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**General Information**

**Assigned Office:** OEDO

**OEDO Due Date:** 02/22/2013

**Other Assignees:**

**SECY Due Date:** 02/26/2013

**Date Response**

**Requested by Originator:**

**Other Parties:**

**Subject:** Ongoing Regulatory Analysis Arising from the Fukushima Accident

**Description:**

**CC Routing:** NRR, OIP

**ADAMS Accession Numbers - Incoming:**

**Response / Package:**

**Other Information**

**Cross Reference No:** LTR-13-0098

**SRM\Other:** No

**Process Information**

**Action Type:** Letter

**OEDO Concurrence:** No

**Signature Level:** Chairman Macfarlane

**OCM Concurrence:** No

**Special Instructions:**

**OCA Concurrence:** No

Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

**Document Information**

**Originator Name:** Senator David Vitter, et al.,

**Date of Incoming:** 02/04/2013

**Originator Org:** Congress

**Document Received by OEDO Date:** 02/05/2013

**Addressee:** Chairman Macfarlane

**Incoming Task:** Letter

**OEDO POC:** Roger Rihm

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OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**PAPER NUMBER:** LTR-13-0098 **LOGGING DATE:** 02/04/2013  
**ACTION OFFICE:** EDO

**AUTHOR:** SEN David Vitter, et al.  
**AFFILIATION:** CONG  
**ADDRESSEE:** CHRM Allison Macfarlane  
**SUBJECT:** Concerns ongoing regulatory analyses arising from the Fukushima accident

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF, OCA to Ack.

**LETTER DATE:** 02/04/2013  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** Commission Correspondence

**NOTES:**  
**FILE LOCATION:** ADAMS

**DATE DUE:** 02/26/2013 **DATE SIGNED:**

EDO --G20130089

**United States Senate**  
WASHINGTON, DC 20510

February 4, 2013

The Honorable Allison M. Macfarlane  
Chairman  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Chairman Macfarlane:

We write to inquire about the Nuclear Regulatory Commission's (NRC) ongoing regulatory analyses arising from the Fukushima accident. Since the March 11, 2011 earthquake and tsunami that led to the accident at three nuclear reactors at the Fukushima Daiichi plant in Japan, the NRC has focused significant resources on understanding and responding to that accident. The NRC has a duty to assure the safe operation of nuclear power plants in the United States. As you continue this important work, we believe the NRC should strive to take a prudent and thoughtful approach to evaluating the lessons of Fukushima and, where necessary after a review and cost-benefit analysis, incorporate improvements to its regulations and policies to take into account the lessons learned from Fukushima.

However, we are concerned that the NRC appears to be moving forward with implementation of costly post-Fukushima recommendations beyond those identified as Tier 1 without fully analyzing the differences between the regulatory atmospheres of Japan and the United States. The Official Report of the Fukushima Nuclear Accident by the National Diet of Japan noted substantial differences between the Japanese and U.S. nuclear safety culture and regulation, even noting that the accident may have been preventable had Japan also implemented certain regulations adopted by the NRC post-9/11. Despite this, the NRC has continued to pursue post-Fukushima changes without a complete analysis of the differences between Japan and the U.S. This raises concerns whether the NRC is appropriately addressing potential safety issues that actually exist at U.S. plants and whether the public may erroneously presume that the U.S. shares the same vulnerabilities as Japan.

The list of "safety enhancements" under consideration by the NRC has grown to approximately forty, even though the NRC has already achieved safety benefits from the implementation of Tier 1 requirements. The NRC should take the time to determine what safety benefits have already been realized and consider further changes in light of those benefits. The NRC should also continue its traditional practice when employing a cost benefit analysis. The need for this discipline is necessary as the NRC continues its discussions related to filtering strategy for certain boiling water reactors. As with other industries, the current economic climate poses challenges to nuclear power, and the NRC should fully understand the true impact that any new requirements will have. More importantly, potential safety benefits should be determined using a risk-informed, performance-based approach. Without completing this analysis, the risk of unintended consequences from regulatory changes may be increased without any certainty that the intended safety benefits will occur.

In an important and valuable letter dated January 15, 2013, Chairman Fred Upton of the House Committee on Energy and Commerce and twenty of his colleagues wrote to express similar concerns and request additional information on the NRC's ongoing post-Fukushima review. We believe Chairman Upton's letter merits full consideration by the NRC along with a thorough response to his request for information.

We would also ask for a letter from you that:

- (1) Confirms that the NRC is completing a thorough analysis of the differences between the regulatory atmosphere in Japan and the U.S., and an explanation of the methodology of how that analysis is being conducted;
- (2) Describes whether and how the NRC has given due consideration for safety benefits gained by post-Fukushima actions already taken; and
- (3) Identifies any areas where the NRC has departed from a thorough and systematic cost-benefit analysis in imposing additional requirements at the nation's nuclear plants since the Fukushima accident.

We respectfully urge the NRC to take its time to make the correct regulatory changes that follow a responsible and thorough approach to ensure plant safety and that any new requirements established for the U.S. commercial nuclear reactor fleet are justified by the law, supported by sound data, and warranted by a robust cost-benefit analysis.

Thank you for your kind attention to this matter.

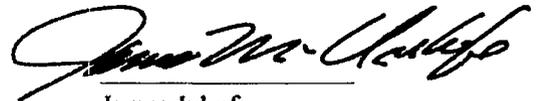
Sincerely,



David Vitter  
Ranking Member  
Senate Committee on  
Environment and Public Works



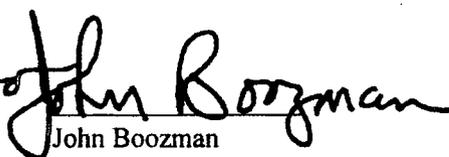
Jeff Sessions  
United States Senator



James Inhofe  
United States Senator



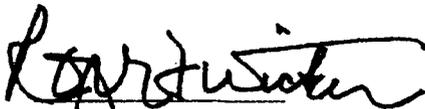
Mike Crapo  
United States Senator



John Boozman  
United States Senator



John Barrasso  
United States Senator



Roger Wicker  
United States Senate

cc: **The Honorable Kristine L. Svinicki, Commissioner**  
**The Honorable George Apostolakis, Commissioner**  
**The Honorable William D. Magwood, IV, Commissioner**  
**The Honorable William C. Ostendorff, Commissioner**