensed and operating?

Answer

Yes. The Commission can apply lessons learned from Japan to Combined License (COL) reviews and design certifications. Prior to issuance of the COL, the Commission could choose to incorporate lessons learned into the COL through specifying additional license conditions. Alternatively, the Commission could issue the COL and later modify, add, or delete any terms or conditions contained in the COL to reflect any new Commission requirements in accordance with the regulatory provisions found in 10 CFR 52.83, 52.98, and 50.109, depending on whether the conditions address matters within the scope of the referenced early site permit (ESP) or certified design. Under this approach, the criteria for implementation of any Commission decisions as a result of lessons learned from Japan would generally be comparable for both the near-term COLs and for operating reactors.

Regarding design certifications, under our existing processes, the Commission can apply lessons learned from Japan through an amendment to an existing certified design rule or in a separate rulemaking.

Senator James Inhofe – Question 4

Given NRC's authority to apply lessons learned from Japan to the operating fleet, and the state of the art review the COL and design certification applications have undergone, it doesn't make any sense to delay the licensing process on these applications during the review of the Japan situation. Do you agree? If not, why not?

Answer

Currently before the Commission is an "Emergency Petition to Suspend All Pending Reactor Licensing Decisions and Related Rulemaking Decisions." This Emergency Petition to Suspend includes design certification rulemakings and COL licensing reviews, along with the associated adjudicatory proceedings. Because the question you raise is currently under consideration by the Commission, I cannot comment at this time. I will be pleased to follow up with you or your staff after this adjudicatory matter is resolved by the Commission.



COMMISSIONER

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

August 19, 2011

The Honorable Darrell E. Issa  
Chairman, Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

I am responding to Items 2, 3, and 4 of your August 5, 2011 letter in which you requested "Documents and communications from any NRC employee or Commissioner related to the NRC's response to request #5, including, but not limited to, all e-mail correspondence between NRC staff and OCA staff regarding documents supplied to OCA in response to request #5"; "all documents and communications related to the decision to treat [the NRC's July 6, 2011] response as Chairman or Commission correspondence"; and "Documents and communications from any NRC employee or Commissioner related to any document request by this Committee, including, but not limited to, to all e-mail correspondence between NRC staff and OCA staff."

The requested documents from my office are enclosed.

Sincerely,

William C. Ostendorff

Encl: As stated

cc: Congressman Elijah E. Cummings

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# 348

**Sexton, Kimberly**

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**From:** HEYMER, Adrian [aph@nei.org]  
**Sent:** Friday, September 02, 2011 4:11 PM  
**Subject:** Industry Comments on Proposed Near-Term NRC Actions Associated With the Fukushima Dai-Ichi Accident; Docket Number NRC-2011-0196  
**Attachments:** 09-02-11\_NRC\_Industry Comments on Proposed Near-Term NRC Actions Associated with the Fukushima Dai-Ichi Accident; Docket ID NRC-2011-0196.pdf; 09-02-11\_NRC\_Industry Comments on Proposed Near-Term NRC Actions Associated with the Fukushima Dai-Ichi Accident; Docket ID NRC-2011-0196\_Attachment.pdf

September 2, 2011

Ms. Cindy K. Bladey  
Chief, Rules, Announcements and Directives Branch  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Industry Comments on Proposed Near-Term NRC Actions Associated With the Fukushima Dai-Ichi Accident; Docket Number NRC-2011-0196

**Project Number: 689**

Dear Ms. Bladey,

The Nuclear Energy Institute appreciates the opportunity to provide comments and input on the set of proposed near-term U.S. Nuclear Regulatory Commission (NRC) actions associated with the NRC report, *Recommendations for Enhancing Reactor Safety in the 21st Century, The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident*. This letter supplements the industry comments made in the NRC August 31, 2011 public meeting and reflects input provided by several industry working groups and the chief nuclear officers of all U.S. nuclear operating companies.

Detailed comments on each of the six main recommendations are provided in the attachment to this letter.

In addressing the NRC task force recommendations, we encourage the Commission to adopt a flexible, performance-based approach, especially in the area of beyond design bases activities, to allow for the variations in siting, geographical and geological locations, and plant designs.

The industry agrees that there are important lessons to be learned and implemented from the Fukushima accident. The industry has developed a strategic plan, *The Way Forward*, to coordinate and manage its response to the Fukushima crisis. The plan emphasizes the importance of maintaining high safety performance at the 104 operating reactors and covers the development and implementation of lessons learned from Fukushima, R&D and technical support, international cooperation and support, communications, emergency planning and preparedness, training, and regulatory interactions and response.



The industry will soon complete a provisional timeline that reconstructs the progression of events and accident conditions at Fukushima. Once the provisional timeline is completed, discussions with Tokyo Electric Power Company are necessary to resolve a number of open issues and questions before the industry completes its evaluations. Also, that information will be critical in determining the extent to which insights related to the events and conditions pertain to U.S. plants and the potential plant enhancements that should flow therefrom. There must be a reasoned determination that the correct lessons have been learned and that those lessons are appropriately linked to the causal factors of the Fukushima accidents.

The industry, the public and the NRC must have a common understanding of the events and rationale for the actions taken at Fukushima before the industry—as required by the NRC and on its own initiative—implements plant enhancements. To attain this objective, the industry is willing to discuss the timeline with NRC staff. This will provide additional confidence in the development and understanding of the bases for regulatory actions being required in response to the Fukushima accidents as well as the manner in which new requirements are to be satisfied.

The NRC task force concluded that a sequence of events like the Fukushima accident is unlikely to occur in the United States and that continued operation and continued licensing activities do not pose an imminent risk to public health and safety. A preliminary industry qualitative, risk-informed assessment of the six NRC recommendations under consideration reaches the same conclusion. As a result, we do not believe that orders are necessary at this time. To the extent the NRC seeks information from all licensees or seeks to elicit a response from all licensees on a significant issue, there are regulatory tools such as generic letters and bulletins that can achieve those objectives.

If the NRC determines that it is necessary to impose new requirements on a generic, industry-wide basis, the appropriate regulatory process is rulemaking. If necessary, such rulemakings could be expedited. In summary, we believe that the NRC and all stakeholders would benefit from the transparent and deliberative process mandated by the Administrative Procedure Act.

The near-term actions should be focused on those enhancements that generally may be attainable within 12 to 18 months and where additional clarifying information forthcoming from Fukushima will not negate earlier decisions.

To effectively implement the multi-unit staffing proposal in the NRC task force recommendation 9 concurrent with the existing EP rule change, the implementation schedule for the emergency response organization needs to be extended by one year to accommodate the staffing criteria.

The industry is committed to ensuring that the U.S. nuclear industry learns from and incorporates the lessons from the Fukushima accidents in a manner that will improve safety and plant performance so that the nuclear industry will continue provide additional benefit to the nation's environment and economy.

Sincerely,

Adrian Heymer  
Senior Director, Strategic Programs

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NUCLEAR GENERATION DIVISION

September 2, 2011

Ms. Cindy K. Bladey  
Chief, Rules, Announcements and Directives Branch  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Industry Comments on Proposed Near-Term NRC Actions Associated With the Fukushima Dai-Ichi Accident; Docket Number NRC-2011-0196

**Project Number: 689**

Dear Ms. Bladey,

The Nuclear Energy Institute<sup>1</sup> appreciates the opportunity to provide comments and input on the set of proposed near-term U.S. Nuclear Regulatory Commission (NRC) actions associated with the NRC report, *Recommendations for Enhancing Reactor Safety in the 21st Century, The Near-Term Task Force Review of Insights from the Fukushima Dai-Ichi Accident*. This letter supplements the industry comments made in the NRC August 31, 2011 public meeting and reflects input provided by several industry working groups and the chief nuclear officers of all U.S. nuclear operating companies.

Detailed comments on each of the six main recommendations are provided in the attachment to this letter.

In addressing the NRC task force recommendations, we encourage the Commission to adopt a flexible, performance-based approach, especially in the area of beyond design bases activities, to allow for the variations in siting, geographical and geological locations, and plant designs.

The industry agrees that there are important lessons to be learned and implemented from the Fukushima accident. The industry has developed a strategic plan, *The Way Forward*, to coordinate and manage its response to the Fukushima crisis. The plan emphasizes the importance of maintaining high safety

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

performance at the 104 operating reactors and covers the development and implementation of lessons learned from Fukushima, R&D and technical support, international cooperation and support, communications, emergency planning and preparedness, training, and regulatory interactions and response.

The industry will soon complete a provisional timeline that reconstructs the progression of events and accident conditions at Fukushima. Once the provisional timeline is completed, discussions with Tokyo Electric Power Company are necessary to resolve a number of open issues and questions before the industry completes its evaluations. Also, that information will be critical in determining the extent to which insights related to the events and conditions pertain to U.S. plants and the potential plant enhancements that should flow therefrom. There must be a reasoned determination that the correct lessons have been learned and that those lessons are appropriately linked to the causal factors of the Fukushima accidents.

The industry, the public and the NRC must have a common understanding of the events and rationale for the actions taken at Fukushima before the industry—as required by the NRC and on its own initiative—implements plant enhancements. To attain this objective, the industry is willing to discuss the timeline with NRC staff. This will provide additional confidence in the development and understanding of the bases for regulatory actions being required in response to the Fukushima accidents as well as the manner in which new requirements are to be satisfied.

The NRC task force concluded that a sequence of events like the Fukushima accident is unlikely to occur in the United States and that continued operation and continued licensing activities do not pose an imminent risk to public health and safety. A preliminary industry qualitative, risk-informed assessment of the six NRC recommendations under consideration reaches the same conclusion. As a result, we do not believe that orders are necessary at this time. To the extent the NRC seeks information from all licensees or seeks to elicit a response from all licensees on a significant issue, there are regulatory tools such as generic letters and bulletins that can achieve those objectives.

If the NRC determines that it is necessary to impose new requirements on a generic, industry-wide basis, the appropriate regulatory process is rulemaking. If necessary, such rulemakings could be expedited. In summary, we believe that the NRC and all stakeholders would benefit from the transparent and deliberative process mandated by the Administrative Procedure Act.

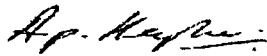
The near-term actions should be focused on those enhancements that generally may be attainable within 12 to 18 months and where additional clarifying information forthcoming from Fukushima will not negate earlier decisions.

Ms. Cindy K. Bladey  
September 2, 2011  
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To effectively implement the multi-unit staffing proposal in the NRC task force recommendation 9 concurrent with the existing EP rule change, the implementation schedule for the emergency response organization needs to be extended by one year to accommodate the staffing criteria.

The industry is committed to ensuring that the U.S. nuclear industry learns from and incorporates the lessons from the Fukushima accidents in a manner that will improve safety and plant performance so that the nuclear industry will continue provide additional benefit to the nation's environment and economy.

Sincerely,



Adrian Heymer

Attachment

- c:     The Honorable Gregory B. Jaczko, Chairman, U.S. Nuclear Regulatory Commission  
         The Honorable Kristine L. Svinicki, Commissioner, U.S. Nuclear Regulatory Commission  
         The Honorable William D. Magwood IV, Commissioner, U.S. Nuclear Regulatory Commission  
         The Honorable George Apostolakis, Commissioner, U.S. Nuclear Regulatory Commission  
         The Honorable William C. Ostendorff, Commissioner, U.S. Nuclear Regulatory Commission  
         Mr. R. William Borchardt, Executive Director for Operations, U.S. Nuclear Regulatory Commission

## Comments on NRC Proposed Near-Term Recommendations from the Fukushima Dai-ichi Accident

### NRC Task Force Recommendation 2

*The Task Force recommends that the NRC require licensees to reevaluate and upgrade as necessary the design-basis seismic and flooding protection of SSCs for each operating reactor.*

The Task Force recommends that the Commission direct the following actions to ensure adequate protection from natural phenomena, consistent with the current state of knowledge and analytical methods. These should be undertaken to prevent fuel damage and to ensure containment and spent fuel pool integrity:

*2.1 Order licensees to reevaluate the seismic and flooding hazards at their sites against current NRC requirements and guidance, and if necessary, update the design basis and SSCs important to safety to protect against the updated hazards.*

*2.2 Initiate rulemaking to require licensees to confirm seismic hazards and flooding hazards every 10 years and address any new and significant information. If necessary, update the design basis for SSCs important to safety to protect against the updated hazards.*

*2.3. Order licensees to perform seismic and flood protection walk-downs to identify and address plant-specific vulnerabilities and verify the adequacy of monitoring and maintenance for protection features such as watertight barriers and seals in the interim period until longer term actions are completed to update the design basis for external events.*

#### NEI Comments and Input

The industry believes the initial focus should be on conducting walk-downs (Recommendation 2.3) to confirm that the plant is protected against the design bases flood and seismic events. The other recommendations are longer-term actions.

#### *Walk-downs*

**Seismic:** The industry proposes that a sample set of walk-downs should be conducted in accordance with procedures covering the walk-down criteria and validation against the design bases. In addition, a process for selecting the sample set of systems, structures and components should be developed together with criteria for determining when the sample should be expanded, if circumstances dictate. Regulatory interactions and endorsement of the walk-down criteria should occur prior to conducting the walk-downs to ensure that there is a common understanding on the approach and criteria. It should be recognized that additional

time should be allowed for completing the seismic walk-downs because some safety-related structures, systems and components may be accessible only during shutdown conditions.

External flooding: A similar approach to the seismic walk-downs would be employed except there would be no need to use a sampling methodology. As with the seismic walk-downs, regulatory interactions should occur in advance to reach a common understanding on the approach and acceptance criteria prior to commencing the activity.

#### *Ten-Year Update of Seismic and Flooding Hazards*

NEI believes that a process should be developed for identifying and assessing new and significant information as it emerges rather than wait 10 years. Such an approach would be consistent with how the NRC and the industry manage other new information. The industry recommends a three-phase process approach:

1. Identification of pertinent information that is of sufficient significance to warrant assessment.
2. Assessment to determine whether the information would impact the hazard.
3. A process for updating the hazard and determining whether changes are needed. The update would be performed against current regulatory requirements and standards based on the new assumptions and information. For example, if the original design bases standard was a 500-year flood, the update would be based on the 500-year flood, but the impact of an increased downstream levy height would be evaluated. Similarly, if the Corps of Engineers changed the height of the 500-year flood standard based on updated or new meteorology information, the impact on the plant would be evaluated against the new 500-year flood, even though a new plant may be evaluated against a 750-year flood.

#### *Re-evaluation of Seismic and Flooding Hazard*

Re-evaluations of the seismic and flooding hazard are longer-term activities and should be considered as part of the NRC long-term activities.

For seismic, we believe GI-199 and any follow-on activities and changes would address this aspect of recommendation 2.1.

For flooding, once a process for assessing new and significant pertinent information has been developed and the walk-downs have been completed, along with actions to fix any identified deficiencies, an evaluation on whether the flooding hazard has changed and its impact on the plant can be evaluated.

Industry Near-term Recommendation

*External Flooding Walk-downs*

- *In response to a §50.54(f) letter, a licensee would develop procedures, including acceptance criteria for conducting external flood protection walk-downs and obtain NRC concurrence regarding the acceptability of the walk-down criteria.*

*Conduct the walk-downs and validate the results against the existing design basis and report the results to the NRC within 120 days of NRC approval of the walk-down criteria.*

*Seismic Walk-downs*

- *In response to a §50.54(f) letter a licensee would develop procedures, including acceptance criteria for conducting a sample set of seismic walk-downs on safety-related systems, structures and components. Obtain a NRC concurrence regarding the approach, including the acceptability of the walk-down criteria and mechanism for expanding the scope of the structures, systems and components to be walked down if deficiencies are identified.*

*Conduct seismic walk-downs for a sample set of critical safety-related systems, structures and components and verify against the seismic design bases. For areas that are inaccessible because of power operations, the walk-downs will be conducted at the first opportunity. Results will be reported to the NRC within 90 days of the end refueling outage of the first complete operating cycle following the issuance of the regulatory vehicle.*

*External Flooding and Seismic Hazard Update (Long-Term Activity)*

- *Initiate rulemaking to require licensees to confirm seismic hazards and flooding hazards as new and significant information is identified. If necessary, update the design basis to protect safety-related structures, systems and components against the updated hazards.*

NOTE: We do not believe there is sufficient information or understanding to be able to establish acceptance and implementation criteria for an order or proceed with implementation to enable completion within a period of time normally associated with an order.

**NRC Task Force Recommendation 4**

*4.1 Initiate rulemaking to revise 10 CFR 50.63 to require each operating and new reactor licensee to:*

- (1) establish a minimum coping time of 8 hours for a loss of all ac power,*
- (2) establish the equipment, procedures, and training necessary to implement an "extended loss of all ac" coping time of 72 hours for core and spent fuel pool*



*cooling and for reactor coolant system and primary containment integrity as needed, and*

- (3) *preplan and pre-stage offsite resources to support uninterrupted core and spent fuel pool cooling, and reactor coolant system and containment integrity as needed, including the ability to deliver the equipment to the site in the time period allowed for extended coping, under conditions involving significant degradation of offsite transportation infrastructure associated with significant natural disasters.*

*4.2 Order licensees to provide reasonable protection for equipment currently provided pursuant to 10 CFR 50.54(hh)(2) from the effects of design-basis external events and to add equipment as needed to address multiunit events while other requirements are being revised and implemented.*

#### NEI Comments and Input

##### *Revision to 50.63*

The industry agrees that rulemaking is the correct process for implementing enhancements that would enable plants to better mitigate and manage an extended and complete loss of AC power event. There would be benefit in an advanced notice of proposed rulemaking to frame the scope and objectives of the rule. In addition, key aspects of coping time and access to offsite resources should be considered. We believe that such an initial step would help to focus stakeholder comments and provide for a more efficient overall implementation of recommendation 4.1.

The nature of challenges to AC power supplies by natural phenomena are plant- and site-specific. For example, external flooding progresses very differently at a river or lake site versus a site that has a significant tsunami hazard. Therefore, the identification of appropriate short- and long-term coping strategies can vary from site to site. The approach must assure a degree of flexibility to accommodate the variations in site configuration, features and hazards.

The basis for the proposed 72-hour additional coping is unclear. The barriers to logistic offsite support during an emergency vary depending on location, local geography and transportation infrastructure, the hazard and the extent of the natural phenomena impact on the local and surrounding counties. For some plants assistance and reliable AC generation may be able to be supplied within 24 or 48 hours, at other sites, under different circumstances it may be longer. Thus, the approach must assure a degree of flexibility in the implementation to accommodate varying extended coping time durations for a complete loss of AC power.

Rulemaking is a long-term activity and should be included under the NRC long-term Fukushima activities.

*Multi-Unit §50.54(hh) Requirements*

We agree that pre-staging additional contingency equipment to meet §50.54(hh)(2) requirements for multi-unit sites would be appropriate. The exact composition of the extra equipment at or near the site complemented by additional offsite equipment at pre-staged areas needs to be determined. It is important to note that the wide diversity of unit configurations, geographic locations, varying risks of natural hazards of different types, etc. make this analysis complex. A series of regional public meetings in preparation of the advanced notice of proposed rulemaking could be beneficial and would assure that the rulemaking is correctly framed.

The industry is evaluating the role that regional support centers could play in these situations. Such centers would house contingency equipment, especially for slow, evolving events. Prior to requiring a definitive site-specific solution to the 50.54(hh)(2) equipment, the strategies for use of pre-staged equipment at regional support centers should be established in the implementing guidance for the final rule. Distance from the site, accessibility under external events, and site-mitigation strategies that are, in part, dependent on location and proximity of amenities. Other support infrastructure are variables that need to be addressed before reaching a final conclusion on the additional equipment to be procured and the location of such equipment. We note that other countries are evaluating this approach.

Any requirement to require protection of the contingency equipment against natural phenomena events should allow for flexibility in implementation to achieve the objective. In view of the beyond design bases scenarios that are central to the events under consideration, the specifications for the protection criteria should be based on commercial standards and not the traditional nuclear special treatment specifications. In addition, depending on the site geography, natural phenomena hazards and transportation infrastructure, protection could be afforded by locating more than the minimal set of equipment at various locations on or offsite at a location where it would still be possible to commission the equipment in the timeframe required by the §50.54(hh) requirements. Diversity of location and possibly redundancy could be just as effective as housing the equipment in Category 1 structures to ensure the availability of equipment.

In the interim, until the issues described above are resolved and the equipment is in place, the industry believes that short-term actions could be taken to ensure that adequate equipment is in place to support the contingency needs for each unit, and that the equipment has adequate protection and accessibility.

At this time, we do not believe that there is sufficient knowledge to define the implementation criteria that would be required to accompany an order for the additional §50.54(hh) equipment and protection requirements. We believe a bulletin requesting information on how sites would address the multi-unit contingency equipment issue would be more appropriate. The industry is

willing to work on implementing guidance in parallel with a rulemaking amendment to achieve the objective of recommendation 4.2 in the optimum time.

#### *New Plants*

The NRC task force recommendations recognize the advances of new plant designs. Yet the task force report states that COL applicants would have to address prestaging of any needed equipment for beyond 72 hours, and ITAAC should be established to confirm effective implementation of minimum and extended coping, as described in the recommendation. It is not necessary for prestaging to be addressed in COLs, including those for Vogtle 3/4 and Summer 2/3, for which the NRC staff has completed its technical review. There is no basis for requiring ESBWR or AP1000 COL applicants to adhere to a different coping strategy than existing plants.

Part 52 change processes and other regulatory vehicles exist and should be used for ensuring that new plant licensees comply with coping, prestaging or other new requirements. These matters may be addressed after design certifications or COLs are issued. ITAAC should not be the regulatory vehicle for adjusting the licensing basis.

#### Industry Near-Term Recommendations

- *In response to a NRC bulletin, procure additional equipment, as determined from site specific evaluations, sufficient to meet §50.54(hh)(2) requirements for each unit at a nuclear power plant and protect it from natural hazards using commercial standards and taking into account the use of regional or offsite support locations, as circumstances allow and justify.*

#### Long-Term Activities

- *Pursue an advanced notice of proposed rulemaking (ANPR) to revise §50.63 as a first step to define the scope and key objectives of the revision and to obtain stakeholder input on considerations necessary to address coping time, and offsite resources access before drafting a proposed rule and developing its implementing guidance.*
- *If necessary, amend, through rulemaking, the regulatory §50.54(hh) requirement based on the final implementation plans.*

#### **NRC Task Force Recommendation 5**

*The Task Force recommends requiring reliable hardened vent designs in BWR facilities with Mark I and Mark II containments.*

The Task Force recommends that the Commission direct the staff to take the following actions to ensure the effectiveness of hardened vents:

*5.1 Order licensees to include a reliable hardened vent in BWR Mark I and Mark II containments.*

- *This order should include performance objectives for the design of hardened vents to ensure reliable operation and ease of use (both opening and closing) during a prolonged SBO.*

*5.2 Reevaluate the need for hardened vents for other containment designs, considering the insights from the Fukushima accident. Depending on the outcome of the reevaluation, appropriate regulatory action should be taken for any containment designs requiring hardened vents."*

NEI Comments and Input

The industry agrees that accessibility of BWR containment hardened vent valves and the ability to manually operate these valves under a loss of AC power condition need to be assessed.

*BWR Mark I Plants*

One of the conclusions from the industry reconstruction activities of the Fukushima events is that there are a number of open issues and questions surrounding the containment venting operation at Fukushima Dai-ichi. At this time, action and evaluation of hardened containment vent valve operation beyond a determination of accessibility and ability to operate hardened containment vent valves under loss of AC power conditions should be reserved until more information is known and confirmed about the venting operations at Fukushima.

*BWR Mark II Plants*

Under NRC Generic Letter 88-20, Supplement 3, BWR Mark II licensees were requested to consider the use of hardened vents in assessing heat-removal capabilities during severe accidents. As a result of these evaluations, BWR Mark II plants should not be required to re-evaluate containment heat removal capabilities until there is more confidence and knowledge of the venting operations at Fukushima Dai-ichi. At that time, the industry and NRC staff will be better positioned to reach a determination on whether additional BWR Mark II heat-removal evaluations are necessary.

*Other Containment Structures*

For other nuclear power plant containment structures, no additional evaluations should be performed until there is more definitive information on the Fukushima events that is applicable and relevant to these other containment structures. Once this information is available, probably towards the end of the year, a determination can be made on whether evaluations and modifications are necessary.

### Industry Near-Term Recommendations

- *Issue a §50.54(f) letter to require licensees to review plant procedures and guidelines for operating existing BWR Mk I hardened vent valves and evaluate the accessibility for operation of these valves in accordance with existing design commitments assuming no AC power is available and to report the results to the NRC within 90 days of completion of the next refueling outage that starts after 1 January 2012.*

*If improvements to assure accessibility are determined to be necessary they would be implemented consistent with operational schedules and as a separate activity.*

### **NRC Near-Term Task Force Recommendation 7**

#### NRC Task Force Recommendation

*The Task Force recommends enhancing spent fuel pool makeup capability and instrumentation for the spent fuel pool.*

The Task Force recommends that the Commission direct the staff to do the following:

*7.1 Order licensees to provide sufficient safety-related instrumentation, able to withstand design-basis natural phenomena, to monitor key spent fuel pool parameters (i.e., water level, temperature, and area radiation levels) from the control room.*

*7.2 Order licensees to provide safety-related ac electrical power for the spent fuel pool makeup system.*

*7.3 Order licensees to revise their technical specifications to address requirements to have one train of on-site emergency electrical power operable for spent fuel pool makeup and spent fuel pool instrumentation when there is irradiated fuel in the spent fuel pool, regardless of the operational mode of the reactor.*

*7.4 Order licensees to have an installed seismically qualified means to spray water into the spent fuel pools, including an easily accessible connection to supply the water (e.g., using a portable pump or pumper truck) at grade outside the building.*

*7.5 Initiate rulemaking or licensing activities or both to require the actions related to the spent fuel pool described in detailed recommendations 7.1–7.4."*

#### NEI Comments and Input

The events surrounding the Fukushima Dai-ichi spent fuel pools are a good example of where facts discovered later have invalidated earlier conclusions. There was early speculation that there had been a spent fuel pool accident. Now, with the benefit of visual inspections and

samples from the four affected spent fuel pools, it is evident that the spent fuel rods did not experience significant failure.

The accidents at Fukushima demonstrated that spent fuel pools are robust, with a thermal inertia that provides time to plan and execute appropriate mitigation measures, allowing the early operator focus to be on stabilizing the reactor and achieving a safe reactor condition. Even so, the industry is taking proactive actions that include assuring that operators and the site emergency response team are aware of the estimated time for the spent fuel pools to reach 200F, following a loss of spent fuel pool cooling with a starting temperature that is normally around 90F.

The industry recognizes that there is a benefit to remote monitoring of the spent fuel pool during the accident conditions to assure that operator attention and plant resources are not diverted from higher priority and more safety-significant activities. The industry agrees that there should be a process for remotely monitoring the temperature and water level in the spent fuel pools. The power supplies for the monitoring equipment do not need to be safety related based on the thermal inertia and the time taken to reach a point of extensive evaporation.

We note that the events at Fukushima would not have benefited from safety-related power supplies. Safety-related requirements would not have changed the situation. We believe that diversity would appear to be a more important attribute. The proposal for a hardened seismically-qualified fuel pool spray line capable of being supplied from portable pumps outside of the reactor or fuel pool building would add diversity to spent fuel pool cooling capability. Such a requirement would support the use of non-safety-related power supplies for fuel pool cooling and instrumentation considering the slow evolution of a spent fuel cooling event.

There are numerous spent fuel pool configurations. As a result, we believe that the commission should allow for a flexible, performance-based approach for spent fuel pool monitoring. The requirements should define what is to be achieved, leaving the industry to define in general guidance the implementation options based on plant configuration and needs.

The low probability of a fuel pool severe accident and the slow progression of an event that would lead to a severe spent fuel pool accident do not warrant the imposition of an order. There is significant time to adjust, plan and implement mitigation measures based on the events at Fukushima and recent and unusual loss of spent fuel pool cooling events in U.S. plants.

#### Industry Near-Term Recommendations

*Issue a Generic Letter Identify and evaluate the instrumentation and equipment needed to monitor spent fuel level and temperature throughout an extended loss of AC power event that includes depletion of DC battery power.*

*Attain a common understanding with the NRC staff on the methodologies and guidelines for*

performing the monitoring evaluation. Inform the NRC staff of:

- (1) The methods and equipment that are used to monitor the condition of the spent fuel pools during an extended loss of AC power, and, if necessary,
- (2) The action plan for assuring operators have the capability for monitoring the spent fuel pool during an extended loss of AC power event.
- (3) Report the results of the evaluations and the action plan to the NRC within 180 days of reaching a common understanding on the methodologies and guideline for implementing the generic letter.

## **NRC Near-Term Task Force Recommendation 8**

### NRC Task Force Recommendation

*The Task Force recommends strengthening and integrating onsite emergency response capabilities such as EOPs, SAMGs, and EDMGs.*

The Task Force recommends that the Commission direct the staff to further enhance the current capabilities for onsite emergency actions in the following ways:

*8.1 Order licensees to modify the EOP technical guidelines\* (required by Supplement 1, "Requirements for Emergency Response Capability," to NUREG-0737, issued January 1983 (GL 82-33), to (1) include EOPs, SAMGs, and EDMGs in an integrated manner, (2) specify clear command and control strategies for their implementation, and (3) stipulate appropriate qualification and training for those who make decisions during emergencies.*

*8.2 Modify Section 5.0, "Administrative Controls," of the Standard Technical Specifications for each operating reactor design to reference the approved EOP technical guidelines for that plant design.*

*8.3 Order licensees to modify each plant's technical specifications to conform to the above changes.*

*8.4 Initiate rulemaking to require more realistic, hands-on training and exercises on SAMGs and EDMGs for all staff expected to implement the strategies and those licensee staff expected to make decisions during emergencies, including emergency coordinators and emergency directors."*

### NEI Comments and Input

We agree that enhancements can be made to the process of migrating from EOPs to SAMGs and EDMGs to incorporate lessons learned from Fukushima. The integration of the EDMGs and SAMGs will be a complex and large endeavor. Such an activity needs to be split into manageable sections to ensure a coordinated, efficient and effective implementation. The industry has already started work on this activity and enhancements are being pursued.

Near-term actions should focus on improving the training and implementation of EDMGs, SAMGs and §50.54(hh)(2) mitigation procedures and measures. Training programs should be reviewed and, if necessary, enhanced to assure that operators and the emergency response organizations are capable of making correct decisions and implementing procedures. In the development and implementation of these enhanced training programs, it is critical for operators to be more knowledgeable of mitigation measures for more likely events (abnormal and EOP type events) than the mitigation of extremely low probability events such as an extreme beyond design basis seismic event that would result in a severe accident. We suggest that for SAMGs, EDMGs and B5b events, the training standard should be one of familiarization.

It is important that the industry and the NRC reach a common understanding on the standards and scope of training with an emphasis on emergency response organizations, while assuring that the training focus for operators remains on the more probable events and operations. As with other industry training programs, the National Academy for Nuclear Training in Atlanta would provide oversight of the training programs referenced in this section.

There needs to be further regulatory discussions on the implications of requiring Technical Specifications on the SAMG and EDMG training and what it means for operator exams.

#### *New Plants*

ITAAC should not be the regulatory vehicle for adjusting the licensing basis. The Part 52 change processes and other regulatory vehicles exist and should be used for ensuring that new plant licensees comply with of EOP/SAMG/EDMG implementation or other new requirements. These matters may be addressed after design certifications or as COLs are issued.

#### Industry Near-Term Recommendations

*Enhance implementation of EOPs, SAMGs and B5b strategies.*

*Issue a Bulletin to review and, if necessary, enhance training programs to assure that plant personnel are able to transition from EOPs to SAMGs and implement SAMG strategies. Personnel should be aware of the intent and scope of SAMG and B5b strategies so that they can be implemented in accordance with the stations emergency preparedness activities. The level and depth of knowledge should be commensurate with the safety significance and probability of the events.*

### **NRC Near-Term Task Force Recommendation 9**

#### NRC Task Force Recommendation

*The Task Force recommends that the NRC require that facility emergency plans address prolonged SBO and multiunit events.*



*9.1 Initiate rulemaking to require EP enhancements for multiunit events in the following areas:*

- *Personnel and staffing,*
- *Dose assessment capability,*
- *Training and exercises,*
- *Equipment and facilities*

*9.2 Initiate rulemaking to require EP enhancements for prolonged SBO in the following areas:*

- *Communications capability,*
- *ERDS capability,*
- *Training and exercises,*
- *Equipment and facilities*

*9.3 Order licensees to do the following until rulemaking is complete:*

- *Determine and implement the required staff to fill all necessary positions for responding to a multiunit event.*
  - *Add guidance to the emergency plan that documents how to perform a multiunit dose assessment (including releases from spent fuel pools) using the licensee's site-specific dose assessment software and approach.*
  - *Conduct periodic training and exercises for multiunit and prolonged SBO scenarios. Practice (simulate) the identification and acquisition of offsite resources, to the extent possible.*
  - *Ensure that EP equipment and facilities are sufficient for dealing with multiunit and prolonged SBO scenarios.*
  - *Provide a means to power communications equipment needed to communicate onsite (e.g., radios for response teams and between facilities) and offsite (e.g., cellular telephones, satellite telephones) during a prolonged SBO.*
- Maintain ERDS capability throughout the accident.*

*9.4 Order licensees to complete the ERDS modernization initiative by June 2012 to ensure multiunit site monitoring capability"*

NEI Comments and Input

From discussions with some Japanese utilities, it is clear that U.S. industry emergency preparedness and the government (state, local and federal) emergency response infrastructure is more mature and is better positioned to manage an emergency on the scale of the Fukushima natural disasters and a nuclear emergency. U.S. company and government

organizational structures, training, drills and the strong working relationships between the plants and state and local response centers are significant differences.

Nevertheless, the industry acknowledges that there are lessons to be learned and enhancements that can be made to the industry's emergency preparedness activities. Pre-Fukushima enhancements to EP programs have already been identified and are about to be implemented via the imminent NRC EP rulemaking and the completion of the revision to Radiological Emergency Preparedness Manual, soon to be issued by FEMA.

As the rule changes are being implemented, and as we learn more about the ongoing events at Fukushima, the NRC and industry can identify the prioritization and performance criteria for further enhancements, as recommended in the NRC task force report.

The revised rule that is about to become effective requires a comprehensive analysis of on-shift staffing to validate that the emergency plan can be implemented for five categories of scenarios. For multi-unit event Emergency Response Organization (ERO) staffing, new criteria need to be defined. This includes defining the events' characteristics, simultaneous occurrences, response time requirements and coping strategies. The new criteria would be appended to the staffing methodology prescribed in NEI 10-05. Analysis would follow the implementation of the initial staffing analysis requirement.

In order for the industry to implement the multi-unit staffing analysis concurrent with existing EP rule change, the implementation period for this rule change should be extended by one year in order to accommodate the development of new staffing criteria.

In the interim, as recommended in the NRC task force report, licensees could take voluntary action to develop a viable notification and transportation strategy to ensure staff needed to augment the site response would be available.

Revised guidance can be developed and implemented within the existing rule structure to encompass three of the recommendations:

- Multiple release point and spent fuel pool dose assessment
- Onsite protective equipment
- Backup ERO communication

The balance of the NRC task force recommendations warrant rulemaking. Based on industry-NRC staff interactions, consideration should be given to a parallel implementation-rulemaking approach. Such an approach would cover:

- Requiring licensed operators in the ERO outside the control room
- Drills and exercise changes
- Emergency facilities for multi-unit events (changing design basis and accident analysis requirements)

Rulemaking in these areas would provide the necessary regulatory predictability and the basis for consistent implementation and inspection.

*New Plants*

Part 52 change processes and other regulatory vehicles exist and should be used for ensuring that new plant licensees comply with spent fuel cooling or other new requirements. These matters may be addressed after design certifications or COLs are issued, and ITAAC should not be the regulatory vehicle for adjusting the licensing basis.

Industry Near-Term Recommendations

- (1) Implement the revised EP rule that is about to become effective.*
- (2) Engage NRC staff and other stakeholders in developing guidance for EP recommendations that do not require rulemaking.*
- (3) For those recommendations that do require an additional rulemaking, guidance can be developed in parallel with the rulemaking and implementation could commence once the content of the final rule is known. (This is a long-term activity)*

*An action plan will be developed for implementation of the Fukushima-related recommendations beginning in 2012.*

# 207

**Sexton, Kimberly**

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**From:** Dave Lochbaum [DLochbaum@ucsusa.org]  
**Sent:** Thursday, September 15, 2011 10:09 AM  
**To:** Nieh, Ho  
**Subject:** Foot-dragging follow-up

Hello Ho:

I've seen two recent media reports concerning the same "foot-dragging" statement I provided them. Bloomberg reported that I'd commented the staff's take on the task force's recommendations looked like foot-dragging, but left off the qualifier that I'd give the staff benefit of the doubt. Steve Dolley in today's Nucleonics Week reported the fuller context.

In any case, I am concerned about the NRC's approach to the task force's recommendations.

I caught the last portion of yesterday's Commission briefing via webcast. Ed Lyman filled me in the the earlier portion I'd missed.

I can understand and appreciate that the staff's resources do not allow all recommendations to be undertaken simultaneously. I also recognize that not all of the recommendations are equal in terms of complexity and their starting points.

Thus, I accept that there will be different timelines for implementation/resolution of the recommendations.

What concerns me is the staff's stated process for prioritizing its efforts. Eric Leeds and Bill Borchardt repeatedly said they'd risk-informed their regulatory decision-making (perhaps not stated soon enough for Commissioner Apostolakis, but stated and restated nonetheless).

The problem, to me, is that the integration of design basis and beyond design basis arenas sought by task force recommendation 1 has been deferred. Thus, the risk tools available to the staff to risk-inform decisions on the other recommendations exclude the severe accident risks, for the most part. Bill Borchardt touched upon this point with his comments about re-defining adequate protection. But that re-definition likely won't happen anytime soon.

Bottom line -- I am very concerned that the recommendations made by the task force to lessen U.S. reactors' vulnerability to the severe accident that happened at Fukushima will be wrongly delayed/dismissed if the NRC staff risk informs decision-making using tools and processes that do not consider severe accident risks.

Thanks,  
Dave Lochbaum  
UCS

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#226

**Sexton, Kimberly**

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**From:** Edwin Lyman [ELyman@ucsusa.org]  
**Sent:** Wednesday, September 28, 2011 12:45 PM  
**To:** Nieh, Ho  
**Subject:** Thank you

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ho,

On behalf of Aileen Mioko Smith and the rest of the Japanese delegation, I would like to thank Commissioner Ostendorff for being so generous with his schedule and making time for the meeting last week. I appreciate the Commissioner's willingness to have a candid discussion of the challenging and sometime emotional issues that have arisen in the wake of the Fukushima Daiichi disaster. I also appreciate his attention to the important issue of public participation.

Please feel free to contact me at any time if the Commissioner has any follow-up questions or concerns.

Sincerely,

Ed Lyman  
Senior Scientist  
Union of Concerned Scientists  
elyman@ucsusa.org  
(202) 331-5445

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#929  
**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Monday, October 03, 2011 10:42 AM  
**To:** Bubar, Patrice; Sharkey, Jeffry; Nieh, Ho  
**Subject:** FW: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Well, this looks balanced...

**From:** Ohly, John [mailto:John.Ohly@mail.house.gov]  
**Sent:** Monday, October 03, 2011 9:51 AM  
**To:** Alexander, Erin (Fellow); Caputo, Annie (EPW)  
**Subject:** FW: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Pretty balanced panel for this one...

**From:** National Journal LIVE [mailto:rsvp@nationaljournal.com]  
**Sent:** Monday, October 03, 2011 9:32 AM  
**To:** Ohly, John  
**Subject:** Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

**FEATURE INTERVIEWS WITH:**

Gregory B. Jaczko, Chairman, U.S. Nuclear Regulatory Commission  
Rep. Ed Markey, Member, House Energy & Commerce Committee (D-MA)

NATIONAL JOURNAL LIVE POLICY SUMMIT

**LESSONS FROM JAPAN**

**Global Implications of Nuclear Disaster**

As we approach the seven month anniversary of the Great East Japan earthquake and tsunami and the ensuing nuclear crisis, Americans still question what happened, why, and what an event of this magnitude means for U.S. nuclear policy and our relative state of preparedness.

National Journal will convene experts to discuss the latest on the current nuclear situation, the U.S. government's efforts to assist Japan, and the public health and economic lessons learned as a result of the disaster.

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**FEATURE INTERVIEW:**

Gregory B. Jaczko, Chairman, U.S. Nuclear Regulatory Commission  
Rep. Ed Markey, Member, House Energy & Commerce Committee (D-MA)

**MODERATED BY:**

James Kitfield, Senior Correspondent, National Journal

**PANEL:**

- Richard W. Caperton, Senior Policy Analyst, Energy Opportunity, Center for American Progress
- Allison Macfarlane, Associate Professor of Environmental Science and Policy, George Mason University

Wednesday, October 5, 2011

8:00 AM Registration

8:30 – 10:30 AM Program

National Press Club  
First Amendment Room  
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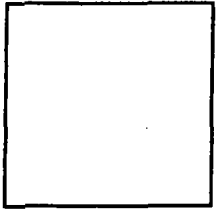
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**WITH SPECIAL THANKS TO OUR UNDERWRITER: FLIR**

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# 204

**Sexton, Kimberly**

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**From:** Dave Lochbaum [DLochbaum@ucsusa.org]  
**Sent:** Thursday, October 27, 2011 8:35 AM  
**To:** Dave Lochbaum

Good Day:

UCS posted the following commentary to our blog this morning regarding NRC Chairman Jaczko's decision to recommend that US citizens evacuate out to 50 miles from Fukushima.

<http://allthingsnuclear.org/post/11986415149/to-flee-or-not-to-flee-that-was-the-question>

Thanks,  
Dave Lochbaum  
UCS

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17

#203  
**Sexton, Kimberly**

**From:** Dave Lochbaum [DLochbaum@ucsusa.org]  
**Sent:** Monday, October 31, 2011 10:07 AM  
**To:** Borchardt, Bill  
**Cc:** Grobe, Jack  
**Subject:** BWR hardened vents?  
**Attachments:** 19920928-jaf-nrc-ser-hardened-wetwell-vent.pdf

Hello Bill:

The first paragraph on page 29 of the paper submitted to the Commission via SECY-11-0137 dated October 3, 2011, contains this sentence:

"All Mark I plants have installed a hardened vent."

I don't believe this to be a truthful statement, unless "all" means "many" or "some."

I've attached the NRC's safety evaluation report dated September 28, 1992, in which it accepted no installation of the containment vent system at the James A. FitzPatrick nuclear plant, a boiling water reactor with a Mark I containment. This SER is also available from the NRC's public document room under Accession No. 9210060307. The NRC staff accepted the existing containment vent system at FitzPatrick without any of the physical modifications installed at other BWR Mark I's that provided the hardened vent path.

I was aware of this SER because I worked as a consultant to NYPA for Fitzpatrick from 1992 through 1995. Part of my tasks included developing the design basis document for the primary containment isolation valves and devices, which included the vent valves. I reviewed this SER for that DBD and didn't really understand why NRC allowed FitzPatrick not to install a hardened vent when other BWRs with Mark I containments where I'd worked (e.g., Hatch, Browns Ferry, and Peach Bottom) had to do so despite having very similar designs and procedures. It was confusing then how the NRC could accept installing a hardened vent and not installing a hardened vent as solutions to the same problem. Naively, I thought that if FitzPatrick didn't really need a hardened vent, then other BWRs of virtually identical design wouldn't need one either. Conversely, if the other BWRs needed a hardened vent for safety reasons, FitzPatrick would seem to need this safety feature too.

Thus, it would seem that FitzPatrick sans the hardened vent system is not as protected as Fukushima Dai-ichi Units 2 and 3 were protected against containment venting during beyond design basis events.

I assume that the NRC staff did not intentionally misled their Commissioners with this "all Mark I plants have installed a hardened vent" line and simply didn't know about the FitzPatrick exception.

Had the NRC near-term task force staff known that FitzPatrick had not installed a hardened vent (which they relied upon, in part, in reaching their determination that no operating reactor had to immediately shut down for safety reasons), would that determination still have been the same?

Please don't construe this email as a 2.206 petition seeking enforcement action against FitzPatrick.

Instead, you might want to correct any mis-impressions the Commissioners formed from the inaccurate SECY paper since it's possible that they may be questioned about it during an upcoming Senate hearing.

Thanks,  
Dave Lochbaum

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

September 28, 1992

Docket No. 50-333

Mr. Ralph E. Beedle  
Executive Vice President - Nuclear Generation  
Power Authority of the State of New York  
123 Main Street  
White Plains, New York 10601

Dear Mr. Beedle:

SUBJECT: HARDENED WETWELL VENT CAPABILITY AT THE JAMES A. FITZPATRICK NUCLEAR  
POWER PLANT (TAC NOS. M74868 AND M82364)

As a part of a comprehensive plan for closing severe accident issues, the NRC staff undertook a program to determine if any actions should be taken, on a generic basis, to reduce the vulnerability of BWR Mark I containment to severe accident challenges. At the conclusion of the Mark I Containment Performance Improvement Program, the NRC staff identified a number of plant modifications that substantially enhance the plant's capability to both prevent and mitigate the consequences of severe accidents. One of the modifications recommended was improved hardened wetwell vent capability. After considering the proposed Mark I Containment Performance Program (described in SECY 89-017, January 1989), the Commission directed the staff to pursue Mark I enhancements on a plant-specific basis in order to account for possible unique design differences that may bear on the necessity and nature of specific safety improvements. Accordingly, the Commission concluded that the recommended safety improvements, with one exception, that is, hardened wetwell vent capability, should be evaluated by licensees as part of the Individual Plant Examination (IPE) Program. With regard to the recommended plant improvement dealing with hardened vent capability, the Commission, in recognition of the circumstances and benefits associated with this modification, directed the staff to facilitate installation of a hardened vent under the provisions of 10 CFR 50.59 for licensees, who on their own initiative, elect to incorporate this plant improvement. On September 1, 1989, the staff issued Generic Letter 89-16, "Installation of a Hardened Wetwell Vent," which encouraged licensees to implement a hardened wetwell vent capability under the provisions of 10 CFR 50.59.

By letters dated October 27, 1989, and July 25, 1990, the Power Authority of the State of New York (PASNY) notified the NRC staff that it would defer making a decision on whether to install a hardened wetwell vent until the FitzPatrick Individual Plant Examination (IPE) was completed. In those letters, PASNY provided "plant specific" design information and engineering analyses that justified this approach on the hardened vent issue. The NRC staff reviewed the information provided by PASNY in the stated letters. Additionally, on August 22, 1990, the staff inspected the existing wetwell vent path at the FitzPatrick plant. As a result of the staff's review of PASNY's submittals, the inspection of the FitzPatrick wetwell vent path, and a

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Mr. Ralph E. Beedle

- 2 -

September 28, 1992

review of the existing venting procedures and training, the NRC, by letter dated January 24, 1991, approved PASNY's approach to defer its decision to fully implement the industry's hardened vent general design criteria until completion of the IPE.

By letter dated December 6, 1991, PASNY provided the NRC with its final position regarding implementation of the hardened vent design criteria along with insights gained from performing the IPE and the status of investigations into accident management strategies associated with severe accidents. In a letter dated August 14, 1992, PASNY provided additional information on the hardened vent capability. PASNY determined that the current design of the FitzPatrick hardened wetwell vent meets many of the Boiling Water Reactor Owners Group (BWROG) design criteria and represents an acceptable deviation from the remainder. Furthermore, PASNY concluded that hardware modifications needed to fully meet the BWROG design criteria are not necessary to ensure that the vent performs its decay heat removal and scrubbing functions and would not produce significant public benefits.

Based on the information provided by PASNY and the results of the NRC inspection of the FitzPatrick hardened wetwell vent path, the NRC staff has determined that the current vent path meets the hardened vent design criteria or their intent. Furthermore, the NRC staff finds that the plant procedures and training are adequate to provide the information and guidance necessary for operators to effectively use the FitzPatrick hardened wetwell vent capability. Therefore, the NRC staff concludes that the existing wetwell vent capability at the FitzPatrick plant is acceptable.

A copy of the staff's evaluation of the plant-specific features, procedures, and training related to the FitzPatrick hardened wetwell vent capability is enclosed. This action completes our review activities associated with GL 89-16 and closes IAC Nos. M74868 and M82364.

Sincerely,

*Steven A. Varga*

Steven A. Varga, Director  
Division of Reactor Projects - 1/11  
Office of Nuclear Reactor Regulation

Enclosure:  
Safety Evaluation

cc w/enclosure:  
See next page



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

SAFETY EVALUATION REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

POWER AUTHORITY OF THE STATE OF NEW YORK

HARDENED WETWELL VENT CAPABILITY

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

DOCKET NO. 50-333

1.0 INTRODUCTION

Generic Letter (GL) 89-16 encouraged licensees to implement a hardened wetwell vent capability under the provision of 10 CFR 50.59. By letter dated July 25, 1990, the Power Authority of the State of New York (PASN) the licensee submitted an analysis of the potential benefits of a hardened wetwell vent at the James A. FitzPatrick Nuclear Power Plant (FitzPatrick). The analysis indicated that the existing wetwell vent is hardened and capable of withstanding anticipated venting pressures, except for the interface with the standby gas treatment system (SGTS). The SGTS is located in a building adjacent to the reactor building. PASN affirmed its willingness to make cost beneficial modifications to fully meet the approved hardened vent general design criteria; however, it wanted to defer such actions until completing its individual plant examination (IPE) program.

By letter dated January 24, 1991, the NRC staff approved the licensee's request to integrate the results of its IPE program into its decision to make any modifications to the existing vent design to fully implement the approved hardened vent general design criteria. Upon completion of the IPE program, the licensee was to: (1) provide the NRC with its final position regarding implementation of the hardened vent design criteria, and (2) use the results of the IPE to re-examine the venting procedures and training of operators. By letter dated December 6, 1991, the licensee provided this information along with insights gained from performing the IPE and the status of investigations into accident management strategies associated with severe accidents. In a letter dated August 14, 1992, the licensee provided additional information on the hardened vent capability.

2.0 EVALUATION

The FitzPatrick plant has a hardened vent system that originates at the primary containment suppression chamber and terminates at the inlet to the SGTS. The hardened vent system is located in the reactor building while the SGTS is located in a building adjacent to the reactor building. The SGTS consists, in part, of a series of filters connected by sheet metal ducting with an expected rupture pressure of a few psig. Outlet piping of the SGTS is routed through the building and to the plant stack. The hardened vent piping is rated for 150 psig internal pressure. As the vent system is already hardened up to the SGTS, the licensee performed an analysis to determine whether additional hardened piping should be added to bypass the SGTS and any

additional modifications were necessary to meet the hardened vent design criteria.

Through completion of the IPE, the licensee gained several insights for post-accident venting. For the TW (loss of decay heat removal) accident sequence, the containment pressure approaches the primary containment pressure limit (PCPL) of 44 psig in approximately 20 hours. The emergency operating procedures (EOPs) then direct the operators to vent the containment to maintain pressure below the PCPL. If the containment is not vented, the pressure will continue to rise leading to failure due to overpressurization. The licensee calculated the core damage frequency (CDF) with venting ( $1.92 \text{ E-6/yr}$ ) and without venting ( $2.72 \text{ E-5/yr}$ ). These calculations demonstrated a reduction in CDF by a factor of 14 due to venting.

For the station blackout (SBO) accident scenario, decay heat is transferred to the suppression pool causing an increase in containment pressure. Depletion of station batteries after about 8 hours causes failure of the remaining core cooling systems and core damage ensues. Core damage occurs approximately 13 hours into the scenario with containment pressure remaining below the PCPL vent setpoint pressure of 44 psig. Therefore, the licensee has concluded that venting cannot be considered as a mitigative concept for an SBO event, under the guidance of the existing Emergency Operating Procedures. During SBO sequences, core damage is calculated to occur around 13 hours whereas the pressure necessary to reach the primary containment pressure limit (PCPL) venting pressure occurs at approximately 20 hours.

The January 24, 1991, NRC staff evaluation of plant-specific features, procedures, and training related to the hardened wetwell vent capability at the FitzPatrick plant concluded that the existing venting capability was expected to achieve the desired reduction in core damage frequency; however, the hardened vent path did not completely meet the hardened vent design criteria. As a result, FitzPatrick was allowed to integrate the results of its IPE program into its decision to fully implement the hardened vent design criteria. The following is an evaluation of the FitzPatrick position relative to the hardened vent design criteria.

Criterion ( ), the vent shall be sized such that under conditions of:  
(1) constant heat input at a rate equal to 1 percent of rated thermal power (unless lower limit justified by analysis), and (2) containment pressure equal to the PCPL, the exhaust flow through the vent is sufficient to prevent the containment pressure from increasing.

The FitzPatrick vent path will relieve pressure through parallel 6 and 12-inch lines. Based on the licensee analysis, one percent decay heat (24.36 MW) produces 25.183 lbm/sec of steam at the PCPL of 44 psig or a volumetric rate of 269.964 ft<sup>3</sup>/sec. Since the initial flow of gases through the vent will consist of nitrogen and steam, the licensee concluded that a conservative vent mass flow rate of 44.21 lbm/sec was required to limit the primary containment pressure to the PCPL level. The 6-inch line is capable of passing 17 lbm/sec and the 12-inch line is capable of passing 71 lbm/sec.

Based on these results, FitzPatrick meets the vent criteria through use of the 12-inch line or combination of the 6 and 12-inch line. The NRC staff concludes that criterion (a) has been met.

Criterion (b): The hardened vent shall be capable of operating up to the PCPL. It shall not compromise the existing containment design basis.

The PCPL at FitzPatrick is 44 psig. The hardened vent piping has a design pressure rating of 150 psig, with the exception of the SGTS which is located in a building adjacent to the reactor building. The SGTS room contains sheetmetal ductwork and filters which are assumed to fail under most venting scenarios. After ductwork failure, high pressure venting will pressurize the SGTS room until failure of the access doors to the outside. They are double doors that normally open to the environment thereby providing a large release path for the steam mixture. As a result, the pressurization on the reactor building wall will be limited to relatively low pressures which will be well within the wall structural capability.

Although failure of the sheetmetal ductwork will render the SGTS inoperable, this failure should not affect any safety equipment located within the reactor building. The SGTS building is adequately isolated from the systems within the reactor building by the reactor building wall. Further, the containment design pressure is 56 psig and the PCPL is 44 psig. Both values are well below the piping design pressure of 150 psig. The NRC staff concludes that criterion (b) has been met.

Criterion (c): The hardened vent shall be designed to operate during conditions associated with the TW sequence. The need for SBO venting will be addressed during the IPE.

The FitzPatrick hardened vent is capable of relieving at least one percent of rated thermal power and withstanding the associated pressures, with the exception of the SGTS piping which is assumed to fail. The containment isolation valves in the vent path are also capable of operation at the PCPL. In the event electrical or pneumatic power is not available to operate the vent valves, manual operation from the reactor building is possible. The IPE determined that the PCPL would be reached after 20 hours into a TW sequence, which should provide sufficient time for any manual vent actuations, if required. The PASNY also provided preliminary insights into the need and feasibility of venting during SBO sequences and was examining several new accident management strategies. However, since core damage would occur long before venting was needed, venting was not credited in the IPE for an SBO event. The NRC staff concludes that criterion (c) has been met.

Criterion (d): The hardened vent shall include a means to prevent inadvertent actuation.

Inadvertent actuation of the hardened vent at FitzPatrick is prevented through several mechanisms. The emergency operating procedures are specific as to when venting is to be performed. Venting involves operation of several valves



from the relay room, which is physically separated from the control room. The IW sequence most likely would involve loss of some emergency power, and therefore, some manual vent valve operation would be required. Containment isolation signals from high drywell pressure and possibly high containment radiation would have to be bypassed. Therefore, either the need for manual operation or deliberate bypass actions makes the potential of inadvertent venting a remote possibility. As a result, the NRC staff concludes that the intent of criterion (d) has been met.

Criterion (e): The vent path up to and including the second containment isolation barrier shall be designed consistent with the design basis of the plant.

The NRC staff concluded, in its January 24, 1991, evaluation of the hardened vent design, that the vent path meets the design basis of the plant. The NRC staff concludes that criterion (e) has been met.

Criterion (f): The hard vent path shall be capable of withstanding, without loss of functional capability, expected venting conditions associated with the IW sequence.

The NRC staff concluded, in its January 24, 1991, evaluation of the hardened vent design, that the vent piping, with the exception of the SGTS piping, was capable of withstanding, without loss of functional capability, all expected venting conditions. In addition, the NRC staff concluded that the damage to the SGTS may be an acceptable deviation pending completion of the IPE. The licensee evaluated loss of the SGTS based on the IPE and performed a cost-benefit analysis for providing a hardened pipe bypass around the SGTS for SBO scenarios. The licensee concluded that loss of the SGTS was an acceptable consequence of venting and that modifications to the piping configuration were not justified. Modifications to the piping configuration could reduce the offsite dose but would not decrease the core damage frequency. The NRC staff concludes that the existing design is sufficient and that the intent of criterion (f) has been met.

Criterion (g): Radiation monitoring shall be provided to alert control room operators of radioactive releases during venting.

ItzPatrick will use the existing containment high range monitor (CHRM) and post-accident sampling system (PASS) to assess the radiological consequences of venting. These monitoring systems are capable of assessing severe accident conditions and will be operable under the environmental conditions associated with venting. The CHRM provide indication of radiation levels with the drywell. The PASS can take samples from the drywell, wetwell, suppression pool, and reactor coolant. The results from a PASS sample are available within the 3-hour criterion of NUREG-0737. The NRC staff concludes that the intent of criterion (g) has been met.

Criterion (h): The hardened vent design shall ensure that no ignition sources are present in the pipeway.

In the January 24, 1991, evaluation, the NRC staff indicated that there was a potential for a hydrogen deflagration upon rupture of the SGTS ducts. Large amounts of hydrogen could be produced during a core melt scenario; however, the TW sequence is prevented from progressing to a core melt by relieving both mass and energy through the containment vent. Therefore, large amounts of hydrogen are not expected for the TW sequence. However, the EOPs are symptom based, not sequence based procedures. In the event that hydrogen is released into the SGTS room, the vent flow will also consist of nitrogen and steam which will provide some amount of natural inerting. In addition, the barrier between the SGTS room and the reactor building is a 2-foot thick reinforced concrete wall which provides a barrier against the adverse consequences of a hydrogen deflagration.

A hard pipe bypass around the SGTS could prevent any hydrogen deflagration within the SGTS room. The licensee estimated the cost of this modification at \$680,000. The licensee concluded that combustion in the existing vent path is not risk significant and does not plan to modify the vent design. Based on the uncertainty as to whether a combustible mixture could develop, the prevention potential of steam and nitrogen to suppress a hydrogen deflagration, the mitigation potential of the concrete wall between the SGTS room and the safety related equipment, and the costs associated with modifications, the NRC staff concludes that the existing design is acceptable and the intent of criterion (h) has been met.

As stated in the January 24, 1991, evaluation, the NRC staff identified several weaknesses in the technical and human factors aspects of F-AOP-35, "Post Accident Venting of the Primary Containment," which could prove detrimental to effective operator use of the procedure. Subsequent to the issuance of that evaluation, F-AOP-35 was revised to provide significant improvements including: step clarification, more detailed instructions, enhanced caution statements, and standardized phraseology and format. Also noted in the January 24, 1991, evaluation were several deficiencies in the operator training pertaining to containment venting. Subsequently, the licensee has committed to integrate the results of the IPE into the operator training program. This training will provide operators with guidance regarding severe accident phenomena such as the consequences of venting during severe accidents. Other improvements to the operator training program which have already been implemented include:

1. Training which provided clarification of procedural references to the FitzPatrick PCPL, containment failure pressure, and alternative methods of heat removal; and
2. Training which provided guidance on use of the 2" bypass line flowpath to protect the SGTS, unless flow is insufficient to counteract the decay heat addition to the containment thus requiring the main vent line to be used.

The NRC staff has reviewed the revised venting procedure and enhancements to the operator training as they relate to conformance to the human factor issues

of the Standard Review Plan (NUREG-0800) Sections 13.2.1, "Reactor Operator Training," and 13.5.1, "Operating and Maintenance Procedures." The NRC staff finds the revised procedural guidance and operator training acceptable.

The licensee has identified several accident management strategies associated with operation of the vent which may be beneficial. These venting strategies include venting until containment pressure is reduced to near atmospheric pressure and initiating venting early for certain circumstances. The NRC staff agrees with the licensee's approach of bringing these issues to the attention of the Boiling Water Reactor Owners Group (BWROG) for future generic consideration. However, the NRC staff has concluded that the design and procedures currently implemented at the FitzPatrick plant are sufficient to satisfy the hardened vent design criteria and ensure adequate plant safety.

### 3.0 CONCLUSION

Based on the above evaluation, the NRC staff concludes that PASNY either meets the hardened vent design criteria or its intent at the FitzPatrick plant. Furthermore, the NRC staff finds the revised procedural guidance and operator training regarding containment venting acceptable. Therefore, the staff has determined that existing containment vent path capability at the FitzPatrick plant is acceptable.

#### Principal Contributors:

J. Monninger

J. Arvidsen

Date: September 28, 1992



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

COMMISSIONER

November 4, 2011

The Honorable Barbara Boxer  
Chairman, Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

The Honorable James M. Inhofe  
Ranking Member, Committee on  
Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Boxer and Ranking Member Inhofe:

I appeared before the Committee on Environment and Public Works on August 2, 2011, along with my colleagues on the Commission. On October 20, 2011, you forwarded questions for the hearing record. The responses to those questions are enclosed. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Ostendorff", is written above the printed name.

William C. Ostendorff

Enclosures:  
As stated

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator Barbara Boxer

1. The Task Force concluded that a sequence of events like what occurred in Japan is unlikely to occur in the United States. Yet, the Task Force still recommended numerous safety improvements for nuclear power facilities around the country. In your view, what is the primary lesson learned from the accident in Japan thus far?

Answer

In my view, the primary lesson learned from the accident in Japan thus far is that nuclear power plants must have sufficient capability to cope with an extended loss of all alternating current power or what is referred to as a "station blackout." In my vote on the Near Term Task Force report (SECY-11-0093), I expressed support for the initiation of rulemaking to strengthen station blackout mitigation capability at nuclear power plants. Moreover, in my vote on the staff's recommended actions to be taken without delay (SECY-11-0124), I proposed to designate the station blackout rulemaking as a high-priority rulemaking to be completed within 24 months of the date of the associated Staff Requirements Memorandum (SRM) for SECY-11-0124. In the final SRM, the Commission directed the staff to designate the rulemaking as a high-priority with a goal of completion within 24 to 30 months of October 18, 2011.

In addition to dealing with an extended station blackout event, I also took away other important lessons learned. These lessons include the importance of reliable venting systems for certain boiling water reactor containments; the importance of severe accident management procedures; assessment of protection from external hazards such as seismic and flooding; the value of having reliable spent fuel pool instrumentation; and emergency preparedness for multi-unit events.

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator Barbara Boxer

2. The Union of Concerned Scientists (UCS) issued a response to the NRC Task Force's report, in which it urged the NRC to modify current emergency planning requirements. UCS urged the NRC to require plants to develop such plans based on a scientific assessment of the populations at risk for each site, rather than artificially limiting plans to areas within the current 10-mile planning zone. Do you agree that the NRC should reevaluate current requirements for emergency preparedness and evacuation plans in light of what happened in Japan?

Answer

In SECY-11-0137, "Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned," the NRC staff identified emergency planning zone (EPZ) size as an additional issue with a nexus to the Fukushima accident that may warrant further regulatory action. While the NRC staff's assessment of this issue is incomplete, the staff has judged that this issue, among others, warrants further consideration and potential prioritization. A determination of whether any regulatory actions are necessary will be made after the staff completes further evaluation of the issue. As this further evaluation is conducted, I believe that the existing framework for a 10-mile EPZ along with the flexibility to expand the EPZ, if circumstances warrant, will continue to provide for the protection of the public during a nuclear accident.

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator Barbara Boxer

3. California's two nuclear power plants are located in areas of high seismic activity and I am concerned about their ability to withstand earthquakes. The Task Force has recommended requiring nuclear power plants to confirm their seismic and flooding hazards every 10 years and to address any new and significant information with safety upgrades. Do you agree that nuclear power plants in the United States should periodically re-evaluate seismic and flooding hazards in light of what occurred in Japan?

Answer

I agree that nuclear power plants in the United States should re-evaluate the safety implications of hazards, such as seismic and flooding, when new and significant information becomes available. In this regard, I voted to support the NRC staff's recommendation in SECY-11-0124, "Recommended Actions to be Taken Without Delay from the Near Term Task Force Report," to initiate regulatory activities aimed at conducting re-evaluations and walkdowns of site-specific seismic and flooding hazards. I believe that what we learn from these near-term regulatory activities will help inform whether the NRC should require a periodic re-evaluation, such as the 10-year confirmation of seismic and flooding hazards recommended by the Task Force.

As an aside, I had the opportunity with Commissioner Magwood to visit California's two nuclear power plants—San Onofre on October 25 and Diablo Canyon on October 26 (Dr. Horner from your staff joined us). During both plant visits, we had significant discussions on seismic hazards analysis.

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator Thomas R. Carper

1. Can you explain how the NRC uses a mix of voluntary and mandatory regulations to ensure safety? How does the NRC ensure voluntary regulations are being enacted?

Answer

The NRC does not rely on voluntary measures to ensure safety; by statute, the NRC is required to put in place those regulations needed to ensure adequate protection of public health and safety. For safety, technical, or operational issues that do not rise to the level of adequate protection, the nuclear industry could voluntarily develop and adopt initiatives to address a particular issue.

Regulatory commitments and voluntary programs are useful since they can often be implemented more quickly than the development of formal NRC requirements. Furthermore, they typically enable more flexibility to address the given situation. The manner in which a regulatory commitment or voluntary program is treated by the licensee and by the NRC can vary, depending on the nature of the regulatory commitment or voluntary program and its relation to a regulatory requirement. For example, the NRC may use a licensee's regulatory commitments to help decide if further regulatory actions need to be taken. Under such circumstances, the NRC would typically perform an inspection to determine if the licensee is implementing the regulatory commitment, if the regulatory commitment is being managed through the licensee's commitment tracking system, and whether the regulatory commitment should be placed into a controlled document such as the final safety analysis report. The NRC staff currently performs periodic audits of licensee commitments at operating nuclear power plants on a triennial basis.

Alternatively, a licensee's implementation of a voluntary program may stem from the NRC encouraging the licensee to take additional actions that, while not necessary to ensure adequate protection, provide added margins with respect to the overall safety of the facility. Under this scenario, the NRC may choose to inspect the voluntary program as part of its reactor oversight program depending on the specific circumstance.



**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator Thomas R. Carper

2. I can see a role for voluntary regulations - they can be quickly implemented without waiting on the federal government. However, they are meaningless if they are never enacted or not sustained over time. I was disappointed to see that when the NRC did a review of the voluntary severe accident management guidelines - very few plants were implementing all of the guidelines. Some plants were implementing very few of the guidelines at all. Can the NRC enforce voluntary programs without codifying them into law? What are the advantages and disadvantages of codifying voluntary programs? Should there be a time period after which all voluntary programs should become regulatory statute?

Answer

The NRC does not routinely inspect the implementation of voluntary industry initiatives, and cannot enforce them. Further, regulatory commitments made by licensees are generally not enforceable NRC requirements.

Voluntary programs can be advantageous in allowing the NRC to focus resources on those issues of the highest safety importance, while allowing issues of low safety or risk importance to be addressed through voluntary programs. The disadvantages of a voluntary programs is that if the issue of concern has a nexus to safety and the NRC determined that the issue was not being sufficiently addressed, we would be limited in our ability to take effective action because of the lack of enforceability.

If the NRC concludes that a regulatory requirement is needed to address a particular safety, technical, or operational issue of concern, then the NRC would take action in one of several ways including: 1) issuing an order, 2) initiating rulemaking, or 3) incorporating a licensee's commitment or voluntary program into its operating license as a license condition

There is no time period associated with putting in place regulations for an issue that is being addressed through a voluntary industry initiative. Rather, the decision to put in place regulations would be dependent upon the safety significance of the issue.

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator Thomas R. Carper

3. What we do know about the Fukushima is that the Japanese underestimated the risk of that great of a tsunami and earthquake for that facility. I want to be sure we are not underestimating our risks here at home. Please list the last time the NRC evaluated the seismic and flooding hazards for each of the 104 nuclear power plants.

Answer

The NRC takes steps to ensure that vulnerabilities to both internal and external hazards are considered and mitigated in the current design and licensing basis of its regulated facilities. For example, the NRC requires that safety-significant structures, systems, and components at U.S. nuclear power plants be designed for protection against natural phenomena, including seismic and tsunami events. All 104 U.S. nuclear power plants are built to withstand such external hazards, and each plant's capability to withstand external hazards relevant to its site characteristics is reviewed by the NRC during its initial licensing.

In addition, the NRC routinely inspects licensee procedures and systems, structures, and components associated with mitigating the consequences of internal and external hazards. The NRC has also conducted two reviews of its regulated facilities over the last 25 years to ensure that they have included both internal and external hazards in their current plant design and licensing basis. These reviews are as follows:

- (1) In 1988, the NRC's Generic Letter No. 88-20, "Individual Plant Examination for Severe Accident Vulnerabilities," requested plant owners to perform a systematic evaluation of plant-specific vulnerabilities and report the results to the Commission.
- (2) In the mid to late 1990s, the NRC staff reviewed the potential for ground motions beyond the design basis as part of the Individual Plant Examination of External Events. From this review, the staff determined that seismic designs of operating nuclear plants in the U.S. have adequate safety margins for withstanding earthquakes.

The NRC was preparing to perform a generic review of seismic hazards for existing plants before the Fukushima event occurred. This effort, known as Generic Issue-199, "Implications of Updated Probabilistic Seismic Estimates in Central and Eastern United States on Existing Plants," will be considered in the NRC's effort to re-evaluate the seismic hazards at U.S. nuclear plants in light of the Fukushima event, as outlined in SECY-11-0137, "Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned."

Through these efforts, the NRC can help ensure that the risk associated with seismic and flooding hazards is not underestimated at nuclear power plants in the U.S.

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator James M. Inhofe

1. The Chairman has repeatedly commented that failure to implement the task force recommendations may delay new plant applications. Do you agree with that assessment?

Answer

No, I do not agree with that assessment.

In a September 9, 2011 Order (CLI-11-05), the Commission declined to suspend adjudicatory, licensing, and rulemaking activities in light of the recent events at the Fukushima Daiichi nuclear power plant. As stated in the Order, the Commission noted that "whether we adopt the Task Force recommendations or require more, or different, actions associated with certified designs or COL applications, we have the authority to ensure that certified designs and combined licenses include appropriate Commission-directed changes before operation."

We further noted that "we find no imminent risk to public health and safety if we allow our regulatory processes to continue. Instead of finding obstacles to fair and efficient decision-making, we see benefits from allowing our processes to continue so that issues unrelated to the Task Force's review can be resolved. We have well-established processes for imposing any new requirements necessary to protect public health and safety and the common defense and security. Moving forward with our decisions and proceedings will have no effect on the NRC's ability to implement necessary rule or policy changes that might come out of our review of the Fukushima Daiichi events."

As I described in my August 18, 2011 responses to your follow-up questions from the June 16, 2011 hearing, the Commission can apply lessons learned from Japan to new plant activities in a variety of different ways using existing regulatory processes.

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator James M. Inhofe

2. How will you, as a commissioner, work to ensure that the agency does not slip into a malaise and that regulatory decisions and actions, whether connected to issues stemming from Fukushima or not, take longer and longer to resolve?

Answer

I believe in applying the NRC's Principles of Good Regulation in carrying out my responsibilities as an NRC Commissioner. In my view, three principles—efficiency, clarity, and openness—are of particular importance to avoid the malaise you have expressed concern over. In my tenure, I believe that my decisions have been made without undue delay and have sought to promote efficiency, clarity, and openness in the NRC's regulatory activities. For example, I have supported expedited rulemaking where it has been appropriate for the circumstance. I also strive to ensure that there is clarity of direction from the Commission to the NRC staff, clarity of our regulations to those that must implement them, and clarity of our communications with our external stakeholders. Lastly, I have undertaken initiatives to enhance the NRC's engagement with external stakeholders to best inform our regulatory decisions.

**Environment and Public Works Committee Hearing  
August 2, 2011  
Follow-Up Questions for Written Submission**

Questions for Commissioner Ostendorff  
Senator James M. Inhofe

3. You commented in the hearing about the NRC's lack of understanding of whether or not the Fukushima operators actually used their hardened vents. At this time, do you believe the NRC knows enough about the Fukushima hardened vents to fix it right the first time?

Answer

I believe that while all of the details of what happened with the hardened vents during the Fukushima accident are not yet fully understood, we do know enough to recommend a requirement for reliable hardened vents. In particular, several reactor units at the Fukushima Daiichi site experienced containment pressure increases during the accident that substantially exceeded the design pressure. I agree with the NRC's Near Term Task Force's evaluation that having a reliable hardened vent system would significantly enhance the capability to mitigate serious beyond design basis accidents. As such, I have voted to support the development of regulatory requirements through orders for reliable hardened vents at certain boiling water reactor facilities.

**Kock, Andrea**

---

**From:** Nuclear Townhall [nucleartownhall@nucleartownhall.com]  
**Sent:** Saturday, November 12, 2011 9:31 AM  
**To:** Kock, Andrea  
**Subject:** Nuclear Townhall 11/12 News - First Outside Look at Fukushima: Progress Amid Rubble

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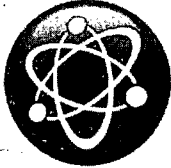
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Kock, Andrea

**From:** Sandra Gonzalez [michaeld@meyeranalytics.com]  
**Sent:** Tuesday, November 22, 2011 2:24 PM  
**To:** Kock, Andrea  
**Subject:** Explore with Industry Experts on Improving Nuclear Safety Post-Fukushima

Nuclear Safety Post-Fukushima Summit



# Nuclear Safety Post-Fukushima

December 5-7, 2011 | Renaissance Dupont Circle Hotel | Washington, DC

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**The Honorable William C. Ostendorff**  
*Commissioner*  
United States Nuclear Regulatory Commission



**Kenji Tateiwa**  
*Manager, Nuclear Power Programs*  
Tokyo Electric Power Company

## Newly Added Speakers!

**James Lyons**

*Director of the Division of Nuclear Installation Safety, Department of Nuclear Safety and Security*  
INTERNATIONAL ATOMIC ENERGY AGENCY

**Dr. Gail H. Marcus**

*Independent Consultant, Nuclear Power Technology & Policy; Former Deputy Director-General*  
OECD NUCLEAR ENERGY AGENCY (NEA)

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  - Multiunit Event Modeling, Planning & Monitoring
  - Dealing with Spent Fuel Storage
  - Pipe Integrity
  - Handling Prolonged Station Black Outs (SBO)
- 

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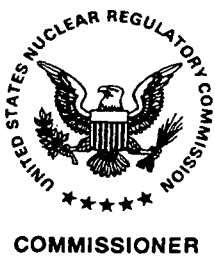
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

November 18, 2011

The Honorable Edward J. Markey  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Markey:


On October 25, 2011, you wrote to the Chairman of the Nuclear Regulatory Commission, Gregory Jaczko, requesting "[v]oting records . . . for all actions taken or considered by the Commission in response to the issues raised by the events at Fukushima" and "[c]opies of all documents . . . related to the events of Fukushima or the NRC's response thereto . . ." Because part of the NRC's response would include information and documents that belong to me as an individual Commissioner, I have decided to provide these materials to you separately. The information and documents that I am providing have generally been produced by me or my staff, so may not reflect the entirety of information or documents responsive to your request. The Commission collectively will send you a separate response that will include information and documents that belong to the Commission as a body. However, I have been advised that requests for documents originating in Executive Branch agencies that were forwarded to my office through NRC staff are appropriately directed to those agencies; therefore, those documents are not included in this response.

Certain documents that were responsive to your request are considered "Sensitive Adjudicatory Materials" or are related to budget deliberations, and are not publicly available. Thus, I am providing a privilege log that identifies these documents, but not the documents themselves. The requested documents from my office, as well as the privilege log, are enclosed. Please note that most documents in this submittal have not been released to the public and have been marked "Not for Public Disclosure." I respectfully ask that you and your staff honor these markings.

Honorable Edward Markey  
November 18, 2011  
Page - 2 -

I am available to respond to any further inquiries you may have on this matter. Should your staff have any questions about this response, you may contact Kimberly Sexton at (301) 415-1800.

Sincerely,



William C. Ostendorff

Enclosures:

- 1: Documents Associated with Requests 1 and 2 of the October 25, 2011 Letter.
- 2: Privilege Log for Documents Associated with Emergency Petitions Adjudication and Budgetary Decisions Relevant to the Agency's Response to Fukushima.

# March 11, 2011

Friday

March 2011

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April 2011

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11 Friday		Notes
Meet w/Reps Womack & Alexander		
7 <sup>am</sup>		
8 <sup>00</sup>		
9 <sup>00</sup>	Outside of Scope	Outside of Scope
10 <sup>00</sup>		
11 <sup>00</sup>		
12 <sup>pm</sup>		
1 <sup>00</sup>		
1:30-2:00pm Rep. Rodney Alexander (R-LA); 316 Cannon House Ofc Bldg (PH: 202-2		→ a. Fukushima
2 <sup>00</sup>	Outside of Scope	] Outside of Scope
2:30-3:40pm Rep. Steve Womack (R-AR) (PH:202-225-4301); 1508 Longworth House Office Building, Washington DC w/Amy Powell		
3 <sup>00</sup>	Outside of Scope	→ a. Fukushima
4 <sup>00</sup>	Outside of Scope	Outside of Scope
5 <sup>00</sup>		
6 <sup>00</sup>		

# March 31, 2011

Thursday

March 2011

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31 Thursday		Notes
	Outside of Scope	Outside of scope
7 am	Outside of Scope	
8:00	Outside of Scope	
9:00	8:30-9:15am WCO Speak and Q&A's - NRC and Its Environment	
10:00	Outside of Scope	
11:00	Outside of Scope	outside of scope
12 pm		
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→ a - Fukushima

# April 01, 2011

Friday

April 2011

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May 2011

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Friday	
1	Outside of Scope
7 am	
8 00	
9 00	
10 00	
11 00	11:00-11:45am Westinghouse drop in w/Dr. Aris Candris, CEO; Richard Perez, Pres O your office
12 pm	Outside of Scope
1 00	
2 00	
3 00	
4 00	
5 00	
6 00	

Notes
Outside of scope
→ a. Fukushima
Outside of scope
3

**Bozin, Sunny**

---

**From:** Herr, Linda  
**Sent:** Wednesday, April 06, 2011 1:55 PM  
**To:** Bozin, Sunny  
**Subject:** FW: Nuclear Safety Statement on Fukushima  
**Attachments:** Statement April 4, 2011.pdf; ATT00002..txt

Sunny:

Could you please print out, log in and circulate as mail. I'm assuming that since it when thru SECY to all Commission Offices that there is no action on our part... Bill Borchardt, Margie Doane, and Eric Leeds were also cc:d.

Thanks!  
Linda

-----Original Message-----

**From:** CMROSTENDORFF Resource  
**Sent:** Wednesday, April 06, 2011 1:05 PM  
**To:** Herr, Linda  
**Subject:** FW: Nuclear Safety Statement on Fukushima

-----Original Message-----

**From:** Roger Mattson (b)(6) Ex. 6  
**Sent:** Wednesday, April 06, 2011 12:43 PM  
**To:** CMRAPOSTOLAKIS Resource; CMRSVINICKI Resource; CMRMAGWOOD Resource; CMROSTENDORFF Resource  
**Cc:** Borchardt, Bill; OPA1 RESOURCE; Doane, Margaret; Leeds, Eric  
**Subject:** Nuclear Safety Statement on Fukushima

Dear NRC Commissioners and Staff:

I write to you on behalf of an ad hoc group of nuclear safety experts from various countries that for many years have been engaged in research and development, design, construction, operation, management and safety regulation of nuclear power plants. We have prepared a Statement, "NEVER AGAIN: An Essential Goal for Nuclear Safety" to express our deep concern about the future of nuclear power in view of the consequences of the earthquake and tsunami at the Fukushima-Daiichi NPP in Japan. A copy of the Statement is attached. We delivered the Statement to Mr. Yukiya Amano, Director General of IAEA on April 6 in Vienna. We offer the Statement with good intentions in the hope that it will help national nuclear safety organizations such as yours, and your international counterparts, in developing considered responses to the events at Fukushima.

Although comprehensive analysis of this tragic event is not feasible at the moment due to lack of complete data on the events that occurred, we wish to voice our opinion about severe accidents at civilian nuclear power plants and suggest additional measures to avoid them in light of the experience so far gained at Fukushima. In our Statement, we review the many advances in nuclear safety that were realized after the accidents at Three Mile Island and Chernobyl. We hoped these advances would relegate severe nuclear accidents to history. Nevertheless, another one has happened. Why?

A detailed analysis based on more data is needed to give a full answer to this question, but some preliminary observations deserve to be made now. Accordingly, our Statement describes measures that should be considered, for both operating and new nuclear power plants, by the organizations that own and operate these plants and those that oversee their safety.

We hope that our recommendations will be accepted for consideration by national authorities, the nuclear industry, the conferees at the Chernobyl-25 Conference in Kiev this month, and the conferees at the IAEA Ministerial Conference in Vienna in June.

We are always ready to share our experience and expertise to assist in developing and implementing these and other recommendations to reach our common goal - to "Never Again" experience severe accidents and, as defense in depth, to effectively respond to them should they nevertheless occur.

Sincerely, on behalf of the ad hoc group,

Roger

Roger J. Mattson, PhD

(b)(6)



Ex. 6



## STATEMENT

### NEVER AGAIN: An Essential Goal for Nuclear Safety

The people listed below are nuclear safety experts from various countries that for many years have been engaged in research and development, design, construction, operation, management and safety regulation of nuclear power plants (NPPs). We express here our deep concern about the future of nuclear power in view of the consequences of the earthquake and tsunami at the Fukushima-Daiichi NPP in Japan. We are confident that only nuclear power that avoids being a threat to the health and safety of the population and to the environment is acceptable to society. Although comprehensive analysis of this tragic event is not feasible at the moment due to lack of complete data on the events that occurred, we wish to voice our opinion about severe accidents at civilian nuclear power plants and suggest additional measures to avoid them in light of the experience so far gained at Fukushima. First, we review the improvements made in safety due to earlier severe accidents.

The accident at Three Mile Island (TMI) Unit 2 (USA, 1979) did not cause injuries of the plant personnel or the population. There was no significant radioactive contamination outside the plant. Even so, the accident caused a reduction of investments in new NPPs due to a decreased interest from private investors. Studies of the accident confirmed the robustness of safety principles employed in the design of that type of NPP. At the same time, the accident revealed significant weaknesses in the implementation of those principles, including design of instrumentation and controls, operating procedures and the realism of the analyses supporting them, personnel training, and feedback of operating experience. Lessons learned from the accident allowed improvements with regard to human factors (how people and NPPs relate), design-specific probabilistic safety assessments, emergency preparedness, and safety systems. This accident also led the nuclear industry to design new NPPs that include passive safety features not dependent on the availability of electrical or mechanical equipment.

The accident at Chernobyl Unit 4 (USSR, 1986) was the largest in history. The spread of the accident to the other reactors at the plant was prevented but cost the lives of thirty-one members of plant personnel and firemen. There was widespread radioactive contamination over large parts of Europe. Many thousand people had to be relocated from their homes near the plant. Regionally, the accident produced excess thyroid cancers and other negative effects on human health and had a large psychological impact on the public. The accident also had significant political resonance. The design of the reactor at Chernobyl was very different from the light-water reactors at TMI and Fukushima. Studies of the Chernobyl accident highlighted significant design deficiencies (core instability, inadequate design of control rods, unsatisfactory characteristics of confinement) as well as deficiencies in safety culture in the former Soviet Union. In harmony with international guidance and in compliance with upgraded national safety standards, significant modernization was achieved in NPPs in the former Soviet Union. Moreover, the IAEA International Nuclear Safety Advisory Group (INSAG) issued reports on the accident and developed Guidance on General Safety Principles and Safety Culture for improving NPP safety worldwide. The nuclear industry created the World Association of Nuclear Operators (WANO) for a continuous review and feedback of nuclear power plant operating experience.

On learning the lessons from these accidents, the approaches to safety regulation and NPP design were upgraded, and an international nuclear safety regime based on the Nuclear Safety Convention and other international accords was established. The fundamental principle of safety culture has become a daily routine.

International cooperation was strengthened to improve the fundamental requirements and criteria to ensure safety of nuclear power and to incorporate them into the design basis of NPPs of the next generations. The Nuclear Safety Convention also called for reviewing the safety of existing NPPs to identify and implement reasonably practical improvements.

The importance of nuclear education and training was acknowledged, which led to the establishment of the World Nuclear University (WNU) and the creation of regional nuclear education networks in different parts of the world.

Severe nuclear accidents seemed to have gone to history. Nevertheless, another one has happened. Why?

A detailed analysis based on more data is needed to give a full answer, but some preliminary observations deserve to be made now. On one hand, the Tohoku-Taiheiyou-Okai Earthquake on March 11, 2011 shows that nuclear power plants are capable of withstanding some catastrophic natural events better than many other manmade objects. On the other hand, it appears that, in the siting and design of the Fukushima-Daiichi nuclear plants, an unlikely combination of low-probability events (historic earthquake plus historic tsunami leading to loss of all electrical power) was not taken sufficiently into account. \*

In fact, complex combinations of initiating events unforeseen in plant designs resulted in all the severe accidents described above. In addition, these accidents took emergency responders outside the range of circumstances for which they were trained and equipped. Moreover, hindsight shows that relatively inexpensive improvements, detectable by more extensive analysis beforehand, may have avoided these accidents altogether. \* / B. 5. 5

These observations lead us to conclude that more can be done to prevent severe accidents and to limit their consequences should they nevertheless occur. We know that due to a natural tendency of human beings for complacency, the nuclear safety regime can erode; i.e., if we do not continuously pursue safety, we can lose safety. There are occasional signs that national and international safety assessments and peer review missions are becoming more focused on demonstrating that safety is satisfactory and in compliance with national and international standards than on finding and correcting deficiencies, be they in design, operation, or the standards themselves. Therefore, we need to reinforce our dedication, not only in words but also in actions towards a questioning attitude, thereby assuring continuous improvement in the safety of NPPs.

Thus, there is a need to continue to audit and improve the safety culture at all levels of nuclear power management and regulation, achieve due attention to detail, implement effective programs to identify, analyze and correct safety deficiencies, and effectively manage nuclear knowledge.

Special attention should be paid to the quality of personnel training for nuclear power. To achieve this goal, NPP vendor countries should establish centers to train specialists for nuclear technology in recipient countries. Top professionals involved in nuclear power generation should not only "know what" and "know how" but also "know why" in order to deliver difficult and critical decisions in time to deal with unforeseen circumstances. In \*

addition, regulatory organizations should improve the effectiveness of expert missions and inspections, and guarantee openness and honesty in reporting the findings of such inspections to the public. Routine inspections are important; however, even more important is the capability to recognize early indications of low probability incidents or circumstances.

In addition to further measures to prevent severe accidents, more must be done to limit the consequences of such accidents if they occur. It is important to finalize the in-depth safety assessments of severe accident vulnerabilities for each NPP plant design and to develop severe accident management provisions for all operating nuclear reactors. Measures for accident management should be supported with robust technical capabilities, backup equipment, and procedures for restoration of core heat removal before the onset of fuel melting. Plant staff should be well trained in flexible severe accident management.

Renewed attention should be given to general safety requirements for plants built to earlier safety standards in view of the considerable remaining operating time envisaged for many such plants. A more internationally harmonized approach in this area should be sought. In light of the common mode failure of redundant safety systems (electric power) caused by the tsunami at Fukushima, authorities should ask to what extent this failure and other common mode failure vulnerabilities in operating plants might be revealed by current technology.

The safety requirements for future NPPs should be refined to assure that their backup cooling systems are able to operate for a long enough time following a complete loss of on-site and off-site power. These future NPPs should be able to promptly restore or compensate for lost power. Passive systems and advanced technologies for system engineering, materials, information management and communications should be applied to new NPPs. New plants should be sited away from areas of extreme natural and manmade hazards. Risk assessments and risk governance should be used for optimization of plant design and operation but not substitute for deterministic safety justifications. The next-generation NPPs should ensure safety even if operating personnel are not able to provide immediate response in an emergency.

new  
plants  
(incidents)

The responsibility and qualifications of government and corporate officials involved in nuclear safety-related decision-making should be reviewed and enhanced by national authorities where needed. National nuclear institutions in all countries, including nuclear safety regulators, should be accountable for their actions and transparent in nuclear safety communications so that they receive and deserve the trust of the public. It is necessary to ensure that national nuclear safety regulators in all countries are fully independent in their decision-making on nuclear safety and to assure their competence, resources and enforcement authorities. Insurance premiums for all NPP owners should be tied to plant safety performance.

The safety of nuclear power goes beyond national boundaries. Appropriate measures to further strengthen the international nuclear safety regime should be identified and implemented after proper discussions, whether it will be within the framework of the Nuclear Safety Convention, the IAEA, regional bodies like the EU or industry organizations like WANO. A critical question should be what measures would be most effective in further promoting a high level of nuclear safety worldwide. Would it be to create new international frameworks, for example in the shape of an international regulatory agency entrusted with

issuing binding international safety standards and performing compulsory inspections, or would it be to further develop and strengthen existing frameworks, emphasizing national responsibilities in combination with rigorous international peer reviews? It is to be expected that the international conference to be convened at the IAEA in Vienna in June of this year will provide a starting point for discussions of such measures.

Requirements for new countries wishing to start using nuclear power should be developed and incorporated into the international nuclear safety regime. Such countries must demonstrate their ability to uphold high international standards with regard to safety, security and non-proliferation over the lifetime of their nuclear power programs.

We hope that our recommendations will be accepted for consideration by national authorities and international organizations and that concerted measures will be developed. We are always ready to share our experience and expertise to assist in developing and implementing these and other recommendations to reach our common goal - to "Never Again" experience severe accidents in the future and, as defense in depth, to effectively respond to them should they nevertheless occur.

The following people assisted in the formulation of this Statement and concur in its issuance.

Adolf Birkhofer	Germany	Professor Emeritus, Technical University of Munich; former member and chair, INSAG; former chair, German Reactor Safety Commission; former chair, Committee on Safety of Nuclear Installations of OECD
Agustin Alonso	Spain	Former member, INSAG; former member, director and commissioner of Spanish Regulatory Institution; vice chair, Committee on Safety of Nuclear Installations of OECD
KunMo Chung	Republic of Korea	Former member, INSAG; former minister, Science & Technology, Republic of Korea; former president, Korean Academy of Science & Technology; former president, General Conference, IAEA; former vice chair, World Energy Council
Harold Denton	USA	Former director, office of nuclear reactor regulation, US Nuclear Regulatory Commission and President Carter's representative at TMI during the accident
Lars Högberg	Sweden	Former member, INSAG; former director general, Swedish Nuclear Power Inspectorate; former chair, steering committee, OECD Nuclear Energy Agency
Anil Kakodkar	India	Former member, INSAG, former chairman, Atomic Energy Commission of India
Georgy Kopchinsky	Ukraine	Former head, nuclear power and industry department, USSR Council of Ministers; former vice chair, Ukrainian nuclear regulatory authority
Jukka Laaksonen	Finland	Vice-chair, INSAG; director general, Finnish Radiation & Nuclear Safety Authority; chair, Western European Nuclear Regulatory Association (WENRA); former chair, NEA Committee on Nuclear Regulatory Activities (CNRA)
Salomon Levy	USA	Former member, INSAG; former design and manufacturing manager, General Electric Atomic Power Equipment Division; honorary member, ASME

Roger Mattson	USA	Former director of reactor systems safety division and leader, TMI Lessons Learned Task Force, US Nuclear Regulatory Commission; working group co-chair, INSAG-3
Victor Murogov	Russia	Professor, National Nuclear Research University (MEPHI); director, Russian Association Nuclear Science and Education; former director, Institute of Physics and Power Engineering (IPPE); former deputy director general for nuclear power, IAEA
Nikolai Ponomarev-Stepnoy	Russia	Member, Russian Academy of Science; former deputy director, Kurchatov Institute
Victor Sidorenko	Russia	Correspondent member of Russian Academy of Science; former member, INSAG; former deputy director, Kurchatov Institute; former deputy Chairman of the USSR nuclear regulatory authority; former deputy minister of nuclear power of the USSR and Russia
Nikolai Steinberg	Ukraine	Former member, IAEA Standing Advisory Group on Nuclear Energy; former chief engineer, Chernobyl NPP; former deputy chairman of USSR nuclear regulatory authority; former chairman of Ukrainian nuclear regulatory authority; former deputy minister of fuel & power of Ukraine
Pierre Tanguy	France	Former member, INSAG; former inspector general of nuclear safety, Electricité de France
Jurgis Vilemas	Lithuania	Member of Lithuanian Academy of Science; former director, Lithuanian Energy Institute

#346  
**Sexton, Kimberly**

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**From:** Herr, Linda  
**Sent:** Tuesday, April 26, 2011 1:54 PM  
**To:** Devin Stewart; Nieh, Ho  
**Cc:** Okuno, Tomoko; Gal Luft  
**Subject:** Bio for Cmr. William C. Ostendorff  
**Attachments:** ostendorff bio.pdf

**Importance:** High

Good afternoon Mr. Stewart:

Please find attached Cmr. Ostendorff's short bio requested in your email below.

Regards,

Linda S. Herr  
Administrative Assistant to  
Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
PH: 301-415-1759  
FAX: 301-415-1757

-----Original Message-----

From: Devin Stewart (b)(6)  
Sent: Tuesday, April 26, 2011 11:36 AM  
To: Nieh, Ho  
Cc: Herr, Linda; Okuno, Tomoko; Gal Luft  
Subject: Re: Japan Society Event

Ho, that is great news. The event will take place at Japan Society from noon to 2pm on May 25.

Commissioner Ostendorff and his staffer should arrive at Japan Society (333 E47th Street at First Avenue) by 1130am on May 25.

Gal Luft, head, Institute for the Analysis of Global Security, will moderate.

For now, please send us a short title (is "Nuclear Power Post-Fukushima" OK?) and blurb (one paragraph based on what you told me yesterday on how the Commissioner will speak about the one-month May 12 (?) assessment).  
<http://www.bloomberg.com/news/2011-04-21/nuclear-agency-to-meet-may-12-on-japan-crisis-jaczkosays-1.html>

Something like:

Following the recent nuclear crisis in Japan, the U.S. Nuclear Regulatory Commission launched a safety review of its U.S. nuclear power plants. The Honorable William Ostendorff, a Nuclear Regulatory Commission Commissioner, will report on the findings of this NRC review and any actions to be taken by the regulatory body.

Also please email us a short bio (one or two paragraphs) and a high resolution photo (300 dpi or greater).

If he is using PPT, please send it to us at least one day before the event so we can prepare the laptop.

Finally, will the Commissioner be available for press interviews?

We would like to promote this important, timely event as soon as possible. So please send us the title, blurb, and bio as soon as possible.

Thank you very much,  
Devin Stewart  
Japan Society

On Tue, Apr 26, 2011 at 11:19 AM, Nieh, Ho [[Ho.Nieh@nrc.gov](mailto:Ho.Nieh@nrc.gov)] wrote:

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> Ho  
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> Ho Nieh  
> Chief of Staff  
> Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory  
> Commission  
> (301) 415-1811 (office)  
> (b)(6) (mobile)  
> (301) 415-1757 (fax)  
> [ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)  
>  
>  
>  
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[dstewart@japansociety.org](mailto:dstewart@japansociety.org)  
Twitter: @devinstewart

AT 2 11

**Sexton, Kimberly**

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Twitter: @devinstewart

NOT FOR PUBLIC DISCLOSURE

#655  
**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Wednesday, April 27, 2011 7:58 AM  
**To:** 'Devin Stewart'; Herr, Linda  
**Cc:** 'Okuno, Tomoko'; 'Gal Luft'  
**Subject:** RE: Bio for Cmr. William C. Ostendorff

Devin, see below as requested...

Yes, Commissioner Ostendorff will be available for press interviews.

**Title:**  
NRC Response to Nuclear Events in Japan

**Abstract:**

The NRC initiated a two-pronged review of U.S. nuclear power plant safety in the aftermath of the March 11 earthquake and tsunami and the resulting crisis at the Fukushima Daiichi nuclear power plant. The NRC established a task force that will conduct both a short- and long-term analysis of the lessons that can be learned from the situation in Japan. This systematic and methodical review will determine if there are any changes that should be made to the NRC's programs and regulations to ensure protection of public health and safety. Commissioner Ostendorff will report on the approach for this NRC review.

Ho Nieh  
Chief of Staff  
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(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

-----Original Message-----

**From:** Devin Stewart (b)(6)  
**Sent:** Tuesday, April 26, 2011 4:22 PM  
**To:** Herr, Linda  
**Cc:** Nieh, Ho; Okuno, Tomoko; Gal Luft  
**Subject:** Re: Bio for Cmr. William C. Ostendorff

Linda, thank you. We are checking to see if this image will work for our site. Do you happen to have the image separate from a PDF?  
Ho, please send me the title and blurb as soon as possible.

Thanks,  
Devin Stewart

On Tue, Apr 26, 2011 at 1:54 PM, Herr, Linda (<[Linda.Herr@nrc.gov](mailto:Linda.Herr@nrc.gov)>) wrote:  
> Good afternoon Mr. Stewart:

>  
> Please find attached Cmr. Ostendorff's short bio requested in your email below.  
>  
> Regards,  
>

> Linda S. Herr  
> Administrative Assistant to  
> Commissioner William C. Ostendorff  
> U.S. Nuclear Regulatory Commission  
> PH: 301-415-1759  
> FAX: 301-415-1757

> -----Original Message-----

> From: Devin Stewart (b)(6)  
> Sent: Tuesday, April 26, 2011 11:36 AM  
> To: Nieh, Ho  
> Cc: Herr, Linda; Okuno, Tomoko; Gal Luft  
> Subject: Re: Japan Society Event

EX-6

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> May 12 (?) assessment):

> <http://www.bloomberg.com/news/2011-04-21/nuclear-agency-to-meet-may-12-on-japan-crisis-jaczko-says-1-.html>

> Something like:

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> power plants. The Honorable William Ostendorff, a Nuclear Regulatory  
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> Also please email us a short bio (one or two paragraphs) and a high  
> resolution photo (300 dpi or greater).

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> event so we can prepare the laptop.

> Finally, will the Commissioner be available for press interviews?

> We would like to promote this important, timely event as soon as  
> possible. So please send us the title, blurb, and bio as soon as  
> possible.

> Thank you very much,  
> Devin Stewart  
> Japan Society

> On Tue, Apr 26, 2011 at 11:19 AM, Nieh, Ho <[Ho.Nieh@nrc.gov](mailto:Ho.Nieh@nrc.gov)> wrote:

>> Dear Devin,

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>> Commissioner Ostendorff would be delighted to address your audience during lunch on May 25.

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>> Can you please send me and Ms. Linda Herr (on cc) any further information on the logistics?

>>

>> Best regards,

>>

>> Ho

>>

>> Ho Nieh

>> Chief of Staff

>> Office of Commissioner William C. Ostendorff

>> U.S. Nuclear Regulatory Commission

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>>

>>

> -

> Devin T. Stewart

> Senior Director, Corporate, Policy & Lecture Programs

> Japan Society

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#652

**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Thursday, April 28, 2011 7:46 AM  
**To:** 'Devin Stewart'  
**Subject:** RE: Bio for Cmr. William C. Ostendorff

Devin, as discussed, this works for us... (thought I hit send last night!)

**Program Title:**

U.S. Response to the Fukushima Nuclear Accident

**Description:**

In response to the recent accident at Japan's Fukushima Daiichi nuclear power plant, the U.S. Nuclear Regulatory Commission (NRC) launched a review of American nuclear power plant safety. An NRC task force will conduct short- and long-term analyses of the lessons that can be learned from the situation in Japan. This systematic review will determine if there are any changes that should be made to the NRC's programs and regulations to ensure protection of public health and safety. Commissioner Ostendorff will report on the approach for this NRC review.

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(301) 415-1757 (fax)  
ho.nieh@nrc.gov

-----Original Message-----

From: Devin Stewart (b)(6)  
Sent: Wednesday, April 27, 2011 12:23 PM  
To: Nieh, Ho  
Subject: Re: Bio for Cmr. William C. Ostendorff

Ho, is it possible to make the title and blurb a bit more accessible to a NY international audience? Many people might not be familiar with the acronym NRC. I have suggested a few changes below. So you don't want to mention the May 12 report (I think it would make it more accessible to the press)? How does this look?

Title:

U.S. Response to the Fukushima Nuclear Accident

Abstract:

In response to the recent accident at Japan's Fukushima Daiichi nuclear power plant, the U.S. Nuclear Regulatory Commission (NRC) launched a safety review of American nuclear power plants. An NRC task force will conduct short- and long-term analyses of the lessons

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health and safety. Commissioner Ostendorff will report on the approach  
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Thanks,  
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> Devin, see below as requested...

> Yes, Commissioner Ostendorff will be available for press interviews

> Title:

> NRC Response to Nuclear Events in Japan

> Abstract:

> The NRC initiated a two-pronged review of U.S. nuclear power plant safety in  
> the aftermath of the March 11 earthquake and tsunami and the resulting  
> crisis at the Fukushima Daiichi nuclear power plant. The NRC established a  
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> Ho Nieh

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>  
>> -----Original Message-----

>  
>> From: Devin Stewart (b)(6)  Ex 4

>> Sent: Tuesday, April 26, 2011 11:36 AM

>> To: Nieh, Ho

>> Cc: Herr, Linda; Okuno, Tomoko; Gal Luft

>> Subject: Re: Japan Society Event

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>> For now, please send us a short title (is "Nuclear Power

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>> Regulatory Commission launched a safety review of its U.S. nuclear

>> power plants. The Honorable William Ostendorff, a Nuclear Regulatory

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>

[illegible]

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NOT FOR PUBLIC DISCLOSURE

# 210  
**Sexton, Kimberly**

**From:** Devin Stewart (b)(6)  
**Sent:** Thursday, April 28, 2011 8:32 AM  
**To:** Nieh, Ho; Okuno, Tomoko  
**Subject:** Re: Bio for Cmr. William C. Ostendorff

Thank you Ho!  
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>

[> ho.nieh@nrc.gov ] Ex. 62

> -----Original Message-----

> From: Devin Stewart (b)(6) Ex. 6

> Sent: Wednesday, April 27, 2011 12:23 PM

> To: Nieh, Ho

> Subject: Re: Bio for Cmr. William C. Ostendorff

> Ho, is it possible to make the title and blurb a bit more accessible  
> to a NY international audience? Many people might not be familiar with  
> the acronym NRC. I have suggested a few changes below. Also you  
> don't want to mention the May 12 report (I think it would make it more  
> accessible to the press)? How does this look?

> Title:

> U.S. Response to the Fukushima Nuclear Accident

> Abstract:

> In response to the recent accident at Japan's Fukushima Daiichi  
> nuclear power plant, the U.S. Nuclear Regulatory Commission (NRC)  
> launched a safety review of American nuclear power plants. An NRC  
> task force will conduct short- and long-term analyses of the lessons  
> that can be learned from the situation in Japan. This systematic  
> review will determine if there are any changes that should be made to  
> the NRC's programs and regulations to ensure protection of public  
> health and safety. Commissioner Ostendorff will report on the approach  
> for this NRC review.

> Devin

> On Wed, Apr 27, 2011 at 7:58 AM, Nieh, Ho <Ho.Nieh@nrc.gov> wrote:

>> Devin, see below as requested...

>> Yes, Commissioner Ostendorff will be available for press interviews.

>> Title:

## >> NRC Response to Nuclear Events in Japan

>> Abstract:

>> The NRC initiated a two-pronged review of U.S. nuclear power plant  
>> safety in

>> the aftermath of the March 11 earthquake and tsunami and the  
>> resulting

>> crisis at the Fukushima Daiichi nuclear power plant. The NRC  
>> established a

>> task force that will conduct both a short- and long-term analysis of  
>> the

- > lessons that can be learned from the situation in Japan. This
- >> systematic

>  
>> and methodical review will determine if there are any changes that  
>> should be  
>  
>> made to the NRC's programs and regulations to ensure protection of  
>> public  
>  
>> health and safety. Commissioner Ostendorff will report on the  
>> approach for  
>  
>> this NRC review.

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>> Ho Nieh

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>> Chief of Staff

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>> Office of Commissioner William C. Ostendorff

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>> U.S. Nuclear Regulatory Commission

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>> (301) 415-1811 (office)

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> (b)(6)

> (mobile)

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>> (301) 415-1757 (fax)

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>> ho.nieh@nrc.gov

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>> -----Original Message-----

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>> From: Devin Stewart

Outside of Scope

Ex. 6

>

>> Sent: Tuesday, April 26, 2011 4:22 PM

>

>> To: Herr, Linda

>

>> Cc: Nieh, Ho; Okuno, Tomoko; Gal Luft

>

>> Subject: Re: Bio for Cmr. William C. Ostendorff

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>> Linda, thank you. We are checking to see if this image will work for

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>> our site. Do you happen to have the image separate from a PDF?

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>> Ho, please send me the title and blurb as soon as possible.

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>> Thanks,

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>> Devin Stewart

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>> On Tue, Apr 26, 2011 at 1:54 PM, Herr, Linda : Linda.Herr@nrc.gov: wrote:

>

>>

>

>>> Good afternoon Mr. Stewart:

>



>>> Please find attached Cmr. Ostendorff's short bio requested in your  
>>> email  
>  
>>> below.

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>>> Regards,

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>>> Linda S. Herr

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>>> Commissioner William C. Ostendorff

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>>> PH: 301-415-1759

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6

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>>> -----Original Message-----

>  
>>

>  
>>> From: Devin Stewart (b)(6)

EX 6

>  
>>

>

>>> Sent: Tuesday, April 26, 2011 11:36 AM

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>

>>> To: Nieh, Ho

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>

>>> Cc: Herr, Linda; Okuno, Tomoko; Gal Luft

>  
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>>> Subject: Re: Japan Society Event

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>>> Ho, that is great news. The event will take place at Japan Society

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>>> from noon to 2pm on May 25.

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>>> Commissioner Ostendorff and his staffer should arrive at Japan

>>> Society

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>>> (330 E 47th Street at First Avenue) by 1130am on May 25.

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>>> Gal Luft, head, Institute for the Analysis of Global Security, will

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>>> moderate.

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>>> For now, please send us a short title (is "Nuclear Power

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>>> Post-Fukushima" OK?) and blurb (one paragraph based on what you told

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>>> me yesterday on how the Commissioner will speak about the one-month

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>>> May 12 (?) assessment):

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>>>

>>> [http://www.bloomberg.com/news/2011-04-21/nuclear-agency-to-meet-may-](http://www.bloomberg.com/news/2011-04-21/nuclear-agency-to-meet-may-12-on-japan-crisis-jaczko-says-1-.html)

>>> 12-on-japan-crisis-jaczko-says-1-.html

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>>> Something like:

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>>> Following the recent nuclear crisis in Japan, the U.S. Nuclear

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>>> Regulatory Commission launched a safety review of its U.S. nuclear

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>>> power plants. The Honorable William Ostendorff, a Nuclear Regulatory

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>>> Commission Commissioner, will report on the findings of this NRC

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>>> review and any actions to be taken by the regulatory body.

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>>> Also please email us a short bio (one or two paragraphs) and a high

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>>> resolution photo (300 dpi or greater).

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>>> If he is using PPT, please send it to us at least one day before the

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>>> event so we can prepare the laptop.

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>>> Finally, will the Commissioner be available for press interviews?

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>>> We would like to promote this important, timely event as soon as

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>>> possible. So please send us the title, blurb, and bio as soon as

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>>> possible.

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>>> Thank you very much,

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>>> Devin Stewart

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>>> Japan Society

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>>> On Tue, Apr 26, 2011 at 11:19 AM, Nieh, Ho <Ho.Nieh@nrc.gov> wrote:

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>>>> Dear Devin,

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>>>> Commissioner Ostendorff would be delighted to address your audience

>

>>>> during lunch on May 25.

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>>>> Can you please send me and Ms. Linda Herr (on cc) any further

>>>> information

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>>>> on the logistics.

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>>>> Best regards,

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>>>> Ho  
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>>>> Ho Nieh  
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>>>> Chief of Staff  
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>>>> Office of Commissioner William C. Ostendorff  
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>>>> U.S. Nuclear Regulatory Commission  
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>>  
>  
>>>> (301) 415-1811 (office)  
>  
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> (b)(6) (mobile)  
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>>>> (301) 415-1757 (fax)  
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>>>> ho.nieh@nrc.gov  
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NOT FOR PUBLIC DISCLOSURE



>> Senior Director, Corporate, Policy & Lecture Programs

✓

>> Japan Society

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22

>> dstewart@japansociety.org

>>

>> Twitter: @devinstewart

>



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10

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➤

> T: 1-212-715-1218

> C:

 $\gamma$  dS

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

# Devī

Senior Director, Corporate, Policy & Lecture Programs Japan Society [www.japansociety.org](http://www.japansociety.org)



T: 1.212.715.1218

C: (b)(6)

dstewart@japansociety.org

Twitter: @devintstewart

NOT FOR PUBLIC DISCLOSURE

Friday

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Ostendorff, William	1	12/20/2011 11:47 AM
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# April 07, 2011

Thursday

April 2011

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
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May 2011

S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

7 Thursday		Notes
7 am		Outside of Scope
8 00		
9 00		
10 00		
11 00		
12 pm	12:15-1:45pm Lunch w/Dr. Meserve Per Christina - Dr. Meserve has a 2:00pm phone call he must take	→ b. personal conduct
2 00	Outside of Scope	Outside of Scope
3 00		
4 00		
5 00		
6 00		
		11

# April 12, 2011

Tuesday

April 2011

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17	18	19	20	21	22	23
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May 2011

S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

12 Tuesday		Notes
	Outside of Scope	Outside of Scope
7 <sup>am</sup>		
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>	11:00am-12:30pm Lunch with Commissioner Ostendorff (NRC) 1000 Independence Ave SW (Forrestal Building) DAgostino, Thomas	→ a Fukushima
12 <sup>pm</sup>		
1 <sup>00</sup>		
2 <sup>00</sup>	Outside of Scope	
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		Outside of Scope

12

# April 13, 2011

Wednesday

April 2011

S	M	T	W	T	F	S
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May 2011

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**13** Wednesday

Outside of Scope

Notes

7 am

8 00

9 00

8:35-9:25am WCO Speaker: NRC - A  
Commissioner's Perspective

10 00

11 00

12 pm

Outside of Scope

1 00

2 00

3 00

4 00

5 00

6 00

outside of  
scope

→ a. Fukushima

outside of  
scope

13

# April 18, 2011

Monday

April 2011

S	M	T	W	T	F	S
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3	4	5	6	7	8	9
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24	25	26	27	28	29	30

May 2011

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

18 Monday		Notes
	Outside of Scope	
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>		outside of scope
10 <sup>00</sup>	10:00-11:45am Accompany Sen Alexander on Tour of Watts Bar Plant	
11 <sup>00</sup>		
12 pm	Outside of Scope	→ a. Fukushima.  outside of scope
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
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		14

# April 19, 2011

Tuesday

April 2011

S	M	T	W	T	F	S
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May 2011

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

19 Tuesday		Notes
7 am		Outside of Scope
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00		
2 00		
3 00		
4 00	4:00-4:30pm Brew Barron, CEO; Maria Korsnick, CNO Constellation Energy Nuclear (	
5 00	Outside of Scope	
6 00		15

# April 26, 2011

Tuesday

April 2011

S	M	T	W	T	F	S
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May 2011

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

26 Tuesday		Notes
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>	Outside of Scope	
10 <sup>00</sup>		Outside of Scope
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>	1:00-1:30pm Ed Halpin, President and CEO South Texas; Tony Petrangelo, Sr. VP and	→ a. Fukushima
2 <sup>00</sup>		
3 <sup>00</sup>	Outside of Scope	Outside of Scope
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		



**Sexton, Kimberly**

---

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Monday, October 03, 2011 12:05 PM  
**To:** Nieh, Ho  
**Subject:** RE: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

yup

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Monday, October 03, 2011 11:45 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Oh yeah, that looks very balanced!

Looking forward to tomorrow – still good for you?

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov] Ex. 6  
**Sent:** Monday, October 03, 2011 10:42 AM  
**To:** Bubar, Patrice; Sharkey, Jeffry; Nieh, Ho  
**Subject:** FW: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Well, this looks balanced...

**From:** Ohly, John [mailto:John.Ohly@mail.house.gov]  
**Sent:** Monday, October 03, 2011 9:51 AM  
**To:** Alexander, Erin (Fellow); Caputo, Annie (EPW)  
**Subject:** FW: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Pretty balanced panel for this one...

**From:** National Journal LIVE [mailto:rsvp@nationaljournal.com]  
**Sent:** Monday, October 03, 2011 9:32 AM  
**To:** Ohly, John  
**Subject:** Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

**FEATURE INTERVIEWS WITH:**

Gregory B. Jaczko, Chairman, U.S. Nuclear Regulatory Commission  
Rep. Ed Markey, Member, House Energy & Commerce Committee (D-MA)

## NATIONAL JOURNAL LIVE POLICY SUMMIT

### LESSONS FROM JAPAN

#### Global Implications of Nuclear Disaster

As we approach the seven month anniversary of the Great East Japan earthquake and tsunami and the ensuing nuclear crisis, Americans still question what happened, why, and what an event of this magnitude means for U.S. nuclear policy and our relative state of preparedness.

National Journal will convene experts to discuss the latest on the current nuclear situation, the U.S. government's efforts to assist Japan, and the public health and economic lessons learned as a result of the disaster.

RSVP: [njsummit100511.eventbrite.com](http://njsummit100511.eventbrite.com)

#### FEATURE INTERVIEW:

Gregory B. Jaczko, Chairman, U.S. Nuclear Regulatory Commission  
Rep. Ed Markey, Member, House Energy & Commerce Committee (D-MA)

#### MODERATED BY:

James Kitfield, Senior Correspondent, National Journal

#### PANEL:

- Richard W. Caperton, Senior Policy Analyst, Energy Opportunity, Center for American Progress
- Allison Macfarlane, Associate Professor of Environmental Science and Policy, George Mason University

Wednesday, October 5, 2011

8:00 AM Registration

8:30 ~ 10:30 AM Program

National Press Club

First Amendment Room

520 14th Street NW

Washington DC

RSVP: [njsummit100511.eventbrite.com](http://njsummit100511.eventbrite.com)

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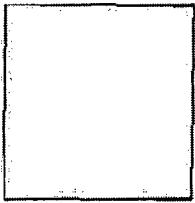
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WITH SPECIAL THANKS TO OUR UNDERWRITER: FLIR

Note to Government Employees: In deference to the letter and spirit of applicable ethics regulations, this educational event is not intended for state and local government employees. A description of this event - written for government ethics office review - may be requested by writing: [jhostetter@nationaljournal.com](mailto:jhostetter@nationaljournal.com).

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# April 28, 2011

Thursday

April 2011

S	M	T	W	T	F	S
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24	25	26	27	28	29	30

May 2011

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

28 Thursday		Notes
7 am		
8 00	Outside of Scope	Outside of Scope
9 00		
10 00		
11 00		
12 pm		
1 00	12:45-2:00pm Lunch with Annie Caputo Johnny's Half Shell, 400 North Capitol NW Caputo, Annie (EPW)	→ a. Fukushima b. Personal conduct
2 00	Outside of Scope	Outside of Scope
3 00		
4 00		
5 00		
6 00		

18

# 315

**Sexton, Kimberly**

---

**From:** Hannah Northey [hnorthey@eenews.net]  
**Sent:** Tuesday, May 17, 2011 4:06 PM  
**To:** Nieh, Ho  
**Subject:** NRC question

Hi Ho,

I wanted to ask you about the announcement that went out yesterday, saying the NRC is exiting its monitoring mode for the Japanese crisis – can you please call me at 202-446-0468?

Thanks, Hannah Northey

**Hannah M. Northey**  
Reporter  
[hnorthey@eenews.net](mailto:hnorthey@eenews.net)  
202-446-0468 (p)  
202-737-5299 (f)  
(b)(6) c)

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#644

**Sexton, Kimberly**

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**From:** Nieh, Ho  
**Sent:** Wednesday, May 18, 2011 9:10 AM  
**To:** 'Hannah Northey'  
**Subject:** RE: NRC question

Good morning Hannah – just wanted to get back to you from our discussion yesterday.

Our office does not have any comments for your article.

Regards,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Hannah Northey, <mailto:hnorthey@eenews.net>  
**Sent:** Tuesday, May 17, 2011 4:06 PM  
**To:** Nieh, Ho  
**Subject:** NRC question

Hi Ho,

I wanted to ask you about the announcement that went out yesterday, saying the NRC is exiting its monitoring mode for the Japanese crisis – can you please call me at 202-446-0468?

Thanks, Hannah Northey

Hannah M. Northey  
Reporter  
[hnorthey@eenews.net](mailto:hnorthey@eenews.net)

202-446-0468 (p)

202-737-5299 (f)

(b)(6)

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ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV, Land Letter

20

#692  
**Sexton, Kimberly**

**From:** Ostendorff, William  
**Sent:** Wednesday, May 18, 2011 2:11 PM  
**To:** rmeserve@carnegiescience.edu  
**Subject:** RE: Call with DG Amano -- June Ministerial on Fukushima

Dear Dick,

I would also agree that INSAG has an opportunity to have a substantive role in shaping the international response to the Fukushima accident.

(b)(5)

It seems to me that the international instruments in this area (i.e., the Assistance and Notification Conventions) would be a topic for discussion. However, I understand that there may be some sensitivities regarding the utilization of these conventions during the Fukushima accident.

Best wishes,

Bill

**From:** Richard Meserve (mailto:rmeserve@carnegiescience.edu)  
**Sent:** Monday, May 16, 2011 12:30 PM  
**To:** Jaczko, Gregory; Svinicki, Kristine; George Apostolakis; Magwood, William; Ostendorff, William  
**Cc:** Doane, Margaret  
**Subject:** Fwd: Call with DG Amano -- June Ministerial on Fukushima

Ladies and Gentlemen --

I attach an email that I sent to the US Ambassador to the IAEA about my call with DG Amano. There is an opportunity, I hope, to play a role in shaping the international response to the Fukushima accident, particularly if INSAG has the opportunity to write the report that comes out of the June Ministerial. Your thoughts are welcome.

Dick

----- Original Message -----

**Subject:** Call with DG Amano -- June Ministerial on Fukushima  
**Date:** Mon, 16 May 2011 12:24:54 -0400  
**From:** Richard Meserve <rmeserve@carnegiescience.edu>  
**Reply To:** rmeserve@carnegiescience.edu  
**To:** Davies, Glyn T <DaviesGT@state.gov>  
**CC:** Shaffer, Mark R <ShafferMr@state.gov>, Gregory Jaczko <GBJ@nrc.gov>

Hi Glyn --

I had a call from DG Amano a few minutes ago. He indicated that the informal consultation has taken longer than he had expected, but that there was "full support" from the member states for me to chair

the working session of the Global Nuclear Safety Framework on the afternoon of June 22 and the morning of June 23. He expressed hope that I would be available for the full meeting and would provide a report on the entirety of the conference at the plenary session on Friday.

He indicated that there is not yet a convergence of views as to whether there should be an "Action Plan" coming out of the meeting. Some apparently are advocating an Action Plan, whereas others believe it is premature. Amano anticipates that this issue will be resolved over the coming weeks. If there is to be an Action Plan, I gather that it would be adopted at the plenary session on Friday.

The DG anticipates that he will be empowered to followup on the meeting in any event. He indicated that he expects INSAG "to play a substantive role" in that effort, but he was not specific as to what he expects. I presume that he is not yet sure.

I told him that I will be in Vienna at the end of this month. He is available on the afternoon of June 1 -- the INSAG meeting should end in the morning -- and agreed to meet with me. I would like to meet with you that afternoon as well if you are available.

I have received a separate email from the IAEA staff (Gustavo Caruso) indicating that staff anticipates that I will make a keynote speech in connection with one of the panels of the session that I am chairing.

I hope all is well.

Dick

Richard A. Meserve, President  
Carnegie Institution  
1530 P St., NW  
Washington, DC 20005  
202-387-6404  
[www.carnegiescience.edu](http://www.carnegiescience.edu)



# May 02, 2011

Monday

May 2011

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June 2011

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2 Monday		Notes
	Outside of Scope	<p>outside of scope</p>
7 am		
8 00		
9 00		
9:30-10:00am Michele Boyd, PSR; Tom Cochran, NRDC; Michael Mariotte, NIRS; Eric	→ a. Fukushima	
10 00	Outside of Scope	
11 00		
12 pm		
1 00		
2 00		
3 00		
4 00		
5 00	5:00-5:30pm Meet w/Bettina Poirier, Staff Director and Kathy Dedrick, Professional	
6 00		
		<p>→ a. Fukushima c. ostendorff reconfirmation</p> <p>22</p>





# May 05, 2011

Thursday

May 2011

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June 2011

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5 Thursday

Outside of Scope

7 am

8 00

9 00

10 00

11 00

12 pm

12:00-1:30pm Lunch w/ David Hill (your office)  
He's having tuna/wheat, lt and diet coke

1 00

2 00

Outside of Scope

3 00

4 00

5 00

6 00

Notes

Outside of  
scope

→ a. Fukushima  
b. Personal conduct

Outside of  
scope

25

# May 06, 2011

Friday

May 2011

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June 2011

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6 Friday		Notes
	Outside of Scope	
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00	1:00-1:30pm Drop in w/Jeff B. Archie, Sr VP & CNO; Stephen A. Byrne, Exec VP, CIO	→ a. Fukushima
2 00		
3 00	Outside of Scope	
4 00		
5 00		
6 00		

outside of scope

outside of scope

26

# May 09, 2011

Monday

May 2011

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June 2011

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9 Monday		Notes
7 am	Outside of Scope	outside of scope
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>	9:45-10:15am Progress Energy drop in w/Bill Johnson, Chrm, Pres & CEO, Jeffery Ly. Outside of Scope	→ a. Fukushima
11 <sup>00</sup>		outside of scope
12 pm		
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
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6 <sup>00</sup>		
		27

# May 10, 2011

Tuesday

May 2011

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June 2011

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10 Tuesday		Notes
	Outside of Scope	
7 am		
8 00		
9 00	<b>8:30am-12:00n Session I - Independence Ballroom: Politics and Policy: Shaping Nuclear Energy's Future in a Complex Policy Climate</b> Speakers Include: Mitch McConnell, W. Gary Gates, Marv Fettel, Ichiro Fujisaki, Chris Cillizza, Doug Holtz-Eakin et al	
10 00		→ C. Ostendorff reconfirmation
11 00		
12 pm	Outside of Scope	
1 00		
2 00		
3 00		
4 00		
5 00		
6 00		

28

# May 13, 2011

Friday

May 2011

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June 2011

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13	Friday	Notes
	Outside of Scope	outside of scope
7 am		
8 <sup>00</sup>		outside of scope
9 <sup>00</sup>		
10 <sup>00</sup>		
	10:30-11:00am Sen. Jeff Bingaman visit; 703 Hart Senate Office Bldg, Washington, D.C.	→ c. Ostendorff reconfirmation
11 <sup>00</sup>		
	Outside of Scope	
12 pm		Outside of scope
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		
		29



# May 17, 2011

Tuesday

May 2011

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June 2011

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17	Tuesday	Notes
Outside of Scope		] outside of scope
11:45 Sen. Merkley		
2:30-3:00pm Sen. Jeff Sessions		
3:30-4:00pm Sen. Mike Johanns		
9:00-9:30am Sen. John Boozman		
7 am		
Outside of Scope		] outside of scope
8 00		
9 00	9:00-9:30am Sen. John Boozman; 320 Hart Senate Ofc Bldg. PH: 202-224-4843	
10 00		
11 00		
12 pm	11:45a-12:15pm Sen. Jeff Merkley; 313 Hart Senate Ofc Bldg. PH: 202-224-3753	→ c. Ostendorff reconfirmation
1 00		
2 00		
3 00	2:30-3:00pm Sen. Jeff Sessions; 335 Russell Senate Ofc Bldg. PH: 202-224-4124	
4 00	3:30-4:00pm Sen. Mike Johanns; 404 Russell Senate Ofc Bldg. PH: 202-224-4224	
Outside of Scope		] outside of scope
5 00		
6 00		

30

# May 19, 2011

Thursday

May 2011

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June 2011

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19 Thursday		Notes
	Outside of Scope	
7 <sup>am</sup>		
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
	11:30am-12:00pm Senator Frank Lautenberg; 234 Hart Senate Ofc Bldg. Washington	
12 <sup>pm</sup>	12:00pm LV: Sen Lautenberg's office for UPMC - Capitol Hill Hyatt Regency Hotel, 4	→ C. Ostendorff reconfirmation
1 <sup>00</sup>	1:20pm Meet Ho	
2 <sup>00</sup>	2:00-2:30pm WCO UPMC Speech entitled	→ a. Fukushima
	1:45pm AR: UPMC Conference; Capitol I	
3 <sup>00</sup>		
	Outside of Scope	
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		

31

# May 23, 2011

Monday

May 2011

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June 2011

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23	Monday	Notes
Outside of Scope		Outside of scope c. Ostendorff reconfirmation.
4:30pm Sen Harry Reid		
5:15pm Sen Whitehouse Staffer		
7 am		Outside of scope
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
	4:30-5:00pm Sen Harry Reid visit; S-221 in the Capitol, Washington, DC 20510; PHO	c. Ostendorff reconfirmation
5 <sup>00</sup>	5:15-5:45pm Jamie Long, Leg. Counsel for Sen Sheldon Whitehouse visit; 717 Hart S	
6 <sup>00</sup>		32

# May 24, 2011

Tuesday

May 2011

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June 2011

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24

Tuesday

4:45pm Sen Barrasso

Outside of Scope

7 am

8 00

9 00

10 00

11 00

12 pm

1 00

2 00

3 00

4 00

4:45-5:15pm Sen Barrasso; 307 Dirksen Senate Ofc Bldg; Washington, DC 20510; PH

5 00

6 00

Notes

→ C. Ostendorff  
reconfirmation

outside  
of scope

→ C. Ostendorff  
reconfirmation

33

# May 25, 2011

Wednesday

May 2011

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June 2011

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25 Wednesday		Notes
	10:00am Confirmation Hearing	
7 <sup>am</sup>		
8 <sup>00</sup>	Outside of Scope	outside scope
9 <sup>00</sup>		
10 <sup>00</sup>	10:00am-12:00pm Confirmation Hearing; 406 Dirksen Bldg	
11 <sup>00</sup>		a. Fukushima c. Ostendorff reconfirmation
12 <sup>pm</sup>		
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		

34

#628

Sexton, Kimberly

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From: Nieh, Ho  
Sent: Wednesday, June 08, 2011 8:59 AM  
To: 'Mike Weightman [mike.weightman@hse.gsi.gov.uk]'  
Subject: ONR Interim Report on Japanese Earthquake and Tsunami

Dear Dr. Weightman,

I hope this message finds you doing well. I just read with great interest ONR's interim report on the nuclear events in Japan.

The US NRC is also systematically evaluating the lessons from Japan. A key element of this process will be the NRC's external communication of its findings and conclusions.

I found ONR's to be very well written and logically organized, and I think it will serve as a valuable communication tool for your organization. As noted in your report, it appears that ONR has also recognized the importance openness and transparency.

I will review your report with Commissioner Ostendorff since he has much interest in the NRC's evaluation of lessons from Japan and the manner in which we present our findings to the public.

Best regards,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

NOT FOR PUBLIC DISCLOSURE

35

#949  
Sexton, Kimberly

From: Nieh, Ho  
Sent: Friday, June 10, 2011 5:34 AM  
To: Caputo, Annie (EPW)  
Subject: RE: Strassel: Obama's Nuclear Politics

Thanks Annie.

Looks like the WSJ online may have a copy of the report.

<http://online.wsj.com/article/SB10001424052702304259304576375961521636474.html>

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
[redacted] (mobile)  
(301) 415-1757 (fax)  
ho.nieh@nrc.gov

From: Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
Sent: Thursday, June 09, 2011 10:11 PM  
To: Svinicki, Kristine; Sharkey, Jeffry; Ostendorff, William; Nieh, Ho  
Subject: Fw: Strassel: Obama's Nuclear Politics

----- Original Message -----

From: [redacted]  
Sent: Thursday, June 09, 2011 09:05 PM  
To: Dempsey, Matt (EPW)  
Subject: Strassel: Obama's Nuclear Politics

June 10, 2011

WSJ

Obama's Nuclear Politics  
By Kimberley A. Strassel

The Obama administration has shown a certain ruthless streak when it comes to getting what it wants. For its latest in brass-knuckle tactics, consider the ongoing fight over the proposed Yucca nuclear waste facility.

This tale begins in 2008, when candidate Obama was determined to win Nevada, a crucial electoral state. Catering to locals, Mr. Obama promised to kill plans—approved by Congress—to make the state's Yucca Mountain the repository for spent nuclear fuel. He was backed by Senate Majority Leader Harry Reid, a Nevada who has made Yucca's demise an overriding priority.

Shortly after inauguration, Messrs. Obama and Reid teamed up to elevate Gregory Jaczko to chair the Nuclear Regulatory Commission, the nation's independent regulator. Mr. Jaczko was anything but a neutral designee, having served for years on the staffs of both Mr. Reid and Massachusetts' antinuke Rep. Edward Markey. As a Reid adviser, Mr. Jaczko headed up opposition to Yucca. The clear intent in making him chairman was to ensure Yucca's demise.

Toward that end, the Obama Department of Energy quickly filed a formal request with the NRC to revoke the license application for Yucca. A coalition of states and industry groups—drowning in spent fuel—then petitioned to prevent the department from doing so. The issue was thrown to a panel of NRC administrative judges. Much to the administration's frustration, they ruled unanimously in June of last year that the Energy Department lacked the authority to "singlehandedly derail" a policy that had been directed by Congress.

Enter the brass knuckles.

The panel's decision was appealed to the five-member NRC board. This was Mr. Jaczko's moment to finally tank Yucca, only he ran into problems. While the board officially contains three Democrats and two Republicans, it has tended toward nonpartisanship and has in the past proved unwilling to overturn panel rulings. Worse for Mr. Jaczko, one of the board's Democrats recused himself from the vote. A 2-2 board decision is not enough to override the judges' verdict.

ASSOCIATED PRESS Nuclear Regulatory Commission Chairman Gregory Jaczko All four commissioners had voted by September of last year. Yet in an unprecedented display of political partisanship, Mr. Jaczko ultimately withdrew his vote, held open the process, and didn't revote until just before the November election. Why? The chairman had obviously lost the vote and didn't want the bad news hitting his former boss, Mr. Reid, before the polls closed in his hard-fought Nevada re-election. To this day, Mr. Jaczko has refused to close out the process and release the votes.

This latest foot-dragging appears related to the fact that the term of one of the Republicans on the board, William Ostendorff, expires in just a few weeks. Mr. Ostendorff has been renominated and boasts bipartisan support. Then again, should his term just happen to expire, Mr. Jaczko can hold a revote and potentially win on Yucca. And guess who gets to decide when Mr. Ostendorff's nomination comes up for full Senate approval? Mr. Reid.

The Yucca vote is hardly the only place Mr. Jaczko has been abusing his "independent" authority on behalf of the president and Mr. Reid. NRC staff have for years been working on a critical Yucca safety report, which includes conclusions on whether Yucca can safely hold radioactive waste for up to a million years. Environmentalists have used the million-year unknown as their main argument against the site, and the findings are crucial.

The documents are finished, yet Mr. Jaczko has used every means to keep them secret. When the agency finally answered a Freedom of Information request to release the documents, it blacked out all the staff's findings and conclusions on long-term safety.

Mr. Jaczko has been unilaterally closing down agency work on Yucca, even as the Energy Department's actions remain in adjudication. He's overridden fellow commissioners on Yucca decisions. He recently gave himself extraordinary emergency powers in the wake of the Japanese nuclear incident—without informing fellow commissioners or Congress. Mr. Jaczko has yet to make clear whether those powers are ongoing, when they will cease, or what actions he's taken with them.

All of this has inspired a revolt among agency staff and commissioners, and it's undermining the body's other work. Only this week, the NRC's inspector general finished an investigation into the chairman's actions. Mr. Jaczko claims the report vindicates him (though he refuses to release the report). House Energy and Commerce Republicans have their own copy (which they intend to release), and they'll be telling a starkly different story come Tuesday, when they hold a hearing on the report's gory details.

Mr. Obama has every right to try to convince the legislative branch to change the directives of past bipartisan Congresses on Yucca. Instead, he and Mr. Reid have teamed up to install a regulator whose only mission is to abuse his independent agency's authority and bypass Congress to accomplish a partisan political promise.  
Sent from my Verizon Wireless BlackBerry



#947  
**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Friday, June 10, 2011 5:37 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: Strassel: Obama's Nuclear Politics

Also NYT too...this article seemed light on the details of the report.

<http://www.nytimes.com/2011/06/10/business/energy-environment/10nuke.html>

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(301) 367-3572 (mobile)  
(301) 415-1757 (fax)  
ho.nieh@nrc.gov

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, June 09, 2011 10:11 PM  
**To:** Svinicki, Kristine; Sharkey, Jeffry; Ostendorff, William; Nieh, Ho  
**Subject:** Fw: Strassel: Obama's Nuclear Politics

----- Original Message -----

**From:** [Outside of Scope] Ex. 6  
**Sent:** Thursday, June 09, 2011 09:05 PM  
**To:** Dempsey, Matt (EPW)  
**Subject:** Strassel: Obama's Nuclear Politics

June 10, 2011

WSJ

Obama's Nuclear Politics  
By Kimberley A. Strassel

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Mr. Obama has every right to try to convince the legislative branch to change the directives of past bipartisan Congresses on Yucca. Instead, he and Mr. Reid have teamed up to install a regulator whose only mission is to abuse his independent agency's authority and bypass Congress to accomplish a partisan political promise. Sent from my Verizon Wireless BlackBerry

#399  
**Sexton, Kimberly**

**From:** Gail.Scowcroft@hse.gsi.gov.uk on behalf of Mike.Weightman@hse.gsi.gov.uk  
**Sent:** Friday, June 10, 2011 5:46 AM  
**To:** Nieh, Ho  
**Cc:** Lindsey.Moore@hse.gsi.gov.uk  
**Subject:** RE: ONR Interim Report on Japanese Earthquake and Tsunami

Dear Mr Nieh:

I write on behalf of Dr Mike Weightman to thank you for your kind words in your note of 8th June.

Dr Weightman has asked me to convey to Commissioner Ostendorff if at any point he (and you) would like to discuss his report please feel free to contact the office to arrange a mutually agreeable time.

Kind Regards  
Gail Scowcroft

Gail Scowcroft  
PA to Dr Mike Weightman  
HM Chief Inspector Nuclear Installations  
and Executive Head ONR  
Desk 42, 4N2 Redgrave Court,  
Merton Road, Bootle L20 7HS  
T: +44 (0)151 951 4170  
E: [gail.scowcroft@hse.gsi.gov.uk](mailto:gail.scowcroft@hse.gsi.gov.uk)

Office for Nuclear Regulation  
An agency of HSE

**From:** Nieh, Ho [<mailto:Ho.Nieh@nrc.gov>]  
**Sent:** 08 June 2011 13:59  
**To:** Mike Weightman  
**Subject:** ONR Interim Report on Japanese Earthquake and Tsunami

Dear Dr. Weightman,

I hope this message finds you doing well. I just read with great interest ONR's interim report on the nuclear events in Japan.

The US NRC is also systematically evaluating the lessons from Japan. A key element of this process will be the NRC's external communication of its findings and conclusions.

I found ONR's to be very well written and logically organized, and I think it will serve as a valuable communication tool for your organization. As noted in your report, it appears that ONR has also recognized the importance openness and transparency.

I will review your report with Commissioner Ostendorff since he has much interest in the NRC's evaluation of lessons from Japan and the manner in which we present our findings to the public.

Best regards,

H0

H0 Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  

Outside of Scope

 (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

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Or contact the HSE Infoline on 0845 345 0055 or email [hse.infoline@connaught.plc.uk](mailto:hse.infoline@connaught.plc.uk)

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# December 12, 2011

Monday

December 2011

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January 2012

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12 Monday		Notes
	Outside of Scope	<p>Outside of Scope</p> <p>b. Personal Conduct</p> <p>outside of scope</p> <p>b. Personal Conduct</p> <p>Outside of Scope</p>
7 am		
8 00		
9 00	Outside of Scope	
	9:10-9:20am Phone call w/Jeff Merrifield	
	Outside of Scope	
10 00	10:00-10:20am Phone call to Nils Diaz	
	Outside of Scope	
11 00		
12 pm		
1 00		
2 00		
3 00		
4 00		
5 00		
6 00		

# June 01, 2011

Wednesday

June 2011

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July 2011

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1 Wednesday		Notes
	Outside of Scope	] outside of scope - a. Fukushima
	3:00pm Senator Cassidy visit	
	4:00pm Senate Latta visit	
	Outside of Scope	] outside of scope
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00		
2 00		
3 00	3:00-3:30pm Rep. Cassidy visit; 1535 Longworth House Ofc Bldg; Washington, DC 2	
4 00	4:00-4:30pm Rep. Robert Latta visit; 1323 Longworth Ofc Bldg; Washington DC; PH:	
5 00		] outside of scope
6 00	Outside of Scope	
		40

# June 06, 2011

Monday

June 2011

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July 2011

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30	31					

6 Monday		Notes
	4:00-4:30pm HSS Workshop Speaker in Crystal City Marriott - Glenn Podonsky	
7 am		
8 00	Outside of Scope	<p>outside of scope</p>
9 00		
10 00		
11 00		
12 pm		
1 00		
2 00		
3 00		
4 00	4:00-4:30pm WCO Speaker - Perspective on Nuclear Safety	→ a. Fukushima
	Outside of Scope	<p>outside of scope</p>
5 00		
6 00		

41

# June 09, 2011

Thursday

June 2011

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July 2011

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30	31					

9 Thursday		Notes
	9:30am NNSA LDRD Symposium in Washington DC - Jamileh Mogin	
7 am		
8 00	Outside of Scope	] outside of scope
9 00	9:30-10:00am WCO - Keynote Presentation at NNSA LDRD Symposium; UC Washing	
10 00	Outside of Scope	] outside of scope → a. Fukushima
11 00		
12 pm		
1 00		
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4 00		
5 00		
6 00		

42



# June 16, 2011

Thursday

June 2011

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July 2011

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16 Thursday		Notes
Hearing: Japan - Senate Committee on Environment and Public Works (AM); Dirk		
7 am		
8 00	Outside of Scope	outside of scope
9 00		
10 00	10:00-11:00am Joint Oversight Hearing: Japan - Senate Committee on Environment and Public Works Dirksen Senate Office Building, Room 406	→ a. Fukushima
11 00	Outside of Scope	outside of scope
12 pm		
1 00		
2 00	2:30-3:00pm Speak at the EFCOG Executive Council Meeting; L'Enfant Plaza Hotel, B	→ a. Fukushima
3 00		
4 00	Outside of Scope	outside of scope
5 00		
6 00		

43

# June 17, 2011

Friday

June 2011

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July 2011

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17 Friday		Notes
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>	Outside of Scope	OUTSIDE OF SCOPE
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>		
2 <sup>00</sup>	2:00-2:30pm Mitsubishi drop in with Mr. Kiyoshi Yamauchi, President NMES; C. Keit	→ a. Fukushima
3 <sup>00</sup>	Outside of Scope	OUTSIDE OF SCOPE
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		
		44

# June 20, 2011

Monday

June 2011

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July 2011

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20 Monday		Notes	
7 am		Outside of Scope	
8 00			
9 00			
10 00			
11 00			
12 pm			
1 00			
2 00			
3 00	2:30-3:00pm Drop in w/Tony Peitrangelo and Chip Pardee, NEI re: Fukushima (Ho/N)		→ a. Fukushima
4 00	Outside of Scope		Outside of Scope
5 00		45	
6 00			

# June 21, 2011

Tuesday

June 2011

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July 2011

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21 Tuesday		Notes
11:45-1:15 Duke Lunch and Speech; Four Seasons Hotel, Penn Ave		<p>Outside of Scope</p>
Outside of Scope		
7 am		
8 00		
9 00		
10 00		<p>→ a. Fukushima</p>
11 00		
12 pm	11:45am-1:15pm Duke Lunch and Speech Smithsonian Room	
1 00		
2 00	Outside of Scope	
3 00		<p>Outside of Scope</p>
4 00		
5 00		
6 00		
		<p>46</p>

# June 23, 2011

Thursday

June 2011

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July 2011

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23 Thursday		Notes
7 am		
8 00		
9 00	Outside of Scope	Outside of scope
10 00		
11 00		
12 pm	12:00-1:30pm Timpano's w/Merrifield; 12021 Rockville Pike; PH: (301) 881-6939 Reservation under "Ostendorff" w/Kelly	→ C. Ostendorff reconfirmation
1 00	Outside of Scope	Outside of scope
2 00		
3 00		
4 00		
5 00		
6 00		

47

# June 27, 2011

Monday

June 2011

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July 2011

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27 Monday		Notes
1:30pm Sen. Feinstein		
Outside of Scope		
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00		
1:30-2:00pm Sen. Feinstein, 331 Senate Hart Bldg, Washington, DC, PH: 202-224-38		
2 00	Outside of Scope	a. Fukushima c. Ostendorff reconfirmation
3 00		
4 00		Outside of Scope
5 00		
6 00		
		48

# June 28, 2011

Tuesday

June 2011

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July 2011

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24	25	26	27	28	29	30
31						

28 Tuesday

Outside of Scope

7 am

8 00

9 00

9:30-10:00am FirstEnergy drop in w/Jim Lash, President FE Generation; Pete Sena, @

10 00 Outside of Scope

11 00

12 pm

1 00

2 00

3 00

4 00

5 00

6 00

Notes

outside of  
scope

→ a. Fukushima

outside of  
scope

49

#936

**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 11:14 AM  
**To:** Nieh, Ho  
**Subject:** RE: FYI

Ok. I will be out for lunch from 12 to 2 but other than that, I'm open.

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Thursday, July 07, 2011 11:12 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** Re: FYI

Yes of course. WCO was in a meeting and I haven't had a chance to let him know yet.

Still in COS mtg.

Sent via BlackBerry

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
ho.nieh@nrc.gov

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**To:** Nieh, Ho  
**Sent:** Thu Jul 07 11:09:37 2011  
**Subject:** RE: FYI

Do I have time to go downstairs and fetch a cup of tea?

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Thursday, July 07, 2011 10:12 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: FYI

After 11:00 AM might work – ok with you?

Also, is the 8/2 EPW hearing date set?

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
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(b)(6) (mobile)  
(301) 415-1757 (fax)  
ho.nieh@nrc.gov

50



# 937  
**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gc]  
**Sent:** Thursday, July 07, 2011 11:10 AM  
**To:** Nieh, Ho  
**Subject:** RE: FYI

Do I have time to go downstairs and fetch a cup of tea?

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Thursday, July 07, 2011 10:12 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: FYI

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[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 10:10 AM  
**To:** Nieh, Ho  
**Subject:** Re: FYI

Oh, yeah. I'd like to talk with Cmsr Ostendorff sometime today or tomorrow when he has a few minutes.

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Thursday, July 07, 2011 09:50 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: FYI

On the day before the Commission meeting.

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 8:41 AM

**To:** Svinicki, Kristine; Magwood, William; Ostendorff, William; Nieh, Ho; Bubar, Patrice; Sharkey, Jeffry  
**Subject:** Fw: FYI

**From:** Michael Callahan [mailto:mike\_callahan@govstrat.com]  
**Sent:** Wednesday, July 06, 2011 10:06 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** FYI

## Nuclear Regulatory Commission Chairman Gregory Jaczko to Address the National Press Club July 18

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### THE NATIONAL PRESS CLUB

WASHINGTON, July 6, 2011 /PRNewswire-USNewswire/ -- Gregory Jaczko, Chairman of the Nuclear Regulatory Commission, will address the National Press Club at a luncheon on Monday, July 18.

(Logo: <http://photos.prnws.com/prn/200809/7/NPC/LOGO>)

Jaczko will talk about lessons learned by the nuclear power industry in the aftermath of Japan's March 11 Fukushima nuclear disaster, which stands as the most serious nuclear accident since the Chernobyl meltdown in 1986. The NRC is scheduled to meet on July 18 to consider a report on the Fukushima disaster and how it pertains to the U.S. nuclear industry.

In May of 2009, President Obama appointed Jaczko chairman of the NRC, where he had served as a commissioner since 2005. Before Fukushima, Jaczko and the commission had been working to reinvigorate the U.S. nuclear sector. Electric utilities had been planning to begin building nuclear plants again after 30 years of inactivity, but in light of the Japan disaster, new questions have arisen.

The July 18 luncheon will begin promptly at 12:30 p.m. and Jaczko's remarks will begin at 1:00, followed by a question-and-answer session. Advance reservations should be made by calling (202) 662-7501 or [reservations@press.org](mailto:reservations@press.org). Cost of luncheon admission is \$18 for National Press Club members, \$29 for their guests and \$36 for general admission.

National Press Club Luncheons are webcast live on [press.org](http://press.org). Follow the conversation on Twitter using the hashtag #NPCLunch, or on Facebook

([facebook.com/PressClubDC](https://www.facebook.com/PressClubDC)) and Twitter (@PressClubDC). Submit questions for speakers in advance and during the live event by sending them to @ONPCLunch on

Twitter, or email a question in advance, with JACZKO in the subject line, to [president@press.org](mailto:president@press.org) before 10 a.m. on July 18.

Credentialed press may cover this event with proper ID.

The Press Club is on the 13th floor, 525 14th Street, NW, Washington, D.C. Credentialed press may cover this event.

#### ABOUT THE NATIONAL PRESS CLUB

The National Press Club is the world's leading professional organization for journalists. Founded in 1908, the Club has 3,500 members representing most major news organizations. Each year, the Club holds more than 2,000 events including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

SOURCE: National Press Club

# 938

**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 10:25 AM  
**To:** Nieh, Ho  
**Subject:** RE: FYI

Sure. Thanks!

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Thursday, July 07, 2011 10:12 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: FYI

After 11:00 AM might work – ok with you?

Also, is the 8/2 EPW hearing date set?

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

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**Subject:** Re: FYI

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**Sent:** Thursday, July 07, 2011 09:50 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: FYI

On the day before the Commission meeting.

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 8:41 AM

**To:** Svinicki, Kristine; Magwood, William; Ostendorff, William; Nieh, Ho; Bubar, Patrice; Sharkey, Jeffry  
**Subject:** Fw: FYI

**From:** Michael Callahan (mailto:mike\_callahan@govstrat.com)  
**Sent:** Wednesday, July 06, 2011 10:06 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** FYI

## Nuclear Regulatory Commission Chairman Gregory Jaczko to Address the National Press Club July 18



### THE NATIONAL PRESS CLUB

WASHINGTON, July 6, 2011 /PRNewswire-USNewswire/ -- Gregory Jaczko, Chairman of the Nuclear Regulatory Commission, will address the National Press Club at a luncheon on Monday, July 18.

(Logo: <http://photos.prnewswire.com/prnh/20080917/NPCLOGO>)

Jaczko will talk about lessons learned by the nuclear power industry in the aftermath of Japan's March 11 Fukushima nuclear disaster, which stands as the most serious nuclear accident since the Chernobyl meltdown in 1986. The NRC is scheduled to meet on July 19 to consider a report on the Fukushima disaster and how it pertains to the U.S. nuclear industry.

In May of 2009, President Obama appointed Jaczko chairman of the NRC, where he had served as a commissioner since 2005. Before Fukushima, Jaczko and the commission had been working to reinvigorate the U.S. nuclear sector. Electric utilities had been planning to begin building nuclear plants again after 30 years of inactivity, but in light of the Japan disaster, new questions have arisen.

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Twitter, or email a question in advance, with JACZKO in the subject line, to [president@press.org](mailto:president@press.org) before 10 a.m. on July 18.

Credentialed press may cover this event with proper ID.

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SOURCE: National Press Club

developed in a determined manner" and that "the NRC has a strong drive for continuous improvement in its own performance and has well achieved its goals";

- 2) The Fukushima tragedy occurred in another country whose regulatory structure is quite different from that found in the U.S.;
- 3) I agree with the statements made by Commissioner Apostolakis at the July 19, 2011 Commission meeting, that the occurrence of the tsunami on March 11 was not an unthinkable external event; and
- 4) There is still a great deal that we do not know about Fukushima concerning the sequence of events, failure modes of equipment, functionality, and execution of procedures, etc.

These four observations helped frame my study of the Task Force report and recommendations.

As noted earlier, the NRC's *Principles of Good Regulation* are relevant to my decision-making on the Task Force report. Regarding the process for addressing the Task Force recommendations and the long-term review, I believe that three of these principles deserve specific mention. First, the principle of *Clarity* calls for the Commission to provide immediate direction to the staff on the philosophical approach that should guide the disposition of the Task Force recommendations. Second, the principle of *Reliability* leads me to conclude that to ensure that our regulations are not in an unjustifiable state of transition, the substantial institutional knowledge and operational experience of the NRC should be fully utilized in moving forward to address the Task Force recommendations. Third, the principle of *Openness* requires us to engage external stakeholders in a meaningful way. The spirit of this third principle underlies the June 23, 2011 COM on "Engagement of Stakeholders Regarding the Events in Japan" that I co-authored with Commissioner Magwood (COMWDM-11-0001/COMWCO-11-0001). In that light, I support the underlying premise of Chairman Jaczko's proposal for the Commission to have public meetings to engage stakeholders and to inform Commission decision-making in a timely, responsive manner. I look forward to working with all of my colleagues on the Commission to determine the appropriate subjects and schedule for such Commission meetings.

## II. Addressing the NRC's regulatory framework – Task Force recommendation 1

I appreciate the Task Force's thoughtful accounting of the background for the NRC's current regulatory framework. Some in the press have focused on the use of the word "patchwork" in the report to describe the NRC's existing regulatory framework. I think that term diminishes the dynamic, evolving nature of the NRC's regulatory framework. Our predecessors took certain concrete actions in response to the events at Three Mile Island and the attacks of September 11, 2001. With the benefit of hindsight, one could suggest there may have been better ways to approach certain issues at the time. But, I am not a critic of those past actions. Rather, I personally believe that previous NRC staff and Commissions used their best judgment to frame

courses of action appropriate to address the problems they faced. While that regulatory approach, one of a dynamic and evolving nature, may not have the coherence of a framework that might be developed with the luxury of being done in a closed room at one static point in time, it does not mean that the framework is not effective. To the contrary, I believe that the NRC's Reactor Oversight Process (ROP) is a key example of an evolutionary change that has resulted in a rigorous oversight program that is focused on safety in the areas of greatest risk significance. Since 2000, NRC inspection findings in the ROP have brought to light substantive issues on nuclear reactor operations, plant design, maintenance, and defense-in-depth, and corresponding corrective actions to address such findings.

As stated earlier, the Task Force noted that "the current regulatory approach has served the Commission and the public well." I also reiterate what I stated at the July 19, 2011 public Commission meeting on the near-term report: "While I support thoughtful consideration of any potential safety enhancements in a systematic and holistic manner, I do not believe that our existing regulatory framework is broken."

Consistent with the NRC's organizational value of *Excellence* that drives us to be continuously improving and self-aware, I support moving forward, but not at this time, with Task Force recommendation 1. Such an effort would constitute a highly significant undertaking for the entire agency and realistically would take some number of years to accomplish. While I support the notion of enhancing our existing framework, I firmly believe that any such effort should be undertaken as a separate, distinct effort from the rest of the Fukushima Task Force recommendations. Acting upon recommendation 1 in the near-term will distract the NRC from timely and responsive action on those Task Force recommendations that would enhance safety in the near-term and are ripe for execution. Therefore, I propose that recommendation 1:

- 1) Be pursued independent of any activities associated with the review of the other Task Force recommendations, and
- 2) Be deferred for action and commence only after receiving future direction from the Commission. To facilitate this Commission direction, the EDO should submit a notation vote paper to the Commission that would take into account the cumulative lessons learned and stakeholder input from the review of other Task Force recommendations, and provide the Commission with a full range of options for addressing recommendation 1. This notation vote paper should be provided to the Commission no later than 18 months from the date of the final Staff Requirements Memorandum (SRM) for SECY-11-0093.

### III. Short-term regulatory actions

I agree with Commissioner Magwood that there are short-term actions that the agency should consider to enhance safety. As such, I support Commissioner Magwood's recommendation with some modification. Specifically, I recommend that within 30 days (instead of 20 days) of the final SRM associated with this paper, the EDO should provide the Commission with a

notation vote paper that identifies and makes recommendations regarding any Task Force recommendations that can, and in the staff's judgment, should be implemented, in part or in whole, without unnecessary delay. I would add additional guidance that the staff should, in framing these short-term actions, consider the wide range of regulatory tools available. Again, these short-term actions should be assessed using the NRC's existing regulatory framework. Taking this step in the short-term will get the agency and licensees started down the path to implement appropriate safety enhancements sooner rather than later.

While I will carefully review the short-term actions that the EDO will submit in the notation vote paper described above, I believe I have an obligation to the NRC's external stakeholders and the NRC staff to communicate my view on certain Task Force recommendations. Based on my review and understanding of the accident at Fukushima, I believe the areas listed below warrant short-term regulatory attention and I offer them for consideration as appropriate by the EDO.

- 1) Reevaluate the seismic and flooding hazards at their sites against current NRC requirements and guidance (related to Task Force recommendation 2.1);
- 2) Perform seismic and flood protection walk-downs to identify and address plant-specific vulnerabilities and verify the adequacy of monitoring and maintenance for protection features such as watertight barriers in the interim period (related to Task Force recommendation 2.3);
- 3) Issue an advanced notice of proposed rulemaking and develop the technical basis to revise 10 CFR 50.63 to strengthen station blackout mitigation capability (related to Task Force recommendation 4.1);
- 4) Review 10 CFR 50.54(h)(2) equipment protection from design-basis external events and additional equipment needs for multiunit events (related to Task Force recommendation 4.2);
- 5) Review venting capability and accessibility for Mark I and Mark II containments (related to Task Force recommendation 5.1); and
- 6) Maintain and train on Severe Accident Management Guidelines (related to Task Force recommendations 8.4 and 12.2).

#### IV. Governance of the NRC's actions going forward and the long-term review

In March, I applauded and supported Chairman Jaczko's prompt efforts to bring a proposal to the Commission for the NRC's response to the events in Japan. Now we find ourselves nearing the end of July, knowing more than what we knew in March. As I have learned more, my thinking about the NRC's response to Fukushima has certainly evolved since the Commission established the Task Force in March. Therefore, I find it timely for the Commission to build on

our earlier decisions and fine-tune our vision for the NRC's actions going forward and for the long-term review.

It is with this backdrop and the principles of *Clarity, Reliability, and Openness* in mind that I recommend the EDO provide the Commission with a notation vote paper with a charter for the structure, scope, and expectations for assessing the Task Force recommendations and the NRC's longer-term review. The draft charter should be based upon the concept envisioned by the EDO and Deputy EDO for Reactor and Preparedness Programs that establishes a senior level steering committee reporting to the EDO and supported by an internal advisory committee and an external panel of stakeholders. This charter should include as an objective that the steering committee would provide, through the EDO, an integrated, prioritized assessment of the Task Force recommendations along with its recommendations and bases for further regulatory actions. This model of review has effectively served the Commission in other significant efforts such as the Groundwater Task Force, the Davis-Besse Lessons Learned Task Force, and the Discrimination Task Force. The draft charter for Commission review should also incorporate any direction provided by the Commission in response to COMWDM-11-0001/COMWCO-11-0001. To support timely and clear Commission direction to the NRC staff, the paper should be provided to the Commission no later than two weeks after the date of the final SRM for SECY-11-0093.

In addition, I join Commissioners Magwood and Evinicki in directing the EDO within 45 days of the date of the final SRM for SECY-11-0093 to provide the Commission with a notation vote paper recommending a prioritization of the Task Force recommendations informed by the steering committee. This paper should include the technical and regulatory bases for the prioritization and include recommendations for appropriate stakeholder engagement as well as for Commission meetings.

Given that I have significant reservations about proceeding at this time to implement recommendation 1, I believe additional guidance to the envisioned steering committee and NRC staff is appropriate as they assess the Task Force report and provide their recommendations back to the Commission. At the July 19 Commission meeting, I specifically asked the Task Force the following question: "If the Commission did not approve Recommendation 1, would that change the Task Force recommendations for rulemaking and orders?" The answer I received was "yes." In that light, and given my position on deferring action on recommendation 1, I find it essential for the Commission to provide direction to the steering committee that they should assess the Task Force recommendations through the lens of the Task Force's finding that "the current regulatory approach has served the Commission and the public well." Therefore, consistent with existing practices, the staff should continue to consider risk insights and defense-in-depth to inform their recommendations on what actions may provide for a substantial increase in safety or are necessary to provide reasonable assurance of adequate protection.



#939

**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 10:10 AM  
**To:** Nieh, Ho  
**Subject:** Re: FYI

Oh, yeah. I'd like to talk with Cmsr Ostendorff sometime today or tomorrow when he has a few minutes.

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov], -  
**Sent:** Thursday, July 07, 2011 09:50 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: FYI

On the day before the Commission meeting.

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 8:41 AM  
**To:** Svinicki, Kristine; Magwood, William; Ostendorff, William; Nieh, Ho; Bubar, Patrice; Sharkey, Jeffry  
**Subject:** Fw: FYI

**From:** Michael Callahan [mailto:mike\_callahan@govstrat.com]  
**Sent:** Wednesday, July 06, 2011 10:06 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** FYI

Nuclear Regulatory Commission Chairman Gregory Jaczko to Address the National Press Club July 18

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**THE NATIONAL  
PRESS CLUB**

WASHINGTON, July 6, 2011 /PRNewswire-USNewswire/ -- Gregory Jaczko, Chairman of the Nuclear Regulatory Commission, will address the National Press Club at a luncheon on Monday, July 18.

(Logo: <http://photos.prnewswire.com/prnh/20080917/NPCLOGO>)

Jaczkowski will talk about lessons learned by the nuclear power industry in the aftermath of Japan's March 11 Fukushima nuclear disaster, which stands as the most serious nuclear accident since the Chernobyl meltdown in 1986. The NRC is scheduled to meet on July 19 to consider a report on the Fukushima disaster and how it pertains to the U.S. nuclear industry.

In May of 2009, President Obama appointed Jaczkowski chairman of the NRC, where he had served as a commissioner since 2005. Before Fukushima, Jaczkowski and the commission had been working to reinvigorate the U.S. nuclear sector. Electric utilities had been planning to begin building nuclear plants again after 30 years of inactivity, but in light of the Japan disaster, new questions have arisen.

The July 18 luncheon will begin promptly at 12:30 p.m. and Jaczkowski's remarks will begin at 1:00, followed by a question-and-answer session. Advance reservations should be made by calling (202) 662-7501 or [reservations@press.org](mailto:reservations@press.org). Cost of luncheon admission is \$18 for National Press Club members, \$29 for their guests and \$36 for general admission.

National Press Club Luncheons are webcast live on [press.org](http://press.org). Follow the conversation on Twitter using the hashtag #NPCLunch, or on Facebook ([facebook.com/PressClubDC](http://facebook.com/PressClubDC)) and Twitter (@PressClubDC). Submit questions for speakers in advance and during the live event by sending them to @NPCLunch on Twitter, or email a question in advance, with JACZKOWSKI in the subject line, to [president@press.org](mailto:president@press.org) before 10 a.m. on July 18.

Credentialed press may cover this event with proper ID.

The Press Club is on the 13th floor, 529 14th Street, NW, Washington, D.C. Credentialed press may cover this event.

#### ABOUT THE NATIONAL PRESS CLUB

The National Press Club is the world's leading professional organization for journalists. Founded in 1908, the Club has 3,500 members representing most major news organizations. Each year, the Club holds more than 2,000 events including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

SOURCE: National Press Club

11209

**Sexton, Kimberly**

**From:** Dave Lochbaum [DLochbaum@ucsusa.org]  
**Sent:** Wednesday, July 13, 2011 12:10 PM  
**To:** OPA Resource  
**Subject:** NRC Near-Term Task Force meetings with INPO

Good Day:

On page 2 of the July 12, 2011, report by the NRC's Near Term Task Force, it states that "members of the Task Force met with representatives of the Institute of Nuclear Power Operations to gather information on the industry's post-Fukushima actions."

I searched ADAMS and did not find any public meeting notices or public meeting summaries of the cited meetings between NRC staff and INPO.

Were these meetings conducted in accordance with Management Directive 3.5?

Later on page 2, the report states that the task force's efforts were guided by the NRC's Principles of Good Regulation. One of those principles - one not followed by the task force - involves openness. The NRC's website says this about that principle: "Nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory processes as required by law."

Since the public, unlike INPO, was not given an opportunity to meet with the near term task force, does the NRC believe it even came close to meeting this Principle of Good Regulation?

Thanks,  
David Lochbaum  
Director, Nuclear Safety Project  
Union of Concerned Scientists  
PO Box 15316  
Chattanooga, TN 37411  
(423) 468-0272 office  
b(6) cell  
[dlochbaum@ucsusa.org](mailto:dlochbaum@ucsusa.org)

Check out the UCS blog at nuclear weapons and nuclear power issues, including a weekly series called "Fission Stories" at <http://allthingsnuclear.org/>

Founded in 1969, the Union of Concerned Scientists is an independent, science-based nonprofit working for a healthy environment and a safer world.

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#590

**Sexton, Kimberly**

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**From:** Nieh, Ho  
**Sent:** Wednesday, July 13, 2011 2:59 PM  
**To:** [ 'renee.stewart@srs.gov' ]  
**Cc:** Herr, Linda  
**Subject:** RE: Invitation to Speak: 2011 National EFCOG Fall Meeting

Renee - this tentatively may work.

Linda Herr will get back to you tomorrow with a final answer.

Best regards,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** [renee.stewart@srs.gov](mailto:renee.stewart@srs.gov) [mailto:[renee.stewart@srs.gov](mailto:renee.stewart@srs.gov)]  
**Sent:** Wednesday, July 13, 2011 2:36 PM  
**To:** Nieh, Ho  
**Subject:** RE: Invitation to Speak: 2011 National EFCOG Fall Meeting  
**Importance:** High

Per our telephone conversation today, we have changed the kick off session to **Wednesday morning, October 19** to meet Commissioner William C. Ostendorff's schedule.

Please confirm his arrival for the Tuesday evening reception by 6 p.m. and Wednesday morning general session at 8 a.m.

Thank you.

Renée Stewart  
ISM Integration Manager

(b)(6)

**From:** Renee Stewart/SRNS/Srs  
**To:** [Ho.Nieh@nrc.gov](mailto:Ho.Nieh@nrc.gov)  
**Date:** 7/11/2011 11:55 AM  
**Subject:** Invitation to Speak: 2011 National EFCOG Fall Meeting

---

The Energy Facility Contractors Group will be holding a national meeting at the Y-12 Security Complex in Oak Ridge, Tennessee. (See the attached flyer.)

This meeting includes senior DOE, NNSA, and National Laboratory officials, as well as contractors from around the DOE Complex.

It was highly recommended by the EFCOG Executive Council that the June 16 presentation, "A Commissioner's Perspective on Nuclear Safety and NRC's Response to Nuclear Events in Japan," be shared with this expanded audience plus any updates to the topic.

For this reason, we would like to extend the invitation to NRC Commissioner William C. Ostendorff to make the presentation on the morning of Tuesday, October 18 during the Opening General Session.

Please let me know if our invitation is accepted as soon as possible so that we can include Commissioner Ostendorff on all the communication materials.

Best Regards,

Renée Stewart  
ISM Integration Manager

(b)(6)

NOT FOR PUBLIC DISCLOSURE

# 922  
**Sexton, Kimberly**

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**From:** Nieh, Ho  
**Sent:** Friday, July 15, 2011 5:17 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

Thanks Annie.

Some crazy stuff going on here these days.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
ho.nieh@nrc.gov

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Wednesday, July 13, 2011 10:27 PM  
**To:** Sharkey, Jeffry; Nieh, Ho; Bubar, Patrice  
**Subject:** Fw: Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

**From:** matt\_dempsey@epw.senate.gov [mailto:matt\_dempsey@epw.senate.gov]  
**Sent:** Wednesday, July 13, 2011 07:15 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

[[http://epw.senate.gov/public/\\_images/release/btn\\_homepage.gif](http://epw.senate.gov/public/_images/release/btn_homepage.gif)] <<http://epw.senate.gov>>  
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[[http://epw.senate.gov/public/\\_images/release/header.jpg](http://epw.senate.gov/public/_images/release/header.jpg)]

Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan Wednesday, July 13, 2011

Contacts:

Matt Dempsey, Matt\_Dempsey@epw.senate.gov <mailto:Matt\_Dempsey@epw.senate.gov> (202) 224-9797

Katie Brown, Katie\_Brown@epw.senate.gov <mailto:Katie\_Brown@epw.senate.gov> (202) 224-2160

## Inhofe Asks Jaczko Why Task Force Report Not Focused on Accident in Japan

Chairman Jaczko refuses to conduct a study of the differences between Japanese and US regulatory systems because it is 'difficult and time-consuming'

### Link to Press

Release<[http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord\\_id=25b1be80-802a-23ad-4500-ec296f507ae3&Region\\_id=&Issue\\_id=](http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=25b1be80-802a-23ad-4500-ec296f507ae3&Region_id=&Issue_id=)>

### Link to July 8 letter from Inhofe to

Jaczko<[http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=ff9ede58-3483-435a-b883-63a377254644](http://epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=ff9ede58-3483-435a-b883-63a377254644)>

Washington, D.C.-Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, commented on his conversation today with Nuclear Regulatory Commission (NRC) Chairman, Greg Jaczko, concerning the NRC's report just released publically, "Near Term Task Force Review of Insights From the Fukushima Daiichi Accident". During the discussion, Senator Inhofe had the opportunity to ask the Chairman about a letter he had sent to him on July 8, in which he asked that the NRC conduct a full and systematic review of the differences in the regulatory systems of the United States and Japan before moving forward with sweeping regulatory changes. Chairman Jaczko replied that such an endeavor would be "difficult and time-consuming."

"I appreciate Chairman Jaczko taking the time to speak to me about the NRC task force report, but after our discussion I am even more concerned about the NRC's regulatory agenda going forward," Senator Inhofe said. "Up until it was released, I was under the strong impression that the report would focus on lessons for the United States regarding the nuclear accident in Japan - even the report's title suggests this. Instead it focuses almost completely on potential disasters in the United States and how they might affect our reactors. This is certainly not what we were led to believe it would be, especially considering that our plants are already required to be designed to withstand natural disasters."

"In a letter dated July 8, I asked Chairman Jaczko to make sure that the NRC engages in a thorough study of the fundamental differences between the regulatory systems of Japan and the United States. But instead, the NRC is poised to overhaul our regulatory system without having the full picture of what happened in Japan and without a clear understanding of our regulatory differences. When I asked Chairman Jaczko again today if the NRC would be willing to engage in this study, he refused saying that such an undertaking would be 'difficult and time-consuming.'"

"If safety were truly the priority, the NRC would focus on learning lessons from the accident in Japan to determine whether these recommendations are the right ones. Instead, it is clear that this is just another case of 'regulate first, ask questions later' in an effort to stifle nuclear power and drive up the cost of energy for all Americans."

Inhofe EPW Press Blog<<http://www.epw.senate.gov/public/index.cfm?FuseAction=Minority.Blogs>> |  
YouTube<<http://www.youtube.com/user/JimInhofePressOffice>> | Twitter<<http://twitter.com/inhofepress>> |  
Facebook<<http://www.facebook.com/pages/Senator-Jim-Inhofe/55076809421?ref=search&sid=516374791.190659610..1>> |  
Podcast<<http://epw.senate.gov/public/index.cfm?FuseAction=Minority.AudioVideo>>

###

# 314

**Sexton, Kimberly**

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**From:** Hannah Northey (hnorthey@eenews.net)  
**Sent:** Thursday, July 28, 2011 3:59 PM  
**To:** Nieh, Ho  
**Subject:** Ostendorff vote

Hi Ho,

I understand Mr. Ostendorff has voted on the chairman's recommendation for implementing the task force proposals == where can I find that?

Thanks, Hannah

**Hannah M. Northey**  
Reporter  
[hnorthey@eenews.net](mailto:hnorthey@eenews.net)  
202-446-0468 (p)  
202-737-5299 (f)  
(b)(6) (c)

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# 923  
**Sexton, Kimberly**

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**From:** Nieh, Ho  
**Sent:** Wednesday, July 27, 2011 6:06 PM  
**To:** C annie\_caputo@epw.senate.gov  
**Subject:** FW: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)  
**Attachments:** WCO-SECY-11-0093 vote + cmts.pdf

Annie - for your eyes only. This will be made public tomorrow.

Thanks.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office) -  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Bozin, Sunny  
**Sent:** Wednesday, July 27, 2011 5:06 PM  
**To:** Wright, Darlene; Baggett, Steven; Batkin, Joshua; Blake, Kathleen; Bradford, Anna; Bubar, Patrice; Bupp, Margaret; Chairman Temp; Clark, Lisa; Coggins, Angela; Cordes, John; Crawford, Carrie; Davis, Roger; Fopma, Melody; Franovich, Mike; Gibbs, Catina; Hart, Ken; Herr, Linda; Hipschman, Thomas; KLS Temp; Kock, Andrea; Lepre, Janet; Loyd, Susan; Mamish, Nader; Marshall, Michael; Monninger, John; Orders, William; Pace, Patti; Poole, Brooke; Reddick, Darani; Lauffer, Richard; Baval, Rochelle; Rothschild, Trip; Savoy, Carmel; Sharkey, Jeffry; Shea, Pamela; Sosa, Belkys; Speiser, Herald; Svinicki, Kristine; Temp, WCO; Temp, WDM; Warren, Roberta; Apostolakis, George; Temp, GEA; Tadesse, Rebecca; Castleman, Patrick; Montes, David; Dhir, Neha; Adler, James; Jimenez, Patricia; Nieh, Ho; Ostendorff, William; Lui, Christiana; Lisann, Elizabeth; Gilles, Nanette; Lee, Hong; Sexton, Kimberly; Beasley, Benjamin; Riddick, Nicole  
**Cc:** Mitchell-Funderburk, Natalie; Sexton, Kimberly  
**Subject:** Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Commissioner Ostendorff's vote is attached.

# RESPONSE SHEET

Entered on "STARS" Yes X No

**Commissioner Ostendorff's Comments on SECY-11-0093  
Near-Term Report and Recommendations for  
Agency Actions Following the Events in Japan**

I want to thank the Task Force for their dedicated efforts in completing their review in a relatively short period of time. Their report represents a very significant first step in learning from the events at Fukushima. That said, there is much more to be done. I would like to thank Dr. Charles Miller for his committed leadership of the Task Force. While I have some views that differ from those of the Task Force, that is expected and to be encouraged in an agency that prides itself on openness and transparency.

This is perhaps one of the most important votes I will cast as a Commissioner. The gravity of this subject mandates thoughtful reflection upon the NRC's *Principles of Good Regulation – Independence, Openness, Efficiency, Clarity, and Reliability*. With these principles in mind, I have carefully reviewed the Task Force report, sought input from the NRC staff, and listened to the views of my colleagues on the Commission. I will offer my views on SECY-11-0093 organized under these main areas: (I) Overarching decision-making principles; (II) Addressing the NRC's regulatory framework – Task Force recommendation 1; (III) Short-term regulatory actions; and (IV) Governance of the NRC's actions going forward and the long-term review.

I. Overarching decision-making principles

Following the March 23, 2011 tasking memorandum for COMGBJ-11-0002, I was keenly interested in what judgments the Task Force would make regarding the safety of U.S. operating reactors of all designs. To this very point, I highlight that the Task Force observed that (page 18):

*Although complex, the current regulatory approach has served the Commission and the public well and allows the Task Force to conclude that a sequence of events like those occurring in the Fukushima accident is unlikely to occur in the United States and could be mitigated, reducing the likelihood of core damage and radiological releases.*

*Therefore, in light of the low likelihood of an event beyond the design basis of a U.S. nuclear power plant and the current mitigation capabilities at those facilities, the Task Force concludes that continued operation and continued licensing activities do not pose an imminent risk to the public health and safety and are not inimical to the common defense and security.*

The above findings anchor my views on how to responsibly move forward in assessing the Task Force recommendations. Let me offer four additional observations:

- 1) In October 2010, an Integrated Regulatory Review Service team conducted an international peer review mission to assess the NRC's regulatory program and found that "the NRC has a comprehensive and consistent regulatory system that has been

developed in a determined manner" and that "the NRC has a strong drive for continuous improvement in its own performance and has well achieved its goals";

- 2) The Fukushima tragedy occurred in another country whose regulatory structure is quite different from that found in the U.S.;
- 3) I agree with the statements made by Commissioner Apostolakis at the July 19, 2011 Commission meeting, that the occurrence of the tsunami on March 11 was not an unthinkable external event; and
- 4) There is still a great deal that we do not know about Fukushima concerning the sequence of events, failure modes of equipment, functionality, and execution of procedures, etc.

These four observations helped frame my study of the Task Force report and recommendations.

As noted earlier, the NRC's *Principles of Good Regulation* are relevant to my decision-making on the Task Force report. Regarding the process for addressing the Task Force recommendations and the long-term review, I believe that three of these principles deserve specific mention. First, the principle of *Clarity* calls for the Commission to provide immediate direction to the staff on the philosophical approach that should guide the disposition of the Task Force recommendations. Second, the principle of *Reliability* leads me to conclude that to ensure that our regulations are not in an unjustifiable state of transition, the substantial institutional knowledge and operational experience of the NRC should be fully utilized in moving forward to address the Task Force recommendations. Third, the principle of *Openness* requires us to engage external stakeholders in a meaningful way. The spirit of this third principle underlies the June 23, 2011 COM on "Engagement of Stakeholders Regarding the Events in Japan" that I co-authored with Commissioner Magwood (COMWDM-11-0001/COMWCO-11-0001). In that light, I support the underlying premise of Chairman Jaczko's proposal for the Commission to have public meetings to engage stakeholders and to inform Commission decision-making in a timely, responsive manner. I look forward to working with all of my colleagues on the Commission to determine the appropriate subjects and schedule for such Commission meetings.

## II. Addressing the NRC's regulatory framework – Task Force recommendation 1

I appreciate the Task Force's thoughtful accounting of the background for the NRC's current regulatory framework. Some in the press have focused on the use of the word "patchwork" in the report to describe the NRC's existing regulatory framework. I think that term diminishes the dynamic, evolving nature of the NRC's regulatory framework. Our predecessors took certain concrete actions in response to the events at Three Mile Island and the attacks of September 11, 2001. With the benefit of hindsight, one could suggest there may have been better ways to approach certain issues at the time. But, I am not a critic of those past actions. Rather, I personally believe that previous NRC staff and Commissions used their best judgment to frame

courses of action appropriate to address the problems they faced. While that regulatory approach, one of a dynamic and evolving nature, may not have the coherence of a framework that might be developed with the luxury of being done in a closed room at one static point in time, it does not mean that the framework is not effective. To the contrary, I believe that the NRC's Reactor Oversight Process (ROP) is a key example of an evolutionary change that has resulted in a rigorous oversight program that is focused on safety in the areas of greatest risk significance. Since 2000, NRC inspection findings in the ROP have brought to light substantive issues on nuclear reactor operations, plant design, maintenance, and defense-in-depth, and corresponding corrective actions to address such findings.

As stated earlier, the Task Force noted that "the current regulatory approach has served the Commission and the public well." I also reiterate what I stated at the July 16, 2014 public Commission meeting on the near-term report: "While I support thoughtful consideration of any potential safety enhancements in a systematic and holistic manner, I do not believe that our existing regulatory framework is broken."

Consistent with the NRC's organizational value of *Excellence* that drives us to be continuously improving and self-aware, I support moving forward, but not at this time, with Task Force recommendation 1. Such an effort would constitute a highly significant undertaking for the entire agency and realistically would take some number of years to accomplish. While I support the notion of enhancing our existing framework, I firmly believe that any such effort should be undertaken as a separate, distinct effort from the rest of the Fukushima Task Force recommendations. Acting upon recommendation 1 in the near-term will distract the NRC from timely and responsive action on those Task Force recommendations that would enhance safety in the near-term and are ripe for execution. Therefore, I propose that recommendation 1:

- 1) Be pursued independent of any activities associated with the review of the other Task Force recommendations; and
- 2) Be deferred for action and commence only after receiving future direction from the Commission. To facilitate this Commission direction, the EDO should submit a notation vote paper to the Commission that would take into account the cumulative lessons learned and stakeholder input from the review of other Task Force recommendations, and provide the Commission with a full range of options for addressing recommendation 1. This notation vote paper should be provided to the Commission no later than 18 months from the date of the final Staff Requirements Memorandum (SRM) for SECY-11-0093.

### III. Short-term regulatory actions

I agree with Commissioner Magwood that there are short-term actions that the agency should consider to enhance safety. As such, I support Commissioner Magwood's recommendation with some modification. Specifically, I recommend that within 30 days (instead of 20 days) of the final SRM associated with this paper, the EDO should provide the Commission with a

notation vote paper that identifies and makes recommendations regarding any Task Force recommendations that can, and in the staff's judgment, should be implemented, in part or in whole, without unnecessary delay. I would add additional guidance that the staff should, in framing these short-term actions, consider the wide range of regulatory tools available. Again, these short-term actions should be assessed using the NRC's existing regulatory framework. Taking this step in the short-term will get the agency and licensees started down the path to implement appropriate safety enhancements sooner rather than later.

While I will carefully review the short-term actions that the EDO will submit in the notation vote paper described above, I believe I have an obligation to the NRC's external stakeholders and the NRC staff to communicate my view on certain Task Force recommendations. Based on my review and understanding of the accident at Fukushima, I believe the areas listed below warrant short-term regulatory attention and I offer them for consideration as appropriate by the EDO.

- 1) Reevaluate the seismic and flooding hazards at their sites against current NRC requirements and guidance (related to Task Force recommendation 2.1);
- 2) Perform seismic and flood protection walk-downs to identify and address plant-specific vulnerabilities and verify the adequacy of monitoring and maintenance for protection features such as watertight barriers in the interim period (related to Task Force recommendation 2.3);
- 3) Issue an advanced notice of proposed rulemaking and develop the technical basis to revise 10 CFR 50.63 to strengthen station blackout mitigation capability (related to Task Force recommendation 4.1);
- 4) Review 10 CFR 50.54(h)(2) equipment protection from design-basis external events and additional equipment needs for multiunit events (related to Task Force recommendation 4.2);
- 5) Review venting capability and accessibility for Mark I and Mark II containments (related to Task Force recommendation 5.1); and
- 6) Maintain and train on Severe Accident Management Guidelines (related to Task Force recommendations 8.4 and 12.2).

#### IV. Governance of the NRC's actions going forward and the long-term review

In March, I applauded and supported Chairman Jaczko's prompt efforts to bring a proposal to the Commission for the NRC's response to the events in Japan. Now we find ourselves nearing the end of July, knowing more than what we knew in March. As I have learned more, my thinking about the NRC's response to Fukushima has certainly evolved since the Commission established the Task Force in March. Therefore, I find it timely for the Commission to build on

our earlier decisions and fine-tune our vision for the NRC's actions going forward and for the long-term review.

It is with this backdrop and the principles of *Clarity, Reliability, and Openness* in mind that I recommend the EDO provide the Commission with a notation vote paper with a charter for the structure, scope, and expectations for assessing the Task Force recommendations and the NRC's longer-term review. The draft charter should be based upon the concept envisioned by the EDO and Deputy EDO for Reactor and Preparedness Programs that establishes a senior level steering committee reporting to the EDO and supported by an internal advisory committee and an external panel of stakeholders. This charter should include as an objective that the steering committee would provide, through the EDO, an integrated, prioritized assessment of the Task Force recommendations along with its recommendations and bases for further regulatory actions. This model of review has effectively served the Commission in other significant efforts such as the Groundwater Task Force, the Davis-Besse Lessons Learned Task Force, and the Discrimination Task Force. The draft charter for Commission review should also incorporate any direction provided by the Commission in response to COMWDM-11-0001/COMWCO-11-0001. To support timely and clear Commission direction to the NRC staff, the paper should be provided to the Commission no later than two weeks after the date of the final SRM for SECY-11-0093.

In addition, I join Commissioners Magwood and Sulnicki in directing the EDO within 45 days of the date of the final SRM for SECY-11-0093 to provide the Commission with a notation vote paper recommending a prioritization of the Task Force recommendations informed by the steering committee. This paper should include the technical and regulatory bases for the prioritization and include recommendations for appropriate stakeholder engagement as well as for Commission meetings.

Given that I have significant reservations about proceeding at this time to implement recommendation 1, I believe additional guidance to the envisioned steering committee and NRC staff is appropriate as they assess the Task Force report and provide their recommendations back to the Commission. At the July 19 Commission meeting, I specifically asked the Task Force the following question: "If the Commission did not approve Recommendation 1, would that change the Task Force recommendations for rulemaking and orders?" The answer I received was "yes." In that light, and given my position on deferring action on recommendation 1, I find it essential for the Commission to provide direction to the steering committee that they should assess the Task Force recommendations through the lens of the Task Force's finding that "the current regulatory approach has served the Commission and the public well." Therefore, consistent with existing practices, the staff should continue to consider risk insights and defense-in-depth to inform their recommendations on what actions may provide for a substantial increase in safety or are necessary to provide reasonable assurance of adequate protection.

924  
**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Wednesday, July 27, 2011 7:29 PM  
**To:** 'annie\_caputo@epw.senate.gov'  
**Subject:** Re: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Thanks Annie!

Sent via BlackBerry

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

----- Original Message -----

**From:** Caputo, Annie (EPW) <[Annie\\_Caputo@epw.senate.gov](mailto:Annie_Caputo@epw.senate.gov)>  
**To:** Nieh, Ho  
**Sent:** Wed Jul 27 19:15:24 2011  
**Subject:** RE: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Wow. That's a great vote. That's leadership: crisp and concise direction.

-----Original Message-----

**From:** Nieh, Ho [<mailto:Ho.Nieh@nrc.gov>]  
**Sent:** Wednesday, July 27, 2011 6:06 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** FW: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Annie - for your eyes only. This will be made public tomorrow.

Thanks.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Bozin, Sunny  
**Sent:** Wednesday, July 27, 2011 5:06 PM  
**To:** Wright, Darlene; Baggett, Steven; Batkin, Joshua; Blake, Kathleen; Bradford, Anna; Bubar, Patrice; Bupp, Margaret; Chairman Temp; Clark, Lisa; Coggins, Angela; Cordes, John; Crawford, Carrie; Davis, Roger; Fopma, Melody; Franovich, Mike; Gibbs, Catina; Hart, Ken; Herr, Linda; Hipschman, Thomas; KLS Temp; Kock, Andrea; Lepre, Janet; Loyd, Susan; Mamish, Nader; Marshall, Michael; Monninger, John; Orders, William; Pace, Patti; Poole, Brooke; Reddick, Darani; Laufer, Richard; Baval, Rochelle; Rothschild, Trip;



Savoy, Carmel; Sharkey, Jeffry; Shea, Pamela; Sosa, Belkys; Speiser, Herald; Svinicki, Kristine; Temp, WCO; Temp, WDM; Warren, Roberta; Apostolakis, George; Temp, GEA; Tadesse, Rebecca; Castleman, Patrick; Montes, David; Dhir, Neha; Adler, James; Jimenez, Patricia; Nieh, Ho; Ostendorff, William; Lui, Christiana; Lisann, Elizabeth; Gilles, Nanette; Le, Hong; Sexton, Kimberly; Beasley, Benjamin; Riddick, Nicole  
Cc: Mitchell-Funderburk, Natalie; Sexton, Kimberly  
Subject: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Commissioner Ostendorff's vote is attached.

NOT FOR PUBLIC DISCLOSURE

#925  
**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Wednesday, July 27, 2011 7:15 PM  
**To:** Nieh, Ho  
**Subject:** RE: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Wow. That's a great vote. That's leadership: crisp and concise direction.

-----Original Message-----

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Wednesday, July 27, 2011 6:06 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** FW: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Annie - for your eyes only. This will be made public tomorrow.

Thanks.

Ho

Ho-Nieh

Chief of Staff

Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission

(301) 415-1811 (office)

(b)(6) mobile)

(301) 415-1757 (fax)

ho.nieh@nrc.gov

**From:** Bozin, Sunny

**Sent:** Wednesday, July 27, 2011 5:06 PM

**To:** Wright, Darlene; Baggett, Steven; Balkin, Joshua; Blake, Kathleen; Bradford, Anna; Bubar, Patrice; Bupp, Margaret; Chairman Temp; Clark, Lisa; Coggins, Angela; Cordes, John; Crawford, Carrie; Davis, Roger; Fopma, Melody; Franovich, Mike; Gibbs, Catina; Hart, Ken; Herr, Linda; Hipschman, Thomas; KLS Temp; Kock, Andrea; Lepre, Janet; Loyd, Susan; Mamish, Nader; Marshall, Michael; Monninger, John; Orders, William; Pace, Patti; Poole, Brooke; Reddick, Darani; Laufer, Richard; Baval, Rochelle; Rothschild, Trip; Savoy, Carmel; Sharkey, Jeff; Shea, Pamela; Sosa, Belkys; Speiser, Herald; Svinicki, Kristine; Temp, WCO; Temp, WDM; Warren, Robert; Apostolakis, George; Temp, GEA; Tadesse, Rebecca; Castleman, Patrick; Montes, David; Dhir, Neta; Adler, James; Jimenez, Patricia; Nieh, Ho; Ostendorff, William; Lui, Christiana; Lisann, Elizabeth; Gibbs, Nanette; Le, Hong; Sexton, Kimberly; Beasley, Benjamin; Riddick, Nicole  
**Cc:** Mitchell-Funderburk, Natalie; Sexton, Kimberly  
**Subject:** Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Commissioner Ostendorff's vote is attached.

926

**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Wednesday, July 27, 2011 6:19 PM  
**To:** Nieh, Ho  
**Subject:** RE: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Thanks. I'll keep it to myself.

-----Original Message-----

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Wednesday, July 27, 2011 6:06 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** FW: Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Annie - for your eyes only. This will be made public tomorrow.

Thanks.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
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(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Bozin, Sunny  
**Sent:** Wednesday, July 27, 2011 5:06 PM  
**To:** Wright, Darlene; Baggett, Steven; Batkin, Joshua; Blake, Kathleen; Bradford, Anna; Bubar, Patrice; Bupp, Margaret; Chairman Temp; Clark, Lisa; Coggins, Angela; Cordes, John; Crawford, Carrie; Davis, Roger; Fopma, Melody; Franovich, Mike; Glick, Catina; Hart, Ken; Herr, Linda; Hipschman, Thomas; KLS Temp; Kock, Andrea; Lepre, Janet; Loyd, Susan; Mamish, Nader; Marshall, Michael; Monninger, John; Orders, William; Pace, Patti; Poole, Brooke; Reddick, Darani; Laufer, Richard; Bovol, Rochelle; Rothschild, Trip; Savoy, Carmel; Sharkey, Jeff; Shea, Pamela; Sosa, Belkys; Speiser, Herald; Svinicki, Kristine; Temp, WCO; Temp, WDM; Warren, Roberta; Apostolakis, George; Temp, GEA; Tadesse, Rebecca; Castleman, Patrick; Montes, David; Dhir, Neha; Adler, James; Jimenez, Patricia; Nieh, Ho; Ostendorff, William; Lui, Christiana; Lisann, Elizabeth; Gilms, Nanette; Le, Hong; Sexton, Kimberly; Beasley, Benjamin; Riddick, Nicole  
**Cc:** Mitchell-Funderburk, Natalie; Sexton, Kimberly  
**Subject:** Commissioner Ostendorff's vote for SECY-11-0093 (Japan Task Force Report)

Commissioner Ostendorff's vote is attached.

61

#347

**Sexton, Kimberly**

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**From:** Nieh, Ho  
**Sent:** Thursday, July 28, 2011 4:42 PM  
**To:** 'Hannah Northey'  
**Subject:** RE: Ostendorff vote

Hi Hannah – links below. Best wishes, Ho

<http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0093vtr-wco.pdf>

<http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/>

Ho Nieh  
Chief of Staff  
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(b)(6) mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Hannah Northey [<mailto:hnorthey@eenews.net>]  
**Sent:** Thursday, July 28, 2011 3:59 PM  
**To:** Nieh, Ho  
**Subject:** Ostendorff vote

Hi Ho,

I understand Mr. Ostendorff has voted on the chairman's recommendation for implementing the task force proposals == where can I find that?

Thanks, Hannah

Hannah M. Northey  
Reporter  
[hnorthey@eenews.net](mailto:hnorthey@eenews.net)  
202-446-0468 (p)  
202-737-5299 (f)  
(b)(6)

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62

# 539  
**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Friday, July 29, 2011 3:56 PM  
**To:** 'Ohly, John'  
**Cc:** Sexton, Kimberly; Herr, Linda  
**Subject:** RE: Response to Chairman Issa

Roger. Thanks.

Have a good weekend.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) mobile  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Ohly, John [<mailto:John.Ohly@mail.house.gov>]  
**Sent:** Friday, July 29, 2011 3:55 PM  
**To:** Nieh, Ho  
**Cc:** Sexton, Kimberly; Herr, Linda  
**Subject:** Re: Response to Chairman Issa

Ho,

Thank you for the heads-up.

Please mark the minority copy to the attention of Chris Knauer and/or Krista Boyd.

Regards,  
John

**From:** Nieh, Ho [<mailto:Ho.Nieh@nrc.gov>]  
**Sent:** Friday, July 29, 2011 03:48 PM  
**To:** Ohly, John  
**Cc:** Sexton, Kimberly [[Kimberly.Sexton@nrc.gov](mailto:Kimberly.Sexton@nrc.gov)]; Herr, Linda [[Linda.Herr@nrc.gov](mailto:Linda.Herr@nrc.gov)]  
**Subject:** Response to Chairman Issa

Hi John, I hope all is well.

Just wanted to let you know that Commissioner Ostendorff signed out a letter this afternoon in response to Chairman Issa's July 15, 2011 letter regarding the Fukushima Task Force Commission paper.

We will put the majority copy to your attention.

Can you let me know who we should specify as the minority contact?

Would have sent an electronic copies, but there are a lot of attachments.

Best regards,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
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(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

NOT FOR PUBLIC DISCLOSURE

# 540

**Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Friday, July 29, 2011 3:49 PM  
**To:** [ 'John.Ohly@mail.house.gov' ]  
**Cc:** Sexton, Kimberly; Herr, Linda  
**Subject:** Response to Chairman Issa

**Contacts:** John Ohly

Hi John. I hope all is well.

Just wanted to let you know that Commissioner Ostendorff signed out a letter this afternoon in response to Chairman Issa's July 15, 2011 letter regarding the Fukushima Task Force Commission paper.

We will put the majority copy to your attention.

Can you let me know who we should specify as the minority contact?

Would have sent an electronic copies, but there are a lot of attachments.

Best regards,

Ho

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[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

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#541

**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Friday, July 29, 2011 1:52 PM  
**To:** (b)(6) Ex. 4  
**Subject:** RE: action on recommendations of the Task Force's recent report  
**Attachments:** 2011-0093vtr-wco.pdf

Dear Dr. Holt,

We appreciate your email to our office regarding your views on the NRC's Near-Term Task Force report and recommendations. We agree that NRC actions where appropriate should not be delayed.

Commissioner Ostendorff supports a thoughtful and timely approach to address the Task Force recommendations. Such an approach should include input from the NRC's internal and external stakeholders and consideration of the wide range of regulatory tools available to the NRC.

Commissioner Ostendorff voted on the Task Force report and recommendations on July 27. A copy of that vote is attached for your information and can be found at the following links.

<http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0093vtr-wco.pdf>

<http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/>

Thank you for your interest in this important matter.

Best regards,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Robert R. Holt (b)(6) Ex. 4  
**Sent:** Wednesday, July 27, 2011 12:07 PM  
**To:** CMROSTENDORFF Resource  
**Subject:** action on recommendations of the Task Force's recent report

Dear Commissioner Ostendorff,

I hope that the Commission has not already reached a decision about the July 12 document, *Recommendations for Enhancing Reactor Safety in the 21st Century: The Near Term Task Force Review of Insights from the Fukushima Dai-ichi Accident*. Stories in the press indicate that a majority of the five of you favor deferring any action on any of its recommendations until the whole matter can be studied further. Let me respectfully urge that there are important reasons to take some actions now, on the basis of the work the Task



Force has done, while further study continues. Several very important recommendations, based on good data, have time-urgency, and any delay might have serious consequences.

I personally believe that the Task Force correctly urged that the Commission issue "orders to ensure that licensees take [the 12] near-term actions" specified in Appendix A. Enough has been factually established to back them up conclusively. Consider, for example, the undeniable fact that none of the spent fuel cooling pools in American nuclear plants have monitoring devices that can provide the control room with immediate information about the integrity of the pool, the temperature of the water and its level. It should be immediately evident that no reactor, especially not those of the GE Mark I boiling water design, should be allowed to continue operating until such instrumentation has been installed. That is particularly urgent in view of the fact that American pools are several times more densely packed than those in Japan. And this is only one such problem or design deficiency, some of which—e.g., the defective vents for hydrogen—have long been known but have been ignored. Now we know that it was a mistake merely to recommend the change instead of mandating it, and they should be fixed at once.

Let me add one strong recommendation of my own: that the licensing and *license-extension process be suspended* until the stations in question have fully complied with all 12 recommended orders. It would be intolerable to go ahead and grant a 20-year extension of an operating license before knowing that the worst dangers in design and practice had been successfully addressed, an abdication of your basic mission: Protecting people and the environment, not the nuclear industry. The matter is especially urgent to me, because I can see the Pilgrim plant only 23 miles away across Cape Cod Bay from my house, and I know that Entergy is pushing hard for a quick decision to extend their license, which ends in a few months. It seems incredible that the NRC would relicense this leaking, rusty, poorly managed plant of an obsolete design that could no longer be built anew, especially after the recent disaster at Fukushima.

Sincerely yours,

Robert R. Holt, Ph.D.  
Professor Emeritus, New York University

NOT FOR PUBLIC DISSEMINATION

# RESPONSE SHEET

Entered on "STARS" Yes X No

**Commissioner Ostendorff's Comments on SECY-11-0093  
Near-Term Report and Recommendations for  
Agency Actions Following the Events In Japan**

I want to thank the Task Force for their dedicated efforts in completing their review in a relatively short period of time. Their report represents a very significant first step in learning from the events at Fukushima. That said, there is much more to be done. I would like to thank Dr. Charles Miller for his committed leadership of the Task Force. While I have some views that differ from those of the Task Force, that is expected and to be encouraged in an agency that prides itself on openness and transparency.

This is perhaps one of the most important votes I will cast as a Commissioner. The gravity of this subject mandates thoughtful reflection upon the NRC's *Principles of Good Regulation – Independence, Openness, Efficiency, Clarity, and Reliability*. With these principles in mind, I have carefully reviewed the Task Force report, sought input from the NRC staff, and listened to the views of my colleagues on the Commission. I will offer my views on SECY-11-0093 organized under these main areas: (I) Overarching decision-making principles; (II) Addressing the NRC's regulatory framework – Task Force recommendation 1; (III) Short-term regulatory actions; and (IV) Governance of the NRC's actions going forward and the long-term review.

I. Overarching decision-making principles

Following the March 23, 2011 tasking memorandum for COMGBJ-11-0002, I was keenly interested in what judgments the Task Force would make regarding the safety of U.S. operating reactors of all designs. To this very point, I highlight that the Task Force observed that (page 18):

*Although complex, the current regulatory approach has served the Commission and the public well and allows the Task Force to conclude that a sequence of events like those occurring in the Fukushima accident is unlikely to occur in the United States and could be mitigated, reducing the likelihood of core damage and radiological releases.*

*Therefore, in light of the low likelihood of an event beyond the design basis of a U.S. nuclear power plant and the current mitigation capabilities at those facilities, the Task Force concludes that continued operation and continued licensing activities do not pose an imminent risk to the public health and safety and are not inimical to the common defense and security.*

The above findings anchor my views on how to responsibly move forward in assessing the Task Force recommendations. Let me offer four additional observations:

- 1) In October 2010, an Integrated Regulatory Review Service team conducted an international peer review mission to assess the NRC's regulatory program and found that "the NRC has a comprehensive and consistent regulatory system that has been

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 10:10 AM  
**To:** Nieh, Ho  
**Subject:** Re: FYI

Oh, yeah. I'd like to talk with Cmsr Ostendorff sometime today or tomorrow when he has a few minutes.

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Thursday, July 07, 2011 09:50 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** RE: FYI

On the day before the Commission meeting.

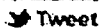
Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
ho.nieh@nrc.gov

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, July 07, 2011 8:41 AM  
**To:** Svinicki, Kristine; Magwood, William; Ostendorff, William; Nieh, Ho; Bubar, Patrice; Sharkey, Jeffry  
**Subject:** Fw: FYI

**From:** Michael Callahan [mailto:mike\_callahan@govstrat.com]  
**Sent:** Wednesday, July 06, 2011 10:06 PM  
**To:** Caputo, Annie (EPW)  
**Subject:** FYI

Nuclear Regulatory Commission Chairman Gregory Jaczko to Address the National Press Club July 18

 Like

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## THE NATIONAL PRESS CLUB

WASHINGTON, July 6, 2011 /PRNewswire-USNewswire/ -- Gregory Jaczko, Chairman of the Nuclear Regulatory Commission, will address the National Press Club at a luncheon on Monday, July 18.

(Logo: <http://photos.prnewswire.com/prnt/20080917/NPCLOGO>)

Jaczko will talk about lessons learned by the nuclear power industry in the aftermath of Japan's March 11 Fukushima nuclear disaster, which stands as the most serious nuclear accident since the Chernobyl meltdown in 1986. The NRC is scheduled to meet on July 19 to consider a report on the Fukushima disaster and how it pertains to the U.S. nuclear industry.

In May of 2009, President Obama appointed Jaczko chairman of the NRC, where he had served as a commissioner since 2005. Before Fukushima, Jaczko and the commission had been working to reinvigorate the U.S. nuclear sector. Electric utilities had been planning to begin building nuclear plants again after 30 years of inactivity, but in light of the Japan disaster, new questions have arisen.

The July 18 luncheon will begin promptly at 12:30 p.m. and Jaczko's remarks will begin at 1:00, followed by a question-and-answer session. Advance reservations should be made by calling (202) 662-7501 or [reservations@press.org](mailto:reservations@press.org). Cost of luncheon admission is \$18 for National Press Club members, \$29 for their guests and \$36 for general admission.

National Press Club Luncheons are webcast live on [press.org](http://press.org). Follow the conversation on Twitter using the hashtag #NPCLunch, or on Facebook ([facebook.com/PressClubDC](http://facebook.com/PressClubDC)) and Twitter (@PressClubDC). Submit questions for speakers in advance and during the live event by sending them to @QNPCLunch on Twitter, or email a question in advance, with JACZKO in the subject line, to [president@press.org](mailto:president@press.org) before 10 a.m. on July 18.

Credentialed press may cover this event with proper ID.

The Press Club is on the 13th floor, 529 14th Street, NW, Washington, D.C. Credentialed press may cover this event.

#### ABOUT THE NATIONAL PRESS CLUB

The National Press Club is the world's leading professional organization for journalists. Founded in 1908, the Club has 3,500 members representing most major news organizations. Each year, the Club holds more than 2,000 events including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

SOURCE National Press Club

NOT FOR PUBLIC DISCLOSURE

# July 12, 2011

Tuesday

July 2011

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August 2011

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12 Tuesday		Notes
	Outside of Scope	Outside of Scope
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm		→ a. Fukushima  Outside of Scope
12:30-1:00pm SONGS Drop in Ted Craver, Chrm, Pres & CEO, Edison Intern'l: Ronali		
1 00	Outside of Scope	
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# July 15, 2011

Friday

July 2011

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August 2011

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15 Friday		Notes
	8:30-11:30am NEI, Wash DC	
7 am	Outside of Scope	outside of scope
8 00		
9 00	8:30-10:30am Fukushima Steering Group Meeting Room 3A/B	
10 00		→ a. Fukushima
11 00	Outside of Scope	outside of scope
12 pm		
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Monday

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18		Monday	Notes
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8 00	Outside of Scope		outside of scope
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10 00			
	10:15-10:45am Westinghouse drop in w/Kate Jackson, SVP Res & Tech & GTO, Ed Cr		→ a. Fukushima
11 00	Outside of Scope		outside of scope
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# July 26, 2011

Tuesday

July 2011

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August 2011

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26 Tuesday		Notes
	Outside of Scope	
7 am		
8 00	Outside of Scope	
9 00		outside of scope
10 00		
	10:30-11:00am John Herron, Pres, CEO &	
11 00	Outside of Scope	→ a. Fukushima outside of scope
12 pm	12:00-1:00pm Lunch w/Adm. Donald; Bldg 104 Isaac Hull Gate (intersection of 6th & M Sts, SE). To park, pls call 202-781-6174 upon arrival.	→ a. Fukushima
1 00	Outside of Scope	outside of scope
2 00		
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# July 27, 2011

Wednesday

July 2011

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August 2011

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27 Wednesday		Notes
	Outside of Scope	
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>	1:00-1:30pm VTC - IEEE Conference in Laguna Cliff Marriott, Dana Point, CA; 0-13 D;	→ a. Fukushima
2 <sup>00</sup>	Outside of Scope	
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		

outside of  
scope

outside of  
scope

70

ST 948  
**Sexton, Kimberly**

**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, April 21, 2011 4:53 PM  
**To:** Sharkey, Jeffry; Bubar, Patrice; Nieh, Ho  
**Subject:** FW: Look how Obama 'czar' uses his 'executive authority' ...

**YOUR GOVERNMENT AT WORK**

## **Look how Obama 'czar' uses his 'executive authority' ...**

### **NRC commissioners report chief left them in the dark**

Posted: April 21, 2011  
4:04 pm Eastern

By John Rossomando  
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<http://www.wnd.com/index.php?fa=PAGE.view&pageId=289809>

WASHINGTON – Nuclear Regulatory Commission Chairman Gregory Jaczko promised to be more transparent than his predecessors when he began his job in May 2009.

But congressional investigators are suggesting Jaczko, a former staffer of Senate Majority Leader Harry Reid, D-Nev., has been anything but transparent in his handling of the federal government's response to the Japanese nuclear crisis.

The suggestion is his actions as one of President Obama's czars could be beyond what the law allows.

Jaczko assumed "emergency powers" following last month's earthquake and tsunami in Japan – powers that allow him to unilaterally manage the agency's response to the Japanese nuclear crisis without participation from the other NRC commissioners.

Now Sen. James Inhofe, R-Okla., the ranking member of the Senate Environment and Public Works Committee, asked his committee staff to contact all four of the other NRC commissioners, and was told Jaczko had not informed them of his decision to invoke his powers, as of March 30. "Since March 28th was the first indication my staff received regarding your exercise of emergency authority – apparently no public declaration was made – I am concerned that any effort by you to declare an emergency has been less than ideal, especially given your commitment to openness and transparency," Inhofe said in an April 6 letter to Jaczko.

GOP committee staffers say only the office of Senate Environment and Public Works Committee chairwoman Sen. Barbara Boxer, D-Calif., was informed, and they were kept out of the loop.

Some of the other commissioners on the five-member panel have more experience dealing with nuclear reactor issues of the sort that have been playing themselves out in Japan over the past month than Jaczko, and this fact has some on the EPW committee particularly concerned.

Concerns also have been expressed that Jaczko's actions may be beyond what is allowed by law for the NRC chairman. The practice requires the chairman to ensure "that the commission is fully and currently informed about matters within its functions." He also is supposed to inform the "commission of actions taken during an emergency."

GOP staffers say Jaczko's secret invocation of these powers with regard to Japan raises the question of whether or not he has acted similarly in other cases.

They also tell WND that Jaczko may have exceeded his authority by declaring the emergency because law limits his authority to matters "pertaining to an emergency concerning a particular facility or materials licensed or regulated by the commission," not foreign entities outside the NRC's jurisdiction.

Inhofe asked Jaczko to provide his legal rationale for invoking his powers to deal with a foreign nuclear crisis, but his staff says the chairman's response has been "cagey."

Jaczko responded to the inquiry with an April 11 letter to Inhofe justifying his actions as being based in American national interests in Japan and the NRC's expertise with nuclear emergency response procedures.

"The president designated me as chairman of the Nuclear Regulatory Commission on May 13, 2009. That designation conferred upon me the executive authorities vested in the chairmanship, including the authority to exercise emergency powers, when warranted," the letter said.

And Jaczko has denied keeping his colleagues uninformed, both in writing and in oral testimony before the Senate Energy and Public Works Committee.

The NRC chairman said in his letter, despite comments from the other commissioners to the contrary, that he has followed commission rules and has kept the other four commissioners informed of his activities related to Japan.

But this response has failed to answer the senator's concerns, and committee staffers say all five NRC commissioners likely will be asked to testify before Congress in the next month.

Jaczko also faces investigations in both the House Energy and Commerce Committee and the House Oversight and Government Reform Committee relative to his conduct as NRC chairman.

Read more: Look how Obama 'czar' uses his 'executive authority' ...  
<http://www.wnd.com/?pageId=289809#ixzz1KC0AAjvy>

Matt Dempsey  
Communications Director  
Senate Environment and Public Works Committee  
Inhofe Staff

matt\_dempsey@epw.senate.gov

202-224-9797

(b)(6)

(Cell)

~~Twitter: InhofePress~~

~~NOT FOR PUBLIC DISCLOSURE~~

# 933

Sexton, Kimberly

---

From: Nieh, Ho  
Sent: Monday, August 01, 2011 5:26 PM  
To: 'Caputo, Annie (EPW)'  
Subject: RE: UCS working on a report

Thanks for the heads up Annie. BTW, WCO has a courtesy visit with Lochbaum tomorrow.

See you at the hearing.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
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(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

-----Original Message-----

From: Caputo, Annie (EPW) ([mailto:Annie\\_Caputo@epw.senate.gov](mailto:Annie_Caputo@epw.senate.gov))  
Sent: Monday, August 01, 2011 2:50 PM  
To: Nieh, Ho; Bubar, Patrice; Sharkey, Jeffry  
Subject: UCS working on a report

I'm sitting in a briefing with David Lochbaum covering their report: "U.S. Nuclear Power After Fukushima: Common Sense Recommendations for Safety and Security". There is a paragraph that states:

The President must appoint people to the NRC who will make public safety their top priority. This is not the case today. For example: four out of five commissioners recently voted to extend the deadline for nuclear power reactors to comply with fire protection regulations until 2016 at the earliest.

When I asked him about that, he indicated UCS is working on a report that will argue that case by summarizing all the votes where Jaczko is in the minority. I wanted you to know that's in the works, in case you hadn't heard already.

72

537  
**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Monday, August 01, 2011 5:18 PM  
**To:** 'LITVACK, Merle'  
**Cc:** 'PIETRANGELO, Tony'  
**Subject:** RE: Letter for Commissioner Ostendorff

Thanks Merle.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
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[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** LITVACK, Merle [<mailto:mxl@nei.org>]  
**Sent:** Monday, August 01, 2011 4:56 PM  
**To:** Nieh, Ho  
**Subject:** Letter for Commissioner Ostendorff

Good afternoon Ho,

Attached please find a letter from Marv Fertel, President and CEO of the Nuclear Energy Institute, to Senate Environment and Public Works Committee Chairwoman Barbara Boxer and Ranking Member James Inhofe.

You will notice that the NRC Commissioners are copied on this letter. Can you please forward this letter to Commissioner Ostendorff. I apologize for sending this letter to you for distribution to Commissioner Ostendorff, but our database does not list his Executive Assistant's name or contact information. As a result, you are my only link to the Commissioner and I ask you forward this letter to him.

Mindful of the constraints on your time, thank you very much for your assistance with this request.

Respectfully,

*Merle Litvack*

Merle Litvack  
Senior Executive Assistant  
Governmental Affairs

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1776 I Street NW, Suite 400  
Washington, DC 20006  
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**nuclear**

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Sent through [mail.messaging.microsoft.com](mailto:mail.messaging.microsoft.com)



#115  
**Sexton, Kimberly**

**From:** Ostendorff, William  
**Sent:** Tuesday, August 02, 2011 3:14 PM  
**To:** (b)(6) Ex. 6  
**Subject:** RE: FW: NRC Lunch--TMI Question

Hugh-Thanks for the note. Hope you have a great trip! My best to you and Sharon. Bill

-----Original Message-----

**From:** (b)(6) Ex. 6  
**Sent:** Tuesday, August 02, 2011 12:36 PM  
**To:** Ostendorff, William  
**Subject:** Re: FW: NRC Lunch--TMI Question

Bill,

(b)(6) Ex. 6 I am sure you will enjoy meeting the retirees as they have been through most of the NRC major challenges over the past 30 years.

The lunch will be on Monday, which I think is August 8th at the Marriott across the street from the NRC at noon. Most attendees show up about 10-15 minutes before. Marty Virgilio may be attending, as he does time to time.

Wish I could be there to join you, but I suggest that you sit near Tom Murley as he has taken the lead in these lunches and the issues with the NRC response to Fukushima.

(b)(6) Ex. 6

ht

> Hi Hugh-Thanks for the lunch heads up. I can likely make this one-when  
> and where? Best wishes, Bill

> From: Ostendorff (b)(6) Ex. 6  
> Sent: Sunday, July 31, 2011 6:02 PM  
> To: Ostendorff, William  
> Subject: Fw: NRC Lunch--TMI Question

> ----- Original Message -----

> From: Bruce Smith (b)(6) Ex. 6  
> To: Bill Ostendorff (b)(6) Ex. 6  
> Sent: Sunday, July 31, 2011 12:22 PM  
> Subject: Fwd: NRC Lunch--TMI Question

> Bill see below

> Sent from my iPhone

> Begin forwarded message:

> From: Hugh Thompson

> (b)(6) Ex. 6  
> Date: July 31, 2011 10:47:01 AM EDT

> To: "Bruce E. Hinkley" (b)(6)  
> Subject: Fwd: NRC Lunch--TMI Question  
> Bruce,  
>  
> Please send this to Bill Ostendroff as I only have his nnsa address.  
> If he would like to go to the lunch on August 8th, all he needs to do  
> is send Tom Murley an email that he would like to join the lunch.

Ex. 6

(b)(6)

Ex. 6

> Cheers. ht  
>  
> Sent from my iPhone  
>  
> Begin forwarded message:  
> From: "THOMAS MURLEY"  
> (b)(6)  
> Date: July 30, 2011 10:33:34 PM GMT+02:00  
> To: "Jay Gutierrez"

Ex. 6

CLOSURE

(b)(6)

(b)(6)

6

> Colleagues

- >
- >
- > Tom Wellock's question on TMI has stirred up a good deal of interest
- > among our group. I look forward to our discussion on August 8 and
- > will try to get a seating arrangement that facilitates a group
- > discussion. Mal Knapp has volunteered to take notes and provide a summary of the discussion.
- >
- > I agree with most of the comments sent so far, particularly Ed
- > Jordan's thoughts on the benefits of INPO and the continuing need for
- > NRC backfits when justified. (Recall that we forced through the BWR
- > Mark I hardened vent backfit over the strenuous opposition of the BWR Owners Group).
- >
- > My own view is that the NRC's response to the TMI accident resulted in
- > absolutely necessary safety improvements, but at the same time the
- > lack of adult supervision by NRC senior management led to a glut of
- > new requirements that had little or no impact on real safety. In that
- > sense I believe there was a regulatory overreaction. Some of the
- > essential safety improvements to emerge from TMI were the following:
- > - Improved operator qualifications & training & plant-specific
- > simulators
- > - Improved emergency operating procedures
- > - Improved accident mitigation measures and equipment
- > - Improved control room design and other human factor considerations
- > - Greatly improved operating experience evaluation (AEOD) and feedback
- > to regulatory oversight
- > - Resident inspectors at each plant site
- > - More and better instrumentation (PORV monitors, coolant radiation
- > sampling, containment high level radiation monitors, etc...)
- > - Much better offsite emergency planning
- >
- > To give only one example of the type of frivolous recommendations
- > arising from the regulatory overreaction, in the late 1980s (ten years
- > after the
- > accident) a proposed new TMI requirement appeared on my desk for a
- > costly new BWR neutron monitoring system designed to survive and
- > detect core slumping movement during a core melt accident in a BWR. I
- > had no idea that the NRR staff had been working on that proposed
- > requirement. The safety benefit was highly speculative and it would
- > not have remotely met the cost-benefit guideline so I eventually
- > killed it, but not before ten years of staff work and BWR Owners Group
- > responses had been expended. In addition to those from the NRC
- > staff's TMI Task Force there were many other requirements that came
- > from the Kemeny Commission, Gov. Babbitt's committee and the Rogovin
- > Task Force. To my knowledge there was little or no attempt at a
- > critical NRC senior management review of the priority and need for all of these new recommendations and
- > requirements.
- >
- > Does anyone remember the Regulatory Impact Review that was done in the
- > early 1980s? J.P. O'Reilly had convinced Vic Stello that the

- > utilities and plant operators were staggering under the load of new
- > regulatory requirements and that this distraction was creating a
- > safety problem in and of itself. That review led to the Backfit Rule,
- > which eventually stopped all the non-essential requirements the staff was dreaming up.
- > Strong management oversight could have accomplished the same thing
- > (this was why CRGR was created).
- >
- > My personal bottom line for the lessons of post-TMI applied to the
- > post-Fukushima review is that tough adult supervision by senior NRC
- > management is needed to sort out, in a risk-informed way, what is
- > truly needed for safety and put the rest of the recommendations in a
- > bottom drawer. ( A risk-informed approach after TMI would have been
- > beneficial but neither NRC nor the industry was remotely capable of such an effort).
- > It seems obvious to me that top priority should be given to assuring
- > survivability of some emergency AC power (Fukushima 5 & 6 survived
- > because of a single EDG). Ed Jordan's support for a rigorous
- > re-examination of plant specific vulnerabilities to severe external
- > events is another high priority. For example, I know that some
- > current B5B and SAMG procedures cannot really be carried out by
- > operators under the actual environmental conditions of the accident they were designed to mitigate.
- >
- > Finally, I could be dead wrong on this but my sense is that
- > undertaking to develop a new logical, systematic and coherent
- > regulatory framework is a recipe for several years of major
- > distraction that will ultimately lead nowhere. Furthermore, in order
- > to fully understand the lessons of Fukushima it seems to me one needs
- > to fully understand the government policies, utility actions or
- > inactions before and during the accident, and the regulatory climate
- > in Japan, all of which may have contributed to the accident. These
- > are indeed sensitive matters, but one should not shrink from a
- > complete understanding of the accident if one wants to draw the
- > correct lessons for the US. I fail to see how the emergency response
- > experience in another country with a completely different culture,
- > different infrastructure, different industry-government relationships
- > and a different regulatory system reveals weaknesses in US emergency preparedness.
- >
- > Regards to all,
- > Tom Murley
- >

# 529  
**Sexton, Kimberly**

**From:** Nieh, Ho  
**Sent:** Wednesday, August 03, 2011 3:27 PM  
**To:** Jeffrey.Beattie@nrc.gov  
**Subject:** Re: Energy Daily article

Thanks for the follow up Jeff.

Let's keep our lines of communications open for future articles.

Best regards,

Ho

Sent via BlackBerry

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
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(b)(6) mobile  
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[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Beattie, Jeff [Jeffrey.Beattie@nrc.gov]  
**To:** Nieh, Ho  
**Sent:** Wed Aug 03 11:59:40 2011  
**Subject:** RE: Energy Daily article

Thanks for the call. I acknowledge that the way I wrote the story doesn't acknowledge the commissioners thoughtful treatment of the "patchwork" and "defense in depth versus risk informed" questions in his vote and in recent public meeting....I was aware of his thinking in those areas but for this story was focused on those six recs that were discussed in the hearing as areas where there seemed to be consensus.

Let me assure you and the commissioner that I'll be sure to give him full credit in the future for his treatment of those larger issues as well.

Jeff

---

**From:** Nieh, Ho [mailto:Ho.Nieh@nrc.gov]  
**Sent:** Wednesday, August 03, 2011 11:43 AM  
**To:** Beattie, Jeff  
**Subject:** RE: Energy Daily article

can I call you around 12:30?

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)

(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Beattie, Jeff <mailto:Jeffrey.Beattie@ihs.com>  
**Sent:** Wednesday, August 03, 2011 11:42 AM  
**To:** Nieh, Ho  
**Subject:** RE: Energy Daily article

I'm at (b)(6) if you wanna call

**From:** Nieh, Ho <mailto:Ho.Nieh@nrc.gov>  
**Sent:** Wednesday, August 03, 2011 11:40 AM  
**To:** Beattie, Jeff  
**Subject:** Energy Daily article

Hi Jeff ~ do you have time for a call today on your article on yesterday's hearing?

Thanks.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
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(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

NOT FOR PUBLIC DISCLOSURE

#527  
**Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Thursday, August 04, 2011 5:24 AM  
**To:** Kenneth Fletcher  
**Subject:** RE: Interview

Hi Kenny - thanks for the follow up.

I will let you know if the Commissioner would like to do the interview.

Yes, sending a copy of the Chairman's interview would be very helpful.

Best regards,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Kenneth Fletcher [[fletcher@exchangemonitor.com](mailto:fletcher@exchangemonitor.com)]  
**Sent:** Tuesday, August 02, 2011 4:44 PM  
**To:** Nieh, Ho  
**Subject:** Interview

Ho,

Good running into you today at the hearing. I'm hoping that Commissioner Ostendorff is open to doing an interview sometime this month that would last 20-30 minutes to be published as a two page Q&A. This would best be done in person and I'm happy to come up to the NRC any time that would be convenient, and I am fairly free next week, if that looks like a possibility.

I'd like to cover a broad range of topics at the NRC, including the agency's response to Fukushima, new reactor licensing, licensing small modular reactors and advanced concepts and the agency's handling of the Yucca Mountain application. I conducted an interview with Chairman Jaczko in June and would be happy to send a copy your way if that would help.

Thank you,

Kenny Fletcher  
Reporter, Nuclear New Build Monitor  
Exchange Monitor Publications  
(202) 296-2814 x108

**Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Friday, August 05, 2011 9:05 AM  
**To:** 'Kenneth Fletcher'  
**Cc:** Herr, Linda; Bozin, Sunny  
**Subject:** RE: Interview

Thanks Kenny - our staff will be contacting you to set up some time.

Can you please send me some questions you may ask so we can make sure he's prepared for the interview?

Best wishes,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

-----Original Message-----

From: Kenneth Fletcher [<mailto:fletcher@exchangemonitor.com>]  
Sent: Thursday, August 04, 2011 1:01 PM  
To: Nieh, Ho  
Subject: RE: Interview

Hi Ho,

Thanks for the reply. Attached is the issue containing my interview with Chairman Jaczko. I would note that the interview took place during the peak of the Yucca Mountain-related inquiries in Congress last June. While I'd still like to discuss that issue with Commissioner Ostendorff, I would plan to focus more on the NRC's Fukushima response and new reactor licensing.

Best,

Kenny Fletcher  
Reporter, Nuclear New Build Monitor  
Exchange Monitor Publications  
(202) 296-2814 x108

-----Original Message-----

From: Nieh, Ho [<mailto:Ho.Nieh@nrc.gov>]  
Sent: Thursday, August 04, 2011 5:24 AM  
To: Kenneth Fletcher  
Subject: RE: Interview

Hi Kenny - thanks for the follow up.

I will let you know if the Commissioner would like to do the interview.



Yes, sending a copy of the Chairman's interview would be very helpful.

Best regards,

Ho

Ho Nieh

Chief of Staff

Office of Commissioner William C. Ostendorff U.S. Nuclear Regulatory Commission

(301) 415-1811 (office)

(b)(6) (mobile)

(301) 415-1757 (fax)

[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

From: Kenneth Fletcher [fletcher@exchangemonitor.com] \*

Sent: Tuesday, August 02, 2011 4:44 PM

To: Nieh, Ho

Subject: Interview

Ho,

Good running into you today at the hearing. I'm hoping that Commissioner Ostendorff is open to doing an interview sometime this month that would last 20-30 minutes to be published as a two page Q&A. This would best be done in person and I'm happy to come up to the NRC any time that would be convenient, and I am fairly free next week, if that looks like a possibility.

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Thank you,

Kenny Fletcher

Reporter, Nuclear New Build Monitor

Exchange Monitor Publications

(202) 296-2814 x108 ]

#153  
**Sexton, Kimberly**

**From:** Boardman, Karen [Karen.Boardman@hq.doe.gov]  
**Sent:** Monday, August 08, 2011 2:27 PM  
**To:** 'Mike Schoener'; Ostendorff, William  
**Cc:** Boardman, Karen (NTC); Lozoya, Jeannie; Franovich, Mike; Nieh, Ho; Herr, Linda; (b)(6)  
**Subject:** RE: NELT 2011 Ex. 6

Bill,  
I like your idea. Looking forward to seeing you. Karen

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]  
**Sent:** Monday, August 08, 2011 12:01 PM  
**To:** 'Ostendorff, William'  
**Cc:** Boardman, Karen (NTC); Lozoya, Jeannie; 'Franovich, Mike'; 'Nieh, Ho'; 'Herr, Linda'; (b)(6)  
**Subject:** RE: NELT 2011 Ex. 6

Bill,

From my perspective I think that would be a great topic and our Executive Steering Committee had previously discussed having someone talk about Fukushima at NELT. The management and regulator issues would be very appropriate.

Your thoughts Karen?

Mike

**Mike Schoener**  
MAS Consultants Inc.  
P.O. Box 5130  
Aiken, SC 29804  
803-641-8166

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**From:** Ostendorff, William [mailto:William.Ostendorff@nrc.gov]  
**Sent:** Monday, August 08, 2011 1:52 PM  
**To:** Mike Schoener  
**Cc:** 'Boardman, Karen L.'; 'Lozoya, Jeannie'; Franovich, Mike; Nieh, Ho; Herr, Linda; (b)(6)  
**Subject:** RE: NELT 2011 Ex. 6

Mike, Thanks for your note. What would you think of a topic that concerns how the NRC is addressing the Fukushima accident? Would spend more time on management/regulator issues (which I believe may have direct relevance to DOE/NNSA nuclear leadership) than on technical issues. Feel free to: a) push back (Karen is not shy!) and b) suggest other topics I should consider covering. I look forward to being with DOE on the 31<sup>st</sup>.

Best wishes, Bill

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]  
**Sent:** Monday, August 08, 2011 1:07 PM  
**To:** Ostendorff, William

**Cc:** 'Boardman, Karen L.'; 'Lozoya, Jeannie'; Franovich, Mike; Nieh, Ho; Herr, Linda; [odorffva@cox.net](mailto:odorffva@cox.net)  
**Subject:** NELT 2011

Commissioner Ostendorff,

I just wanted to touch base with you again in preparation for your speaking engagement at Nuclear Executive Leadership Training (NELT 2011). You are scheduled to present during lunch on Wednesday, August 31st. We typically break for lunch at about 12:00 and the participants will get their meals and bring them back into the room. You are welcome to grab a bite to eat before your speech or after, the choice is yours. We typically allow about 45 minutes for your address and Q&A. If you have a presentation that you want to use you can email it to me here or bring it with you on a CD or thumb drive. You can talk about anything you want to – it does not have to be related to the topics we are covering that day.

NELT is again being conducted at the Bethesda North Marriott Hotel and Conference Center just outside of Washington, D.C. We are currently scheduled to be in the Forest Glen room of the conference center that is attached to the hotel. The hotel is conveniently located at within a block of the White Flint Metro Station on the red line – and NRC Headquarters.

Also attached for your background information are the course schedule, course announcement and list of attendees. The list of attendees may change slightly as we approach the actual course date and there is always a possibility that one of the speakers could also change at the last minute.

If you have any other questions or need any additional information you can feel free to contact me at this email address or the telephone number below. If you need to contact me during the week of NELT you can also reach me on my cell at 803-215-0149.

Thanks again for all of your support. You are what makes this program a success!!

Mike

**Mike Schoener**  
MAS Consultants Inc.  
P.O. Box 5130  
Aiken, SC 29804  
803-641-8166

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#669  
**Sexton, Kimberly**

**From:** Ostendorff, William  
**Sent:** Monday, August 08, 2011 3:18 PM  
**To:** Boardman, Karen; 'Mike Schoener'  
**Cc:** Boardman, Karen (NTC); Lozoya, Jeannie; Franovich, Mike; Nieh, Ho; Herr, Linda;  
[REDACTED] (b)(6)  
**Subject:** RE: NELT 2011 Ex. 6

Appreciate the swift feedback-thanks! Bill

**From:** Boardman, Karen [mailto:Karen.Boardman@hq.doe.gov]  
**Sent:** Monday, August 08, 2011 2:27 PM  
**To:** 'Mike Schoener'; Ostendorff, William  
**Cc:** Boardman, Karen (NTC); Lozoya, Jeannie; Franovich, Mike; Nieh, Ho; Herr, Linda; [ostorffa@cox.net](mailto:ostorffa@cox.net)  
**Subject:** RE: NELT 2011

Bill,  
I like your idea. Looking forward to seeing you. Karen

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]  
**Sent:** Monday, August 08, 2011 12:01 PM  
**To:** 'Ostendorff, William'  
**Cc:** Boardman, Karen (NTC); Lozoya, Jeannie; 'Franovich, Mike'; 'Nieh, Ho'; 'Herr, Linda'; [ostorffa@cox.net](mailto:ostorffa@cox.net)  
**Subject:** RE: NELT 2011

Bill,

From my perspective I think that would be a great topic and our Executive Steering Committee had previously discussed having someone talk about Fukushima at NELT. The management and regulator issues would be very appropriate.

Your thoughts Karen?

Mike

**Mike Schoener**  
MAS Consultants Inc.  
P.O. Box 5130  
Aiken, SC 29804  
803-641-6166

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**From:** Ostendorff, William [mailto:William.Ostendorff@nrc.gov]  
**Sent:** Monday, August 08, 2011 1:52 PM  
**To:** Mike Schoener  
**Cc:** 'Boardman, Karen L.'; 'Lozoya, Jeannie'; Franovich, Mike; Nieh, Ho; Herr, Linda;  
**Subject:** RE: NELT 2011 [REDACTED] (b)(6)

Mike- Thanks for your note. What would you think of a topic that concerns how the NRC is addressing the Fukushima accident? Would spend more time on management/regulator issues (which I believe may have

direct relevance to DOE/NNSA nuclear leadership) than on technical issues. Feel free to: a) push back (Karen is not shy!) and b) suggest other topics I should consider covering. I look forward to being with DOE on the 31<sup>st</sup>.

Best wishes, Bill

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]

**Sent:** Monday, August 08, 2011 1:07 PM

**To:** Ostendorff, William

**Cc:** 'Boardman, Karen L.'; 'Lozoya, Jeannie'; Franovich, Mike; Nieh, Ho; Herr, Linda

**Subject:** NELT 2011

(b)(6)

Ex. 6

Commissioner Ostendorff,

I just wanted to touch base with you again in preparation for your speaking engagement at Nuclear Executive Leadership Training (NELT 2011). You are scheduled to present during lunch on Wednesday, August 31<sup>st</sup>. We typically break for lunch at about 12:00 and the participants will get their meals and bring them back into the room. You are welcome to grab a bite to eat before your speech or after, the choice is yours. We typically allow about 45 minutes for your address and Q&A. If you have a presentation that you want to use you can email it to me here or bring it with you on a CD or thumb drive. You can talk about anything you want to – it does not have to be related to the topics we are covering that day.

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Thanks again for all of your support. You are what makes this program a success!!

Mike

**Mike Schoener**

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# 892  
Sexton, Kimberly

From: Klein, Dale [dklein@utsystem.edu]  
Sent: Monday, August 22, 2011 7:10 PM  
To: Ostendorff, William  
Subject: FW: USAF monitoring of Fukushima facility damage

Bill O -- See the e-mail below from my former MA at the Pentagon. It might be a good idea to have a MOU between the NRC and the "appropriate agency / Department" to fly a remote vehicle over a site as needed -- whether it is a nuclear power plant or other site involving radiation (e.g. a fire at an enrichment facility).

At least this issue should not be "political" ☺ Dale

From: Michael Kelly [Outside of Scope]  
Sent: Monday, August 22, 2011 2:02 PM  
To: Dale E Klein  
Subject: USAF monitoring of Fukushima facility damage

Dear Dr. Klein-

Here's an interesting item from Air Force business for your consideration.

**Tomodachi's Constant Vigil:** Three RQ-4 remotely piloted aircraft effected off several firsts for the Global Hawk fleet as they maintained continuous imagery and monitoring of Japan's severely damaged Fukushima nuclear facility at the height of contamination fears in Japan this spring. A Northrop Grumman official announced last week. Flying some six and a half hours from Andersen AFB, Guam, operators "swapped" aircraft on-station over Japan. "That was the first time the Air Force tried that and it worked—they were able to do that," stated Bill Walker, Global Hawk business manager at Northrop during a briefing in Washington D.C., Aug. 16. Upon landing at Guam, Global Hawks also underwent nuclear decontamination—a first for any US remotely piloted aircraft. "The Air Force was able to launch sequential aircraft from Guam to have continuous coverage over Japan during that short time period where that was a threat with the nuclear power plant," Walker said. "Each mission was able to cover [the entire disaster area] with very high-resolution imagery ... many times during a single sortie," updating the Japanese government continuously between March 26 and 29. [source url: [http://admin.listpilot.net/mpower/showHtml.do?ac=afa&id=6qv5jq7\\_e6cde6f9](http://admin.listpilot.net/mpower/showHtml.do?ac=afa&id=6qv5jq7_e6cde6f9)]

However, except for coastal locations, Air Force could not do this for a leak (heaven forbid) at a USA nuclear power plant. This is due to the fact that the FAA does not permit routine remotely piloted aircraft operations in USA airspace. This might be an issue for the USNRC to address with the FAA and the Air Force: in the contingency of a USA nuclear power plant accident how would the USAF get FAA permission to fly monitoring missions over the stricken facility? Information needed for public safety decisions might not be available any other way. In my opinion, it seems much more reasonable for the NRC to request assist from a remotely piloted monitoring asset than a manned asset, particularly to obtain measurements of airborne winds, radioactive particle density and activity.

How might I pass this concern along to the right people at USNRC?

Best wishes,

Mike Kelly

(b)(6)

Ex. 10

However, except for coastal locations, Air Force could not do this for a leak (heaven forbid) at a USA nuclear power plant. This is due to the fact that the FAA does not permit routine remotely piloted aircraft operations in USA airspace. This might be an issue for the USNRC to address with the FAA and the Air Force: in the contingency of a USA nuclear power plant accident how would the USAF get FAA permission to fly monitoring missions over the stricken facility? Information needed for public safety decisions might not be available any other way. In my opinion, it seems much more reasonable for the NRC to request assist from a remotely piloted monitoring asset than a manned asset, particularly to obtain measurements of airborne winds, radioactive particle density and activity.

How might I pass this concern along to the right people at USNRC?

Best wishes,

Mike Kelly

(b)(6)

Ex. 4

(b)(6)

Ex. 4

NOT FOR PUBLIC DISCLOSURE

# 893  
**Sexton, Kimberly**

**From:** Klein, Dale [dklein@utsystem.edu]  
**Sent:** Monday, August 22, 2011 7:22 PM  
**To:** Ostendorff, William  
**Subject:** FW: USAF monitoring of Fukushima facility damage

Bill -- more details from my former MA. Dale

**From:** Michael Kelly (b)(6) Ex. 6  
**Sent:** Monday, August 22, 2011 6:21 PM  
**To:** Klein, Dale  
**Subject:** Re: USAF monitoring of Fukushima facility damage

Dr. Klein-

Great! The next step would be to set up and document the information sharing arrangement between the FAA airspace control, USAF sensor ground station and the USNRC emergency operations facilities and personnel. After that a live fly exercise for a day-night-day cycle over a land locked facility would be ideal to work out any glitches in the information sharing regime.

Best wishes,

Mike Kelly

On Aug 22, 2011, at 6:04 PM, Klein, Dale wrote:

Mike -- I'll pass this concept along to some of my fellow Commissioners. Dale

**From:** Michael Kelly (b)(6) Ex. 6  
**Sent:** Monday, August 22, 2011 6:02 PM  
**To:** Dale E Klein  
**Subject:** USAF monitoring of Fukushima facility damage

Dear Dr. Klein-

Here's an interesting item from Air Force business for your consideration:

**Tomodachi's Constant Vigil:** Three RQ-4 remotely piloted aircraft checked off several firsts for the Global Hawk fleet as they maintained continuous imagery and monitoring of Japan's severely damaged Fukushima nuclear facility at the height of contamination fears in Japan this spring, a Northrop Grumman official announced last week. Flying some six and a half hours from Andersen AFB, Guam, operators "swapped" aircraft on-station over Japan. "That was the first time the Air Force tried that and it worked—they were able to do that," stated Bill Walker, Global Hawk business manager at Northrop during a briefing in Washington D.C., Aug. 16. Upon landing at Guam, Global Hawks also underwent nuclear decontamination—a first for any US remotely piloted aircraft. "The Air Force was able to launch sequential aircraft from Guam to have continuous coverage over Japan during that short time period where that was a threat with the nuclear power plant," Walker said. "Each mission was able to cover [the entire disaster area] with very high-resolution imagery ... many times during a single sortie," updating the Japanese government continuously between March 26 and 29. [source url: [http://admin.listpilot.net/mpower/showHtml.do?ac=afa&id=6qv5jq7\\_e6cde6f9](http://admin.listpilot.net/mpower/showHtml.do?ac=afa&id=6qv5jq7_e6cde6f9)]



**To:** 'Herr, Linda'  
**Cc:** 'Nieh, Ho'  
**Subject:** RE: Contact info

Good afternoon Ms. Herr.

Thank you very much for sending me Commissioner Ostendorff's picture and the NRC Logo.

Best Regards,

**Joe Neto**  
Event Producer

☎ 1 (818) 888-4444  
✉ 20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367



**From:** Herr, Linda [mailto:Linda.Herr@nrc.gov]  
**Sent:** Thursday, August 18, 2011 12:21 PM  
**To:** [mailto:joen@infocastevents.com] E.K.  
**Cc:** Nieh, Ho  
**Subject:** RE: Contact info  
**Importance:** High

Good afternoon Mr. Neto:

Attached are Commissioner Ostendorff's picture and the NRC Logo you requested from Mr. Nieh. Please don't hesitate to call or email me if I can assist further.

Regards,

*Linda S. Herr*  
Administrative Assistant to  
Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
PH: 301-415-1759  
FAX: 301-415-1757



Please consider the environment before printing this e-mail.

**From:** Nieh, Ho  
**Sent:** Thursday, August 18, 2011 3:13 PM

To: Herr, Linda  
Cc: joen@infocastevents.com  
Subject: FW: Contact info

Linda – could you please provide Joe with the material he is requesting?

Thanks.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

From: Joe Neto <mailto:joen@infocastevents.com>  
Sent: Thursday, August 18, 2011 3:12 PM  
To: Nieh, Ho  
Subject: RE: Contact info

Dear Ho,

We are delighted to confirm Commissioner Ostendorff's participation as a Keynote Speaker of our Nuclear Safety Post-Fukushima Policy Conference.

To properly feature the Commissioner and the NRC in our conference brochure and website, would you be kind enough to send me his picture, along with the NRC logo (in high-resolution)?

I appreciate that.

Best Regards,

Joe Neto  
Event Producer

1 (818) 888-4444  
20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367

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[www.infocastinc.com](http://www.infocastinc.com)

From: Nieh, Ho <mailto:Ho.Nieh@nrc.gov>  
Sent: Thursday, August 18, 2011 11:57 AM

To: ~~Jo~~en@infocastevents.com  
Subject: Contact Info

Dear Joe – good talking to you, will get back to you to confirm.

Best wishes,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
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(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

NOT FOR PUBLIC DISCLOSURE

894  
**Sexton, Kimberly**

**From:** Ostendorff, William  
**Sent:** Thursday, August 25, 2011 12:43 PM  
**To:** 'dklein@utsystem.edu'  
**Subject:** Re: USAF monitoring of Fukushima facility damage

Many thanks Dale!

**From:** Klein, Dale <dklein@utsystem.edu>  
**To:** Ostendorff, William  
**Sent:** Mon Aug 22 19:09:39 2011  
**Subject:** FW: USAF monitoring of Fukushima facility damage

Bill O -- See the e-mail below from my former MA at the Pentagon. It might be a good idea to have a MOU between the NRC and the "appropriate agency / Department" to fly a remote vehicle over a site as needed -- whether it is a nuclear power plant or other site involving radiation (e.g., a fire at an enrichment facility).

At least this issue should not be "political" ☺ Dale

**From:** Michael Kelly (b)(6) Ex. 6  
**Sent:** Monday, August 22, 2011 2:02 PM  
**To:** Dale E Klein  
**Subject:** USAF monitoring of Fukushima facility damage

Dear Dr. Klein-

Here's an interesting item from Air Force business for your consideration:

**Tomodachi's Constant Vigil:** Three FQ-4 remotely piloted aircraft checked off several firsts for the Global Hawk fleet as they maintained continuous imagery and monitoring of Japan's severely damaged Fukushima nuclear facility at the height of contamination fears in Japan this spring, a Northrop Grumman official announced last week. Flying some six and a half hours from Andersen AFB, Guam, operators "swapped" aircraft on-station over Japan. "That was the first time the Air Force tried that and it worked—they were able to do that," stated Bill Walker, Global Hawk business manager at Northrop during a briefing in Washington D.C., Aug. 16. Upon landing at Guam, Global Hawks also underwent nuclear decontamination—a first for any US remotely piloted aircraft. "The Air Force was able to launch sequential aircraft from Guam to have continuous coverage over Japan during that short time period where that was a threat with the nuclear power plant," Walker said. "Each mission was able to cover [the entire disaster area] with very high-resolution imagery ... many times during a single sortie," updating the Japanese government continuously between March 26 and 29. [source url: [http://admin.listspot.net/mpower/showHtml.do?ac=afa&id=6qv5jq7\\_e6cde6f9](http://admin.listspot.net/mpower/showHtml.do?ac=afa&id=6qv5jq7_e6cde6f9)]

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How might I pass this concern along to the right people at USNRC?

Best wishes,

Mike Kelly

(b)(6)

2

(b)(6)

File

NOT FOR PUBLIC DISCLOSURE

#486

Sexton, Kimberly

From: Nieh, Ho  
Sent: Tuesday, August 30, 2011 7:27 AM  
To: 'jsnyder24@bloomberg.net'  
Subject: Bloomberg article - 19 August - NRC

Dear Jim,

Hello. I noted that your 19 August article quoted Commissioner Ostendorff (see highlighted portion below). I was curious about the source of the quote. Could you refresh my memory? Thanks and best regards, Ho

## NRC Staff Directed to Set Priorities for Japan Safety Proposals

By Jim Snyder - Aug 19, 2011 12:03 PM ET

The U.S. Nuclear Regulatory Commission directed its staff to choose which task-force safety proposals should be adopted in the near term in response to the Japan crisis, resolving a dispute over how to proceed.

Chairman Gregory Jaczko had pressed the commission to act within 90 days on each of 12 recommendations the task force offered in a July report. Several commissioners led by William Ostendorff urged more time to review the proposals.

"The plan we've established will require a dedicated effort by our staff and stakeholders, and will require a continued commitment by the commission to see that these recommendations are promptly addressed," Jaczko said today in a statement.

The NRC panel was charged with developing safety steps after an earthquake and tsunami in March crippled Tokyo Electric Power Co.'s Fukushima Dai-Ichi plant, the worst nuclear accident since Chernobyl in 1986. A majority of the five-member commission balked at Jaczko's plan and Ostendorff said on July 28 he had "significant reservations" about swift action, echoing the positions of Commissioners William Magwood and Kristine Svinicki.

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
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(301) 415-1767 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

83

#330  
**Sexton, Kimberly**

---

**From:** Herr, Linda  
**Sent:** Wednesday, August 31, 2011 4:35 PM  
**To:** Mike Schoener  
**Cc:** Nieh, Ho  
**Subject:** RE: Rescheduled NELT 2011

Perfect, thank you very much for your time!!!

Best,  
Linda

---

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]  
**Sent:** Wednesday, August 31, 2011 4:19 PM  
**To:** Herr, Linda  
**Subject:** RE: Rescheduled NELT 2011

Linda,

I am sorry - I did forget to answer the second part of your question in your previous email. It will be in the same place at the same time with basically the same group of people. The topic he was going to talk about today (Fukushima) is absolutely appropriate for December. We are running the same agenda with just minor changes.

I will get out logistical information as we get closer. If you have any other questions please do not hesitate to contact me.

Mike

**Mike Schoener**  
MAS Consultants Inc.  
P.O. Box 5130  
Aiken, SC 29804  
803-641-8166

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---

**From:** Herr, Linda [mailto:Linda.Herr@nrc.gov]  
**Sent:** Wednesday, August 31, 2011 4:08 PM  
**To:** Mike Schoener  
**Subject:** RE: Rescheduled NELT 2011

Perfect, I'll let him know and I'll block December 7th noon-timeframe on his calendar.

I'm sure you'll be in touch with particulars as the time gets closer. I'd just like to know the location, exact time and would what the Commissioner planned to say during the cancelled meeting today be appropriate for a speech in December? Will the same folks be attending (give or take a few)?

In other words, are you following the same agenda for December that you had planned for today?

Many thanks!  
Linda

---

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]  
**Sent:** Wednesday, August 31, 2011 4:02 PM

**To:** Herr, Linda  
**Cc:** Nieh, Ho  
**Subject:** RE: Rescheduled NELT 2011

Hello Linda,

Since Commissioner Ostendorff was going to speak on Wednesday of this week (before we had to cancel), let's just stick with Wednesday the 7<sup>th</sup>. Please let him know that the Department really appreciates his participation.

Mike

**Mike Schoener**  
MAS Consultants Inc.  
P.O. Box 5130  
Aiken, SC 29804  
803-641-8166

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**From:** Herr, Linda [mailto:Linda.Herr@nrc.gov]  
**Sent:** Wednesday, August 31, 2011 3:14 PM  
**To:** mikeschoener@masconsultants.com  
**Cc:** Nieh, Ho  
**Subject:** RE: Rescheduled NELT 2011  
**Importance:** High

Good Afternoon Mr. Schoener:

Commissioner Ostendorff could be available to speak over lunch on either Wednesday, December 7<sup>th</sup> or Thursday, December 8<sup>th</sup>. Please let me know at your earliest possible convenience which date you choose as the Commissioner's calendar is beginning to fill up and I'd like to ensure that he is locked into a date for your event. Is it too soon to ask if the lunch will be held at the Bethesda Marriott again?

Please don't hesitate to call or email me.

Respectfully,

*Linda S. Herr*  
Administrative Assistant to  
Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
PH: 301-415-1759  
FAX: 301-415-1757



Please consider the environment before printing this e-mail.

**From:** Ostendorff, William  
**Sent:** Wednesday, August 31, 2011 2:32 PM  
**To:** Herr, Linda  
**Subject:** FW: Rescheduled NELT 2011



What do you think Linda?

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]

**Sent:** Wednesday, August 31, 2011 1:34 PM

**To:** Ostendorff, William

**Cc:** Franovich, Mike; Nieh, Ho; Herr, Linda; (b)(6)

**Subject:** Rescheduled NELT 2011

Hello Bill,

We have rescheduled NELT 2011 for the week of December 4<sup>th</sup>. Would you still be available to address the group at lunch that week?

Mike

**Mike Schoener**  
MAS Consultants Inc.  
P.O. Box 5130  
Aiken, SC 29804  
803-641-8166

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# 331

**Sexton, Kimberly**

**From:** Herr, Linda  
**Sent:** Wednesday, August 31, 2011 3:14 PM  
**To:** mikeschoener@masconsultants.com  
**Cc:** Nieh, Ho  
**Subject:** RE: Rescheduled NELT 2011

**Importance:** High

Good Afternoon Mr. Schoener:

Commissioner Ostendorff could be available to speak over lunch on either Wednesday, December 7<sup>th</sup> or Thursday, December 8<sup>th</sup>. Please let me know at your earliest possible convenience which date you choose as the Commissioner's calendar is beginning to fill up and I'd like to ensure that he is locked into a date for your event. Is it too soon to ask if the lunch will be held at the Bethesda Marriott again?

Please don't hesitate to call or email me.

Respectfully,

*Linda S. Herr*

Administrative Assistant to  
Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission

PH: 301-415-1759

FAX: 301-415-1757



Please consider the environment before printing this e-mail.

**From:** Ostendorff, William  
**Sent:** Wednesday, August 31, 2011 2:32 PM  
**To:** Herr, Linda  
**Subject:** FW: Rescheduled NELT 2011

What do you think Linda?

**From:** Mike Schoener [mailto:mikeschoener@masconsultants.com]  
**Sent:** Wednesday, August 31, 2011 1:34 PM  
**To:** Ostendorff, William  
**Cc:** Franovich, Mike; Nieh, Ho; Herr, Linda; (b)(6)  
**Subject:** Rescheduled NELT 2011

Ex. 6

Hello Bill,

We have rescheduled NELT 2011 for the week of December 4<sup>th</sup>. Would you still be available to address the group at lunch that week?

Mike

Mike Schoener  
MAS Consultants Inc.  
P.O. Box 5130  
Aiken, SC 29804  
803-641-8166

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# August 02, 2011

Tuesday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

2 Tuesday		Notes
	10:00am Hearing: Japan - Senate Committee on Environment and Public Works (	
7 am		
8 00	Outside of Scope	] outside of scope
9 00		
10 00	10:00am Hearing: Japan - Senate Committee on Environment and Public Works	
11 00		→ a. Fukushima
	Outside of Scope	] outside of scope
12 pm		
1 00		
2 00	2:00-3:00pm David Lockbaum drop in (Ho/Mike)	→ a. Fukushima
3 00	Outside of Scope	] outside of scope
4 00		
5 00		
6 00		

86

# August 03, 2011

Wednesday

August 2011						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011						
S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

3 Wednesday		Notes
	Outside of Scope	] outside of scope
	Speech: NRC & Its Environment	
7 am	Outside of Scope	] outside of scope
8 00		
	8:30-9:00am Speak and Q&A for NRC & Its Environment; Rayburn House Office Bldg	→ a Fukushima
9 00	Outside of Scope	] outside of scope
10 00		
11 00		
12 pm		
1 00		
2 00		
3 00		
4 00		87
5 00		
6 00		

# August 04, 2011

Thursday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

4 Thursday		Notes
12:00-1:30pm Lunch w/Greg Meyer		outside of scope
Outside of Scope		
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm	12:00-1:30pm Lunch with Greg Meyer He's having Chicken salad/wheat or Tuna/Diet Coke	→ a. Fukushima
1 00		
2 00	Outside of Scope	outside of scope
3 00		
4 00		
5 00		
6 00		

88

# August 05, 2011

Friday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

5 Friday		Notes
	Outside of Scope	] outside of scope
	12:00pm Lunch w/Marv Fertel downtown	
	Outside of Scope	
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		Outside of scope
11 <sup>00</sup>		
12 pm	12:00-1:00pm Lunch w/Marv Fertel (cell (b)(6) at Taberna	→ a Fukushima
1 <sup>00</sup>	Outside of Scope	] Outside of scope
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		
		89

# August 08, 2011

Monday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

8 Monday		Notes
12pm NRC Retirees Lunch		Outside of Scope
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm	12:00-1:30pm Lunch with NRC retirees re: will be discussing our recollections of the post-TMI era and Tom Wellock's question of the perception that there was a regulatory over reaction to the TMI accident Bethesda Marriott	→ a. Fukushima
1 00		Outside of Scope
2 00		
3 00		
4 00		
5 00		
6 00		

90



# August 10, 2011

Wednesday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

10 Wednesday		Notes
Outside of Scope		] Outside of Scope
8:30am Pete Lyons		
7 am Outside of Scope		] Outside of Scope
8:00 8:30-9:00am Pete Lyons Meeting; his office: 1000 Independence Ave SW, room 5A-1		
9:00 Outside of Scope		] Outside of Scope  → a. Fukushima
10:00		
11:00		
12 pm		
1:00		
2:00		
3:00		
4:00		
5:00		
6:00		
		91

# August 11, 2011

Thursday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

11 Thursday		Notes
7 am		
8 00	Outside of Scope	outside of scope
9 00		
10 00		
11 00	11:00-11:30am American Nuclear Society drop in w/Eric Loewen, President; Craig Pi	→ a. Fukushima
	Outside of Scope	outside of scope
12 pm		
1 00		
2 00		
3 00		
4 00		
5 00		
6 00		

92

# August 12, 2011

Friday

August 2011						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

12	Friday	Notes
7 am		
8 00	Outside of Scope	outside of scope
9 00		
10 00	10:00-10:30am Kenny Fletcher, Reporter, Nuclear New Build Monitor, Exchange Mo	
11 00	Outside of Scope	→ a. Fukushima  outside of scope
12 pm		
1 00		
2 00		
3 00		
4 00		
5 00		
6 00		

# August 15, 2011

Monday

August 2011						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

15

Monday

Outside of Scope

Notes

7 am

8 00

9 00

10 00

11 00

11:00am-12:00pm Speak before the Nuclear Oversight Committee, Parkview East Mtg Rm

12 pm

Outside of Scope

1 00

2 00

3 00

4 00

5 00

6 00

Outside of  
scope

→ a. Fukushima

Outside of  
scope

94

# August 17, 2011

Wednesday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

17 Wednesday		Notes
	2:30-3:30pm Speak on Panel for the Secretary of the Navy Advisory Meeting	
7 am	Outside of Scope	outside of scope
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>		
2 <sup>00</sup>	2:30-3:30pm Speak during Secretary of the Navy Advisory Board Panel Meeting DONPEC conference room (room 4D447).	→ a. Fukushima
3 <sup>00</sup>	Outside of Scope	outside of scope
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		
		95

# August 30, 2011

Tuesday

August 2011

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

30 Tuesday		Notes
7 am		
8 00	Outside of Scope	] outside of scope
	8:30-8:45am Senator Carper call Bridge	
9 00	Outside of Scope	→ b. Personal conduct
10 00		outside of scope
11 00		
12 pm		
1 00		
2 00		
3 00		
4 00		
5 00		96
6 00		

# 350

**Sexton, Kimberly**

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**From:** Joe Neto [mailto:joen@infocastevents.com]  
**Sent:** Friday, September 02, 2011 1:57 PM  
**To:** Herr, Linda  
**Cc:** Nieh, Ho  
**Subject:** RE: Contact info

Dear Ms. Herr,

Hope this e-mail finds you well.

Since our conference will be mostly oriented towards the guidelines specified in the United States National Regulatory Commission Near-Term Task Force Report, we would like to kindly ask Commissioner Ostendorff to submit a brief quote about the current environment of the nuclear community post-Fukushima Daiichi incident, that makes it so crucial for the sector to gather and discuss the next steps that will be taken to enhance safety. This quote will be featured on the conference's brochure.

I appreciate your attention to this matter.  
With my best regards,

Joe Neto  
Event Producer

1 (818) 888-4444  
20931 Burbank Blvd., Suite B  
Woodland Hills, CA 91367

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The Leading Source  
[www.infocastinc.com](http://www.infocastinc.com)

---

**From:** Joe Neto [mailto:joen@infocastevents.com]  
**Sent:** Thursday, August 18, 2011 3:28 PM  
**To:** 'Herr, Linda'  
**Cc:** 'Nieh, Ho'  
**Subject:** RE: Contact info

Good afternoon Ms. Herr.

Thank you very much for sending me Commissioner Ostendorff's picture and the NRC Logo.

Best Regards,

Joe Neto  
Event Producer

☎ 1 (818) 888-4444  
✉ 20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367



**From:** Herr, Linda [mailto:Linda.Herr@nrc.gov]  
**Sent:** Thursday, August 18, 2011 12:21 PM  
**To:** 'joen@infocastevents.com'  
**Cc:** Nieh, Ho  
**Subject:** RE: Contact info  
**Importance:** High

Good afternoon Mr. Neto:

Attached are Commissioner Ostendorff's picture and the NRC Logo you requested from Mr. Nieh. Please don't hesitate to call or email me if I can assist further.

Regards,

*Linda S. Herr*

Administrative Assistant to  
Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
PH: 301-415-1759  
FAX: 301-415-1757



Please consider the environment before printing this e-mail.

**From:** Nieh, Ho  
**Sent:** Thursday, August 18, 2011 3:13 PM  
**To:** Herr, Linda  
**Cc:** joen@infocastevents.com  
**Subject:** FW: Contact info

Linda - could you please provide Joe with the material he is requesting?

Thanks,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission



(301) 415-1811 (office)  
(b)(6) mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Joe Neto [<mailto:joen@infocastevents.com>]  
**Sent:** Thursday, August 18, 2011 3:12 PM  
**To:** Nieh, Ho  
**Subject:** RE: Contact info

Dear Ho,

We are delighted to confirm Commissioner Ostendorff's participation as a Keynote Speaker of our Nuclear Safety Post-Fukushima Policy Conference.

To properly feature the Commissioner and the NRC in our conference brochure and website, would you be kind enough to send me his picture, along with the NRC logo (in high-resolution)?

I appreciate that.

Best Regards,

Joe Neto  
Event Producer

1 (818) 888-1744  
20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367

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[www.infocastinc.com](http://www.infocastinc.com)

**From:** Nieh, Ho [<mailto:Ho.Nieh@nrc.gov>]  
**Sent:** Thursday, August 18, 2011 11:57 AM  
**To:** 'joen@infocastevents.com'  
**Subject:** Contact Info

Dear Joe - Good talking to you, will get back to you to confirm.

Best wishes,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)

(b)(6)

(mobile)

(301) 415-1757 (fax)

ho.nieh@nrc.gov

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# 208

Sexton, Kimberly

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**From:** Dave Lochbaum [DLochbaum@ucsusa.org]  
**Sent:** Friday, September 02, 2011 12:28 PM  
**To:** Dave Lochbaum  
**Subject:** UCS comments on NRC task force near-term recommendations  
**Attachments:** 20110902-ucs-nrc-comments-near-term-task-force-recommendations.pdf

Good Day:

UCS submitted the attached comments via [www.regulations.gov](http://www.regulations.gov) regarding the near term recommendation from the NRC's Japan task force to meet the very short public comment period deadline.

Thanks,  
Dave Lochbaum  
UCS

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## Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

September 2, 2011

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attn: Rulemakings and Adjudications Staff

**SUBJECT: Docket ID NRC-2011-0196: Comments on Near Term Task Force Recommendations 2, 4, 5, 7, 8, and 9**

Comments submitted via [www.regulations.gov](http://www.regulations.gov)

Good Day:

In response to the notice of the August 31, 2011, public meeting conducted by the Nuclear Regulatory Commission (NRC), I am submitting the attached comments on behalf of the Union of Concerned Scientists (UCS). These comments include input from Dr. Edwin Lyman, my colleague at UCS.

We have two general comments. The first involves the pace of the proposed rulemaking. If the NRC is still "pursuing" rulemaking on its Fukushima lessons learned 10 years from now, the agency will have let the American public down. All rulemaking initiated to implement the Task Force's recommendations must be completed without undue delay. A decade-plus completion internal has no excuse and is quite simply unacceptable.

Our second general comment is that the process for development and compliance with orders needs to be as transparent as possible. The secrecy surrounding the 2002 Interim Compensatory Measures orders following the 9/11 attacks gave the nuclear industry the cover it needed to delay implementation of the orders for years in private while telling the public that it was rapidly upgrading security to address terrorism concerns. While we agree that it is important that the requirements contained within orders need to be carefully and clearly formulated, this process should take months, not years, to resolve.

Sincerely,

*David A. Fubler*

September 2, 2011

Page 2 of 2

David Lochbaum  
Director, Nuclear Safety Project

PO Box 15316

Chattanooga, TN 37415

(423) 468-9272 office

(b)(6)

cell

Ex-4

Enclosure: Comments on Near Term Task Force Recommendations 2, 4, 5, 7, 8 and 9

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No.	Comments on Near-Term Task Force Recommendations 2, 4, 5, 7, 8 and 9 Comment
2	<b>The Task Force recommends that the NRC require licensees to reevaluate and upgrade as necessary the design-basis seismic and flooding protection of SSCs for each operating reactor.</b>
2.1	<p><i>Task Force's Recommendation: Order licensees to reevaluate the seismic and flooding hazards at their sites against current NRC requirements and guidance, and if necessary, update the design basis and SSCs important to safety to protect against the updated hazards.</i></p> <p>UCS's Comment: This recommendation has limited value until the NRC resolves Generic Issue 199 (GI-199). For example, the last paragraph on page 26 of the task force's report begins with these sentences:</p> <p style="padding-left: 40px;"><i>In 1996, the NRC established two new seismic regulations for applications submitted on or after January 10, 1997. These regulations were not applied to existing reactors.</i></p> <p>In the first full paragraph on page 27, the task force stated:</p> <p style="padding-left: 40px;"><i>In 1996, the staff also established a new requirement in 10 CFR 100.20, "Factors To Be Considered When Evaluating Sites," for the evaluation of the nature and proximity of man-related hazards, such as dams, for applications submitted on or after January 10, 1997. This regulation was not applied to existing reactors.</i></p> <p>In the second full paragraph on page 27, the task force stated:</p> <p style="padding-left: 40px;"><i>Since the last SRP update in 2007, the staff has established interim staff guidance (ISG) in three areas related to protection from natural phenomena: (1) DC/COL-ISG-1, "Interim Staff Guidance on Seismic Issues of High Frequency Ground Motion," (2) DC/COLISG7, "Assessment of Normal and Extreme Winter Precipitation Loads on the Roofs of Seismic Category I Structures," and (3) DC/COL-ISG-20, "Seismic Margin Analysis for New Reactors based on Probabilistic Risk Assessment." This interim guidance has been applied only to new reactor reviews.</i></p> <p>The recurring theme is that the NRC has taken several steps to protect future reactors from heightened seismic hazards, but has not taken these steps for existing reactors. GI-199 was initiated by the NRC staff more than seven (7) years ago to reconcile the gap between the seismic protection levels required for new reactors and the lower seismic protection levels required for existing reactors. GI-199 remains unresolved, so that gap still exists.</p> <p>Until GI-199 is resolved, the reevaluations would, at best, merely confirm that existing reactors conform to the outdated, obsolete, and inadequate seismic hazard levels. The NRC must resolve GI-199 to define the agency's expectations regarding current seismic hazards that owners of existing reactors can then incorporate into the answer keys for their reevaluations. The NRC must resolve GI-199 in order for this recommendation to realize the intended benefit.</p>

2.2	<p><i>Task Force's Recommendation: Initiate rulemaking to require licensees to confirm seismic hazards and flooding hazards every 10 years and address any new and significant information. If necessary, update the design basis for SSCs important to safety to protect against the updated hazards.</i></p> <p>UCS's Comment: As explained above for Recommendation 2.1, GI-199 must be resolved for periodic reevaluations to be constructive. Resolution of GI-199 would establish the NRC's expectations that plant owners could then use to inform decisions about when new information warrants updates to the design basis. Resolution would also provide NRC inspectors and reviewers the guidance they need when assessing whether licensees' reevaluations were adequate. Absent resolution of GI-199, any reevaluations would likely become exercises in futility.</p> <p>We agree with the following statements made by NRDC and NEI during the August 31<sup>st</sup> public meeting. We agree with NRDC that the scope of the periodic revisits must be broader than merely flooding and seismic information to also include other hazards such as tornadoes and fire hazards. We also agree with NEI that a better alternative to the 10-year revisits would be to define thresholds when new information triggers re-evaluations of hazards and associated protections.</p>
2.3	<p><i>Task Force's Recommendation: Order licensees to perform seismic and flood protection walkdowns to identify and address plant-specific vulnerabilities and verify the adequacy of monitoring and maintenance for protection features such as watertight barriers and seals in the interim period until longer term actions are completed to update the design basis for external events.</i></p> <p>UCS's Comment: The need for walkdowns strongly suggests that the existing inspection and testing regimes used by plant owners for seismic and flood protection measures are inadequate. It also strongly suggests that the NRC's oversight methods are equally defective. Thus, in addition to these one-time walkdowns, the NRC must also address the deficiencies in the licensees' inspection and testing regimes and its own oversight processes that enabled these vulnerabilities to go undetected to date.</p>
4	<p><i>The Task Force recommends that the NRC strengthen SBO mitigation capability at all operating and new reactors for design-basis and beyond-design-basis external events.</i></p>
4.1	<p><i>Task Force's Recommendation: Initiate rulemaking to revise 10 CFR 50.63 to require each operating and new reactor licensee to (1) establish a minimum coping time of 8 hours for a loss of all ac power, (2) establish the equipment, procedures, and training necessary to implement an "extended loss of all ac" coping time of 72 hours for core and spent fuel pool cooling and for reactor coolant system and primary containment integrity as needed, and (3) preplan and prestage offsite resources to support uninterrupted core and spent fuel pool cooling, and reactor coolant system and containment integrity as needed, including the ability to deliver the equipment to the site in the time period allowed for extended coping, under conditions involving significant degradation of offsite transportation infrastructure associated with significant natural disasters.</i></p> <p>UCS's Comment: Overall, the 8-hour, 72-hour, and 72-plus-hour approaches to the loss of ac power problem is a sound framework for managing this risk, with the caveats described below.</p>

	<p>The 72-hour extended loss of all ac coping time permits reliance on non-safety-related equipment for reactor core and spent fuel cooling. Unless this equipment is specifically included under the Maintenance Rule (10 CFR 50.65), the availability and reliability of this equipment cannot be assured. For example, if a coping plan relies on a non-safety-related widget not covered by the technical specifications, Updated Final Safety Analysis Report, and maintenance rule program, then a licensee could ship the widget offsite for repairs for an indefinite period without any compensatory measures being taken. The use of non-safety-related equipment increases the likelihood that a single failure or sub-standard part prevents reactor core and/or spent fuel cooling from being successfully achieved during this 72-hour coping period.</p> <p>We also note that a member of the ACRS has disputed the Task Force's assertion regarding the magnitude of the seismic safety margin that can be assumed for SSCs designed to withstand a safe shutdown earthquake (SSE). This is a serious issue because it contradicts the Task Force's confidence in the availability of SBO mitigation equipment following beyond-design-basis seismic events. It may be necessary to add additional seismic protection (in addition to flood protection) to SBO mitigation equipment to maintain the necessary safety level.</p> <p>The provisions for offsite resources assuring reactor core and spent fuel cooling involve some details to be addressed. For example, resources at an offsite location would require periodic testing and inspection to verify their continued functionality. In addition, these resources might be needed to support a site stricken by a severe natural disaster, there may be competing needs for them (e.g., to provide temporary power to a local hospital or to a local emergency response center).</p> <p>One aspect of the Task Force's proposed rule should actually be implemented as an Order: the requirement for reliable provision of power to hydrogen igniters in ice-condenser and Mark III containments during an SBO. Via Generic Issue 189, the NRC determined nearly a decade ago that a rule to require backup power to the igniters was justified; yet it never enacted the rule. Instead, licensees installed the equipment under a voluntary initiative. No more analysis is required on this issue, and it should be a relatively simple effort to upgrade the current voluntary measures to inspectable and enforceable regulatory requirements.</p>
4.2	<p><i>Order licensees to provide reasonable protection for equipment currently provided pursuant to 10 CFR 50.54(hh)(2) from the effects of design-basis external events and to add equipment as needed to address multiunit events while other requirements are being revised and implemented.</i></p> <p>UCS's Comment: This recommendation, depending on how it is implemented, could address the caveats identified in our comments on Recommendation 4.1. What is "reasonable protection?" How would a plant worker or NRC inspector assess whether non-safety-related equipment added per 10 CFR 50.54(hh)(2) is reasonably protected from design-basis external events? There are decades-old requirements and conventions for assessing whether safety-related components will function during design-basis events. There are decades-old requirements and conventions for assessing whether non-safety-related components will function during licensing-basis fires (e.g., Appendix R). Would applying either of these standards suffice, or is some new standard to be applied? Absent such detail, it is hard to gauge the value of this recommendation.</p> <p>UCS's view is that, absent strong and compelling reasons to the contrary (i.e., not just that it costs too much), this equipment installed to protect the lives of workers and the public should be classified as safety-related. Since that's the role it plays, that's the classification it must be given.</p>



5	<b><i>The Task Force recommends requiring reliable hardened vent designs in BWR facilities with Mark I and Mark II containments.</i></b>
5.1	<p><i>Task Force's Recommendation: Order licensees to include a reliable hardened vent in BWR Mark I and Mark II containments.</i></p> <p>UCS's Comment: We agree.</p>
5.2	<p><i>Task Force's Recommendation: Reevaluate the need for hardened vents for other containment designs, considering the insights from the Fukushima accident. Depending on the outcome of the reevaluation, appropriate regulatory action should be taken for any containment designs requiring hardened vents.</i></p> <p>UCS's Comment: We agree.</p>
7	<b><i>The Task Force recommends enhancing spent fuel pool makeup capability and instrumentation for the spent fuel pool.</i></b>
7.1	<p><i>Task Force's Recommendation: Order licensees to provide sufficient safety-related instrumentation, able to withstand design-basis natural phenomena, to monitor key spent fuel pool parameters (i.e., water level, temperature, and area radiation levels) from the control room.</i></p> <p>UCS's Comment: We agree.</p> <p>While the NRC is not currently soliciting comments on Task Force Recommendation 6 regarding hydrogen, we believe that the NRC should require licensees to provide sufficient safety-related instrumentation, able to withstand design-basis natural phenomena, to monitor key hydrogen parameters from the control room on the same pace as for spent fuel pool parameters.</p> <p>While the pathway(s) are currently uncertain, what is certain today is that hydrogen gas got into the reactor buildings on Fukushima Dai-Ichi Units 1, 3, and 4 and ignited, causing secondary containment integrity to be lost at a time when it was needed.</p> <p>By design, hydrogen should not exist in the free space of the reactor building. During normal and post-accident venting of the primary containment, hydrogen might be present in the flow carried through the reactor building within piping and ducting. But it is not supposed to get into the free space of the reactor building. Yet it did.</p> <p>While identification of the pathway(s) through which hydrogen reached the reactor building free spaces should, via Recommendation 6, trigger fixes to lessen recurrence at U.S. reactors, the defense-in-depth philosophy espoused by the Task Force supports the needs for control room operators to be able to detect the unwanted, undesired, and unexpected buildup of hydrogen inside the reactor buildings (secondary containments) of boiling water reactors and the fuel handling buildings of pressurized water reactors. Hopefully, this instrumentation would allow the operators to verify the absence of significant concentrations of hydrogen. But if hydrogen were to collect for</p>

	<p>whatever reasons, the instrumentation would enable the operators to detect this situation and take pro-active steps to mitigate it.</p> <p>At Fukushima, the detection method was the explosion inside the Unit 1 reactor building. To combat recurrence, workers opened a hole in the side of the Unit 2 reactor building and open vents in the roofs of the Unit 5 and 6 reactor buildings to control hydrogen accumulations.</p> <p>Operators at U.S. reactors must not wait for an explosion to alert them to hydrogen collecting in unwanted places. They must be provided the means to monitor hydrogen levels in structures containing safety-related equipment where hydrogen may collect.</p>
7.2	<p><i>Task Force's Recommendation: Order licensees to provide safety-related ac electrical power for the spent fuel pool makeup system.</i></p> <p>UCS's Comment: This recommendation, along with the rest of the recommendations in the Task Force's report, are not sufficient protection for boiling water reactors (BWRs) with Mark I and Mark II containment designs.</p> <p>If the spent fuel pool at a BWR Mark I/II plant was allowed to boil but its irradiated fuel protected from damage by providing makeup flow to compensate for the water inventory lost via boil-off, the irradiated fuel in the reactor core may be sacrificed. The NRC must not force the operators to make a Faustian choice between catastrophic damage to the spent fuel and catastrophic damage to the reactor core. Both catastrophes should be avoided if possible.</p> <p>The spent fuel pool in a BWR Mark I/II plant is located inside the reactor building, or secondary containment. All the emergency core cooling system pumps (high pressure coolant injection, core spray, and residual heat removal) along with the reactor core isolation cooling system and control rod drive pumps are also located inside the reactor building, typically at its lowest elevation.</p> <p>The water evaporating from a boiling spent fuel pool at a BWR Mark I/Mark II containment eventually condenses back into water. Much of that condensed water drains by gravity down into the lower elevations of the reactor building. The rising water levels eventually disable the emergency core cooling systems for the reactor core due to submergence.</p> <p>Therefore, this recommendation of a panacea for spent fuel pools is a pandemic for reactor cores at BWR Mark I/II plants.</p> <p>The NRC must ensure that BWR Mark I/II plants comply with existing regulations applicable to this situation. As the Task Force stated on page 17 of its report:</p> <p><i>... the current NRC regulatory approach includes (1) requirements for design-basis events with features controlled through specific regulations or the general design criteria (GDC) (10 CFR Part 50, Appendix A, "General Design Criteria for Nuclear Power Plants") ...</i></p> <p>General Design Criterion 44 (GDC 44) in Appendix A to 10 CFR Part 50 states:</p> <p><i>A system to transfer heat from structures, systems, and components important to safety, to an ultimate heat sink shall be provided. The system safety function shall be to transfer the combined heat load of these structures, systems, and components under normal operating and accident conditions.</i></p>

	<p>BWR Mark I/II plants do not comply with this requirement if their GDC 44 cooling water systems cannot transfer the "combined heat load," including the heat load from the spent fuel pool, from the reactor building to the ultimate heat sink. Note that this requirement is for design bases events, not extended design basis, beyond design basis, or other similar moniker.</p> <p>Merely assuring makeup flow to a boiling spent fuel pool at a BWR Mark I/II plant is also inconsistent with the defense-in-depth philosophy expressed on page 25 of the Task Force's report:</p> <p><i>The key to a defense-in-depth approach is creating multiple independent and redundant layers of defense to compensate for potential failures and external hazards so that no single layer is exclusively relied on to protect the public and the environment.</i></p> <p>The environmental conditions inside the reactor building when its spent fuel pool is boiling are very likely to disable the standby gas treatment system. The standby gas treatment system is a safety system normally in standby. In event of a design basis accident, the reactor building's normal ventilation system is shut down and the standby gas treatment system started. The standby gas treatment system draws air from the refueling floor and lower elevations of the reactor building, passes it through a series of HEPA and charcoal filters, before discharging it from an elevated release point. The filters are designed to reduce the radioactivity levels by a factor of 100. The elevated discharge further protects plant workers and the public by diluting radioactively contaminated air with clean air.</p> <p>A spent fuel pool boiling during a design basis event at a BWR Mark I/II plant can cause the standby gas treatment system to fail. This collapses the desired defense-in-depth layers to a single one – the spent fuel pool <u>not</u> boiling. If the pool boils, reactor core damage is more likely to occur and secondary containment integrity is more likely to be lost.</p>
7.3	<p><i>Task Force's Recommendation: Order licensees to revise their technical specifications to address requirements to have one train of onsite emergency electrical power operable for spent fuel pool makeup and spent fuel pool instrumentation when there is irradiated fuel in the spent fuel pool, regardless of the operational mode of the reactor.</i></p> <p>UCS's Comment: This recommendation lacks sufficient scope. As stated on page 43 of the Task Force's report:</p> <p><i>When the reactor is shut down and defueled for maintenance work and all of the fuel is placed in the spent fuel pool, the LCOs [limiting conditions for operation specified in the technical specifications, an implicit part of a reactor's operating license] do not require any electrical power systems to be operable.</i></p> <p>This is true. It is also true that when a reactor is defueled, there are no applicable technical specification requirements and associated LCOs for containment integrity and even water level in the spent fuel pool. These shortcomings in the technical specification requirements must also be addressed in addition to the one about onsite emergency electrical power.</p>

7.4	<p><i>Task Force's Recommendation: Order licensees to have an installed seismically qualified means to spray water into the spent fuel pools, including an easily accessible connection to supply the water (e.g., using a portable pump or pumper truck) at grade outside the building.</i></p> <p>UCS's Comment: For plants other than BWR Mark I/II plants, this recommendation has value with limited downside. For BWR Mark I/II plants, this recommendation has the same potential adverse consequences as articulated in the comments for Recommendation 7.2 above.</p> <p>The Task Force emphasized defense-in-depth provisions frequently in its report, but abandoned that concept with regard to spent fuel pool safety. The Task Force noted on page 44 that "the U.S. spent fuel pools are filled with spent fuel pools up to approximately three-quarters of their capacity" with "an average storage capacity of approximately 3,000 spent fuel assemblies."</p> <p>Spraying water into a spent fuel pool is a desperate measure. Lots of things had to have gone wrong to employ this last-ditch act. If this last-ditch act fails, it is likely that irradiated fuel – and considerable amounts of it – located outside primary containment in both pressurized water reactor and boiling water reactor plants will be damaged.</p> <p>Proper application of the defense-in-depth philosophy would seek to reduce both the probability of such an outcome and its consequences. The recommended water spray provision addresses the probability aspect. Accelerating the transfer of irradiated fuel from spent fuel pools to dry storage would address the consequence aspect of defense-in-depth.</p> <p>The NRC must act to reduce the inventory of irradiated fuel in spent fuel pools to responsibly manage the spent fuel risk.</p>
7.5	<p><i>Task Force's Recommendation: Initiate rulemaking or licensing activities or both to require the actions related to the spent fuel pool described in detailed recommendations 7.1–7.4.</i></p> <p>UCS's Comment: We agree on one condition – that the rulemaking be completed without undue delay. We watched the NRC take over a decade to plod through the working hours rulemaking. It should not, and must not, take so long to resolve known safety issues.</p>
8	<p><i>The Task Force recommends strengthening and integrating onsite emergency response capabilities such as EOPs, SAMGs, and EDMGs.</i></p>
8.1	<p><i>Task Force's Recommendation: Order licensees to modify the EOP technical guidelines (required by Supplement 1, "Requirements for Emergency Response Capability," to NUREG-0737, issued January 1983 (GL 82-33), to (1) include EOPs, SAMGs, and EDMGs in an integrated manner, (2) specify clear command and control strategies for their implementation, and (3) stipulate appropriate qualification and training for those who make decisions during emergencies.</i></p> <p>UCS's Comment: We agree.</p>

8.2	<p><i>Task Force's Recommendation: Modify Section 5.0, "Administrative Controls," of the Standard Technical Specifications for each operating reactor design to reference the approved EOP technical guidelines for that plant design.</i></p> <p>UCS's Comment: We agree.</p>
8.3	<p><i>Task Force's Recommendation: Order licensees to modify each plant's technical specifications to conform to the above changes.</i></p> <p>UCS's Comment: We agree.</p>
8.4	<p><i>Task Force's Recommendation: Initiate rulemaking to require more realistic, hands-on training and exercises on SAMGs and EDMGs for all staff expected to implement the strategies and those licensee staff expected to make decisions during emergencies, including emergency coordinators and emergency directors.</i></p> <p>UCS's Comment: We agree.</p>
9	<p><i>The Task Force recommends that the NRC require that facility emergency plans address prolonged SBO and multiunit events.</i></p>
9.1	<p><i>Task Force's Recommendation: Initiate rulemaking to require EP enhancements for multiunit events in the following areas:</i></p> <ul style="list-style-type: none"> <li>• personnel and staffing</li> <li>• dose assessment capability</li> <li>• training and exercises</li> <li>• equipment and facilities</li> </ul> <p>UCS's Comment: We agree.</p>
9.2	<p><i>Task Force's Recommendation: Initiate rulemaking to require EP enhancements for prolonged SBO in the following areas:</i></p> <ul style="list-style-type: none"> <li>• communications capability</li> <li>• ERDS capability</li> <li>• training and exercises</li> <li>• equipment and facilities</li> </ul> <p>UCS's Comment: We agree.</p>

9.3	<p><i>Task Force's Recommendation: Order licensees to do the following until rulemaking is complete:</i></p> <ul style="list-style-type: none"> <li>• <i>Determine and implement the required staff to fill all necessary positions for responding to a multiunit event.</i></li> <li>• <i>Add guidance to the emergency plan that documents how to perform a multiunit dose assessment (including releases from spent fuel pools) using the licensee's site-specific dose assessment software and approach.</i></li> <li>• <i>Conduct periodic training and exercises for multiunit and prolonged SBO scenarios. Practice (simulate) the identification and acquisition of offsite resources, to the extent possible.</i></li> <li>• <i>Ensure that EP equipment and facilities are sufficient for dealing with multiunit and prolonged SBO scenarios.</i></li> <li>• <i>Provide a means to power communications equipment needed to communicate onsite (e.g., radios for response teams and between facilities) and offsite (e.g., cellular telephones, satellite telephones) during a prolonged SBO.</i></li> <li>• <i>Maintain ERDS capability throughout the accident.</i></li> </ul> <p>UCS's Comment: We agree.</p>
9.4	<p><i>Task Force's Recommendation: Order licensees to complete the ERDS modernization initiative by June 2012 to ensure multiunit site monitoring capability.</i></p> <p>UCS's Comment: We agree about the need to modernize the ERDS without undue delay. We lack information to determine whether the June 2012 deadline is appropriate.</p>

# 328

**Sexton, Kimberly**

---

**From:** Herr, Linda  
**Sent:** Tuesday, September 06, 2011 8:27 AM  
**To:** joen@infocastevents.com  
**Cc:** Nieh, Ho  
**Subject:** RE: Contact info

Good Morning Mr. Neto:

Mr. Ho Nieh, Cmr. Ostendorff's Chief of Staff is aware of and will send you the info you request in the near future. Please call or email if I can assist in any other way.

Regards,  
Linda

**From:** Joe Neto [mailto:joen@infocastevents.com]  
**Sent:** Friday, September 02, 2011 1:57 PM  
**To:** Herr, Linda  
**Cc:** Nieh, Ho  
**Subject:** RE: Contact info

Dear Ms. Herr,

Hope this e-mail finds you well.

Since our conference will be mostly oriented towards the guidelines specified in the United States National Regulatory Commission Near-Term Task Force Report, we would like to kindly ask Commissioner Ostendorff to submit a brief quote about the current environment of the nuclear community post-Fukushima Daiichi incident, that makes it so crucial for the sector to gather and discuss the next steps that will be taken to enhance safety. This quote will be featured on the conference's brochure.

I appreciate your attention to this matter.  
With my best regards,

**Joe Neto**  
Event Producer

☎ 1 (818) 888-4444  
✉ 20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367

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**From:** Joe Neto [mailto:joen@infocastevents.com]  
**Sent:** Thursday, August 18, 2011 3:28 PM

(b)(6)

Ex. 6

NOT FOR PUBLIC DISCLOSURE



# 349

**Sexton, Kimberly**

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**From:** Joe Nield [joen@infocastevents.com]  
**Sent:** Friday, September 09, 2011 5:04 PM  
**To:** Nieh, Ho  
**Cc:** Herr, Linda  
**Subject:** Re: Contact info

Ho,

That's perfect. Thank you and Mrs. Herr very much for the attention to this matter.

Best regards,

Joe

On Wed, Sep 7, 2011 at 7:31 AM, Nieh, Ho [Ho.Nieh@nrc.gov] wrote:

Dear Joe – hope all is well with you. Please let me know what you think of this.

“The accident at the Fukushima Dai-ichi nuclear power plant is an event that the nuclear industry and governments worldwide must learn from to ensure that we have robust nuclear safety programs.”

Best regards,

Ho

Ho Nieh

Chief of Staff

Office of Commissioner William C. Ostendorff

U.S. Nuclear Regulatory Commission

(301) 415-1811 (office)

(b)(6) (mobile)

(301) 415-1757 (fax)

ho.nieh@nrc.gov

**From:** Joe Neto [mailto:[joen@infocastevents.com](mailto:joen@infocastevents.com)]  
**Sent:** Friday, September 02, 2011 1:57 PM

**To:** Herr, Linda  
**Cc:** Nieh, Ho  
**Subject:** RE: Contact info

Dear Ms. Herr,

Hope this e-mail finds you well.

Since our conference will be mostly oriented towards the guidelines specified in the United States National Regulatory Commission Near-Term Task Force Report, we would like to kindly ask Commissioner Ostendorff to submit a brief quote about the current environment of the nuclear community post-Fukushima Daiichi incident, that makes it so crucial for the sector to gather and discuss the next steps that will be taken to enhance safety. This quote will be featured on the conference's brochure.

I appreciate your attention to this matter.

With my best regards,

**Joe Neto**

Event Producer

☎ 1 (818) 888-4444

✉ 20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367



[www.infocastinc.com](http://www.infocastinc.com)

**From:** Joe Neto [mailto:[joen@infocastevents.com](mailto:joen@infocastevents.com)]  
**Sent:** Thursday, August 18, 2011 3:28 PM  
**To:** 'Herr, Linda'  
**Cc:** 'Nieh, Ho'  
**Subject:** RE: Contact info

Good afternoon Ms. Herr.

Thank you very much for sending me Commissioner Ostendorff's picture and the NRC Logo.

Best Regards,

Joe Neto

Event Producer

☎ 1 (818) 888-4444

✉ 20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367



[www.infocastinc.com](http://www.infocastinc.com)

**From:** Herr, Linda [mailto:[Linda.Herr@nrc.gov](mailto:Linda.Herr@nrc.gov)]  
**Sent:** Thursday, August 18, 2011 12:21 PM  
**To:** 'joen@infocastevents.com'  
**Cc:** Nieh, Ho  
**Subject:** RE: Contact info  
**Importance:** High

Good afternoon Mr. Neto:

Attached are Commissioner Ostendorff's picture and the NRC Logo you requested from Mr. Nieh. Please don't hesitate to call or email me if I can assist further.

Regards,

*Linda S. Herr*

*Administrative Assistant to*

*Commissioner William C. Ostendorff*

*U.S. Nuclear Regulatory Commission*

PH: 301-415-1759

FAX: 301-415-1757



Please consider the environment before printing this e-mail.

**From:** Nieh, Ho  
**Sent:** Thursday, August 18, 2011 3:13 PM  
**To:** Herr, Linda  
**Cc:** [joen@infocastevents.com](mailto:joen@infocastevents.com)  
**Subject:** FW: Contact info

Linda – could you please provide Joe with the material he is requesting?

Thanks.

Ho

Ho Nieh

Chief of Staff

Office of Commissioner William C. Ostendorff

U.S. Nuclear Regulatory Commission

(301) 415-1811 (office)

(b)(6)

(mobile)

(301) 415-1757 (fax)

[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Joe Neto [<mailto:joen@infocastevents.com>]  
**Sent:** Thursday, August 18, 2011 3:12 PM

To: Nieh, Ho  
Subject: RE: Contact info

Dear Ho,

We are delighted to confirm Commissioner Ostendorff's participation as a Keynote Speaker of our Nuclear Safety Post-Fukushima Policy Conference.

To properly feature the Commissioner and the NRC in our conference brochure and website, would you be kind enough to send me his picture, along with the NRC logo (in high-resolution)?

I appreciate that.

Best Regards,

Joe Neto  
Event Producer

☎ 1 (818) 888-4444

✉ 20931 Burbank Blvd., Suite B  
Woodland Hills, CA, 91367



[www.infocastinc.com](http://www.infocastinc.com)

**From:** Nieh, Ho([mailto:[Ho.Nieh@nrc.gov](mailto:Ho.Nieh@nrc.gov)])  
**Sent:** Thursday, August 18, 2011 11:57 AM  
**To:** [joen@infocastevents.com]  
**Subject:** Contact info

Dear Joe – good talking to you, will get back to you to confirm.

Best wishes,

Ho

Ho Nieh

Chief of Staff

Office of Commissioner William C. Ostendorff

U.S. Nuclear Regulatory Commission

(301) 415-1811 (office)

(b)(6) mobile)

(301) 415-1751 (fax)

[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

Tuesday

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101



# 454

**Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Friday, September 16, 2011 8:05 AM  
**To:** 'Dave Lochbaum'  
**Subject:** RE: Foot-dragging follow-up

Hello Dave.

Thanks for your insights. I would like to understand better the issue you raise regarding exclusion of severe accident risk.

Is there a good time for you for us to have a phone call?

Best wishes,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

**From:** Dave Lochbaum [<mailto:DLochbaum@ucsfusa.org>]  
**Sent:** Thursday, September 15, 2011 10:09 AM  
**To:** Nieh, Ho  
**Subject:** Foot-dragging follow-up

Hello Ho:

I've seen two recent media reports concerning the same "foot-dragging" statement I provided them. Bloomberg reported that I'd commented the staff's take on the task force's recommendations looked like foot-dragging, but left off the qualifier that I'd give the staff benefit of the doubt. Steve Dolley in today's Nuclear News Week reported the fuller context.

In any case, I am concerned about the NRC's approach to the task force's recommendations.

I caught the last portion of yesterday's Commission briefing via webcast. Ed Lyman filled me in the the earlier portion I'd missed.

I can understand and appreciate that the staff's resources do not allow all recommendations to be undertaken simultaneously. I also recognize that not all of the recommendations are equal in terms of complexity and their starting points.

Thus, I accept that there will be different timelines for implementation/resolution of the recommendations.

What concerns me is the staff's stated process for prioritizing its efforts. Eric Leeds and Bill Borchardt repeatedly said they'd risk-informed their regulatory decision-making (perhaps not stated soon enough for Commissioner Apostolakis, but stated and restated nonetheless).

The problem, to me, is that the integration of design basis and beyond design basis arenas sought by task force recommendation 1 has been deferred. Thus, the risk tools available to the staff to risk-inform decisions on the other recommendations exclude the severe accident risks, for the most part. Bill Borchardt touched upon this point with his comments about re-defining adequate protection. But that re-definition likely won't happen anytime soon.

Bottom line -- I am very concerned that the recommendations made by the task force to lessen U.S. reactors' vulnerability to the severe accident that happened at Fukushima will be wrongly delayed/dismissed if the NRC staff risk informs decision-making using tools and processes that do not consider severe accident risks.

Thanks,  
Dave Lochbaum  
UCS

NOT FOR PUBLIC DISCLOSURE

# 440

**Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Tuesday, September 27, 2011 8:37 AM  
**To:** 'Dave Lochbaum'  
**Subject:** RE: Foot-dragging follow-up

Great!

I will call you.

Thanks.

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
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[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Dave Lochbaum [<mailto:DLochbaum@ucsusa.org>]  
**Sent:** Tuesday, September 27, 2011 8:32 AM  
**To:** Nieh, Ho  
**Subject:** RE: Foot-dragging follow-up

Good Morning Ho:

Thursday at 3pm eastern time works fine for me. I can call you or you can reach me at my cell (b)(6) or office (423-468-9272)

Thanks,  
Dave

---

**From:** Nieh, Ho [[Ho.Nieh@nrc.gov](mailto:Ho.Nieh@nrc.gov)] Ex. 2  
**Sent:** Tuesday, September 27, 2011 6:55 AM  
**To:** Dave Lochbaum  
**Subject:** RE: Foot-dragging follow-up

Good morning Dave.

I lost control of last week, sorry for that.

Would a phone call at 3:00 PM on Thursday, September 29, work for you?

Best wishes,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission

103

(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Dave Lochbaum [mailto:[DLochbaum@ucsusa.org](mailto:DLochbaum@ucsusa.org)]  
**Sent:** Monday, September 19, 2011 9:21 AM  
**To:** Nieh, Ho  
**Subject:** RE: Foot-dragging follow-up

Hello Ho:

Sorry for the delay getting back to you. I took Friday off as a vacation day.

This week, my schedule is open on Monday except for 2-3pm, all day on Tuesday, any time Thursday morning, and all day Friday.

If there's a date/time this week that works for you, let me know. If not, let me know of convenient times for you next week and I'll see if that works.

Thanks for following up on my email,

Dave  
(b)(6) cell  
423-468-9272, office

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Thanks,  
Dave Lochbaum  
UCS

NOT FOR PUBLIC DISCLOSURE

#206  
**Sexton, Kimberly**

**From:** Dave Lochbaum [DLochbaum@ucsusa.org]  
**Sent:** Monday, September 19, 2011 9:21 AM  
**To:** Nieh, Ho  
**Subject:** RE: Foot-dragging follow-up

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Dave

(b)(6) cell  
423-468-9272, office

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UCS

#205  
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**Sent:** Tuesday, September 27, 2011 8:32 AM  
**To:** Nieh, Ho  
**Subject:** RE: Foot-dragging follow-up

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# September 08, 2011

Thursday

September 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
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October 2011

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23	24	25	26	27	28	29
30	31					

8 Thursday		Notes
	Outside of Scope	
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00		
2 00	2:00-3:00pm Meet with Senate EPW Minority staff Hart Building	→ a. Fukushima b. Personal conduct
3 00		
4 00		
5 00		
6 00		

# September 12, 2011

Monday

September 2011

S	M	T	W	T	F	S
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October 2011

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30	31					

12	Monday	Notes
	Outside of Scope	
7 am		
8 <sup>00</sup>	8:00am-12:00n Plenary One: Executive Perspectives Session	
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm	Outside of Scope	
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		

HOLD - Keynote Speaker at NEI Fire Protection Forum

Outside of Scope

→ a. Fukushima

] outside of scope

] outside of scope

107

# September 14, 2011

Wednesday

September 2011

S	M	T	W	T	F	S
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4	5	6	7	8	9	10
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October 2011

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23	24	25	26	27	28	29
30	31					

14 Wednesday		Notes
	6:30pm Dinner w/Pete Lyons	
7 am		
8 <sup>00</sup>	Outside of Scope	
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>	6:30-8:30pm Dinner with Pete Lyons; Legal Seafood Tyson's, 2001 International Driv	

Outside of  
Scope

→ a. Fukushima  
b. Personal Conduct

108

# September 20, 2011

Tuesday

September 2011

S	M	T	W	T	F	S
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4	5	6	7	8	9	10
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October 2011

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23	24	25	26	27	28	29
30	31					

20 Tuesday		Notes
	Outside of Scope	Outside of Scope
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>		
2 <sup>00</sup>	2:15-3:00pm Ed Lyman, UCS ; Sachiko Sato, Board of Fukushima Network/Saving ch 18th Flr Conf Rm	
3 <sup>00</sup>		
	Outside of Scope	outside of scope
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		
		109

# September 29, 2011

Thursday

September 2011						
S	M	T	W	T	F	S
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11	12	13	14	15	16	17
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October 2011						
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

29 Thursday		Notes
7 am		
8 <sup>00</sup>	Outside of Scope	
9 <sup>00</sup>		
10 <sup>00</sup>		outside of scope
11 <sup>00</sup>		
12 pm		
1 <sup>00</sup>		
2 <sup>00</sup>		
3 <sup>00</sup>	3:00-3:30pm Phone call from Mr. Stephen Trautman, Naval Reactors re: BIG-12 Insig	→ a. Fukushima
	Outside of Scope	] outside of scope
4 <sup>00</sup>	4:15-4:45pm CRCPD drop in w/Alice Rogers, TX; Adela Salame-Alfie, NY; Earl Radha	→ a. Fukushima
5 <sup>00</sup>		
6 <sup>00</sup>		
		llo

# 927

**Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Monday, October 03, 2011 11:45 AM  
**To:** 'Caputo, Annie (EPW)'  
**Subject:** RE: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Oh yeah, that looks very balanced!

Looking forward to tomorrow – still good for you?

Ho

Ho Nieh  
Chief of Staff  
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(b)(6) (mobile)  
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[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Caputo, Annie (EPW) [[mailto:Annie\\_Caputo@epw.senate.gov](mailto:Annie_Caputo@epw.senate.gov)]  
**Sent:** Monday, October 03, 2011 10:42 AM  
**To:** Bubar, Patrice; Sharkey, Jeffry; Nieh, Ho  
**Subject:** FW: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Well, this looks balanced...

---

**From:** Ohly, John [<mailto:John.Ohly@mail.house.gov>]  
**Sent:** Monday, October 03, 2011 9:51 AM  
**To:** Alexander, Erin (Fellow); Caputo, Annie (EPW)  
**Subject:** FW: Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

Pretty balanced panel for this one...

---

**From:** National Journal LIVE [<mailto:rsvp@nationaljournal.com>]  
**Sent:** Monday, October 03, 2011 8:32 AM  
**To:** Ohly, John  
**Subject:** Rep. Ed Markey Confirmed For Wednesday's Discussion On U.S. Nuclear Policy

**FEATURE INTERVIEWS WITH:**

Gregory B. Jaczko, Chairman, U.S. Nuclear Regulatory Commission  
Rep. Ed Markey, Member, House Energy & Commerce Committee (D-MA)

**NATIONAL JOURNAL LIVE POLICY SUMMIT**

**LESSONS FROM JAPAN**

**Global Implications of Nuclear Disaster**

///

As we approach the seven month anniversary of the Great East Japan earthquake and tsunami and the ensuing nuclear crisis, Americans still question what happened, why, and what an event of this magnitude means for U.S. nuclear policy and our relative state of preparedness.

National Journal will convene experts to discuss the latest on the current nuclear situation, the U.S. government's efforts to assist Japan, and the public health and economic lessons learned as a result of the disaster.

**RSVP:** [njsummit100511.eventbrite.com](http://njsummit100511.eventbrite.com)

**FEATURE INTERVIEW:**

Gregory B. Jaczko, Chairman, U.S. Nuclear Regulatory Commission  
Rep. Ed Markey, Member, House Energy & Commerce Committee (D-MA)

**MODERATED BY:**

James Kitfield, Senior Correspondent, National Journal

**PANEL:**

- Richard W. Caperton, Senior Policy Analyst, Energy Opportunity, Center for American Progress
- Allison Macfarlane, Associate Professor of Environmental Science and Policy, George Mason University

Wednesday, October 5, 2011

8:00 AM Registration

8:30 – 10:30 AM Program

National Press Club

First Amendment Room

529 14th Street NW

Washington DC

**RSVP:** [njsummit100511.eventbrite.com](http://njsummit100511.eventbrite.com)

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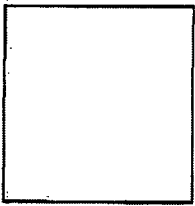
**WITH SPECIAL THANKS TO OUR UNDERWRITER: FLIR**



Note to Government Employees: In deference to the letter and spirit of applicable ethics regulations, this educational event is not intended for state and local government employees. A description of this event - written for government ethics office review - may be requested by writing [jhostetter@nationaljournal.com](mailto:jhostetter@nationaljournal.com).

Click [here](#) to unsubscribe

600 New Hampshire Avenue NW, Washington, DC 20037



NOT FOR PUBLIC DISCLOSURE

# December 14, 2011

Wednesday

December 2011						
S	M	T	W	T	F	S
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January 2012						
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22	23	24	25	26	27	28
29	30	31				

14 Wednesday		Notes
	Hearing: House Committee on Oversight and Government Reform (10:00am); 21:	
7 am		
8:00	Outside of Scope	Outside of Scope
9:00		
10:00	10:00am House Committee on Oversight and Government Reform (The full Commission will appear as a panel at this hearing.) 2154 Rayburn House Office Building	
11:00		a. Fukushima b. Personal conduct c. Proposed changes NRC
12 pm	Outside of Scope	Outside of Scope
1:00	1:00-1:30pm Senator Webb	b. Personal conduct
2:00		
3:00		
4:00	Outside of Scope	Outside of Scope
5:00		
6:00		

112

# December 15, 2011

Thursday

December 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2012

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

15	Thursday	Notes
	Hearing: Senate Committee on Environment and Public Works (10:00am); TBD; C	
7 am		
8 00	Outside of Scope	outside of scope
9 00		
10 00	10:00am - 1:30pm EPW Committee Hearing: 406 Dirksen Senate Office Building	
11 00		a. Fukushima b. Personal conduct
12 pm		
1 00		
2 00		
3 00	Outside of Scope	outside of scope
4 00		
5 00		
6 00		

## Sexton, Kimberly

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**From:** Freedhoff, Michal [Michal.Freedhoff@mail.house.gov]  
**Sent:** Friday, November 18, 2011 3:32 PM  
**To:** Sexton, Kimberly  
**Subject:** RE: Extra Doc for Commissioner Ostendorff Response

Thanks very much Kimberly -  
Michal

Michal Ilana Freedhoff, Ph.D.  
Policy Director  
Office of Congressman Edward J. Markey (D-MA)  
2108 Rayburn House Office Building  
Washington, DC 20515  
202-225-2836

---

**From:** Sexton, Kimberly [mailto:Kimberly.Sexton@nrc.gov]  
**Sent:** Friday, November 18, 2011 3:31 PM  
**To:** Freedhoff, Michal  
**Subject:** Extra Doc for Commissioner Ostendorff Response

Dr. Freedhoff,

Attached is the additional responsive document that was accidentally left out of the box that is being delivered now.

My apologies for any confusion this might cause.

Thank you,

Kimberly A. Sexton  
Legal Counsel  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-3599 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
Kimberly.Sexton@nrc.gov

# October 04, 2011

Tuesday

October 2011

S	M	T	W	T	F	S
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November 2011

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4. Tuesday		Notes
7 am	Outside of Scope	outside of scope
8 00		
9 00	9:15-9:45am WCO Presentation - BIG-12 Engineering Summit (Embassy Suites MCI)	
10 00	Outside of Scope	→ a. Fukushima
11 00		
12 pm		
1 00		outside of scope
2 00	1:45-3:15pm Site Tour (led by licensee)	
3 00		
4 00	Outside of Scope	→ a. Fukushima
5 00		
6 00		
		outside of scope
		115

# October 06, 2011

Thursday

October 2011

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November 2011

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6	Thursday	Notes
	<b>6:00pm Dinner w/Marv Fertel - Legal Seafood in Tyson's</b>	
	Outside of Scope	
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00		
2 00		
3 00		
	<b>3:30-4:00pm PSEG drop in w/Ralph Izzo, Chrmn of the Board/CEO; William Levis: (b)(6)</b>	→ a. Fukushima
4 00	Outside of Scope	outside of scope
5 00		
6 00	<b>6:00pm Dinner w/Marv Fertel (cell: (b)(6) Legal Seafood Tyson's, 703-827-8900, 2001 International Drive, tysons Galleria II, McLean, VA 22102 PH: (703) 827-8900</b>	→ b. Personal conduct

116

# October 13, 2011

Thursday

October 2011

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November 2011

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13 Thursday		Notes
7 am	Outside of Scope	
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00	1:30-2:00pm Tony Pietrangelo and Chip Pardee drop in	→ a. Fukushima
2 00	Outside of Scope	Outside of Scope
3 00		
4 00		
5 00		
6 00		

117

# October 14, 2011

Friday

October 2011						
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November 2011						
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27	28	29	30			

14 Friday		Notes
	Outside of Scope	] outside of scope
	Lunch w/Dick Meserve - downtown	
	pm on the Hill	
	Outside of Scope	
7 am		outside of scope
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm	12:00-1:00pm Lunch w/Dick Meserve; 1530 P Street, NW, Washington, DC 20005-1910	→ b. Personal conduct
1 <sup>00</sup>	Outside of Scope	] outside of scope
2 <sup>00</sup>	2:00-3:00pm Senate EPW staff meeting-Annie Hart	→ b. Personal conduct
3 <sup>00</sup>	Outside of Scope	] outside of scope
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		

118



# October 19, 2011

Wednesday

October 2011

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November 2011

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19 Wednesday		Notes
	Outside of Scope	Outside of Scope
7 am		
8 00		
9 00	9:15-10:00am WCO Speaks at EFCOG	→ a. Fukushima
10 00	Outside of Scope	Outside of Scope
11 00		
12 pm		
1 00		
2 00		
3 00		
4 00		
5 00		119
6 00		

# October 24, 2011

Monday

October 2011

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November 2011

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24

Monday

Outside of Scope

7 am

8<sup>00</sup>

9<sup>00</sup>

8:45-9:45am White House Meeting

Outside of Scope

10<sup>00</sup>

Outside of Scope

11<sup>00</sup>

12 pm

1<sup>00</sup>

2<sup>00</sup>

3<sup>00</sup>

4<sup>00</sup>

5<sup>00</sup>

6<sup>00</sup>

Notes

Outside of scope

b. Personal conduct  
d. Proposed changes  
Chairmanship

Outside of scope

120

# October 25, 2011

Tuesday

October 2011

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November 2011

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25 Tuesday		Notes
	Outside of Scope	outside of scope
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
10:30-11:30am Meet w/Licensee for Open Table Discussion		
11 <sup>00</sup>		
11:30am-12:15pm Meet w/State Emergency Officials from the Inter-jurisdictional EF TBD		
12 pm	Outside of Scope	
1 <sup>00</sup>		
2 <sup>00</sup>		outside of scope
3 <sup>00</sup>		
4 <sup>00</sup>		
5 <sup>00</sup>		
6 <sup>00</sup>		
		121

# October 26, 2011

Wednesday

October 2011

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November 2011

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26 Wednesday		Notes
7 am	Outside of Scope	outside of scope
8 00		→ a. Fukushima
9 00		
10 00	10:00-11:45am Site Tour led by Licensee	
11 00		outside of scope
12 pm	Outside of Scope	
1 00		
2 00	2:00-2:45pm Meet w/San Luis Obispo Board of Supervisors (45 mins)	→ a. Fukushima
3 00	Outside of Scope	] outside of scope
4 00	3:30-4:15pm Meet w/SLOMFP Representatives at hotel (45 mins)	
5 00		→ a. Fukushima
6 00	Outside of Scope	] outside of scope
		122

# November 01, 2011

Tuesday

November 2011

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December 2011

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1 Tuesday		Notes
	8:05-8:35am State Liaison Officer's Conference; Bethesda Marriott	
7 am	Outside of Scope	outside of scope
8:00	<div>Outside of Scope</div> <div>8:00-8:30am Speaker at th State Liaison Conf.</div> <div>Outside of Scope</div>	
	→ a. Fukushima	
9:00	Outside of Scope	outside of scope
10:00		
11:00		
12 pm		
1:00		
2:00		
3:00		
4:00		
5:00		123
6:00		

# November 02, 2011

Wednesday

November 2011

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December 2011

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2		Wednesday	Notes
	Outside of Scope		<p>Outside of Scope</p>
7 am			
8 <sup>00</sup>			
9 <sup>00</sup>			
10 <sup>00</sup>			
11 <sup>00</sup>			
12 pm			
1 <sup>00</sup>			
2 <sup>00</sup>			
3 <sup>00</sup>	<b>3:15-4:00pm Drop in w/Jeff Merrifield, Mike O'Connell and Bob Holland, Shaw Power Group; Pat Pettey, Williams and Jensen (Ho) (your office)</b>		
4 <sup>00</sup>	Outside of Scope		<p>Outside of Scope</p>
5 <sup>00</sup>			
6 <sup>00</sup>			
			<p>124</p>

# November 03, 2011

Thursday

November 2011

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December 2011

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3 Thursday		Notes
	8:00am ANS Panel	
7 am	Outside of Scope	] outside of scope
8 00	8:00-8:15am ANS Opening Remarks; Omni Shoreham Hotel, 2500 Calvert Street, N'	
	Outside of Scope	→ a. Fukushima
9 00		] Outside of scope
10 00		
11 00		
12 pm		
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6 00		
		125

# November 15, 2011

Tuesday

November 2011

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December 2011

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15 Tuesday		Notes
	Outside of Scope	Outside of Scope
7 am		
8 00		
	8:40-10:00am WCO Speaker - Building Trust Through Communications	→ a. Fukushima
9 00		
10 00	Outside of Scope	Outside of Scope
11 00		
12 pm		
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		126



Thursday

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Ostendorff, William

## **Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Tuesday, December 13, 2011 8:24 AM  
**To:** Sexton, Kimberly  
**Subject:** FW: Letter from Bill Daley  
**Attachments:** 20111212\_Daley Letters to NRC Commissioners and Chairman Issa.pdf

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) mobile  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

---

**From:** Ostendorff, William  
**Sent:** Monday, December 12, 2011 8:58 PM  
**To:** Nieh, Ho  
**Subject:** Fw: Letter from Bill Daley

Fyi-we will discuss tomorrow Ho.

---

**From:** Siegel, Julie (b)(6) Ex. 6  
**To:** Jaczko, Gregory; Ostendorff, William; Magwood, William; Apostolakis, George; Svinicki, Kristine  
**Cc:** Pace, Patti; Herr, Linda; Bubar, Patrice; Blake, Kathleen; Lepre, Janet  
**Sent:** Mon Dec 12 19:12:50 2011  
**Subject:** Letter from Bill Daley

Dear Commissioners:

Attached, please find a letter from White House Chief of Staff Bill Daley.

Warm Regards,

Julie

--  
Julie Siegel  
Office of the Chief of Staff  
The White House

o: 202.456.3838 | c: (b)(6) Ex. 6

128

THE WHITE HOUSE

WASHINGTON

December 12, 2011

The Honorable Gregory B. Jaczko  
Chairman  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable William C. Ostendorff  
Commissioner  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable George Apostolakis  
Commissioner  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable Kristine L. Svinicki  
Commissioner  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

The Honorable William D. Magwood IV  
Commissioner  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Commissioners:

I am writing to you regarding the internal management issues at the Nuclear Regulatory Commission raised in the Commissioners letter to me dated October 13, 2011.

As an initial matter, I would like to thank you again for raising these concerns with me, and for your commitment to fulfilling the agency's important mission to ensure the safe civilian use of nuclear materials. The Nuclear Regulatory Commission has an important mission, and we respect and appreciate your strong commitment to the Commission's work and values.

As you know, upon receipt of the October 13 letter, I arranged to meet personally with each of you so that I would have opportunity to discuss these matters with you. I also met with the agency's Executive Director of Operations. By letter dated December 7, 2011, Chairman Jaczko subsequently responded in writing to the concerns raised in the October 13 letter.

While I recognize that there are tensions and disagreements among the Commissioners, each of you made it clear in your conversations with me that these management differences have not impaired the Commission's ability to fulfill its mission or in any way jeopardized the safety and security of nuclear facilities in the United States.

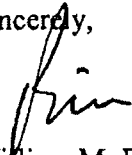
I share your commitment to the mission of the Nuclear Regulatory Commission and agree that sound leadership and management practices are essential to its proper functioning. In our meetings each of you expressed your strong commitment to the agency and to ensuring that it

fulfills its mission. We have confidence in your ability to do so, and urge each of you to make every effort to improve the internal communications at the agency.

The Chairman has committed to improve communications amongst you, including by keeping fellow Commissioners better informed, and has proposed that all of the Commissioners meet with a trusted third party to promote a better dialog. I urge you to pursue such a course of action and to keep me apprised of your progress and, as appropriate, any findings or recommendations of the agency's Office of Inspector General, as I intend to continue to monitor the situation<sup>1</sup>.

I have also enclosed for your information my response to a letter I received on this matter from Chairman Issa.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Daley', written over the word 'Sincerely,'.

William M. Daley  
Chief of Staff

---

<sup>1</sup> I understand that NRC management issues have been referred to the agency's Inspector General for investigation, and believe that office is an appropriate forum for a thorough review of the agency's present governing structure and for the development of any recommendations to improve it.

THE WHITE HOUSE  
WASHINGTON

December 12, 2011

The Honorable Darrell E. Issa  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in response to your letter of December 9, 2011, regarding management issues at the Nuclear Regulatory Commission ("NRC").

As you know, in an October 13, 2011, letter, four NRC Commissioners expressed concerns about the leadership and management practices of the NRC's Chairman, Gregory Jaczko. The Commissioners took issue with the Chairman's interpretation of his role as Chairman and also expressed additional concerns about his management style. I responded promptly to the NRC Commissioners' letter. By letter dated October 17, 2011, I advised the Commissioners and Chairman Jaczko that I intended to meet personally with each of them to discuss the issues raised in the letter. Thereafter, I, along with counsel from the White House Counsel's Office, met individually with each of the Commissioners, the NRC's Executive Director for Operations ("EDO"), and with Chairman Jaczko on two occasions.

The NRC's current structure was adopted by Congress in 1980 and is reflected in the NRC's Reorganization Plan. Congress structured the Commission to have a strong Chairman, who serves as the Commission's chief executive officer and is responsible for its day-to-day operations, and a four-member Commission, which determines broader policies by majority vote. This structure has from time to time led to tensions between Chairmen and Commissioners over the scope of their respective authorities. Those tensions were noted in a 1999 report by the NRC's Inspector General. See (<http://www.nrc.gov/reading-rm/doc-collections/insp-gen/2000/00e-09/responseig.html>) (noting that "opposing interpretations" of the Chairman's authority have led to "less than harmonious interactions" between the Chairman and the Commissioners).

In a letter dated December 7, 2011, Chairman Jaczko provided me with a detailed written response to the allegations raised by the other Commissioners. The Chairman apologized for the distraction caused by the present tensions and has taken responsibility for improving communications among the Commissioners. He has indicated his intention to reach out to his fellow Commission colleagues for that purpose. He has also committed to keep them fully

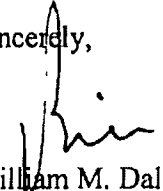
informed, and has proposed that all of the Commissioners meet with a trusted third party to promote a better dialog.

Based on our meetings, we have concluded that while there are tensions and disagreements among the Commissioners, these management differences have not impaired the Commission's ability to fulfill its mission. Indeed, the Chairman, the Commissioners and the EDO have all expressed their strong commitment to fulfilling the agency's mission and to upholding the institution's values, and the White House has confidence in their ability to do so. Indeed, many of the present tensions appear to be rooted in the very structure of the NRC and in disagreements over policy matters that have been before the Commission during Chairman Jaczko's tenure. In a June 2011 report, the Inspector General for the NRC concluded that the current disagreements between Chairman Jaczko and the other Commissioners reflect organizational tensions. After reviewing many of the same allegations as those reflected in the October 13, 2011, letter, the Inspector General concluded that although there are disagreements between the Commissioners and Chairman Jaczko about their respective authorities, Chairman Jaczko acted within his legal authority and members of the Commission always have the ability to bring a particular matter before the full Commission for a vote.

We understand that the management issues referenced by the Commissioners have been referred to the NRC's Inspector General. We believe and presume you agree that the Office of the Inspector General is an appropriate forum for a thorough review of the agency's present governing structure and for the development of any recommendations to improve it.

As for the Committee's hearing this week, we respectfully decline your invitation to provide a witness.

Sincerely,



William M. Daley  
Chief of Staff

cc: Honorable Elijah E. Cummings  
Ranking Member

**Sexton, Kimberly**

---

**From:** Nieh, Ho  
**Sent:** Tuesday, December 13, 2011 5:20 PM  
**To:** 'Ohly, John'; 'krista.boyd@mail.house.gov'  
**Cc:** 'gwen.d'luzansky@mail.house.gov'; Sexton, Kimberly; Herr, Linda  
**Subject:** USNRC Commissioner Testimony  
**Attachments:** 2011-12-14 USNRC Commissioner Ostendorff Testimony.pdf

Dear Mr. Ohly and Ms. Boyd,

Attached is an electronic copy of Commissioner William C. Ostendorff's written testimony in advance of tomorrow's hearing before the House Committee on Oversight and Government Reform.

The requested hard copies will be provided to the Committee tomorrow morning.

Best regards,

Ho

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

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**Statement of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
Before the House Committee on Oversight and Government Reform**

December 14, 2011

Thank you Chairman, Ranking Member Cummings, and Members of the Committee for this opportunity to appear before you today.

I have served on this independent regulatory Commission since April of 2010. In that time, I have come to better appreciate the reputation the NRC has historically enjoyed as a competent regulator and a leader in nuclear safety not only in the United States, but also in the international nuclear community. That reputation can be attributed to the employees of the NRC, who have shown dedication to the safety mission and the NRC's organizational values of integrity, service, openness, commitment, cooperation, excellence, and respect. For decades, these values have served as a guide for the operations of the NRC staff, as well as the Commission. These values have also historically fostered an open and collaborative workplace that brings out the best regulatory and technical judgments of the NRC staff without undue influence or pressure.

Unfortunately, we find ourselves today in an environment where those historical values have been compromised and the agency's reputation placed at risk. Left uncorrected, this trend damages the ability of the NRC staff and the Commission to carry out its nuclear safety mission.

I have over thirty years of service to this country. As a Rickover era career naval officer, I served on six nuclear submarines and commanded a nuclear powered attack submarine for three years. I had subsequent command of a squadron of 8 nuclear attack submarines. I have been personally accountable to the United States for ensuring nuclear reactor safety on our nuclear powered warships for years. Hence, I take great pride in that service and in my own decision-making with respect to the principles that best ensure reactor safety. After retiring from the Navy in 2002, I served in government as a counsel with the House Armed Services Committee professional staff, as a senior official with nuclear oversight responsibilities for the Department of Energy and now with the NRC.

With significant experience in a number of leadership positions dealing with nuclear power and nuclear weapons, I can honestly say that I have never seen an environment where the highest level of the organization does not reflect the values shared by the whole. Along with three of my Commissioner colleagues who took the same oath to "well and faithfully discharge the duties" of our office, I refused to be silent while damage was being done to the NRC's work environment.

It is important to comment on what I will label as an "unprecedented action"-the four of us writing the letter to the White House two months ago-the letter that this Committee received last Thursday evening.



This letter is not about politics (it was signed by two Democratic and two Republican members of the Commission). I regret that our letter is being portrayed by some members of Congress as politically motivated. It is not. It is not about Yucca Mountain. It is not about internal conflict between Commissioners.

Rather, this letter is about management actions that have significantly eroded the prized open and collaborative work environment of our nation's nuclear safety agency. These actions have served to prevent the Commission from being fully informed of the NRC staff's views and recommendations. It is about behavior that if exhibited by one of the NRC's regulated licensees, would be subject to investigation and potential enforcement action for a chilled work environment.

It is about bullying and intimidating behavior towards NRC career staff that should not and cannot be tolerated. And finally, it is about a leadership and management style that attempts to undermine the Commission and has damaged the agency.

In light of our unanimous agreement that these actions cannot continue, the four of us fulfilled our oath of office to take what we viewed as appropriate action. Hence, our letter clearly and unequivocally states our grave concerns to the White House.

I appreciate the Committee's oversight role and the serious nature of this hearing. I look forward to your questions.

**Sexton, Kimberly**

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**From:** Nieh, Ho  
**Sent:** Thursday, December 15, 2011 2:48 PM  
**To:** Ostendorff, William; Sexton, Kimberly  
**Subject:** Fw: Dr. Klein's Letter to Senator Sessions Concerning Emergency Powers  
**Attachments:** Klein to Sessions 12-15-11.pdf

Fyi

Sent via BlackBerry

Ho Nieh  
Chief of Staff  
Office of Commissioner William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
(301) 415-1811 (office)  
(b)(6) (mobile)  
(301) 415-1757 (fax)  
[ho.nieh@nrc.gov](mailto:ho.nieh@nrc.gov)

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**From:** Paul Dickman (b)(6) Ex. 6  
**Sent:** Thu Dec 15 14:30:13 2011  
**Subject:** Dr. Klein's Letter to Senator Sessions Concerning Emergency Powers

Attached is a copy of the letter from Dr. Klen responding to a question by Sen. Sessions. This document has been entered into the record of the meeting held today.

130

December 15, 2011

The Honorable Jeff Sessions  
326 Russell Senate Office Building  
Washington DC 20510

Dear Senator Sessions;

I am pleased to respond to your question on the need to invoke Emergency Powers at the Nuclear Regulatory Commission under the Reorganization Plan of 1980. I served as Chairman from July 2006 until May 2009, during which time I never invoked Emergency Powers, even though the NRC Operations Center was activated into "monitoring" mode on several occasions. It was not unusual for the NRC Ops Center to be in monitoring mode during adverse weather conditions, particularly during hurricane season in the Gulf area, something I am sure you can appreciate. The Ops Center would remain in monitoring mode for the duration of the hurricane or weather event.

Weather was not the only trigger. I recall one time when the Ops Center was activated when a wayward airplane was unresponsive to radio instruction, and whose flight path approached some of our power plants. While this particular incident was resolved, at no time would I have felt it necessary to suspend Commission procedures and invoke Emergency Powers. I would also point out that during every "monitoring mode" incident, one of my senior staff, as well as a senior staff member from each of the Commission offices, were expected to participate in all briefings and conference calls for the duration of the emergency. In this manner, I fulfilled my statutory obligation to keep the Commission fully informed on all current matters.

Given a situation similar to the incident at Fukushima, I can see no reason to invoke Emergency Powers because nothing in the incident would have required a suspension to the normal Commission procedures. Moreover, I do not believe that suspending the law, which is what Emergency Powers allows, is something taken casually or in response to an incident in a foreign country that has little or no threat to the U.S. It is my understanding that former Chairman Richard Meserve declared Emergency Powers during 9/11 (a real crisis on American soil), but did so in consultation with his fellow Commissioners. Moreover, he understood the strength of providing five voices instead of one, and he assigned his fellow Commissioners duties to help coordinate the NRC response. Chairman Meserve exercised both leadership and a collegial approach.

The Honorable Jeff Sessions  
December 15, 2011  
Page 2

As stated in the beginning, I never declared Emergency Powers and had I done so, I would have so stated in writing, would have called my fellow Commissioners, and most importantly, solicited their support for my actions. Furthermore, I would have indicated when that authority was expected to end, and would never have excluded my fellow Commissioners from the Ops Center, as has been reported during the Fukushima event.

Please let me know if you need any additional information.

A handwritten signature in cursive script, appearing to read 'Dale Klein'.

Dale Klein, Ph.D., P.E.  
Associate Vice Chancellor for Research  
The University of Texas System  
601 Colorado Street, Room 302  
Austin, Texas 78701

## Kock, Andrea

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**From:** Ostendorff, William  
**Sent:** Saturday, December 17, 2011 10:45 AM  
**To:** Kock, Andrea; Nieh, Ho  
**Subject:** Fw: Press Release

Andrea- let's discuss Monday. Have a great weekend! WCO

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**From:** Ostendorff, William  
**To:** (b)(6)  
**Sent:** Sat Dec 17 10:44:29 2011  
**Subject:** Re: Press Release

Ex. 6

Ted- Thanks for your phone call from the other day and for this email. I understand the gravity of the issue you raise. I will look into this. Best wishes, Bill

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**From:** Ted Rockwell (b)(6)  
**To:** Ostendorff, William  
**Sent:** Fri Dec 16 22:57:06 2011  
**Subject:** Press Release

Ex. 6

Bill:

I know your thoughts must be fully occupied with the bloody civil war you are now undergoing, and I apologize for intruding on that. But I am deflected from my own work by concern for the 100,000+ people of Fukushima whose lives are being ruined by misguided concern for low-dose radiation. The article I promised you on that subject is at:

<http://spectator.org/archives/2011/12/06/let-the-people-of-fukushima-go/print>

This week, at the invitation of Marv Fertel, I attended NEI's annual meeting with chief nuclear officers. Two facts were apparent: First, there is concern that the families evacuated from the Fukushima area are having their lives ruined by decisions based on obsessive focus on minimizing radiation doses. Though the IAEA "Expert Opinion Report" concludes there has been not a single lasting injury from radiation from the event, the situation is widely referred to as a "Nuclear Disaster."

Second, it was clear that the utility people and other members of NEI look to the NRC for guidance and leadership on this issue. They know that they are to be guided by NCRP-136, which says that it would be "prudent" and "conservative" to always apply ALARA to zero. But they also know that the same report says, right up front, that it is important to note that populations irradiated at the doses in question are not harmed, and generally benefit, from the additional radiation. There are many places on earth where people are thriving on much more radiation than now exists at the residential

and commercial areas around Fukushima. Indeed, the famed healing spas at Misasa, Japan, boast the highest radon level in the world!

In this situation, I urge you to quickly issue a press release, saying that it would be appropriate to apply the **science** cited in regulatory documents such as NCRP-136 and allow the evacuated people from around Fukushima to return to their homes, businesses and schools, and get on with their lives. I would be glad to draft such a statement, if you wish, or provide help to one of your staffers. Who would be the Grinch to argue against such a decision? Of course, no one would be forced to return. But those who are willing and able to go should not be denied.

I think such a statement would be widely applauded, and would be of inestimable value to the nuclear community. What a Christmas present it would be to all those wretched people!

Sincerely,

Ted Rockwell

(b)(6)

EX-60



THE ENVIRONMENTAL SPECTATOR

## Let the People of Fukushima Go Home and Get Back to Work

By Theodore Rockwell on 12.6.11 @ 6:08AM

*The science does not support the panic.*

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The front-page story in the *Washington Post* on Sunday November 20 vividly portrayed the horrors of the evacuated zones around Fukushima with unforgettable imagery. A natural reaction is to call for more restrictive safety measures. But one point was not made clear: No one, not one single person, has received a life-altering injury from radiation since the disaster started unfolding last March. The atrocities described are caused by the application of international radiation standards that are set at levels far below where science shows adverse health effects occur, and by the fear of radiation that policy creates and nurtures. Once again, *fear of radiation does more harm than the radiation itself*.

The reality is that, while some people in the Fukushima housing area are wearing cumbersome rad-con suits, filtered gas-masks, gloves and booties, and putting the same on their children, other people are living carefree in places like Norway, Brazil, Iran, India where folks have lived normal lives for countless generations with radiation levels as much as a hundred times greater than the forbidden areas of the Fukushima homes.

The use of inappropriate radiation standards is not an abstract issue. People around Fukushima are being told they cannot return home for an indeterminate period -- perhaps years. And efforts to decontaminate their home sites to these standards may include stripping off all the rich top-soil and calling it RadWaste. People who were evacuated have been reduced to economic poverty, clinical depression, and even suicide.

There is good scientific evidence that, except for some hot spots, the radiation levels at these home-sites are not life-threatening. The current restrictions are based on a misguided desire to be "prudent." No matter how well intended, this "prudence" is cruelly destructive. Many radiation protectionists, such as Myron Pollycove, MD, former special assistant to the U.S. Nuclear Regulatory Commission, Dr. Jerry Cuttler, former President of the Canadian Nuclear Society, and Abel Gonzales of Brazil, vice-chair of the International Commission on Radiological Protection, are beginning to feel unhappy about the harm their rules have caused and are joining in the cry for quick action as the Japanese head into winter.

In 2002, U.S. Regulatory Report NCRP-136 examined the question of establishing permissible radiation limits. After looking at the data, it concluded that most people who

get a small dose of nuclear radiation are not harmed by it, and in fact are benefited. That's what the science said: Most people would benefit by receiving more radiation, within the hormetic range. "Benefit" means the incidence of cancer and genetic damage would be less than it would be without the additional radiation.

But curiously, the report's final conclusion was just the opposite. It recommended that our regulations should be based on the unsupported premise that any amount of radiation, no matter how small, should be considered harmful. It justified that recommendation as "conservative" or "prudent." Let's think about that. Why is it prudent to do just the opposite of what the science indicates? Why is exaggerating a panicky situation considered prudent? I've never seen a good answer to that.

Last month, British radiation expert Wade Allison, author of *Radiation and Reason*, addressed the people on Japanese television. He proposed that radiation limits be set the same way other such limits are set -- not by seeing how little we can obtain, but what is the maximum we can tolerate, including a generous safety factor. The answer he gets is about 1,000 times the current "permissible limit."

Who gave the radiation police the right to give their particular concern priority over all other considerations? That question is not limited to Japan. A proposed European Community directive dated 17 Oct 2011 notes that the doses of radiation being regulated are small compared to doses people receive in the normal course of living. Instead of reaching the common-sense conclusion that they should therefore stop trying to regulate harmless doses of radiation, they decided they have to regulate Nature! They want us to wage an endless war against our naturally radioactive planet, when there is good evidence that without radiation, Life withers and dies.

Few if any people decide where to live, or how to live, on the basis of radiation level. There is no reason that they should start doing so now. Let the good people of Fukushima return home and get on with their lives!

## About the Author

**Dr. Theodore Rockwell** is a member of the National Academy of Engineering, editor of the 1956 handbook, *The Reactor Shielding Design Manual*, now available on the Department of Energy's website, and the first recipient of the American Nuclear Society's Lifetime Achievement Award, now called Rockwell Award.

<http://spectator.org/archives/2011/12/06/let-the-people-of-fukushima-go>



## Ostendorff, William

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**From:** Ted Rockwell (b)(6) Ex. 6  
**Sent:** Monday, December 19, 2011 2:20 PM  
**To:** Ostendorff, William  
**Cc:** WNA-John Ritch  
**Subject:** Proposed Press Release  
**Attachments:** NRC on Fuku.pdf

Bill: In drafting a press release for your consideration, I realized you can't speak out all alone. It would just raise questions: What do the others think? What about the Chairman? I don't have to tell you that slander always overrides facts and defense, and all five of you now stand slandered in the public's eye. You need to do something bold and constructive, to recover, both individually, and for the NRC and for world as a whole.

A heavily orchestrated fear campaign is building up, and fear of radiation is even more motivating than a sex scandal. Rational people are calling in, asking me "are you sure you're right on this? What about..." I've been astonished by the volume and ferocity of the radiophobia. This is more intense than previous anti-nuke campaigns.

What is needed from the public's point of view happens to coincide with what's best for each of you individually and for the NRC. The public needs assurance that the claim of millions of deaths from Fukushima is phony; and the most beneficial step the five you could take (regardless of how it all comes out ultimately) is to issue a joint news release stating the unambiguous science relative to this issue. You would each come out looking like statesmen; the damaged image of the NRC would be improved; the hyped-up fear of radiation would be cooled somewhat; the nuclear community and the nuclear renaissance would be helped. And you would gain more sympathy from the public for whatever longer-range steps you want to take next.

To put it another way: What have you got to lose? I think you'll get a wave of public sympathy for a humane and scientifically-based action, where all has been pictured as petty bickering.

On that basis, I've drafted a suggested press release for the five of you (attached). If you could pull it off, I think it would be win, win, win all around, in a situation where not much good is happening. If you could free the wretched people of Fukushima to get on with their lives, what a shot in the arm that would be for the whole world! Who would want to play the Grinch in that situation?

I'm sending a copy of this note to John Ritch, Director-General of WNA. I know he feels strongly on this topic, and he may wish to send you his comments.

I urge you to move fast. There is a certain magic in the Christmas season and a certain tolerance for miracles. January is a bitter time of year to ask for miracles.

Whatever you decide to do, I'll be glad to help any way I can.

Best wishes to you, in any event.

Ted Rockwell  
(b)(6) Ex. 6

### Proposed NRC Press Release on Fukushima

There has been a whirlwind of press releases and Internet chatter, intensifying during the past few days, about the dangers of radiation coming from the damaged reactors at Fukushima, Japan. For example: <http://current.com/1torqkc> opens with the words "Fukushima is the greatest nuclear and environmental disaster in human history" in bright red headline type. It dismisses Chernobyl as having only "killed an estimated 1 million people worldwide." On Fukushima it says: "The amount and intensity of the radioactive fallout from this particular nuclear disaster will assuredly kill hundreds of millions of people worldwide over time."

Not a shred of evidence is offered to support these statements, which are in fact demonstrably false.

Compare this with the conclusion of the report of the IAEA International Expert Fact-Finding Mission:

[http://www.pub.iaea.org/MTCD/meetings/PDFplus/2011/cn200/document/cn200\\_Final-Fukushima-Mission\\_Report.pdf](http://www.pub.iaea.org/MTCD/meetings/PDFplus/2011/cn200/document/cn200_Final-Fukushima-Mission_Report.pdf)

**"To date no health effects have been reported in any person as a result of radiation exposure from the nuclear accident"**

That statement includes the operators who worked in the power plants through the shutdown and stabilization process, often portrayed in the media as a "suicide squad."

In this situation, the five NRC commissioners feel called upon to clarify the known facts about the extent of radiation hazard presented by the situation in Fukushima. The science involved is well understood, quite unambiguous, and completely repudiates the claims of the fear-mongers.

American radiation protection policy is guided by the National Council on Radiation Protection and Measurement, as specifically addressed in its report, NCRP-136, "Evaluation of the Linear-NonThreshold Dose-Response Model for Ionizing Radiation" (2001). The other nations seriously involved with nuclear power have similar reports with similar scientific data and conclusions.

Based on its analysis of the relevant data, the report concluded (p.6):

It is important to note that the rates of cancer in most populations exposed to low-level radiation have not been found to be detectably increased, and that in most cases the rates have appeared to be decreased.

**The scientific conclusion** of this definitive regulatory report is that most **people would benefit by additional radiation** within the beneficial range.

In applying this information to regulatory policy, the authors decided to add a degree of conservatism or prudence, by assuming that the situation might be worse than expected. So they added an additional assumption: that deleterious health effects might be proportional to radiation dose, all the way down to zero dose.

This arbitrary premise adds a significant financial and procedural burden to nuclear power, but it has been accepted as a necessary cost of doing business. However,

when applied rigidly to the situation in Fukushima, it led to their setting radiation limits in some locations as low as 100 millirem per year (1 milliSievert per year). This, in turn, means that more than 100,000 people have been evacuated from their homes, businesses and schools, to try to survive in a tsunami-wrecked countryside.

Professor Wade Allison, Emeritus Fellow, Keble College, Oxford, UK, and author of "Radiation and Reason," addressed the Japanese people through a popular video channel <http://youtu.be/Uj8Pl1AiOuA> that has attracted a 70% public approval rating. His book and talks have been translated into Japanese. He said that at Fukushima, it was inappropriate to use radiation limits designed to minimize harmless doses. Instead, he said, we should determine limits the way it's done in all other fields: by determining how *much* radiation we can tolerate, with a generous safety factor. Based on studies of irradiation for medical purposes, he concluded that a dose limit of one thousand times the current limit, one Sievert, rather than 1 milliSievert per year, seems appropriate, and still contains a safety factor of about 200. In American units, this translates to a new permissible level of 100 rem per year. Exposure to this level is expected to be beneficial, rather than harmful.

This large increase in permissible limit would not make Fukushima a particularly high radiation zone. The original radiation limits were set much lower than the natural radiation background in many places in the world where people have lived healthily for untold generations. Inhabitants of these high natural radiation areas have also ingested the local air, food and water, and lived with the internal emitters. For example, Ramsar in northern Iran, has been studied for this reason. Populated areas there receive doses as high as 260 mSv/yr, and the health and longevity of the people are remarkable. [www.probeinternational.org/Ramsar.pdf](http://www.probeinternational.org/Ramsar.pdf)

Other high natural radiation areas point to a similar conclusion, though of smaller magnitude: <http://www.angelfire.com/mo/radioadaptive/ramsar.html>

Kerala, India: up to 35 mSv/yr  
Guarapari, Brazil: up to 35 mSv/yr  
Central Norway: up to 10.5 mSv/yr  
Yangjiang, China: up to 5.4 mSv/yr

Radiation in the residential and business areas around Fukushima is lower than near the reactors, and to return home, an occasional hot-spot could be roped off temporarily, as is done with a non-nuclear oil or chemical spill.

**The important point we wish to stress here is that it is a simple, undeniable fact that there are people in the world living healthily in natural radiation fields much higher than the limits now keeping Fukushima evacuees from getting on with their lives.** Both science and human compassion impel us to urge that these people be allowed to get home and get on with their lives. The increased permissible dose level suggested by Prof. Allison seems like a reasonable start and we urge its prompt adoption.

Being driven from your home is life-threatening. Being unable to make a living is life-threatening. Being repeatedly told that you may die of cancer is life-threatening. But living in the radiation field of the Fukushima residential and business areas is expected to be beneficial. Millions of people are already living healthily in even higher

radiation levels, and have been, for generations. Ironically, the famed healing waters of Misasa, Japan, where people go to soak in and drink the radon-saturated water, boasts of having the highest radon level in the world. And the cancer rate of the nearby population is about half that of Japan as a whole.

# December 01, 2011

Thursday

December 2011

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January 2012

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1	Thursday	Notes
	Outside of Scope	
7 am		
8 <sup>00</sup>		
9 <sup>00</sup>		
10 <sup>00</sup>		
11 <sup>00</sup>		
12 pm	11:15a-12:45pm Session Two: International Reactions to Fukushima Moderator: Steven Korn, Pres & CEO, Radio Free Europe/Radio Liberty - WCO is a Panelist	→ a. Fukushima
1 <sup>00</sup>	Outside of Scope	
	Outside of Scope	
2 <sup>00</sup>	2:00-2:45pm Meeting w/Norman Eisen, US Ambassador to the Czech Republic	→ a. Fukushima
3 <sup>00</sup>	Outside of Scope	
4 <sup>00</sup>		
5 <sup>00</sup>		
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# December 06, 2011

Tuesday

December 2011

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January 2012

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6 Tuesday		Notes
Outside of Scope		Outside of scope
7 am		
8 00		
9 00	8:45-9:15am Keynote Address: NRC Report Recommendations and the Path Forw.®	→ a. Fukushima
Outside of Scope		Outside of scope
10 00		
11 00		
12 pm		
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