

June 28, 2013

MEMORANDUM TO: Shana R. Helton, Chief
Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Richard F. Dudley, Senior Project Manager /RA/
Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF PUBLIC MEETING ON FUKUSHIMA
NEAR-TERM TASK FORCE RECOMMENDATION 1 ON
REGULATORY FRAMEWORK (TAC NO. ME7120)

The U.S. Nuclear Regulatory Commission (NRC) held a Category 3 public meeting on June 5, 2013. The purposes of the meeting were: (1) to provide external stakeholders with the status of the NRC staff's progress on regulatory framework alternatives being evaluated to provide a recommended approach to the Commission regarding the Fukushima Near-Term Task Force (NTTF) Report Recommendation 1 on regulatory framework improvements by discussing the staff's preliminary proposed approach (See the staff's draft proposal available in NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML13135A125); (2) to afford external stakeholders an opportunity to ask the NRC staff clarifying and amplifying questions on the NTTF Recommendation 1 effort; and (3) to provide an opportunity for external stakeholders and the NRC staff to exchange information on regulatory framework subject matter to facilitate more accurate and complete understanding by all parties. Details on NTTF Recommendation 1 can be found in "Recommendations for Enhancing Reactor Safety in the 21st Century, The Near-Term Task Force Review of Insights from the Fukushima Dai-Ichi Accident," issued July 12, 2011 (ADAMS Accession No. ML111861807).

The meeting was held at the NRC headquarters in Rockville, Maryland, and was attended by about 100 people. Approximately one-third of the participants attended the meeting in-person and two-thirds participated remotely through a webinar with audio teleconferencing. The attendee list is provided as Enclosure 1.

The notice and agenda for the meeting can be found in ADAMS under Accession No. ML13126A004. The slides presented at the meeting are in ADAMS under Accession No. ML13156A370.

CONTACT: Richard F. Dudley, NRR/DPR
301-415-1116

NRC Staff Presentations

Opening remarks for the meeting were provided by Dr. Sher Bahadur, Deputy Director of the Division of Policy and Rulemaking. Mr. Richard Dudley then provided an overview of NTTF Recommendation 1 and summarized the NRC staff's recent actions to date. He explained that the NRC staff is seeking written public comments on the NRC staff's preliminary proposed approach described in the May 14, 2013, white paper (ADAMS Accession No. ML13135A125). Comments may be provided via the Federal government's rulemaking web site, www.regulations.gov under Docket NRC-2012-0173. The public comment period closes on August 15, 2013.

The subsequent presentations discussed each of proposed regulatory framework improvement activities described in the NRC staff white paper:

1. Establish a design basis extension category of events and associated beyond design-basis accident requirements (presented by Richard Dudley)
2. Establish the Commission's expectations for defense-in-depth (definition and criteria for adequacy) (presented by Mary Drouin)
3. Clarify the use of voluntary industry initiatives (presented by Richard Dudley)

Throughout the meeting, there were opportunities for stakeholders to make comments and ask questions about the NRC staff's approach to Recommendation 1. A summary of key comments and questions raised by stakeholders is provided as Enclosure 2.

How to Submit a Comment and How to Sign Up for E-mail Alerts

The NRC encouraged feedback, indicating that all input must be submitted through the Federal rulemaking Web site, www.regulations.gov, by August 15, 2013. To submit a comment: search for "NRC-2012-0173" and click the "Comment Now!" button. Additional information related to NTTF Recommendation 1 is posted on www.regulations.gov in the docket folder for Docket ID NRC-2012-0173. Regulations.gov allows interested members of the public to sign up to receive e-mail alerts when anything is added to the docket folder. To sign up: search for "NRC-2012-0173," click the "Open Docket Folder" link, click the "Sign up for E-mail Alerts" link, enter the e-mail address and select the desired frequency for e-mail alerts (daily, weekly, or monthly), and then click "Subscribe."

Enclosures:

1. Attendee List
2. Summary of Discussion and Feedback

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2. Summary of Discussion and Feedback

DISTRIBUTION:

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RDudley	RidsNrrOd

**ADAMS Accession Nos.: PKG: ML13171A004; Notice: ML13126A004; Summary ML: 13171A005;
Slides: ML13156A370**

NRC-001

OFFICE	NRR/DPR/PRMB/PM	NRR/DPR/PRMB/RS	NRR/DPR/PRMB/BC	NRR/DPR/PRMB/PM
NAME	RDudley	GLappert	SHelton	RDudley
DATE	06/21/2013	06/24/2013	06/27/2013	06/28/2013

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List of Meeting Attendees

Public Meeting on NTTF Recommendation 1

June 5, 2013

Name	Affiliation
Jim Andrachek	Westinghouse
Ray Linthicum	PWROG
Stanley Levinson	Areva
Thomas Zaehartaia	PWROG
K. Ray Fine	FENOC/PWROG
Edward Burns	Westinghouse
Kari Valley	Xcel Energy
Damian Peko	DOE
Richard Groff	Excelon
Stephen Dinsmore	NRC
Dan Dorman	NRC
Tutsuo Natajima	Yomiuri News
Kohei Ikuta	Chubu
Jonathan DeJesus	NRC
Mark Caruso	NRC
Automo Diaz	NRC
Rebecca Tadesse	NRC
N. P. Kadambi	Self
Patrick Castleman	NRC
Boby Abu-Eid	NRC
Joseph Giitter	NRC
Sher Bahadur	NRC
Brian Wagner	NRC
Tara Inverso	NRC
Shana Helton	NRC
Mary Drouin	NRC
Steve West	NRC
Richard Dudley	NRC
Geary Mizuno	NRC
William Reckley	NRC
John Adams	NRC
Dennis Damon	NRC
Michel Call	NRC
Randy Sullivan	NRC

Enclosure 1

Name* (remote partipants)	Affiliation
Marcie Summerlin	SNL
Marv Lewis	
John Hawkinson	Enercon Services
Richard Gropp	Exelon
Jana Bergman	Scientech
Cyrus Afshar	NuScale
Gary Becker	NuScale
Bijan Najafi	Hughes Associates
Annie Caputo	US House of Representatives
Vincent Esposito	
Neil Herman	
James Andracheck	Westinghouse
Steve Fanzone	Florida Power and Light
William Rogers	Lockheed Martin
Linda Conduff	Balch & Bingham
Cheryl L. Miller Laatsch	PA Dept. of Environmental Protection
Nancy Chapman	Bechtel
Dan Cronin	University of Florida
Darrell Liles	SENES Consultants
Howard Useem	Howard Useem
Chad Cramer	Enercon
Noah Hauser	Decade Capital Management
Scott Beck	Nuclear Associates
Masrur Khan	Bechtel
Bret Leslie	NWTRB
Denny Buschbaum	Luminant
Joe Torkelsen	SONGS
Pamela Fergen	Brunswick Nuclear Plant
Michael Griffen	Maryland Dept. of Environment
Dan Chalk	DOE
Mary Lampert	Pilgrim Watch
Stephanie Praus	International Technology and Trade Associates
Steve McDuffie	DOE
David Stellfox	www.l-nuclear.com
Mandy Hancock	Southern Alliance for Clean Energy
Sue Lesica	DOE
Jane Beetem	Missouri DNR
Kari Valley	Xcel Energy

Name* (remote participants)	Affiliation
George Murphy	McGuire Nuclear Station
Steven Dolley	Platts
Julius Kerr	Triad
Jason Zorn	NEI
Doug True	Erin Engineering
John Butler	NEI
Craig Nichols	GE
Steve Franzone	FPL
Donald Spellman	ANS
Steve Laur	NRC
John Lehner	BNL
Masrur Khan	Bechtel
David Fink	Westinghouse
Paul Orlando	NJ Department of Environmental Protection
Ruth Thomas	Environmentalist Inc.
Mel Jenkins	
Lou Zeller	Blue Ridge Environmental Defense League
Jim Peschel	Certrec
Tom Voss	LANL/HPS
Deane Beck	Curtis Wright
Ed Lyman	UCS
Ralph Andersen	NEI

* Authorized to participate via webinar or teleconference

**Summary of Feedback
Public Meeting on NTTF Recommendation 1**

June 5, 2013

Key comments and questions received at the meeting from stakeholders are summarized below. The NRC staff will consider feedback received at the public meeting and via www.regulations.gov in the development of the final SECY paper. The NRC staff will not be providing formal responses to comments and questions.

- A vendor representative was concerned that the NRC was not going to revise all the existing (legacy) beyond design-basis rules (SBO, ATWS, 50.44, etc.) to conform to the improved practices described in the internal rulemaking guidance we would develop and apply to future design-basis extension rules.
- A reporter stated that the NRC staff's proposal to put all beyond design-basis rules into the new design basis extension category would not address the "patchwork" which was the fundamental concern of the NTTF. He believed that unless the rulemaking best practices guidance in Improvement Activity 1 is backfit on the existing beyond design basis regulations, the patchwork would remain indefinitely. The NRC staff responded that it depends on how you define "patchwork." The NRC staff said the NTTF's main concern was that the patchwork was a combination of beyond design-basis requirements and voluntary initiatives. The NRC staff believes that by establishing the design basis extension category for existing and future design basis extension regulations, applying the rulemaking guidance to future revisions of existing and new design basis extension regulations, and addressing voluntary initiatives, the patchwork issue would be addressed.
- An individual stated that he liked the presentation on defense-in-depth and where it is headed. He suggested that the defense-in-depth activity should be implemented before implementing categorization. The NRC staff responded that if the NRC had decided to populate the new design-basis extension category retrospectively, it would be necessary to first develop and implement the new defense-in-depth criteria. But because the proposal is to populate the new category in a forward-looking manner, establishing the category and developing defense-in-depth criteria can be done in parallel. In the future, it will be useful to have the defense-in-depth criteria developed to support the promulgation of new design basis extension rules.
- An individual asked what other options were considered or will be considered to respond to the Fukushima accident other than regulations, because regulations have not helped over the years or we wouldn't have had the accident or problems with radioactive waste. What other consideration is being given to what Germany or other countries are saying? There needs to be a reconsideration of using nuclear power. A NRC staff member who participated as a member of the Fukushima Near-term Task Force responded that although the task force identified the patchwork issue, the task force did find that the existing regulatory framework provides assurance of safety. The task force looked at

Enclosure 2

whether actions like those in Germany were warranted. The task force concluded, and the Commission confirmed, that those actions were not warranted in the United States. Also, in addition to Recommendation 1, there were many other actions taken in response to the Fukushima accident; orders were issued and numerous other significant actions were taken.

- An individual raised numerous questions that were outside the intended scope of the NTTF Recommendation 1 meeting. The NRC staff committed to try to provide her with helpful information.