

February 7, 2014

Dr. Robert J. Budnitz
734 The Alameda
Berkeley, CA 94707

Dear Dr. Budnitz:

This letter responds to your December 30, 2013, email to the Secretary of the Commission. Your insights regarding the U.S. Nuclear Regulatory Commission (NRC) staff recommendations to disposition Recommendation 1 of the Near-Term Task Force (NTTF) Report, "Recommendations for Enhancing Reactor Safety in the 21st Century," have been provided to the Commissioners for their consideration.

It is true that the staff's recommendations in SECY-13-0132, "U.S. Nuclear Regulatory Commission Staff Recommendation for the Disposition of Recommendation 1 of the Near-Term Task Force Report," stop short of your recommendation for "a long-term set of agency actions, initiatives, and research projects" intended to result in "a broad-based and fundamental revisiting of the framework of regulation." Before arriving at a recommendation, the NRC staff considered a wide range of options and a spectrum of opinions in evaluating NTTF Recommendation 1. The staff also considered input received from external stakeholders during three public meetings and offered two opportunities for the public to submit written comments.

In crafting its recommendations in SECY-13-0132, the NRC staff considered whether a new regulatory approach would provide benefits commensurate with the associated resources required. The staff evaluated the potential benefits of several different regulatory framework approaches, one of which fundamentally differs from the existing power reactor regulatory approach. This approach¹ is similar to, but less comprehensive than, the approach recommended in your email. As described in SECY-13-0132, the staff concluded that fundamental change is not necessary to achieve a logical, consistent, and coherent approach to how NRC regulates, and that the extensive cost of such a change does not appear to be justified by the expected safety improvements when compared to the safety improvements achievable with the existing regulatory framework. The staff also concluded that the ongoing technical reviews and regulatory actions the NRC is undertaking in response to the Fukushima accident are being successfully implemented under the existing regulatory framework.

Please be assured that the NRC staff will engage interested stakeholders in the development and implementation of any activities approved by the Commission. If the Commission's decision on NTTF Recommendation 1 or subsequent decisions regarding the longer-term, broad scope recommendations set forth in NUREG-2150, "A Proposed Risk Management Regulatory Framework," direct the staff to proceed with fundamental changes to NRC's regulatory framework, we would welcome your future engagement on these activities.

¹ One of the alternatives the NRC evaluated was a plant-specific approach where licensees would be required to perform plant-specific probabilistic risk assessments (PRAs) meeting standards endorsed by the NRC. The PRA results would be analyzed to identify plant-specific event sequences which exceeded threshold criteria also specified by the NRC. The threshold criteria could be risk-informed or could be augmented to consider cost effectiveness. Event sequences exceeding the thresholds would be required to be mitigated by licensees to meet acceptance criteria established by the NRC. The NRC staff's evaluation of this approach and reasons it was not recommended is contained in Attachment 2 to Enclosure 1 of SECY-13-0132 (see Approach #1).

R. Budnitz

- 2 -

If you have any further questions or comments related to NTTF Recommendation 1, you may contact Richard Dudley, Senior Project Manager, of my staff by email at Richard.Dudley@nrc.gov or by phone at (301) 415-1116.

Sincerely,

/RA Mike Johnson for/

Mark A. Satorius
Executive Director
for Operations

R. Budnitz

- 2 -

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Sincerely,

/RA Mike Johnson for/

Mark A. Satorius
Executive Director
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