

**From:** [Champ, Billie](#)  
**To:** [Commission E-Reader Distribution](#); [E-Reader Distribution](#)  
**Subject:** COMMISSION E-READER.....THURSDAY, MARCH 24, 2011  
**Date:** Thursday, March 24, 2011 11:28:43 AM  
**Attachments:** [Tab A 03-23-11 Rep. Denham.pdf](#)  
[Tab B 03-22-11 Boxer.pdf](#)  
[Tab C 03-22-11 Galef-NY Assembly 11-0149.pdf](#)  
[Tab D 03-22-11 Ltr to Garde.pdf](#)  
[Tab E 03-22-11 Ltr to Donohue.pdf](#)  
[Tab F 03-23-11 FRN.pdf](#)

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**Some of the information contained in the  
Reader is not publicly available.  
If there are any questions, please contact SECY.**

## **READING FILE**

### **INDEX**

**March 24, 2011**

#### **INCOMING CORRESPONDENCE**

**Tab "A" 03/23/11 -- Letter from Rep. Jeff Denham, invites Commission testimony at the March 25, 2011 hearing on "Improving the Nation's Response to Catastrophic Disasters: How to Minimize Costs and Streamlining our Emergency Management Programs."**

**Tab "B" 03/22/11 -- Letter from Sen. Barbara Boxer, concerns safety and security of the nation's nuclear plant.**

**Tab "C" 03/22/11 -- Letter from Sandy Galef, NY-State Assembly, concerns seismic risk at Indian Point.**

#### **OUTGOING CORRESPONDENCE**

**Tab "D" 03/22/11 -- Letter to Billie Garde, responds to concerns following participation as a panel member at the January 24, 2011, Commission briefing on the proposed final safety culture policy statement.**

**Tab "E" 03/22/11 -- Letter to Thomas Donohue, responds to request that the NRC agree to implement President Obama's recent Executive Order 13563, regarding improving regulations and regulatory review.**

**Tab "F" 03/23/11 -- Federal Register Notice: Advisory Committee on**

EB/20

**the Medical Uses of Isotopes: Meeting Notice.**



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**John L. Mica**  
Chairman

**Nick J. Rahall, III**  
Ranking Member

March 23, 2011

James W. Coon II, Chief of Staff

James H. Zola, Democrat Chief of Staff

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko:

The Subcommittee on Economic Development, Public Buildings and Emergency Management will hold a hearing on "Improving the Nation's Response to Catastrophic Disasters: How to Minimize Costs and Streamline our Emergency Management Programs" on Wednesday, March 30, 2011 at 10:00 AM in Room 2253 of the Rayburn House Office Building. I request you or your designee present testimony to the Subcommittee.

Please submit **100 copies** of your testimony to **Jimmy Miller** in 2165 Rayburn HOB by the close of business on Friday, March 25, 2011. Please send an electronic version of your testimony to [Johanna.Hardy@mail.house.gov](mailto:Johanna.Hardy@mail.house.gov). Also, please be advised that oral statements to the Subcommittee will be limited to **five minutes**.

In compliance with the American with Disabilities Act, if you need any accommodations for a disability to facilitate your appearance, please contact Jimmy Miller at 202-225-9446, at least two days before the hearing. If you or your staff have any questions or need further information, please contact Dan Mathews of the Subcommittee at 202-225-3014.

Sincerely,

Jeff Denham  
Chairman  
Subcommittee on Economic Development,  
Public Buildings, and  
Emergency Management

BARBARA BOXER, CALIFORNIA, CHAIRMAN

MAX BAUCUS, MONTANA  
THOMAS R. CARPER, DELAWARE  
FRANK R. LAUTENBERG, NEW JERSEY  
BENJAMIN L. CARDIN, MARYLAND  
BERNARD SANDERS, VERMONT  
SHELDON WHITEHOUSE, RHODE ISLAND  
TONY UDALL, NEW MEXICO  
JEFF MERKLEY, OREGON  
KRISTEN GILLIBRAND, NEW YORK

JAMES M. INHOFE, OKLAHOMA  
DAVID VITTER, LOUISIANA  
JOHN BARRASSO, WYOMING  
JEFF SESSIONS, ALABAMA  
MIKE CRAPO, IDAHO  
LAMAR ALEXANDER, TENNESSEE  
MIKE JOHANNIS, NEBRASKA  
JOHN BOGDMAN, ARKANSAS

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

METTINA FORBER, MAJORITY STAFF DIRECTOR  
RUTH VAN MARK, MINORITY STAFF DIRECTOR

March 22, 2011

The Honorable Gregory Jaczko  
Chairman  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Jaczko:

Last week, President Obama called for the Nuclear Regulatory Commission to conduct a prompt and thorough investigation of all nuclear facilities in the United States. As the NRC makes plans for both its short-term and long-term evaluations of the safety of our nation's nuclear power plants, I want to emphasize the importance of transparency and openness throughout the review process.

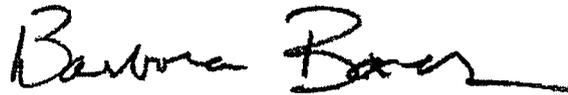
As you know, there is a high level of interest in the safety and security of the nation's nuclear plants, and it is important for the NRC to promptly share information with the American public that you gather in the immediate future, as well as over the long-term.

In May of 2010, you testified before the Senate Committee on Environment and Public Works' Subcommittee on Clean Air and Nuclear Safety. In that testimony you stated that "Greater openness and transparency will only build public confidence in the agency by highlighting the agency's strengths: the experience, expertise, and dedication of the NRC staff, as well as the vitality of the Commission."

I could not agree more. In order for the NRC to maintain credibility with the American people, I encourage you to work with all members of the Commission to ensure that information gathered during your reviews of the nation's nuclear facilities is made available to the public, and that the reviews are conducted with complete openness and transparency.

Thank you for your attention to this matter.

Sincerely,



Barbara Boxer  
Chairman

3/23...To EDO to Prepare Response for Chairman's Signature...Date due Comm:  
April 13...Cpy to: RF, OCA to Ack....11-0148....COMMISSION CORRESPONDENCE



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Real Property Taxation

COMMITTEES  
Corporations, Authorities and Commissions  
Election Law  
Governmental Operations  
Health

SANDRA R. GALEF  
Assemblywoman 90<sup>th</sup> District

March 22, 2011

Gregory Jaczko  
Chairman  
U. S. Nuclear Regulatory Commission  
11555 Rockville Pike, Mail Stop O-16G4  
Rockville, MD 20852

Dear Chairman Jaczko,

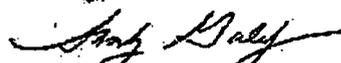
As you continue to evaluate the catastrophic damage from which Japan is trying to recover, I understand you are also evaluating lessons for the U.S., specifically how the impact of natural disasters relates to emergency plans for our own nuclear power plants. The power plant in our country which your organization has rated most at risk for core damage from an earthquake, Indian Point, sits squarely in the center of the 90<sup>th</sup> New York State Assembly District, which I represent.

I have already placed a call to the Commission asking for a meeting with elected officials in the area. Now I would also respectfully request that you organize a public meeting in my area to address some of the questions that are arising as the disaster in Japan continues to play out. These questions include:

- What is the status of the seismic risk at Indian Point? I understand it has changed, so I would like to know what potential impact the two fault lines that are now known to be there could have in a worst case scenario, and if the power plant is prepared for such a disaster.
- What, if any, are the risks of a tsunami in the area? What would the impact be on Indian Point?
- What type of protection of the spent fuel rod pools is there at Indian Point? What kind of an emergency could compromise that protection?
- I understand the electricity responsible for cooling the spent fuel rod pools is dependent on the electrical grid? Should there be a requirement that it have independent back up as well?
- Where are we in terms of a timeline to eventually rid the Buchanan site of these rods?
- In the interim, are we at greater risk because we are trying to maximize use of the small space that is available for the spent fuel rods? Is the cask plan an effective interim?
- How many hours of back up do we have in the event of an electrical outage?
- How many hours of independent protection can the plant offer?
- What is the condition of the underground pipes that supply Indian Point? What effect have minor quakes had on those pipes, and what would happen in the event of a worse quake?
- How would an evacuation plan of a 50 mile radius around Indian Point be realized if we are not even sure that the plan for a 10 mile radius is feasible?
- What are we learning about our own evacuation plans as we evaluate Japan?

I look forward to the NRC responding to these questions, as well as hearing back from you in response to my request for a public meeting to address these and other safety concerns. Thank you for your kind attention to my requests.

Sincerely,

  
Sandra Galef, NYS Assemblywoman, 90<sup>th</sup> A.D.

ALBANY OFFICE: Room 841, Legislative Office Building, Albany, New York 12248, (518) 455-5348, FAX (518) 456-5728  
DISTRICT OFFICE: 2 Church Street, Ossining, New York 10562, (914) 941-1111, FAX (914) 941-0132  
E-MAIL: galef@sassembly.state.ny.us WEBSITE: www.assembly.state.ny.us

3/23...To EDO/OGC for Direct Reply...Suspense: April 8...Cpy to: OGC, RF, SECY to Ack..11-0149 EDO should coordinate response with the OGC....  
Note: Commission should review response prior to dispatch



**SANDRA R. GALEF**  
Assemblywoman 90<sup>th</sup> District

**THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY**

**CHAIR**  
Real Property Taxation

**COMMITTEES**  
Corporations, Authorities and Commissions  
Election Law  
Governmental Operations  
Health

**cc:**

**Andrew Cuomo, Governor of New York**  
**Chuck Schumer, U.S. Senator**  
**Kirsten Gillibrand, U.S. Senator**  
**Nita Lowey, U.S. Congresswoman**  
**Nan Hayworth, U.S. Congresswoman**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 22, 2011

OFFICE OF THE  
CHAIRMAN

Ms. Billie Pirner Garde  
Clifford & Garde, LLP  
1707 L Street, NW, Suite 500  
Washington, D.C. 20036

Dear Ms. Garde: *Billie*

I am responding to your letter of January 26, 2011, which followed your participation as a panel member at the January 24, 2011, Commission briefing on the proposed final safety culture policy statement.

As you observe in your letter, the staff of the U.S. Nuclear Regulatory Commission (NRC) and various stakeholders worked diligently to reach consensus on a definition of safety culture and a set of traits that provide high-level descriptions of areas important to a positive safety culture. These were reflected in the proposed final safety culture policy statement, which represented this extensive outreach the staff has engaged in over the last 3 years. The Commission briefing on January 24, 2011, allowed the Commission to hear directly from staff and stakeholders on the proposed policy statement

I want to express our appreciation for your efforts in the development of the safety culture policy statement, your presentation at the January 24, 2011, Commission meeting, and the contributions you have made in improving safety culture in the nuclear industry throughout your career. I am pleased that the Commission has approved publication of the policy statement and appreciate your offer to continue to provide perspectives as our outreach efforts continue.

Sincerely,

A handwritten signature in black ink, appearing to read "G. B. Jaczko".

Gregory B. Jaczko

*Thanks  
for all  
your efforts  
in this  
regard*

Originating Office: EDO  
CORR-11-0012  
Chairman Correspondence

OFC	SECY <i>Handwritten initials</i>	OCM/GBJ	OCM/GBJ		
NAME	Billie C-Lopes	JMonninger	GBJaczko		
DATE	2/15/11	02/ /11	02/ 27/11		

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LAW OFFICE

**CLIFFORD & GARDE, LLP**

JOHN M. CLIFFORD\*  
BILLIE PIRNER GARDE\*\*

\* AS AN ADMITTED IN MD  
\*\* AS AN ADMITTED IN TX, WI

1707 L STREET, N.W.  
SUITE 500  
WASHINGTON, D.C. 20036  
(202) 289-8900  
FAX (202) 289-8992  
www.cliffordgarde.com

January 26, 2011

**(By Facsimile: 301-415-1672  
and Electronic Mail)**

The Honorable Gregory B. Jaczko, Chairman  
The Honorable Kristine L. Svinicki  
The Honorable George Apostolakis  
The Honorable William D. Magwood, IV  
The Honorable William C. Ostendorff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

*Re: Safety Culture Policy Statement*

Dear Chairman Jaczko and Honorable Commissioners:

I very much appreciate the opportunity to appear before you and discuss this important issue. As you know I wanted to address some of the points that came up during the discussion with the Staff, and am taking the opportunity to include those points in this letter. Frankly, I was somewhat disappointed in the direction the questions of the Staff developed. From the audience, it appeared that several of you remain skeptical that Safety Culture is an appropriate area for a policy statement, and that the proposed statement would be impossible to implement in an effective and meaningful way. While I appreciate the dialog amongst you, I feel compelled to comment on two points.

First, the development of a Safety Culture policy and its supporting traits is a critical path to ensuring that all licensees understand the vital importance that a healthy safety culture plays in making safety the overriding priority at all facilities, and is long overdue. The definition of Safety Culture and the traits do an excellent job of capturing the various elements of a strong safety culture. While other traits could be identified or included, or different words used, the ones chosen provide a sound framework to define measurable and identifiable behaviors giving a common language and description across all licensees and the Agency. The studies of recent tragedies and accidents have all identified and confirmed that some failure in the safety culture of an organization was a prime contributor to the event. The NRC recognized a gap in its

regulatory framework following the Davis-Besse incident. After almost a decade, and a series of other less significant events and incidents, the issuance of this policy is long overdue.

Second, the work that the Staff has done in response to the Commission's construction has been extraordinary. Experts in this field, both by academic credentials and broad-based experience, have all agreed this is the next step. Their expertise and experience should not be ignored. It appeared to me that some of you were rejecting the recommendations and work of the Staff and the Stakeholders in this area in deference to the myth that safety culture cannot be defined, measured or evaluated. This is simply not the case. Since the issuance of the Safety Culture Report in 1991 by the International Nuclear Safety Advisory Group of the International Atomic Energy Agency (Safety Series No. 75-INSAG-4), the industry world-wide has recognized the importance of a site's safety culture, and has developed sound tools and processes to review and determine the health of a site's safety culture. Safety Culture is not analogous to the often quoted description of pornography, i.e., "you will know it when you see it." It is not based on shifting moral standards and community mores. It is a commonly held set of attributes that reflect the way things are done at a facility, the foundation of decision-making, the adherence to a set of processes and procedures, and the attitudes that govern an organization.

The NRC needs to finalize this piece of work and let the Staff and the industry take it to the next step. I would like to discuss this matter further with each of you, if the opportunity arises before your vote, and will be contacting each of your offices to try to schedule a brief meeting. Thank you again for your time and attention to this matter.

Sincerely,

  
Billie Pirner Garde



CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 22, 2011

Mr. Thomas J. Donohue  
President and Chief Executive Officer  
U.S. Chamber of Commerce  
1615 H Street, NW  
Washington, D.C. 20062

Dear Mr. Donohue:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated February 1, 2011. You requested that the Commission agree to implement President Obama's recent Executive Order 13563, regarding improving regulations and regulatory review.

Executive Order 13563 reaffirms and supplements Executive Order 12866, issued by President Clinton in 1993. As you noted, independent regulatory agencies like the NRC are not subject to these Executive Orders. The NRC, nonetheless, voluntarily began to adopt many of the suggested improvements following the issuance of Executive Order 12866. Therefore, many features of Executive Order 13563 have already been implemented.

For instance, the Order encourages agencies issuing proposed rules "to afford the public a meaningful opportunity to comment through the Internet" for "at least 60 days." The NRC already offers opportunities to comment on proposed rules through e-mail and the website [www.regulations.gov](http://www.regulations.gov). In addition, the NRC usually provides 75 days to comment on proposed rules.

The Order encourages agencies to consider the costs and benefits of regulatory actions. To the extent it is allowed under the Atomic Energy Act, the NRC has considered the costs and benefits of new or modified requirements in regulatory analyses since 1976. In addition, for certain regulated facilities such as nuclear power plants, the NRC may evaluate costs and benefits as part of its "backfitting" analyses. When a backfit analysis is conducted, the NRC considers whether the costs of modifying facilities to comply with new requirements are justified by a substantial increase in the protection of public health and safety or the common defense and security. We should point out that cost is not considered if we decide that the modifications are necessary to meet the minimum standards for safety and security under the Atomic Energy Act.

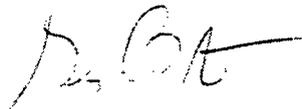
The Order also asks agencies to adopt specific performance objectives, rather than specifying the actions that must be adopted. The NRC has already adopted many performance-based regulations, which let the regulated entities decide how best to accomplish the goals set forth in the regulation. For the last twenty years, the agency has incorporated insights from risk assessments into regulatory decision making. This approach focuses attention on risk-significant safety systems structures and components and reduces unnecessary conservatisms associated with our regulations. Recently, a task force was established to enhance the use of risk information in regulatory activities.

The White House issued a Memorandum accompanying the Order that directs covered agencies to "develop plans for making information concerning their regulatory compliance and enforcement activities accessible, downloadable, and searchable online." NRC already provides access to this kind of information through our website, [www.nrc.gov](http://www.nrc.gov) and our public Agencywide Documents Access and Management System (ADAMS). In addition, the NRC website provides daily Status Reports, Event Notifications, Safety Performance Summaries, inspection reports, enforcement actions, press releases, and public meeting information for all nuclear power plants.

To the extent that the Order encourages agencies to take other actions, the Commission will carefully consider voluntarily following these suggestions.

The Commission appreciates your interest and support of its efforts to continually improve the quality of its regulations. We welcome any additional suggestions that would assist this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory B. Jaczko". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gregory B. Jaczko

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The White House issued a Memorandum accompanying the Order that directs covered agencies to "develop plans for making information concerning their regulatory compliance and enforcement activities accessible, downloadable, and searchable online." NRC already provides access to this kind of information through our website, [www.nrc.gov](http://www.nrc.gov) and our public Agencywide Documents Access and Management System (ADAMS). In addition, the NRC website provides the daily Status Report, Event Notifications, a Safety Performance Summary, inspection reports, enforcement actions, press releases, and public meeting information for each plant.

To the extent that the Order encourages agencies to take other actions, the Commission will carefully consider voluntarily following these suggestions.

The Commission appreciates your interest and support of its efforts to continually improve the quality of its regulations. We welcome any additional suggestions that would assist this effort.

Sincerely,

  
Gregory B. Jaczko

Gregory B. Jaczko

Originating Office: OGC  
Ref: CORR-11-0015  
Commission Correspondence

GBJ – Approved/edits  
KLS – Approved/edits  
GA – Approved/edits  
WDM – Approved/edits/cmt  
WCO – Approved/edits/cmt

ADAMS Accession No.: MLxxxxxxxx

OFC	SECY	OCM/GBJ	OCM/GBJ		
NAME	L.Mike 	J.Monninger	G.B.Jaczko		
DATE	03/08/11	03/ /11	03/22/11		

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CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

THOMAS J. DONOHUE  
PRESIDENT AND  
CHIEF EXECUTIVE OFFICER

1615 H STREET, N.W.  
WASHINGTON, D.C. 20062-2000

February 1, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Attn: Annette L. Vietti-Cook  
Secretary of the Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko:

On January 18, 2011, President Obama signed Executive Order 13563, with the goal of improving regulations and regulatory review. Specific provisions of that order direct executive agencies to review existing regulations and to conduct open, transparent rulemakings to carefully balance public health, welfare, and safety considerations against the need to protect economic growth, competitiveness, and job creation, with a particular emphasis on cost-benefit analysis and reducing duplicative requirements.

The U.S. Chamber of Commerce, representing the interests of millions of businesses in all sectors of the economy, welcomes this step by the administration to recognize that regulatory activity must be responsible and balanced to ensure economic growth and job creation.

While we recognize that your agency is not subject to the executive order, we ask that you agree publicly to implement the order's requirements, including undertaking a review of the U.S. Nuclear Regulatory Commission's existing regulations to identify those that are overly burdensome or have little benefit, consistent with the terms of the order.

Through a comprehensive review of all government regulations—whether required by the executive order or performed voluntarily—we can determine how to work together to modernize our regulatory structure in a way that will ultimately enhance American competitiveness and help grow the economy and create jobs.

Thank you for your consideration. We will follow up with your office to request a meeting to discuss this issue.

Sincerely,

*Tom*

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of Meeting.

**SUMMARY:** NRC will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on April 11-12, 2011. This will be a public meeting, and the final agenda is under development. A sample of agenda items to be discussed during this session includes: (1) written directives and medical event reporting for permanent implant brachytherapy; (2) amending preceptor attestation requirements, (3) extending grandfathering to certain certified individuals regarding training and experience requirements (Petition for Rulemaking (PRM 35-20, Ritenour Petition); (4) dose limits to members of the public (per year versus per treatment) from patients who have been administered radioiodine; (5) a subcommittee report on medical-related events; and (6) a variety of other topics related to 10 *Code of Federal Regulations* (CFR) Part 35 rulemaking. Once finalized, a copy of the agenda will be available at <http://www.nrc.gov/reading-rm/doc-collections/acmui/agenda> or by emailing Ms. Sophie Holiday at the contact information below. The primary purpose of the meeting is for the NRC to seek comments and insights from the members of the ACMUI. However, NRC will also welcome public participation and comments on the rulemaking topics listed above.

*Purpose:* Discuss current rulemaking activities related to 10 CFR Part 35, Medical Use of Byproduct Material.

*Date and Time for Closed Session:* April 11, 2011, from 8:00 a.m. to 9:00 a.m. This session will be closed so that ACMUI members can enroll for and activate new badges and complete self evaluations.

*Date and Time for Open Sessions:* April 11, 2011, from 9:00 a.m. to 5:00 p.m. and April 12, 2011, from 8:00 a.m. to 4:30 p.m.

*Address for Public Meeting:* U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T2-B3, 11545 Rockville Pike, Rockville, Maryland 20852.

**PUBLIC PARTICIPATION:** Any member of the public who wishes to participate in the meeting in

person or via phone should contact Ms. Holiday using the information below. The meeting will also be webcast live at: <http://www.nrc.gov/public-involve/public-meetings/webcast-live.html>.

**CONTACT INFORMATION:** Sophie J. Holiday, e-mail: [sophie.holiday@nrc.gov](mailto:sophie.holiday@nrc.gov), telephone: (301) 415-7865.

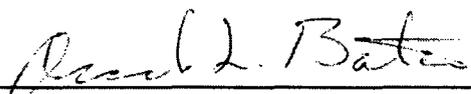
### **Conduct of the Meeting**

Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Holiday at the contact information listed above. All submittals must be received by April 5, 2011, and must pertain to the topic on the agenda for the meeting.
2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.
3. The draft transcript will be available on ACMUI's website (<http://www.nrc.gov/reading-rm/doc-collections/acmui/tr/>) on or about May 12, 2011. A meeting summary will be available on ACMUI's website (<http://www.nrc.gov/reading-rm/doc-collections/acmui/meeting-summaries/>) on or about June 26, 2011.
4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Holiday of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in 10 CFR Part 7.

Dated: 03/23/2011.

  
\_\_\_\_\_  
Andrew L. Bates,  
Advisory Committee Management Officer.

**From:** [Champ, Billie](#)  
**To:** [Commission E-Reader Distribution](#); [E-Reader Distribution](#)  
**Subject:** COMMISSION E-READER...FRIDAY, MARCH 25, 2011  
**Date:** Friday, March 25, 2011 11:33:10 AM  
**Attachments:** [Tab A 3-24-11 DOJ.pdf](#)  
[Tab B 3-24-11 Lund \(GAO\).pdf](#)  
[dailymemos.doc](#)

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Some of the information contained in the  
Reader is not publicly available.  
If there are any questions, please contact SECY.

READING FILE

INDEX

March 25, 2011

INCOMING CORRESPONDENCE

Tab "A" 03/24/11 -- Memorandum from Daria Neal and Thomas Perez-DOJ, concerns FY 2009 and FY 2010 Information and Reporting Requirements for Agencies that Administer Federally Assisted Programs Subject to Executive Order 12250.

Tab "B" 03/24/11 -- Email from Diane Lund-GAO, concerns GAO Statement of Facts (SOF) re: NRC Underground Piping Systems for Comment at Exit 3/31/11.

*Billie A. C-Lopes*

EB/21

**Joosten, Sandy**

---

**From:** Singer, Brooks (CRT) [Brooks.Singer@usdoj.gov]  
**Sent:** Thursday, March 24, 2011 1:27 PM  
**To:** CHAIRMAN Resource  
**Cc:** Gray, Peter (CRT); Neal, Daria (CRT); Keenan, Elizabeth (CRT); Smith, Tuwanda; Gary, Marva  
**Subject:** Memo of Tom Perez regarding FY 2009 & FY 2010 IP  
**Attachments:** Collecting FY 2009 and FY 2010 Information.pdf; FY 2009 FCS\_TAB A Title VI (including LEP) and Title IX final.doc; FY 2010 FCS\_TAB B Title VI (including LEP) and Title IX final.doc; FY 2009 DRS TAB C Section 504 federally assisted and federally conducted schedules.doc; FY 2010 DRS TAB D Section 504 federally assisted and federally conducted schedules.doc

Dear Chairman Jaczko:

Attached is the Civil Rights Division's package for collecting FY 2009 and FY 2010 information from agencies that administer federally assisted programs subject to Executive Order 12250. Please review the schedules carefully as some changes have been made to the reporting schedules. We look forward to continuing our work with you to ensure the effective and consistent enforcement of our civil rights laws. Please contact our office or the Disability Rights Section if you have any questions.

**Daria E. Neal**  
Deputy Chief  
Federal Coordination and Compliance Section  
Civil Rights Division  
United States Department of Justice  
Email: [daria.neal@usdoj.gov](mailto:daria.neal@usdoj.gov)  
Tel: (202) 305-3346  
Fax: (202) 307-0595



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 23 2011

MEMORANDUM

TO: FEDERAL FUNDING AGENCY CIVIL RIGHTS DIRECTORS

FROM: Thomas E. Perez   
Assistant Attorney General

SUBJECT: FY 2009 and FY 2010 Information and Reporting Requirements for Agencies that Administer Federally Assisted Programs Subject to Executive Order 12250

I am pleased to transmit the Civil Rights Division's package for collecting FY 2009 and FY 2010 information from agencies that administer federally assisted programs subject to Executive Order 12250. Executive Order 12250 gives the Attorney General coordinating responsibilities for Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and other grant-related nondiscrimination statutes. Please review the schedules carefully as some changes from prior years have been made to the reporting schedules for both Titles VI and IX (Tab A, B), as well as for Section 504 (Tab C, D).

Tab A and Tab B contain schedules for FY 2009 and FY 2010, developed by the Federal Coordination and Compliance Section (FCS), for Title VI (including Limited English Proficiency (LEP)), Title IX, and agency-specific program statutes on the basis of race, color, national origin, sex, and religion. Please note in completing this report that *federally assisted* programs involve *external civil rights* activities. *Internal* civil rights matters involving *employment* "EEO" discrimination are covered by Title VII of the Civil Rights Act of 1964; please do not include these when reporting on your external civil rights activities.

- Schedule 1 - Summary of Civil Rights Activities
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- Schedule 6 - Training
  - Part A: Federal Employee Training
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- Schedule 7 - Technical Assistance Provided to Recipients, Subrecipients, Organizations, and Others
- Schedule 8 - Data Collection and Reports
- Schedule 9 - Other Civil Rights Compliance Measures

Tab C and Tab D contain schedules for FY 2009 and FY 2010, developed by the Disability Rights Section (DRS), for Section 504 (federally assisted and federally conducted programs), Title II of the Americans with Disabilities Act, and for agency-specific statutes prohibiting discrimination on the basis of disability.

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Where agencies have engaged in significant civil rights activity requiring more than a numeric response, the schedules provide for a brief written narrative. It is anticipated that when such activities have occurred, the Civil Rights Division may contact the agencies for any additional relevant information required.

If you would like assistance in developing your responses to these schedules, please contact FCS or DRS at the contact information provided below. If you would like to request that the attached FY 2009 and FY 2010 schedules be sent electronically to your agency contact, please email [Wonder.Moore-Davis@usdoj.gov](mailto:Wonder.Moore-Davis@usdoj.gov).

Please submit the Title VI/Title IX FY 2009 and FY 2010 schedules to FCS by July 1, 2011, electronically to [Deeana.Jang@usdoj.gov](mailto:Deeana.Jang@usdoj.gov) or by mail to:

Ms. Deeana Jang, Chief  
Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Please submit the Section 504 and Title II FY 2009 and FY 2010 schedules to DRS by July 1, 2011, electronically to Renee.Wohlenhaus@usdoj.gov or by mail to:

Ms. Renee M. Wohlenhaus, Acting Chief  
Disability Rights Section - NYA  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Your timely and careful attention to this request for information will aid in our joint efforts to ensure that the information and data needed to meet our respective responsibilities are collected and reported. If there are any questions regarding the Title VI/Title IX FY 2009 and FY 2010 schedules developed by FCS, please contact Ms. Jang at (202) 307-2222. For questions regarding the Section 504 and Title II FY 2009 and FY 2010 schedules developed by DRS, please contact Ms. Wohlenhaus at (202) 307-0663.

Attachments

**Mike, Linda**

---

**From:** Arildsen, Jesse  
**Sent:** Thursday, March 24, 2011 3:52 PM  
**To:** Virgilio, Martin  
**Cc:** Grobe, Jack; Leeds, Eric; Lubinski, John; Evans, Michele; Lupold, Timothy; Kotzalas, Margie; Lund, Louise; Hardies, Robert; Wittick, Brian; Andersen, James; Muessele, Mary  
**Subject:** RECEIVED GAO Statement of Facts (SOF) Re: NRC UNDERGROUND PIPING SYSTEMS for Comment at Exit 3/31/11  
**Attachments:** DENVER-235887-v1-SOF\_PDF\_\_NRC\_Underground\_Piping\_Systems.PDF

Marty,

This GAO engagement is designated as an item of Commission Interest. I am providing the SOF to SECY for the Commission as FYI. Staff comments will be provided for Commission review prior to the Exit Conference on March 31<sup>st</sup>. Consequently, the staff will need to conduct an accelerated review.

Best Regards,

*Jesse A. Arildsen*

OIG and GAO Liaison  
Office of the Executive Director for Operations  
United States Nuclear Regulatory Commission  
301-415-1785

[Jesse.Arildsen@nrc.gov](mailto:Jesse.Arildsen@nrc.gov)

**From:** Lund, Diane S [<mailto:Lundd@gao.gov>]  
**Sent:** Thursday, March 24, 2011 3:37 PM  
**To:** Arildsen, Jesse  
**Cc:** Gianopoulos, Kimberly M; Rusco, Franklin; Kucskar, Jonathan M; Hobson, Anne C  
**Subject:** SOF PDF: NRC UNDERGROUND PIPING SYSTEMS

Good afternoon, Jesse.

Attached is the Statement of Facts for GAO's review of NRC: Underground Piping Systems (361192, Buried Pipes). Please distribute this document to the appropriate NRC officials, in particular, those officials who will be participating in our exit conference on March 31st, 2011.

If you have any questions, please call me at (303)572-7384. If I am not available, please contact Anne Hobson at (303)572-7338.  
Diane

Diane Lund  
Senior Analyst  
GAO - Denver Field Office  
303-572-7384  
[lundd@gao.gov](mailto:lundd@gao.gov)

3/25...EDO is preparing comments to be provided at Exit meeting scheduled on Thursday, March 31, 2011 – Commission to review comments prior to Exit meeting...Copy to RF

(b)(5)

**From:** [Champ, Billie](#)  
**To:** [E-Reader Distribution](#)  
**Subject:** COMMISSION E-READER....MONDAY, MARCH 28, 2011  
**Date:** Monday, March 28, 2011 11:29:43 AM  
**Attachments:** [Tab A 03-25-11 Sen. Feinstein.pdf](#)  
[Tab B 03-24-11 Neal-DOJ.pdf](#)  
[Tab C](#)  
[Tab D](#)  
[Tab E](#)

Outside of Scope

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**~~INTERNAL USE ONLY~~**  
**Some of the information contained in the  
Reader is not publicly available.**  
**If there are any questions, please contact SECY.**

**READING FILE**

**INDEX**

**March 28, 2011**

**INCOMING CORRESPONDENCE**

**Tab "A" 03/25/11 -- Letter from Sen. Dianne Feinstein, invites  
Commission testimony before the Senate  
Appropriations Subcommittee on Energy and Water  
Development regarding nuclear safety.**

**Tab "B" 03/24/11 -- Email from Daria Neal-DOJ, concerns FY 2009 &  
2010 Information and Reporting Requirements for  
Agencies that Administer Federally Assisted Program  
Subject to Executive Order 12250.**

**Tab "C"**

**Tab "D"**

**Tab "E"**

Outside of Scope

EB/22

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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

CHARLES J. HOUY, STAFF DIRECTOR  
BRUCE EVANS, MINORITY STAFF DIRECTOR

March 25, 2011

The Honorable Greg Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555

Dear Chairman Jaczko:

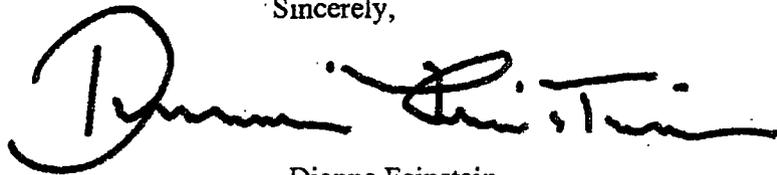
I am writing to invite you to testify before the Senate Appropriations Subcommittee on Energy and Water Development regarding nuclear safety in light of the impact of natural disasters on Japanese nuclear facilities.

The hearing is scheduled for Wednesday, March 30, 2011, at 10:00 AM in room SD-138 of the Dirksen Senate Office Building. Please submit your testimony electronically, no later than 5:00 PM on Monday, March 28, 2011, to [EW@appro.senate.gov](mailto:EW@appro.senate.gov). All statements and accompanying materials that you wish to have printed in the hearing record should be typed single-spaced on one side of the paper and in Microsoft Word format. Please provide an additional 50 copies of your testimony at the hearing to distribute to interested members of the press and public.

The Subcommittee would like to devote as much time as possible to discuss your views. I ask that your oral testimony be limited to no more than five minutes, to allow ample time for dialogue. Your written testimony may contain additional details and will be included in the hearing record in its entirety.

If you have any questions regarding the hearing, please contact the Subcommittee on Energy and Water Development staff at (202) 224-8119.

Sincerely,



Dianne Feinstein  
Chairman  
Subcommittee on Energy and  
Water Development

DF:mb

**Joosten, Sandy**

---

**From:** Singer, Brooks (CRT) [Brooks.Singer@usdoj.gov]  
**Sent:** Thursday, March 24, 2011 1:27 PM  
**To:** CHAIRMAN Resource  
**Cc:** Gray, Peter (CRT); Neal, Daria (CRT); Keenan, Elizabeth (CRT); Smith, Tuwanda; Gary, Marva  
**Subject:** Memo of Tom Perez regarding FY 2009 & FY 2010 IP  
**Attachments:** Collecting FY 2009 and FY 2010 Information.pdf; FY 2009 FCS\_TAB A Title VI (including LEP) and Title IX final.doc; FY 2010 FCS\_TAB B Title VI (including LEP) and Title IX final.doc; FY 2009 DRS TAB C Section 504 federally assisted and federally conducted schedules.doc; FY 2010 DRS TAB D Section 504 federally assisted and federally conducted schedules.doc

Dear Chairman Jaczko:

Attached is the Civil Rights Division's package for collecting FY 2009 and FY 2010 information from agencies that administer federally assisted programs subject to Executive Order 12250. Please review the schedules carefully as some changes have been made to the reporting schedules. We look forward to continuing our work with you to ensure the effective and consistent enforcement of our civil rights laws. Please contact our office or the Disability Rights Section if you have any questions.

**Daria E. Neal**  
Deputy Chief  
Federal Coordination and Compliance Section  
Civil Rights Division  
United States Department of Justice  
Email: [daria.neal@usdoj.gov](mailto:daria.neal@usdoj.gov)  
Tel: (202) 305-3346  
Fax: (202) 307-0595



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 23 2011

MEMORANDUM

TO: FEDERAL FUNDING AGENCY CIVIL RIGHTS DIRECTORS

FROM: Thomas E. Perez   
Assistant Attorney General

SUBJECT: FY 2009 and FY 2010 Information and Reporting Requirements for Agencies that Administer Federally Assisted Programs Subject to Executive Order 12250

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U.S. Department of Justice  
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Attachments



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS  
WASHINGTON, DC 20555 - 0001**

March 23, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2, EXTENDED POWER  
UPRATE APPLICATION**

Dear Chairman Jaczko:

During the 581<sup>st</sup> meeting of the Advisory Committee on Reactor Safeguards, March 10-12, 2011, we reviewed the Extended Power Uprate (EPU) application for Point Beach Nuclear Plant (PBNP), Units 1 and 2, and the associated NRC staff's Safety Evaluation Report (SER). Our Subcommittee on Power Uprates also reviewed this matter on February 24-25, 2011. During these reviews, we had the benefit of discussions with the representatives of the NRC staff, NextEra Energy (the licensee) and their consultants. We also had the benefit of the documents referenced.

**RECOMMENDATION**

The application for an extended power uprate of PBNP, Units 1 and 2, should be approved.

**BACKGROUND**

PBNP, Units 1 and 2, are two-loop Westinghouse-designed pressurized water reactors (PWRs), originally licensed to operate at 1518.5 MWt in 1970 and 1973, respectively. The units were subsequently approved for a 1.4% measurement uncertainty recapture power increase to allow operation at the currently licensed thermal power (CLTP) of 1540 MWt. In the current amendment, NextEra applied for an extended power uprate (EPU) of approximately 17% increase above the CLTP to 1800 MWt.

The licensee undertook major plant modifications to support operation at the higher power level. The reactor coolant system and reactor vessel internals will remain the same as pre-EPU, as will the primary coolant flow rate and the Westinghouse-designed 14x14, 422 Vantage+ fuel design. However, the core design, operating and control strategies will change. The higher power level is achieved by increasing the average enrichment of fuel assemblies, the amount of new fuel in each reload, the temperature rise across the core, and the operating reactor coolant average temperature.

On the secondary side, the modifications and upgrades to accommodate the higher steam and feedwater flows needed to produce the augmented power will be extensive. The main steam isolation valve internals will be upgraded to address flow induced vibration (FIV) and closure loads. The check valves and piping supports will be modified as well to cope with the larger FIV loads. The condensate and the main feedwater pumps will be replaced with pumps that can provide higher flow rates and pressure heads. The feedwater heaters, heater drains, and extraction steam systems will be replaced to meet the higher operating pressures and flow rates. New feedwater isolation valves will be installed and a new higher capacity motor-driven auxiliary feedwater (AFW) pump to serve both steam generators (SGs) will be installed in each unit, eliminating the need for cross unit sharing. The current motor-driven AFW system pumps will be maintained as non-safety related standby pumps. Additional modifications to improve plant safety will be made to the compressed gas systems such as installation of a self-cooled instrument air compressor that is independent of service water cooling and aligned for automatic operation.

The PBNP steam generators, replaced in 1983 for Unit 1 (with Westinghouse Model 44F) and in 1996 for Unit 2 (with Westinghouse Model Delta-47), will remain the same as they are capable of handling the higher power levels with the increased core-outlet coolant temperature giving a higher temperature difference across the tubes. The secondary side flow rates will increase, with the steam flow rate increasing by approximately 20%.

Life extension of the PBNP units was approved in 2005. Therefore, the EPU review evaluates the impact on the license renewal and the associated commitments.

## **DISCUSSION**

### Safety Analysis Results

The EPU will result in lower core-inlet and higher core-outlet temperatures in the coolant and higher volumetric power density in the core, which reduce safety margins but still maintain adequate values.

The licensee provided analyses of transients such as decrease (loss) in reactor coolant system (RCS) flow, reduced secondary cooling, and overcooling. These analyses indicate that the safety criteria for departure from nucleate boiling ratio, RCS pressure, fuel linear heat generation rate, and pressurizer fill levels are met. The analyses were based on conservative bounding conditions, and we concur with the staff's acceptance of the results. Since some of the analytical methodologies used were approved several decades ago, consideration should be given to reviewing the level of conservatism of these analytical methods and codes in light of more recent information.

Similarly, the fuel enthalpy safety criterion of less than 200 cal/gm should be reviewed, which we recommended in the past, as the available data suggest it should be set at a lower value. Nonetheless, the licensee's analysis methodology of reactivity addition events yields conservatively high calculated values. We find these results acceptable.

Large and small break loss of coolant accidents (LOCAs) were analyzed for EPU conditions. The results indicate adequate margins to the acceptance criteria for the large break LOCAs when the best estimate (plus uncertainty) approach in the approved ASTRUM methodology is used. The small break LOCA margins continue to be large for EPU conditions, the results being calculated with the approved NOTRUMP code. The staff performed calculations for similar conditions with RELAP5 and confirmed that large margins to the acceptance criteria exist, in part, due to the large capacity of the high pressure injection system.

With regard to long-term cooling, the licensee has put in place a program to resolve issues related to sump screen blockage and downstream effects due to LOCA debris (GSI-191) under EPU conditions. While final resolution of this issue lies in the future, the licensee did submit analyses on long-term cooling in the absence of debris effects. These indicate that adequate net positive suction head margin exists to prevent cavitation of the recirculation pumps without requiring credit for containment accident pressure.

Boron precipitation during long-term cooling, especially for hot leg breaks, is important and was evaluated in some detail. In PBNP, the low pressure, high capacity emergency cooling system injects into the upper plenum. It is difficult to estimate the rate of increase in core boron concentration in this situation, inasmuch as the experimental data available are more applicable to cold leg injection. The licensee presented WCOBRA/TRAC calculations to support assumptions regarding mixing of the lower plenum volume which significantly affects the rate at which boron concentrates in the core. The staff conducted independent analyses which took into account the time needed to mix part of the lower plenum fluid to dilute the boron. The staff analysis showed a reduction in the time available to switch from containment spray to high pressure injection to flush out the boron. The emergency operating procedures have been modified accordingly. Both staff and licensee calculations credit lower plenum mixing, which might not be conservative, but they also neglect boron carry out of the break, which is very conservative. It is difficult to estimate the levels of conservatism introduced by the various assumptions. Experiments that are more applicable to upper plenum injection are, therefore, desirable. For this particular EPU application, we concur with the staff that the measures now being taken are adequate.

EPU analysis of transients such as loss of load for PBNP, Units 1 and 2, in some instances, invoke the original plant licensing basis to meet overpressure acceptance criteria. This requires an exception from the staff guidance (Standard Review Plan Section 5.2.2, Subsection 3.B.), which states that the analysis should assume the "second safety-grade signal from the reactor protection system initiates the reactor scram." If the first safety-grade signal is allowed to lead to scram, then the licensee is able to meet the overpressure acceptance criteria using bounding conditions. The staff accepts this approach based on the original plant licensing basis, and we concur with their conclusion for this specific plant.

### Materials Effects

The power uprate will result in increased fast neutron flux, temperature, and flow velocity within the reactor vessel as well as higher temperature and flow velocity in portions of the primary and secondary system. These changes can increase the oxidation potential of the reactor coolant and the rate of irradiation hardening of core materials, and accelerate materials degradation rates. The licensee has evaluated relevant materials degradation mechanisms including stress corrosion cracking (SCC), irradiation assisted stress corrosion cracking (IASCC), fatigue, radiation embrittlement, stress relaxation, flow-assisted corrosion (FAC), and flow-induced vibration.

The EPU will increase the susceptibility of reactor internal components to IASCC. However, as part of its license renewal commitments, the licensee will implement an aging management program to address this issue.

The licensee has demonstrated that the vessel materials will have acceptable upper shelf energies through the end of the operating license. The licensee's Pressure-Temperature Limit Report process can adequately address the impact of the power uprate on the pressure-temperature limits. The nil ductility reference temperature for all vessel materials in Unit 1 remains below the 10 CFR 50.61 pressurized thermal shock (PTS) screening criteria through the expiration of its operating license. One of the Unit 2 vessel welds will exceed the 10 CFR 50.61 screening criteria before the expiration of its operating license. This would occur even without the power uprate and was addressed by the licensee during license renewal of Unit 2. The licensee chose to use the 10 CFR 54.21(c)(iii) option to manage the PTS issue. In accordance with its commitments under license renewal, Unit 2 will continue to operate with hafnium absorber assemblies to reduce flux to the vessel until the PTS issue can be resolved via an alternative analysis methodology.

High nickel alloys are used for control rod drive mechanism nozzles, dissimilar metal welds, and steam generator tubing. Susceptibility to SCC of these materials tends to increase with increasing temperature. However, except for the steam generator tubing in Unit 1 and some bottom-mounted instrumentation nozzles, all the nickel alloys in these units exposed to reactor coolant are Alloy 690/152 materials, which are highly resistant to SCC. The bottom-mounted instrumentation nozzles will actually operate at slightly lower temperatures after the power uprate. The Alloy 600 TT tubes in the Unit 1 steam generators are not as resistant as Alloy 690, but have performed well at Point Beach and at temperatures similar to those after the power uprate at other units. Inspections under the NEI 97-06 steam generator program provide additional assurance that any potential increase in susceptibility can be adequately managed.

The increased temperatures in the hot leg could lead to increased thermal aging embrittlement of cast austenitic stainless steels. The analysis of this issue was evaluated during license renewal and remains valid under the EPU, since it was performed using lower-bound values for the toughness rather than values based on a time-temperature history.

The power uprate will result in higher velocities and temperature changes which could affect FAC. Analyses using the CHECWORKS code show that both increases and decreases in FAC rates are expected. The licensee has committed to adjusting inspection scope to account for the predicted increases in wear rates.

#### Flow-Induced Vibration

The increase in secondary system flow rates can lead to increases in vibration amplitudes of steam generator tubing especially in the U-bend region. Increased vibration levels could lead to increased susceptibility to failure by fatigue or wear. The licensee's analyses showed that vibration levels met the acceptance criteria developed by Westinghouse. For Unit 1, the fluid kinetic energy associated with the uprate conditions appears to be relatively high compared with that associated with comparable steam generators in other reactors. However, Westinghouse stated that the conditions are consistent with the range over which the methodology has been validated. Under the current operating conditions the generators have shown good performance with respect to wear and vibration. In addition, other plants with Westinghouse steam generators have shown good performance with respect to wear and vibration after power uprates. Again, inspections under the NEI 97-06 steam generator program provide additional assurance that any potential increase in susceptibility can be adequately managed.

The licensee will perform testing to assess vibration levels of piping systems during plant operation in accordance with Part 3 of the ASME OM Code, "Vibration Testing of Piping Systems." The Code establishes test methods, test intervals, parameters to be measured and evaluated, acceptance criteria, corrective actions, and records requirements. Compliance with the Code requirements provides adequate assurance that excessive vibration will not lead to degradation and failure of the piping.

#### Risk Evaluations

Although the licensing application is not a risk-informed one, the licensee performed a quantitative assessment of the change in risk associated with EPU for internal events and a qualitative evaluation of the change in risk for external events. The analysis looks for impacts on initiating event frequency, event tree sequence models, systems models, failure/maintenance data, and human response. It considers both what was previously modeled and the need for new models. Both the human reliability analysis (HRA) and the probabilistic risk assessment (PRA) systems model were considered. The greatest impact on risk was associated with human performance in light of reduced times for response because of the EPU.

The engineering evaluations to support the PRA and HRA provide a reasonable basis for the assessment. Unfortunately, details of the quantification of PRA and HRA events are not fully convincing and appear to ignore uncertainty. There is no specific basis or identified evidence to support the "expert judgment based" changes. The EPU application indicates that the "CBDTM/THERP method" in the EPRI HRA Calculator was used. However, these are two different methods, and it is not clear how either method yields such precise results based on reduction in time available.

In spite of possible problems in the quantification, the licensee decided to develop compensating design changes that improve reliability and will automate many current human actions. These changes actually reduce the risk below the pre-EPU risk. The fact that these improvements do not directly address issues associated with the uprate is not a concern; finding alternative changes to compensate for identified weaknesses is often the most effective approach, sometimes the only approach.

#### Electrical Systems Impacts

The offsite power system includes two or more physically independent circuits capable of operating independently of the onsite standby power sources. The staff's review focused on whether the loss of the largest operating unit on the grid, the loss of the nuclear unit, or the loss of the most critical transmission line will result in the loss of offsite power (LOOP) to the plant following implementation of the proposed EPU.

An Interconnection System Impact Study report was performed for the Midwest Independent System Operator (MISO) by the American Transmission Company (ATC) to evaluate the impact of increased electrical output of PBNP on the reliability of the local 345 kV transmission system and MISO bulk power systems. The licensee provided a summary of the ATC grid stability study for the proposed EPU at PBNP. The summary of the ATC grid stability study demonstrates that the PBNP electrical output can be increased up to each unit's uprated maximum generating capacity of 641.6 mega-watts electric (MWe) gross per unit without compromising the offsite power grid stability or its capability to supply in-plant loads.

The proposed increase in the generator output requires the rewinding of the stator and rotor of the existing main unit generators, the installation of new generator output breakers, and replacement of each unit's main generator output transformer to accommodate the new maximum main unit generator gross electrical output.

Based on their review of the grid impact study, the staff found that with a combination of system upgrades along with operating restrictions, the thermal, voltage, and stability performance of the 345 kV offsite power system will not be degraded by implementation of the EPU. The staff also found that the proposed EPU should not adversely affect the stability of the electric power grid since the proposed increase is within the limit identified in the ATC load study.

#### Power Ascension Testing and Large Transient Testing

The licensee has proposed a systematic power ascension test program. It includes tests to validate the performance of components and control systems, both at an individual system and integrated response level. Transient tests include a turbine overspeed trip and the resulting control system response for steam generator and feedwater heater levels. The planned duration of the power ascension is 21 days, and includes monitoring for vibrations, plant calorimetric tests, and verification of ultrasonic flowmeter calibrations. The procedure requires holds to gather and evaluate plant data after each 3% increase in power above the current licensed power level. If unexpected results are obtained at any level, the power will be reduced to the previous (acceptable) power level until the problems are resolved.

No large-scale transient testing is planned even though substantial modifications will be made on the secondary side, particularly to the feedwater systems. LOFTRAN calculations of transients, validated with the data available from Ginna and other similar plants would be used in place of large transient testing. The licensee stated that the information from the individual components and system level response tests, the data from plant transients, which have already occurred after some of the modifications were in place, and the results of the LOFTRAN calculations are sufficient to demonstrate adequate large scale transient performance. The staff has accepted this position and we concur.

### Summary

The proposed extended power uprate at Point Beach Nuclear Plant, Units 1 and 2, will result in significantly changed operating conditions, but comparable to those in currently operating PWRs of similar design. Although safety margins will be decreased, the remaining margins will still be sufficient to ensure that the safety limits and acceptance criteria will not be challenged. The modifications made to PBNP to strengthen the case for the EPU have resulted in lower calculated core damage frequency (CDF) and large early release frequency (LERF) compared to pre-EPU values. The EPU application for PBNP, Units 1 and 2, should be approved.

Sincerely,

*/RA/*

Said Abdel-Khalik  
Chairman

### **REFERENCES**

1. Draft Safety Evaluation of the Office of Nuclear Reactor Regulation Related to Amendment Nos. 242 and 246 to Facility Operating Licenses Nos. DPR-24 and DPR-27, "Point Beach Nuclear Plant Units 1 and 2," (ML110450159). Revision Dated February 11, 2011.
2. Letter from Larry Meyer, FPL Energy Point Beach, LLC Site Vice President, "License Amendment Request 261, Extended Power Uprate," April 7, 2009, (Package ML091250562).
3. Letter from Terry A. Beltz, Senior Project Manager, NRC, to Mr. Larry Meyer Site Vice President, NextEra Energy, "Point Beach Nuclear Plant (PBNP), Units 1 and 2 Issuance of License Amendments Regarding Use of Alternate Source Term, (TAC NOS. ME0219 and ME0220)," January 1, 2011, (Package ML110240054).
4. Letter from Larry Meyer, Site Vice President, FPL Energy Point Beach, LLC, "Submittal of License Amendment Request 241 Alternate Source Term," Point Beach Nuclear Plant Units 1 and 2, December 8, 2008, (ML083450683).

5. Letter from Terry A. Beltz, Senior Project Manager, NRC, to Mr. Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "Point Beach Nuclear Plant (PBNP), Units 1 and 2 Issuance of License Amendments RE: Auxiliary Feedwater System Modification, (TAC NOS. ME1081 and ME1082)," (ML110230016). Revision Dated February 11, 2011.
6. Letter from Terry A. Beltz, Senior Project Manager, NRC, to Mr. Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "Point Beach Nuclear Plant (PBNP), Units 1 and 2 - Issuance of License Amendments RE: Revision of Protection Systems (RPS) and Engineered Safety Feature Actuation System (ESFAS) Instrumentation Setpoints (TAC NOS. ME1083 and ME1084)," (ML110320060). Revision Dated January 28, 2011.
7. Letter from Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "License Amendment Request 261, Extended Power Uprate, Response to Request for Additional Information: RE- NRC 2011-0027," March 2, 2011 (ML110620093).
8. Letter from Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "License Amendment Request 261, Extended Power Uprate, Response to Request for Additional Information: RE- NRC 2011-0028," March 4, 2011 (ML110660049).

5. Letter from Terry A. Beltz, Senior Project Manager, NRC, to Mr. Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "Point Beach Nuclear Plant (PBNP), Units 1 and 2 Issuance of License Amendments RE: Auxiliary Feedwater System Modification, (TAC NOS. ME1081 and ME1082)," (ML110230016). Revision Dated February 11, 2011.
6. Letter from Terry A. Beltz, Senior Project Manager, NRC, to Mr. Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "Point Beach Nuclear Plant (PBNP), Units 1 and 2 - Issuance of License Amendments RE: Revision of Protection Systems (RPS) and Engineered Safety Feature Actuation System (ESFAS) Instrumentation Setpoints (TAC NOS. ME1083 and ME1084)," (ML110320060). Revision Dated January 28, 2011.
7. Letter from Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "License Amendment Request 261, Extended Power Uprate, Response to Request for Additional Information: RE- NRC 2011-0027," March 2, 2011 (ML110620093).
8. Letter from Larry Meyer, Site Vice President, NextEra Energy Point Beach, LLC, "License Amendment Request 261, Extended Power Uprate, Response to Request for Additional Information: RE- NRC 2011-0028," March 4, 2011 (ML110660049).

Accession No: **ML110730459**

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DATE	03/23/11	03/23/11	03/23/11	03/25/11	03/25/11

OFFICIAL RECORD COPY

Letter to The Honorable Gregory B. Jaczko, Chairman, from Said Abdel-Khalik, ACRS  
Chairman, dated March 23, 2011

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2, EXTENDED POWER  
UPRATE APPLICATION

**ML# 110730459**

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS  
WASHINGTON, DC 20555 - 0001

March 23, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: STATUS OF GROUNDWATER PROTECTION TASK FORCE EFFORTS**

Dear Chairman Jaczko:

During the 581<sup>st</sup> meeting of the Advisory Committee on Reactor Safeguards, March 10 – 12, 2011, we reviewed SECY-11-0019, "Senior Management Review of Overall Regulatory Approach to Groundwater Protection," and its companion memorandum, "Initiatives for Improved Communication of Groundwater Incidents." We also reviewed the efforts to date regarding the staff's progress and industry initiatives regarding the evaluation of buried piping and underground tanks at nuclear reactor facilities. Our Radiation Protection and Nuclear Materials Subcommittee also reviewed these matters during a meeting on January 12, 2011. During these meetings we had the benefit of discussions with representatives of the NRC staff. We also had the benefit of the documents referenced.

**CONCLUSIONS AND RECOMMENDATIONS**

1. We agree with the Senior Management Review Group (SMRG) and the Groundwater Task Force (GTF) report that the NRC is accomplishing its stated mission to protect public health and safety, and the environment.
2. There are differences in the environmental standards for protection of groundwater among the NRC, the Environmental Protection Agency (EPA), and the states in which nuclear power plants reside. There is a lack of understanding among stakeholders regarding the different standards, the numerical limits, what the differences mean, how they came to exist, and how they are applied.
3. Implementation of the initiatives identified in SECY-11-0019 and its companion memorandum should continue.
4. Routine plant inspections should continue assessing the licensees' implementation of NEI-07-07. The staff should consider using the results of these inspections to develop a new radiological effluent performance indicator for the Reactor Oversight Process (ROP).

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**From:** Champ, Billie  
**Sent:** Wednesday, March 30, 2011 11:47 AM  
**To:** Commission E-Reader Distribution; E-Reader Distribution  
**Subject:** COMMISSION E-READER...WEDNESDAY...MARCH 30, 2011  
**Attachments:** Tab A Duffy 3-24-11.pdf; Tab B Laukenberg 3-22-11.pdf; Tab C Menendez 3-16-11.pdf; Tab D Outside of Scope

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March 30, 2011

**INCOMING CORRESPONDENCE**

- Tab "A" 03/24/11 -- Letter from Lt. Gov. Robert Duffy, NY, follow-up from March 22<sup>nd</sup> meeting focusing on NRC's September 2010 Safety/Risk Assessment Report and Information Notice.
- Tab "B" 03/22/11 -- Letter from Sen. Frank Lautenberg, concerns the susceptibility of U.S. nuclear plants, specific concerns about Oyster Creek.
- Tab "C" 03/16/11 -- Letter from Sen. Robert Menendez, concerns the safety of Hope Creek and Oyster Creek generating stations.

**OUTGOING CORRESPONDENCE**

Tab "D"

Outside of Scope

EB/23



STATE OF NEW YORK  
**EXECUTIVE CHAMBER**  
ALBANY 12224

**ROBERT J. DUFFY**  
LIEUTENANT GOVERNOR

The Honorable Gregory B. Jaczko  
Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

March 24, 2011

Dear Dr. Jaczko,

I am writing to follow-up on my March 22<sup>nd</sup> meeting with Eric Leeds, Jack Grobe, and other members of your staff, as well as our phone conversations.

Our discussion at the meeting focused largely on NRC's September 2010 Safety/Risk Assessment Report and Information Notice. This report found that the risk of damage to Indian Point Unit #3 and 26 other nuclear reactors in the Central and Eastern U.S. increased from previous estimates. Because of these findings, NRC concluded that further site-specific review was necessary at these reactors to determine if plant modifications that would reduce seismic risk are warranted. We believe that in light of the improvements in technologies that afford better monitoring and assessment of earthquakes, such a review is necessary, and the events in Japan underscore the urgency to complete this review as quickly as possible.

At our meeting, Mr. Leeds agreed to make Indian Point the top priority in NRC's review of the 27 nuclear reactors found to have an increase in seismic risk. In addition, Mr. Leeds committed to working with New York's technical experts during this review by sharing data in real time and allowing our team to accompany NRC on related inspections at Indian Point. In our telephone conversation following the meeting, you concurred with Mr. Leeds' commitments to us, and said you'd also conduct a personal site visit at Indian Point. These are good first steps.

During the meeting, we also asked whether the site-specific review would evaluate the spent fuel pools at Indian Point for seismic risk. Mr. Grobe explained that the spent fuel pools were included in the September 2010 assessment and required no further study. However, another NRC staff member at the meeting contradicted Mr. Grobe and explained that spent fuel pools were not part of the 2010 assessment. Mr. Grobe agreed to provide us with whatever seismic risk data NRC has with respect to the spent fuel pools at Indian Point. We will review these data and, depending on our findings, may continue to insist that NRC include the spent fuel pools in its site-specific seismic review at Indian Point. In addition, our technical staff requested



that the site-specific review at Indian Point look at the potential seismic risk at the entire plant, not just Unit #3, and include other key infrastructure such as back-up power systems.

Lastly, I want to express my disappointment with statements made by your spokeswoman, Elizabeth Hayden, to the news media. Ms. Hayden told the *New York Post* that the review of Indian Point "is really not a serious concern." Dismissive comments such as these do not inspire confidence that your agency is taking seriously its responsibilities to protect public safety. I believe that the NRC has many talented staff, and the work they are doing is critically important. The events in Japan are a stark reminder of just how serious the NRC's work really is, and I encourage you to remind your staff of the importance of NRC's mission.

Governor Cuomo and I continue to have serious concerns about Indian Point, and New York State will continue to stay fully engaged in the license renewal proceeding as well as the ongoing review of seismic risk at Indian Point. I appreciate your staff's willingness to meet with us and for the commitment to make Indian Point their top priority in the site-specific seismic risk review that is now underway.

All the best,

A handwritten signature in black ink, appearing to read "R. J. Duffy", written in a cursive style.

Lieutenant Governor Robert J. Duffy  
New York State Capitol Building  
Albany, New York 12224

**FRANK R. LAUTENBERG**

NEW JERSEY

**COMMITTEES:**

APPROPRIATIONS

COMMERCE, SCIENCE, AND  
TRANSPORTATION

ENVIRONMENT AND  
PUBLIC WORKS

# United States Senate

WASHINGTON, DC 20510

March 22, 2011

Chairman Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, D.C., 20555-0001

Dear Chairman Jaczko,

Thank you for briefing the Environment and Public Works Committee last week on the nuclear situation in Japan. Those events have raised concerns about the susceptibility of our own nuclear fleet, and it is imperative that we take all necessary action to prevent similar events in our country.

As you know, two of New Jersey's four nuclear facilities use the same General Electric boiling water reactor and Mark I containment system design as the Fukushima Daiichi Power Station in Japan. One of those facilities is the Oyster Creek Nuclear Generating Station, which is the nation's oldest commercial nuclear power generator and is located near the Atlantic Ocean.

In light of the new information coming from Japan, I request that you conduct a comprehensive review of the safety of the nuclear plants in New Jersey to determine whether any modifications are necessary to address risks newly identified as a result of the events in Japan. The review should also include a general reassessment of the suitability of the Mark I design for use at nuclear facilities. If during this review you become aware of shortcomings in the Nuclear Regulatory Commission's authority to require additional safeguards, please identify those.

Please keep my office updated on your progress in conducting this review. Thank you for your consideration of this request and for your work to ensure the safety and security of U.S. nuclear facilities.

Sincerely,



**ROBERT MENENDEZ**  
NEW JERSEY

COMMITTEES:  
BANKING, HOUSING, AND URBAN  
AFFAIRS  
FINANCE  
FOREIGN RELATIONS

# United States Senate

WASHINGTON, DC 20510-3005

528 SENATE HART OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-4744

ONE GATEWAY CENTER  
11TH FLOOR  
NEWARK, NJ 07102  
(973) 645-3030

208 WHITE HORSE PIKE  
SUITE 18-19  
BARRINGTON, NJ 08007  
(856) 757-6353

March 16, 2011

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

Dear Mr. Jaczko,

I am deeply saddened by the devastating earthquake and tsunami in Japan, and I commend you for your agency's efforts to help Japan avert a potentially catastrophic nuclear emergency at the Fukushima Daiichi Nuclear Power Station. But I also have concerns about New Jersey's nuclear safety and hope you can help me understand our preparedness in cases of emergencies.

It is important that lessons be learned from this tragedy. As you know, just like the Fukushima Daiichi Nuclear Power Station, the Hope Creek and Oyster Creek Generating Stations in my home state of New Jersey, use the General Electric boiling water reactor (BWR) design and a Mark I containment system. The Hope Creek station sits adjacent to the Salem 1 and Salem 2 nuclear power stations, in a region which has seen numerous small earthquakes over the past century. The Oyster Creek Station sits close to the Atlantic Ocean and is regularly under threat of hurricanes. The Indian Point Generating Stations, just 15 miles north of New Jersey in Buchanan, NY, sit near two significant fault lines.

In light of these similarities, I would like to know if safeguards are in place at these nuclear power plants that would prevent what is unfolding in Japan. Specifically, at all nuclear power generating stations in or near New Jersey:

- Are diesel generators and their fuel supplies protected from floods and earthquakes?
- If diesel generators fail, is there adequate battery backup to ensure power until the main power source is restored?
- What are these power plants designed to withstand and is the NRC reevaluating these safeguards in light of current events?

I am also interested to know if the NRC believes this is the time to renew discussion about whether nuclear power plants using the Mark 1 containment system can continue to operate safely without modifications or additional safety systems. As you know, there have been criticisms of the Mark 1 containment since the 1970's and some of these concerns came from within the NRC.

My goal with this letter is to seek reassurance that New Jersey and its nuclear fleet are as safe as possible. I look forward to your response and thank you for your continued work to keep Americans safe.

Sincerely,

A handwritten signature in black ink that reads "Robert Menendez". The signature is written in a cursive style with a large, sweeping initial "R".

ROBERT MENENDEZ  
United States Senator

[7590-01-P]

NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Outside of Scope

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**From:** Champ, Billie  
**Sent:** Wednesday, April 06, 2011 12:39 PM  
**To:** Commission E-Reader Distribution; E-Reader Distribution  
**Subject:** COMMISSION-E-READER...WEDNESDAY, APRIL 6, 2011  
**Attachments:** Tab A 04-06-11 Congress 11-0193.pdf; Tab B 04-05-11 Congress 11-0192.pdf; Tab C  
Outside of Scope

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Reader is not publicly available.  
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**April 6, 2011**

**INCOMING CORRESPONDENCE**

- Tab "A" 04/06/11 -- Letter from Congress, post hearing questions from the House Appropriations Subcommittee on Energy and Water Development with their "Questions for the Record" associated with the March 31, 2011 hearing.
- Tab "B" 04/05/11 -- Letter from Congress, invites Commission testimony at the April 12, 2011 hearing entitled "Review of the Nuclear Emergency in Japan and Implications for the U.S."
- Tab "C" Outside of Scope

EB/24

BARBARA BOXER, CALIFORNIA, U.S. SENATOR

MAX BAILEY, MONTANA  
THOMAS R. CARPER, DELAWARE  
FRANK R. LANTIERO, NEW JERSEY  
CHRISTOPHER CLOUD, MARYLAND  
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JAMES M. INHOFE, OKLAHOMA  
RANDY VIEHLER, ILLINOIS  
BOB CARR, MISSOURI  
JOHN BOGGS, MISSOURI

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
WASHINGTON, DC 20510-6175

April 5, 2011

The Honorable Gregory B. Jaczko  
Chairman  
Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Jaczko:

On behalf of the Senate Committee on Environment and Public Works and its Subcommittee on Clean Air and Nuclear Safety, we invite you to testify before the Committee at a joint hearing entitled, "Review of the Nuclear Emergency in Japan and Implications for the U.S." The hearing will be held on Tuesday, April 12, 2011, beginning at 2:45 p.m. in Room 406 of the Dirksen Senate Office Building. The purpose of this hearing is to discuss the ongoing emergency associated with the Fukushima Daiichi nuclear power plant in Japan, as well as the potential ramifications for the United States.

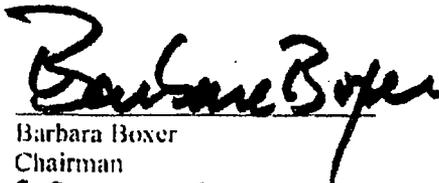
In order to maximize the opportunity to discuss this matter with you and the other witnesses, we ask that your oral testimony be limited to five minutes. Your written testimony can be comprehensive and will be included in the printed record of the hearing in its entirety, together with any other materials you would like to submit.

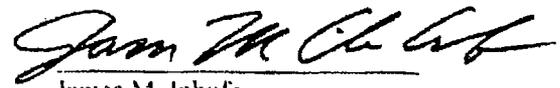
To comply with Committee rules, please provide 100 double-sided copies of your testimony at least 48 hours in advance of the hearing to the Committee at the following address: 410 Dirksen Senate Office Building, Washington, D.C. 20510-6175. To ensure timely delivery, the copies of testimony must be hand delivered to 410 Dirksen. Packages sent through FedEx, U.S. Mail, or overnight delivery services will be subject to offsite security measures that will delay delivery. Please also email a copy of your testimony (in both MS Word and as a PDF file) to the attention of Katie Lee, [Katie.Lee@epw.senate.gov](mailto:Katie.Lee@epw.senate.gov), at least 48 hours in advance. This email address will be used later to quickly finalize hearing transcripts.

If you plan to use or refer to any charts, graphs, diagrams, photos, maps, or other exhibits in your testimony, please deliver or send one identical copy of such material(s), as well as 100 reduced (8.5" x 11") copies to the Committee, attention of Katie Lee, [Katie.Lee@epw.senate.gov](mailto:Katie.Lee@epw.senate.gov), at the above address at least 48 hours in advance of the hearing. Exhibits or other materials that are not provided to the Committee by this time cannot be used for the purpose of presenting testimony.

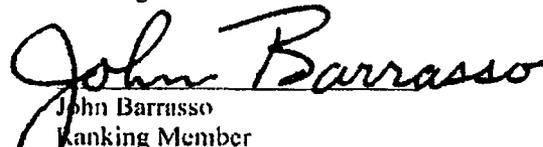
If you have any questions or comments, please feel free to contact Kathy Dedrick or Grant Cope of the Committee's Majority staff at 202-224-8832, Annie Caputo of the Committee's Minority staff at 202-224-6176, Laura Haynes of Senator Carper's staff at 202-224-2441, or Brian Clifford of Senator Barrasso's staff at 202-224-6441.

Sincerely,

  
Barbara Boxer  
Chairman

  
James M. Inhofe  
Ranking Member

  
Thomas R. Carper  
Chairman  
Subcommittee on Clean Air and Nuclear Safety

  
John Barrasso  
Ranking Member  
Subcommittee on Clean Air and Nuclear Safety

**McKelvin, Sheila**

---

**From:** Decker, David  
**Sent:** Wednesday, April 06, 2011 10:13 AM  
**To:** Mike, Linda; McKelvin, Sheila; Champ, Billie  
**Cc:** Rihm, Roger  
**Subject:** Questions for the Record from March 31 Hearing  
**Attachments:** NRC QFRs.docx

Attached for the Daily Reader are the questions we just got from the House Appropriations Subcommittee on Energy and Water Development with their "Questions for the Record" associated with the 3/31/11 hearing.

Roger - The subcommittee asked for responses within 4 weeks (or May 4<sup>th</sup>). Thanks.

David

4/6...To OCA/EDO/OGC/SECY/CFO for Appropriate Action..Cpy to: RF,  
EDO...11-0193 Note: Commission should review response prior to dispatch  
by April 22nd

**QUESTIONS FOR THE RECORD**  
**SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT**  
**HOUSE COMMITTEE ON APPROPRIATIONS**

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**Hearing on the 2012 Budget Request for the  
Nuclear Regulatory Commission  
and  
Department of Energy's Nuclear Energy programs  
Thursday, March 31, 2011**

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# Opening Questions

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## Fukushima power plant in Japan

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### 1. Impact of events in Japan on nuclear industry

As I mentioned in my opening remarks, the earthquake and tsunami have created a terrible tragedy for the people of Japan, and our thoughts are with them. I'd like take a moment to discuss with you, Dr. Lyons and Chairman Jaczko, what impact you believe the events at the Fukushima Daiichi nuclear plant in Japan is having—or might have—on the nuclear industry in the United States and abroad.

- Given that nuclear power is and will play an important role in our energy mix, how do you think these events might impact your programs and the nuclear industry in the short-term? And how—if at all—might it impact where we're heading in the long-term?

### 2. Safety of U.S. reactors compared to Fukushima

Of course, there's a question many people are asking while we've been watching Japan struggle with the Fukushima power plant: "If it happened at the Fukushima power plant, could it happen here?" I'd like to take a minute to get your thoughts on that question.

- First, I hear disagreement over whether there was a flaw in the reactor design at Fukushima, or whether there was a systems issue—a failure to adequately protect the reactor's auxiliary systems. What is your take on that question, Dr. Lyons and Chairman Jaczko?
- I understand that the United States has nuclear reactors of the same "make and model" as the Fukushima Daiichi reactors—six U.S. reactors have the same reactor and secondary containment structure designs, I believe. Do our plants have the same safety risks as Fukushima, or are there regulatory differences, construction differences, and other precautions that make our plants safer?

- What about hydrogen venting? Do our reactors have different venting systems or other precautions that would prevent the hydrogen explosions that affected some of the outer containment building at Fukushima?
- We've talked about our current reactors, but what about the new class of reactors that are just starting construction in the United States? Are those "Gen III+" reactors safer than the Fukushima Daiichi reactors? Can you explain the safety advantages?
- Is the next generation of reactor designs beyond Gen III+, like small modular and high temperature gas reactors, even safer? What would make them safer?

### **3. Cooperation with Nuclear Regulatory Commission**

- What are the obstacles to effective cooperation on licensing and safety oversight between the Department and the Nuclear Regulatory Commission?
- What is being done to remove those obstacles?

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# **Nuclear Regulatory Commission**

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## **4. Elimination of the Integrated University Program**

Dr. Lyons and Chairman Jaczko, the budget requests for both of your agencies eliminate funding for the University Program, which this Subcommittee has funded in the past to support a pipeline of nuclear engineers and scientists coming out of American universities.

- With the American nuclear engineer workforce nearing a time of high retirements and the pipeline of graduating students still not growing sufficiently to fill the spots, why have you eliminated the University Program—especially given our need to keep our reactors safe both now and in the future?
- We have heard that only a small portion of nuclear engineers currently go to work for industry. Given that, why do you believe that industry will fill in financial support in place of these university programs, as stated in the Department of Energy's budget request?

## **5. Lawsuits against the U.S. government**

Chairman Jaczko, there was a time when the NRC was seen as a reasoned, non-political safety and technological regulatory body. Now, it seems as if your actions are generating more and more lawsuits. For instance, your decision to allow spent nuclear fuel on-site for 60 years is one of the recent court challenges you're facing. I know of at least three states which are suing the NRC over this.

There are at least two other cases pending against the government specifically because of the Administration's attempts to shut down Yucca Mountain— one to stop the collection of Nuclear Waste Fund fees, and another to show that the Department of Energy doesn't have the authority to remove the Yucca Mountain license application...as was confirmed by the NRC's own Atomic Safety and Licensing Board panel.

- How many lawsuits is the U.S. government defending against, resulting from the government's failure to assume responsibility of

spent nuclear fuel or otherwise resulting from the Administration's attempts to shut down Yucca Mountain?

- How much funding is in the fiscal year 2012 budget request for the NRC and other U.S. government agencies for legal fees and/or damages resulting from these or expected cases? What are your estimates for future years?

#### **6. NRC Actions related to Japan**

- Chairman Jaczko, what is the NRC doing to support efforts in Japan to stabilize and secure the damaged nuclear plants?
- The NRC announced last week the formation of a task force to conduct both a short- and long-term analysis of the lessons we can learn from the events in Japan. Realizing that we don't yet have all the information on Japan or the task force's recommendations, what types of short-term changes to your regulatory framework do you think are possible? What about long-term changes?
- Will the NRC continue processing existing license applications while the task force conducts its analysis?
- How will the task force's timeline of 90 days for its short-term analysis and approximately six months for its long-term recommendations impact existing license applications?

#### **7. Review of existing facilities**

Chairman Jaczko, your budget request includes an increase of \$13.7 million for oversight of operating reactors. Since you submitted this request, you have been charged by the President to undertake a comprehensive review of all nuclear facilities, and last week the NRC announced a task force whose work I assume represents at least part of this review.

- What is the scope of this review? Are enrichment facilities, waste repositories, spent fuel pools, and non-commercial reactors all included?

- Do you expect that applications for reactor extensions or power uprates will be slowed because of this review? What about new reactor licenses?
- How long will it take for you to complete this review? Will the Task Force's anticipated timeframe of six months for its long-term analysis conclude the review?
- How much funding do you expect this review to cost, and do you expect the 2012 request will need to change in order to accommodate it?

#### **8. Review of licenses for new plants**

Chairman, your request for licensing activities for new plants is a slight increase over fiscal year 2010. It looks like your budget would fund two new combined licenses and continued work on new designs and early site permits.

- Have your plans changed following the tragedy in Japan?

#### **9. Japan 50-mile perimeter?**

Chairman Jaczko, your role as Chairman of the NRC should be to provide authoritative guidance on nuclear energy issues. It was reasonable that the government turned to you to give some perspective for U.S. plants following the tragedy in Japan. However, you made a few comments which got you cross-wise with the IAEA and the Japanese authorities.

Could you clarify how you developed the "50-mile" evacuation zone for American citizens around the Fukushima plants? Since this is far wider than the 12 mile zone recommended by IAEA and Japanese authorities, your recommendation caused quite a bit of concern and confusion.

- What scientific basis did you have for your recommendation?
- You said at the time that your recommendation was based on the "possibility of scenarios that we haven't seen yet." What did that mean, precisely?

- Last week, the NRC clarified that its 50-mile recommendation was based on a determination that releases from the Fukushima plant “could...possibly exceed conservatively set safe radiation-exposure limits” based on “limited data and conservative assumptions.” Since your recommendation was far more conservative than that of the Japanese or IAEA experts, you may have had additional information that they did not have...or, perhaps, you didn’t agree with their recommendation. Which was it? What did you know that they didn’t, or what specifically did you disagree with?

#### **10. Claim that the spent fuel ponds in Japan were empty**

Chairman Jaczko, your claim on March 16 that the spent fuel ponds at Fukushima’s Reactor 4 were dry was factually incorrect and caused not a small amount of concern, both within Japan and internationally. What conclusive evidence did you have before you made this claim?

- Please submit for the record this evidence, since the information that we are receiving is that because the area was covered with carbon, the pictures were inconclusive.

#### **11. Oversight of new facilities**

Chairman, one of the largest increases in your request is for oversight activities of new plants. According to your request, you will need to be inspecting a total of four new reactors expected to be under construction this year, an increase of two over last year.

- What are the four reactors you expected to be under construction this year? Have there been any changes to these plans?

#### **12. Carryover funds**

Chairman, the NRC has in the past carried over significant funding.

- What is the estimate of your carryover funds for fiscal year 2010?
- Do you think this amount is appropriate? If not, what are you doing to “spend down” the funding to an appropriate level?

- Can we expect to see a reprogramming?

### **13. Construction Funding in the request**

Chairman, it's somewhat buried on page 47 of your budget request, but your New Reactors program has \$21 million of "one-time" costs associated with the design, construction, and outfitting of a new headquarters office building. I'm not sure how this is one-time, since there is funding in the FY10 and FY11 requests as well for construction of a new office building.

- What is the total is this budget request for construction activities, and how much has already been spent on these activities?
- What is the projected total cost?

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## **Yucca Termination**

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### **14. Controversy over withholding final report on Yucca Mountain**

Chairman Jaczko, the President unilaterally shut down the Yucca Mountain project over the protests of the vast majority of Americans – this is likely one of the least “democratic” actions I have seen from an Administration since I have been in Congress.

One of the greatest tragedies is that the Administration’s approach is to halt any useful understanding from being gained through the expenditure of over \$12 billion in research on the site. Under a Freedom of Information Act filing, your staff recently released a heavily redacted version of Volume 3 of the Safety Evaluation Report...the document which is to show your staff’s technological and scientific qualifications of the site. This report should have been released in November, 2010. Now your staff is saying that they’re not going to even archive an unredacted version because, as they put it, the information is “predecisional” and could cause confusion.

- Chairman, this report was due months ago. Why has no decision been made?
- If I’m to understand correctly, this report is going to be buried because it’s predecisional, and the reason it’s predecisional is that the Administration killed the program?
- Closing down the program before the license application could be approved is shameful enough, but hiding what has been learned betrays the trust of the American people and literally wastes years of hard work and billions of dollars. Chairman Jaczko, what is in this document that the Administration would find so damaging if it were made public? That, perhaps, the site is technically qualified for a million years?
- The Administration may continue to insist that this program is shut down, but you can be assured that it is not. This report must be released, and this project must move forward.

## **15. Administration's plan to assume responsibility of spent fuel**

Chairman Jaczko, I would generally ask this to the Department of Energy, but since you're using your position as Chairman of the NRC to fulfill the Administration's plan to shut down Yucca Mountain over the objections of Congress, I figure you can answer this instead. The Associated Press reported last week that the U.S. has 71,862 tons of spent nuclear fuel at reactors in the United States – waste that is stranded there because the Administration killed the Yucca Mountain project. While the waste is safe where it is, estimates are that the pools contain four times the amount of fuel than they were designed to handle. Given that the American public is rightly concerned about this waste spread across the country at 129 sites, especially in the wake of what happened in Japan, what is the Administration's timeline for fulfilling its obligations in assuming responsibility of this waste?

- Frankly, I find the Administration's lack of a real plan not just absurd, but a waste of taxpayer resources. The American public is worried about keeping this waste in pools, and I can't understand why the Administration would support this vulnerability when it can be stored safely at Yucca Mountain.

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## **Additional Member Questions**

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### **16. Additional Questions from Mr. Simpson of Idaho**

Dr. Jazcko, in your testimony you have repeatedly characterized the voting process in adjudicatory matters as a less than formal process. This seems inconsistent with statements provided by other Commissioners and the procedures identified in Chapter III or the Commission's Internal Procedures. Appendix 3 of those procedures provides an example voting sheet to be used in matters pending before the Commission.

- Was this voting process used in establishing the Commission's position on this matter and were these votes sheets submitted to the Secretary of the Commission for tally and reporting? Or was some other less formal process used? Please clarify the process used in voting and provide any changes to Commission procedures that may not be publicly available.

While this Committee has no intention of presuming the outcome of the Commission's decision, we do not understand why you have not made a timely closure to this matter. In your testimony, you state that in adjudicatory matters, processes used to achieve decisions are different from routine matters.

- Would you explain that process?
- Also, please clarify if the process described in Appendix 5 of the Commission's Internal Procedures is used in resolving 2-2 votes in adjudicatory matters and if not, what process is followed?
- Also, please have the Secretary for the Commission review the historical records and provide the following for each matter before the Commission where a quorum of Commissioners have affirmed their votes but a majority decision was not reached:
  - a. A brief description of the matter.
  - b. The date when the matter was first brought to the Commission.
  - c. The date when a quorum of Commissioners filed their votes with the Secretary of the Commission.

- d. The date when all participating Commissioners filed their votes with the Secretary.
- e. The length of time between the last filing of votes and the issuance of a draft Staff Requirements Memorandum (SRM) or order.
- f. The length of time between the draft SRM or order and the completion of voting on the final SRM and order.
- g. The length of time between the completion of voting on the final SRM or order and the affirmation of their vote by the Commission.
- h. A copy of each final SRM or order and affirmation statements, if any, by individual Commissioners.

Dr. Jaczko, in your testimony you stated that the Commission policy to begin to close down the review of the application was established in the Commission's FY-11 Budget.

- Yet is it not true that policy was established when the NRC only had 3 Commissioners, two of whom have publicly stated that you are not correctly the implementing the Commissions' decision?
- Furthermore, this matter was not taken up by the current Commission and therefore is it not true you have acted unilaterally and did not seek the Commission's approval?
- How is that consistent with Commission procedures and statements you have made before this committee?

Dr. Jaczko, you testified that "there are ongoing discussions" among the commissioners to try to reach an agreement on an final order.

- Is that correct?
- When was the last time that such "ongoing discussions" have occurred between you and your fellow commissioners?
- Isn't true that there have been no such discussions since September 2010. Yes or no?

To be requested of all Commissioners to respond-- Chairman Jaczko has stated on several occasions that this matter is under active deliberation within the Commission.

- Would you please explain that deliberative process and what actions each of you are taking to achieve a timely resolution of this matter?

Dr. Jaczko, you testified that "it was your view" supported by the general counsel that budget document provided the guideline and the direction to move forward on Yucca close out activities.

- Please provide the GC's memo and all citations of precedents for this position.
- Was your view supported by all the other commissioners at that time?

Dr. Jaczko, is there a time limit in which the Commission is required to render a final decision to uphold or reverse the ASLB?

Will you agree not to dissolve the ASLB until you have issued a final order on whether to uphold or reverse their decision that DOE lacks the authority to withdraw the Yucca license?

Outside of Scope

Outside of Scope

Outside of Scope

From: Champ, Billie  
To: Commission E-Reader Distribution; E-Reader Distribution  
Subject: COMMISSION E-READER...FRIDAY, APRIL 8, 2011  
Date: Friday, April 08, 2011 12:49:58 PM  
Attachments: Tab A [Outside of Scope]  
Tab B  
Tab C 04-04-11 Stricker.pdf  
Tab D 03-25-11 F. Beinecke 11-0202.pdf  
Tab E [Outside of Scope]

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Reader is not publicly available.**  
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**READING FILE**

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**April 8, 2011**

**INCOMING CORRESPONDENCE**

**Tab "A"**

Outside of Scope

**Tab "B"**

**Tab "C" 04/04/11 – Letter from Laurent Stricker, WANO, concerns cooperation between the World Association of Nuclear Operators (WANO) and the IAEA.**

**Tab "D" 03/25/11 – Letter from Frances Beinecke. concerns the nuclear crisis in Japan.**

**OUTGOING CORRESPONDENCE**

**Tab "E"**

Outside of Scope

Outside of Scope

EB/25

Outside of Scope

**World Association of Nuclear  
Operators**

Laurent Stricker  
Chairman



Cavendish Court  
11-15 Wigmore Street  
London W1U 1PF  
United Kingdom  
Tel: +44 (0)20 7478 9200  
Fax: +44 (0)20 7495 4502  
E-mail: laurent.stricker-wano@edf.fr

April 4, 2011

Mr Gregory B. Jaczko  
Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852-2738  
USA

Dear Mr Jaczko,

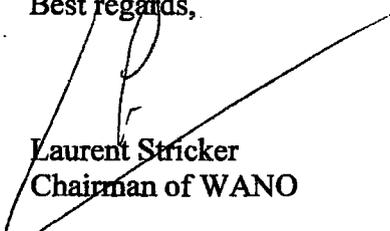
Please find attached a letter I recently sent to Mr. Amano, Director General of the IAEA, urging close cooperation between the World Association of Nuclear Operators (WANO) and the IAEA as we capture the lessons for our industry from the Fukushima-Daiichi events. These two organisations, IAEA representing member States and WANO representing the world's nuclear operators, have a unique opportunity to work together and create an even stronger civil nuclear industry in the future.

I understand that the IAEA will hold an international meeting in late June to discuss the lessons from Japan. I'm also aware that nuclear safety authorities worldwide, using the framework of the G20, will work on harmonisation of nuclear safety standards. I believe strongly that WANO must play an important role in the coming months by strengthening international cooperation with all of the important stakeholders in the nuclear industry. I ask that you support WANO in this regard, and include WANO in key activities as we learn all we can from Japan.

As an independent reviewer of safety and reliability performance at member nuclear stations, the World Association of Nuclear Operators (WANO), has not been a very public organisation. I have therefore attached our last Press release dated 31 March in which you will find some additional information.

I remain at your disposal for any meetings or discussions that you think appropriate between regulators and WANO.

Best regards,



Laurent Stricker  
Chairman of WANO

Attachment 1 : Letter to Mr Amano, General Director of IAEA  
Attachement 2 : WANO Press Release dated 31 March 2011.  
Copy to : J. Ellis (INPO), G. Gates (NEI)

**World Association of Nuclear  
Operators**

Laurent Stricker  
Chairman



Cavendish Court  
11-15 Wigmore Street  
London W1U 1PF  
United Kingdom  
Tel: +44 (0)20 7478 9200  
Fax: +44 (0)20 7495 4502  
E-mail: laurent.stricker-wano@edf.fr

April 4, 2011

Mr. Yukiya Amano  
Director General  
International Atomic Energy Commission  
Vienna International Centre  
Wagramerstrasse 5  
P. O. Box 100  
A-1400 Vienna, Austria

Dear Mr. Amano,

First, let me express our sympathy from all of WANO for the terrible disaster that occurred in your country on March 11, and for the ensuing crisis at the Fukushima-Daiichi nuclear plant. Please be assured that the entire WANO community will provide support to Japan as it recovers from this terrible tragedy.

Since the beginning of the crisis our WANO office in Tokyo has provided frequent updates which we have communicated to all nuclear operators worldwide. We have strengthened our Tokyo office with additional staff and helped to funnel needed resources and equipment to the Tokyo Electric Power Company (TEPCO). In addition, within six days of the earthquake we issued to all of our members a document describing the events and the initial lessons our industry needed to learn. We asked every member to verify they were prepared to mitigate a beyond design basis event at their own stations. Although it is a departure from our normal confidentiality policy, I have attached a copy of this document for your information. It reflects the seriousness with which we view the events in Japan, and demonstrates our aggressive action in the interest of nuclear safety.

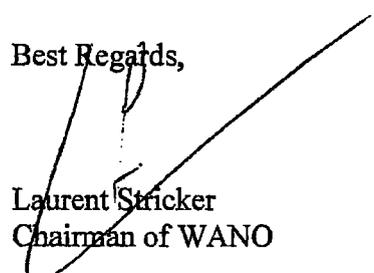
In the coming weeks, as the immediate crisis stabilizes, we will need to turn our attention to recovery and to the lessons to be learned. As the two most influential international organizations in the area of nuclear safety, I propose we coordinate our efforts for the betterment of the nuclear industry. There will be lessons to learn associated with the response to the events at Fukushima-Daiichi, lessons pertaining to design issues, and lessons associated with the worldwide communications and support provided to Japan following the tragedy. I propose a joint effort in all three areas.

I note that the IAEA plans to hold an international meeting at the end of June on the issues surrounding the Fukushima-Daiichi event. I believe it is important that WANO, as the only worldwide organisation of nuclear plant operators, play an important role in this meeting, including a presentation at an appropriate point in the agenda. I therefore request that you ask your staff to include WANO in the planning for the upcoming meeting.

I am eager to meet with you and discuss our partnership in more detail.

Working together, this event, as terrible as it is, can be the catalyst for a stronger, safer civil nuclear power industry.

Best Regards,



Laurent Stricker  
Chairman of WANO

Attachment : WANO SOER 2011-2

## **World Association of Nuclear Operators**

WANO London

Cavendish Court, 11-15 Wigmore Street

London W1U 1PF, United Kingdom

Tel: +44 (0)20 7478 9200

Fax: +44 (0)20 7495 4502



### **Press Release: WANO announces safety actions in response to Japan events**

**31 March 2011:** The Governing Board of the World Association of Nuclear Operators (WANO) met in Paris yesterday, to assess and plan the association's future role in strengthening nuclear power safety worldwide, following the events at Fukushima Daiichi plants in Japan.

The Association's Board, which includes chief executives from the world's largest nuclear power station operators, announced the association will maintain a 'safety first' focus by strengthening international cooperation, transparency and engagement amongst WANO members.

The natural disaster – a tsunami that exceeded the design basis for the nuclear facility – and the impact it had on the Fukushima site, has prompted an immediate response from within the industry.

“As a member association that links every company and country in the world with an operating commercial nuclear power plant in safety dialogue, WANO can and will play a leading role in industry safety review and analysis work and application of lessons. The findings of this work need to be applied in a timely, accurate and transparent manner,” Mr Stricker said.

“The Board urges the Fukushima Daiichi plant operator, TEPCO, to make full use of WANO support to ensure the full capability of our international organisation can be brought to bear in delivering stability at this plant. TEPCO must ensure that timely and accurate plant status reports are delivered.

“All chief executives officers of nuclear companies will be called to a WANO meeting later this year to discuss lessons learned from this event and to address any necessary changes to WANO's structure and mandate,” Mr Stricker said.

The WANO Governing Board has established a high level commission that has been tasked with recommending changes to the WANO organisation and approach that this event has highlighted. This commission will complete its work and their recommendations will be presented to nuclear company chief executives at the WANO meeting later this year.

“The events in Japan will provide many important lessons for the commercial nuclear industry. WANO is committed to aggressively applying these important lessons to strengthen its nuclear safety mission,” Mr Stricker said.

WANO Chairman, Mr Laurent Stricker added the Board's thoughts remain with the people of Japan.

“As a Board we offer our condolences to the people of Japan who have experienced a devastating natural disaster and we acknowledge the strength of character being exhibited by the Japanese people”, Mr Stricker said.

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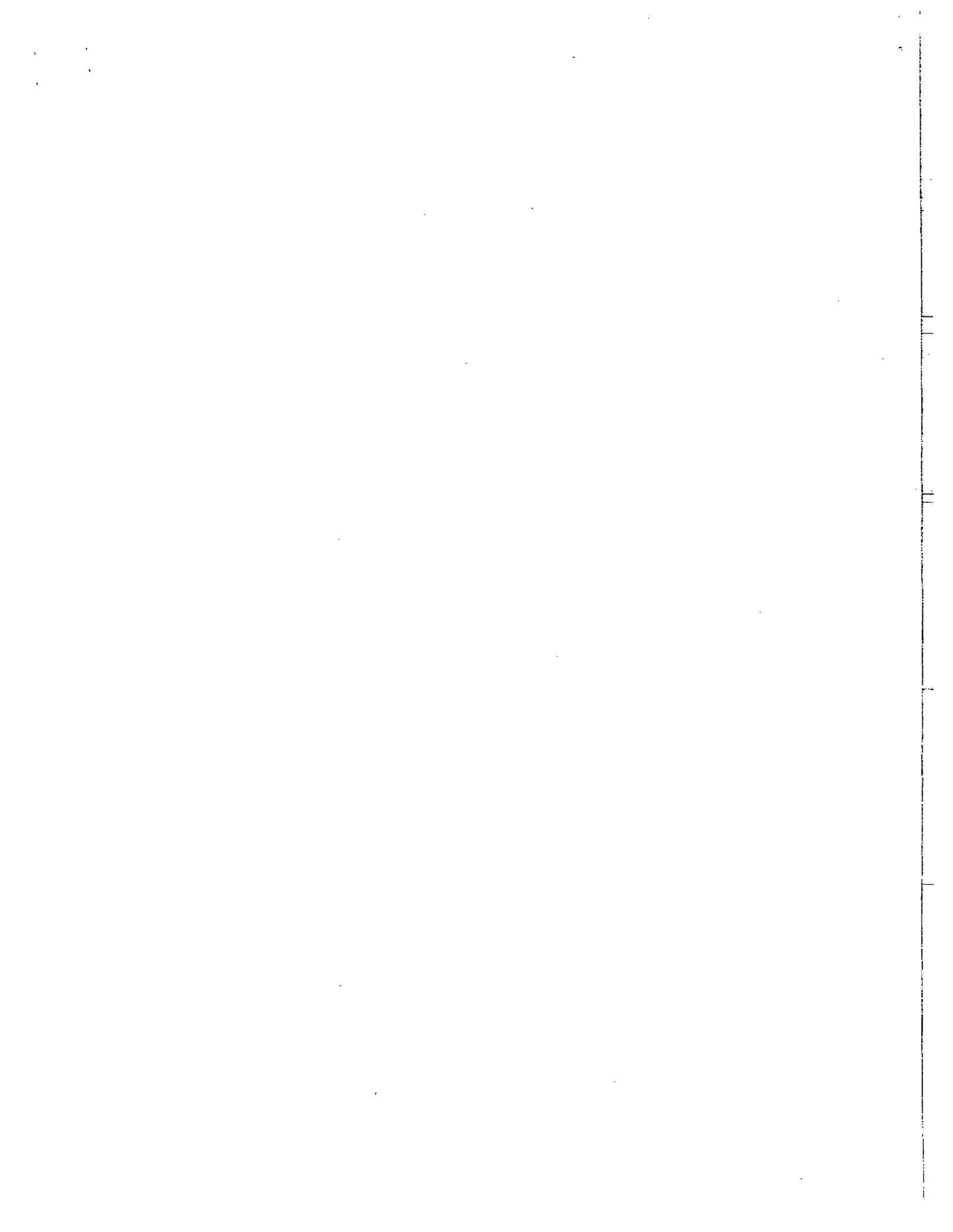
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NATURAL RESOURCES DEFENSE COUNCIL

**REVISED**

March 25, 2011

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Ave. NW  
Washington, DC 20500

Dear Mr. President:

I am writing on behalf of the members of the Natural Resources Defense Council to commend you for your response to the tragedy in Japan by providing assistance to the Japanese people and helping to address the ongoing threat at the Fukushima Daiichi Nuclear Power Station. Our thoughts and prayers are with you and the people of Japan. I am also writing because the severe accident at this power plant, involving a simultaneous loss of control over six nuclear units, demonstrates the grave risks posed by nuclear power, and how little we still know about anticipating and mitigating those risks. Therefore, we strongly endorse your call for a comprehensive review of nuclear reactor safety in the United States.

We further call on you to add an independent review of key safety issues, which we believe must then be followed by prompt implementation of necessary corrective actions to reduce the chance of any such nuclear incident occurring in the United States.

Your continued leadership is needed at this critical moment to move the nation to a safer energy future that will phase out reliance on older nuclear technology with known design weaknesses, responsibly manage and dispose of spent nuclear fuel, and reassess emergency preparedness requirements for all operating and planned nuclear power reactors in the United States. It is because of the need for a full vetting of these issues that we urge you to commission an independent inquiry which will help to ensure the adequacy of, and increase public confidence in, the measures to be taken in response to Japan's nuclear crisis and to promptly take corrective actions to further nuclear safety in the U.S.

The top priority for now remains assisting Japan in bringing its reactors under control, and providing resources and humanitarian relief to Japan for the radiological consequences of the accident and its aftermath. Yet we must also learn from this tragedy. Nuclear reactor siting, regulation, and licensing – for both the 104 operating nuclear power plants in the United States and any new plants that may be built – need to be

[www.nrdc.org](http://www.nrdc.org)

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Washington, DC 20005  
TEL 202 289-6868  
FAX 202 289-1060

thoroughly reviewed and reconsidered in light of the serious events at Fukushima. Of particular and urgent concern are the Boiling Water Reactors in the United States with Mark 1 and 2 containments, which are similar in design to the Fukushima units. Indeed, by building upon the lessons drawn from this national review, the U.S. could lead a renewed effort to work with other countries to integrate these findings into the safety strategies for their existing and future nuclear plants.

With that in mind, we recommend the following steps to address the safety of the nation's nuclear power plants:

1. The administration should appoint a truly independent commission, similar to the Kemeny Commission that investigated the Three Mile Island accident in 1979, that can help to engender public confidence by thoroughly examining nuclear safety issues, including assessing the conclusions and proposed corrective actions arrived at by both the nuclear industry and the NRC in its "90-day safety review".
2. The NRC should suspend the granting of nuclear power plant license renewals in high seismic hazard areas until the findings of the NRC's 90-day review are finalized and vetted by the independent commission.
3. The NRC should consider on a case-by-case basis the rescission of license renewals already granted for nuclear power plants located in high seismic hazard areas that were built to standards that no longer conform to our modern understanding of the full extent of the earthquake threat to the facility.
4. The NRC should direct the licensees of Boiling Water Reactors with elevated spent fuel storage pools to remove all spent fuel from wet pools as soon as it has cooled sufficiently to be stored in dry casks. We estimate that currently 60 thousand tons of spent fuel are stored nearby U.S. reactors, much of it in poorly protected and overloaded pools; and for 31 reactors these pools are located above and outside the containment, as they are at the Fukushima Daiichi plant.
5. The NRC should ensure that no emergency generator at a reactor is located where it is subject to flooding or other forms of potentially crippling damage.

We believe it is important that you now establish an independent commission to explore the root causes and consequences of the still unfolding disaster at Fukushima Daiichi in light of the renewed public concern regarding the serious hazards to public safety. This includes threats that may be triggered by so-called "beyond design basis" events—both natural and man-made—that could occur at U.S. nuclear power plants. Review of the implications of this disaster should not be limited to the NRC assessing the adequacy of its own previous rules and decisions. This would be problematic for any entity, but is particularly the case for the NRC, which has long been seen as a weak regulator with insufficient independence from the industry it oversees. Thus an independent commission can help objectively determine national and global ramifications for the siting and safe operation of nuclear power plants and provide a credible assessment of

the adequacy of what the NRC and the nuclear power industry will recommend as the appropriate responses to the accident.

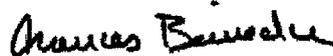
We believe the best model is the Kemeny Commission, which was appointed by President Carter, chaired by the then President of Dartmouth College, and involved individuals with diverse opinions and backgrounds. Such a commission must be primarily comprised of independent experts and other knowledgeable, fair-minded persons of wide experience and good judgment whose current and future livelihoods do not depend on staying in the good graces of either the nuclear industry or the regulatory agency whose past and prospective courses of conduct will be under review. The commission should also hold public hearings, and hear from a wide range of witnesses and perspectives before reaching its own independent determination of the best path forward to improved nuclear safety.

The investigation should include but not be limited to the following issues:

- The causal factors in Japan's nuclear accident;
- Whether the design basis of existing and future designs should cover more severe accident precursors, including earthquakes, flooding and extended loss of off-site power;
- How such accidents can be anticipated and prevented in the future given similar U.S. reactor designs;
- The management of excess hydrogen produced by a loss of coolant and partial fuel melt in the core;
- The safety design and permissible loading limits of spent fuel storage pools;
- Provisions for supplying emergency backup power for longer periods of time;
- The adequacy of the nation's emergency preparedness for reactor accidents; and
- The implications of these findings for locating nuclear plants near large population centers, along seacoasts, and in areas at risk of being subjected to powerful earthquakes or other natural and man-made events, such as terrorism, tornadoes, and fires potentially capable of triggering a prolonged and potentially disastrous "station blackout" as occurred at the Fukushima Daichi plant.

While the situation at Fukushima remains dire and the full extent of the damage to life and property unknown, it is already clear that clinging to the status quo offers inadequate insurance against the occurrence of such a catastrophic nuclear event in the U.S. By taking these steps, your administration would help ensure that the lessons of this disaster can be used to strengthen the regulation of nuclear power generation in the U.S. and worldwide, and contribute to charting a rigorously careful path for the appropriate deployment of this technology in support of our nation's and the world's energy future.

Sincerely,



Frances Beinecke

**President**

**cc: The Honorable Nancy Sutley, Chair of the White House Council on  
Environmental Quality  
The Honorable John Holdren, Assistant to the President for Science and  
Technology  
The Honorable Heather Zichal, Deputy Assistant to the President for Energy and  
Climate Change Policy  
The Honorable Steven Chu, Secretary of Energy  
The Honorable Lisa Jackson, Administrator of the Environmental Protection  
Agency  
The Honorable Gregory Jaczko, Chairman of the Nuclear Regulatory Commission**

Outside of Scope

**From:** Champ, Billie  
**To:** Commission E-Reader Distribution; E-Reader Distribution  
**Subject:** COMMISSION E-READER....TUESDAY, APRIL 12th  
**Date:** Tuesday, April 12, 2011 11:03:27 AM  
**Attachments:** Tab A Rep. Capps 04-11-11.pdf  
Tab B 04-10-11 J. Conway, PG&E--DCL-11-047.pdf  
Tab C 04-07-11 J. Rogers.pdf  

Tab D	Outside of Scope
Tab E	
Tab F	

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**READING FILE**

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**April 12, 2011**

**INCOMING CORRESPONDENCE**

**Tab "A" 04/11/11 -- Letter from Rep. Lois Capps, concerns PG&E's request that the NRC delay its license renewal application for the Diablo Canyon nuclear power plant.**

**Tab "B" 04/10/11 -- Letter from John Conway, PG&E, concerns request for deferral of issuance of Diablo Canyon power plant renewed operating licenses.**

**Tab "C" 04/07/11 -- Letter from John Rogers, Commonwealth of MA, concerns the safety and soundness of nuclear power plants situated in Massachusetts.**

**Tab "D"**

Outside of Scope

**OUTGOING CORRESPONDENCE**

**Tab "E"**

Outside of Scope

**Tab "F"**

Outside of Scope

EB/26

Outside of Scope

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23RD DISTRICT, CALIFORNIA

2231 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0522  
(202) 225-3601  
www.capps.house.gov

COMMITTEE ON  
ENERGY AND COMMERCE



**Congress of the United States**  
**House of Representatives**

April 11, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Chairman Jaczko:

Earlier today Pacific Gas and Electric Company requested the Nuclear Regulatory Commission delay its license renewal application for the Diablo Canyon Nuclear Power Plant. While I am continuing to study the specifics of PG&E's letter to the Commission, I want to reiterate my earlier request that this process be halted until a number of questions around seismic issues are answered.

I continue to believe there is simply no need to rush through this relicensing process until federal and state regulators have all the information they need to ensure Diablo Canyon can be run safely and is prepared to deal with the inevitable seismic activity our area is known for. Since the existing 40-year licenses for the plant's two reactors do not expire until 2024 and 2025, there is more than enough time to adequately address seismic concerns in a thoughtful and transparent manner, so the full spectrum of information on which to base critical decisions on the plant's future operations and safety are addressed.

The people of the Central Coast deserve to know that everything is being done to ensure their health and safety as it relates to the operations at Diablo Canyon. Therefore, I reiterate my request for the Commission to halt the license renewal application process until comprehensive, independent analyses of seismic studies are done and that they be considered as part of the relicensing process.

We simply must have a thorough understanding of both the underlying seismic issues and the steps needed to avoid and/or respond to a potential earthquake event at Diablo Canyon prior to granting PG&E a license to run the plant until nearly the middle of this century.

I look forward to your response.

Sincerely,  
  
LOIS CAPPS  
Member of Congress

DISTRICT OFFICES:

- 1411 MARSH STREET, SUITE 205  
SAN LUIS OBISPO, CA 93401  
(805) 546-8348
- 301 EAST CARRILLO STREET, SUITE A  
SANTA BARBARA, CA 93101  
(805) 730-1710
- 2675 NORTH VENTURA ROAD, SUITE 105  
PORT HUENEME, CA 93041  
(805) 985-6807



**Pacific Gas and  
Electric Company®**

**John T. Conway**  
Senior Vice President-Energy Supply &  
Chief Nuclear Officer

77 Beale Street  
Mail Code B32  
San Francisco, CA 94105

415.973.3336  
Internal: 223.3336  
Fax: 415.973.2313

*Alternate Address*  
Diablo Canyon Power Plant  
P. O. Box 56  
Avila Beach, CA 93424

805.545.3333  
Fax: 805.545.4884

April 10, 2011

PG&E Letter DCL-11-047

US Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Docket No. 50-275, OL-DPR-80

Docket No. 50-323, OL-DPR-82

Diablo Canyon Units 1 and 2

Request for Deferral of Issuance of Diablo Canyon Power Plant Renewed Operating Licenses

Dear Commissioners and Staff:

By Pacific Gas and Electric Company (PG&E) Letter DCL-09-079, "License Renewal Application," dated November 23, 2009, PG&E submitted an application to the Nuclear Regulatory Commission (NRC) for the renewal of Facility Operating Licenses DPR-80 and DPR-82, for Diablo Canyon Power Plant (DCPP) Units 1 and 2, respectively. The application included the license renewal application (LRA), and Applicant's Environmental Report – Operating License Renewal Stage.

As you know, the Commission's review of the LRA includes consideration of whether license renewal is consistent with the Coastal Zone Management Act (CZMA). The agencies responsible for performing the coastal consistency review for DCPP are San Luis Obispo County and the California Coastal Commission. In light of recent events at the Fukushima Daiichi Power Plant, and the considerable public concern regarding the need to assure the seismic safety at DCPP, PG&E has decided it is most prudent to have completed certain seismic studies at DCPP prior to issuance of the coastal consistency certification and the renewed NRC operating licenses, if approved.

The seismic studies referenced above are the seismic studies approved and funded by the California Public Utilities Commission (CPUC), including 3-D seismic studies recommended by the California Energy Commission (collectively referred to in this letter as the "3-D seismic studies"). The CZMA and the California Coastal Act, and their implementing regulations, do not necessarily require the 3-D seismic studies to be completed prior to issuance of the coastal consistency certification or that a coastal development permit be obtained in connection with license renewal. Nonetheless, as noted above, PG&E believes it prudent to complete these studies and issue a report addressing the results prior to issuance of a consistency certification and/or renewed operating licenses, if approved.

The CPUC approved PG&E's application for funding to perform the 3-D seismic studies on August 16, 2010. PG&E estimates that implementation of the 3-D seismic studies and investigations will occur over a minimum three-year period, which started in 2010. However, because this task will require the acquisition of all necessary State of California permits for seismic sources that exceed the 2-kilojoule energy limit, compliance with the California Environmental Quality Act, conducting data collection over the defined off-shore survey area, and data interpretation and integration, it is possible for the completion date for the studies to be delayed. In any event, presuming PG&E obtains all necessary permits, PG&E expects the 3-D seismic studies to be completed, and intends to issue a report addressing the results of those studies, as soon as possible after completing the analysis of the data and no later than December 2015.

PG&E therefore requests that the Commission delay the final processing of the LRA such that the renewed operating licenses, if approved, would not be issued until after PG&E has completed the 3-D seismic studies and submitted a report to the NRC addressing the results of those studies. PG&E would appreciate a Commission response to this letter granting this request on the docket for the License Renewal Application, Docket No. 50-275, OL-DPR-80, Docket No. 50-323, OL-DPR-82.

Please contact Mr. Terence L. Grebel, License Renewal Project Manager, at (805) 545-4160 with any questions about this letter.

Executed on April 10, 2011.

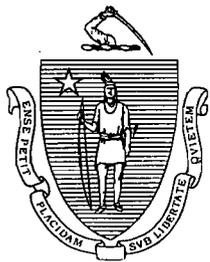
Sincerely,



John T. Conway  
*Senior Vice President - Energy Supply and Chief Nuclear Officer*

jlj/223-9809

cc: Elmo E. Collins, NRC Region IV Regional Administrator  
Nathaniel B. Ferrer, NRC Project Manager, License Renewal  
Kimberly J. Green, NRC Project Manager, License Renewal  
Michael S. Peck, NRC Senior Resident Inspector  
James T. Polickoski, Project Manager, Office of Nuclear Reactor Regulation  
Alan B. Wang, Project Manager, Office of Nuclear Reactor Regulation  
Diablo Distribution



# The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1020

**JOHN H. ROGERS**  
REPRESENTATIVE  
12TH NORFOLK DISTRICT

ROOM 162, STATE HOUSE  
TEL: (617) 722-2040  
FAX: (617) 722-2347

Rep.JohnRogers@hou.state.ma.us

COMMITTEES:

Education  
Labor and Workforce Development  
Telecommunications, Utilities and Energy

April 7, 2011

Chairman Gregory B. Jackzo  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Dear Chairman Jackzo:

As a Member of the Joint Committee on Telecommunications, Utilities, and Energy, I am concerned about the safety and soundness of nuclear power plants situated here in Massachusetts in light of the recent tragedy involving the Fukushima Daiichi plant in Japan. I specifically request an exhaustive safety review of Pilgrim Nuclear power plant located just 30 miles from the families who live within my district. This close proximity to Pilgrim is of major concern to me since my constituents live and work well within the 50-mile evacuation radius currently employed in Japan by American nuclear officials.

As you know, Pilgrim was initially licensed to operate in 1972 and its 40-year license is up for renewal in June of next year. As your agency begins its review of Pilgrim's relicensing efforts this year, please postpone your approval until Pilgrim agrees to utilize safer forms of storage for spent nuclear fuel. Specifically, please consider mandating either total dry cask storage on-site or safe off-site storage facilities, to be located preferably in one of the 19 states that currently do not host nuclear power facilities. The existing practice of on-site wet storage pools is no longer acceptable given the horrific fact that such storage pools are now leaking radioactive water in Japan and trace amounts of Iodine-131 are appearing here in Massachusetts linked to the plant in Japan.

Three decades ago, Congress passed the Nuclear Waste Policy Act, which, as you know, was enacted to locate and provide a safe, off-site storage facility for our country's use; but after \$10 billion of taxpayer money having been spent since, no such site exists. We are counting on your efforts and leadership to ensure that this long-neglected need is fulfilled.

I wish you good luck in your endeavors on behalf of the American people and I eagerly await your reply.

Sincerely,

A handwritten signature in black ink that reads "John H. Rogers".

John H. Rogers

Outside of Scope

**From:** Champ, Billie  
**To:** Commission E-Reader Distribution; E-Reader Distribution  
**Subject:** COMMISSION E-READER...WEDNESDAY, APRIL 13, 2011  
**Date:** Wednesday, April 13, 2011 11:11:02 AM  
**Attachments:** Tab A [redacted] Outside of Scope  
Tab B 04-11-11 Ltr to inhofe.pdf  
Tab C [redacted] Outside of Scope  
Tab D dailymemos.doc

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**READING FILE**

**INDEX**

**April 13, 2011**

**INCOMING CORRESPONDENCE**

**Tab "A"**

Outside of Scope

**OUTGOING CORRESPONDENCE**

**Tab "B" 04/11/11 -- Letter to Sen. James Inhofe, responds to inquiry regarding the NRC's response to the events in Japan and, in particular, Chairman's actions as part of the response to that emergency.**

**Tab "C" 04/11/11**

**Tab "D" 04/11/11**

Outside of Scope

EB/27

Outside of Scope

Outside of Scope

Outside of Scope



CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 11, 2011

Senator James M. Inhofe  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510-6175

Dear Senator Inhofe:

This letter responds to your inquiry, dated April 6, 2011, regarding the NRC's response to the events in Japan and, in particular, my actions as Chairman as part of the response to that emergency. 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.

As the events at Fukushima began to unfold following the March 11, 2011 earthquake and tsunami in Japan, and in light of the presence of U.S. citizens and U.S. interests in Japan, not to mention Japan's status as a close ally to the United States, it became clear that the U.S. Government would have a significant interest regarding this foreign nuclear emergency. The NRC is the U.S. agency responsible for monitoring, understanding, and communicating about nuclear plant safety events, and those core competencies have served an important role in our Government's response to the events in Japan.

The NRC's Headquarters Operations Center has served a key role in assisting the U.S. Government's efforts to monitor the events at the Fukushima Daiichi nuclear plant. The Operations Center is intended to be managed during events by a traditional management structure with a single responsible official in charge. My exercise of emergency powers facilitates that process. Also, please note that there are no procedures in place for the full Commission to manage ongoing Operations Center response activities, nor would one expect there to be, given the assignment of responsibility to the Chairman under Reorganization Plan No. 1 of 1980. The agency's well-established and oft-tested emergency response procedures serve us well not only in responding to domestic events, but also to international events where NRC's response capabilities can support our government's interests.

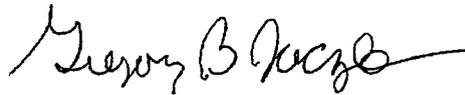
As you note, after the initial threat of potential tsunami effects on U.S. territory had passed, our subsequent activities have focused primarily on monitoring potential radiation reaching the U.S. and on providing advice and assistance within our Government and to Japan. To the extent this is said to involve the exercise of my emergency powers, I have been careful to act in the spirit of the Reorganization Plan, with appropriate regard to existing Commission policy and by keeping my fellow Commissioners informed. With respect to the Japanese emergency, many of the NRC's primary activities have involved communications—an authority the Chairman possesses as official spokesman even in non-emergency situations—and monitoring via the NRC's Operations Center—an executive activity that would also fall within the Chairman's authority to manage as the agency's principal executive officer.

Over the course of the events in Japan, I have maintained regular contact with my fellow Commissioners and have briefed them frequently, both individually and as a group on the latest developments. Event notification emails sent throughout the agency by the Headquarters Operations Center, beginning on March 11, also alerted agency personnel generally that the NRC was responding to the emergency. Press releases issued in the days after the earthquake and tsunami also provided notice to the general public that the NRC was engaging in response activities and that the Headquarters Operations Center was monitoring the events in Japan on a 24-hour basis.

As we take steps to understand any implications of the events in Japan for the regulation and safe operation of nuclear facilities in the United States, I have fully engaged my colleagues to obtain their insights and they supported the direction to the NRC staff to establish a task force to look at the near-term and longer-term implications of the Fukushima event.

I appreciate this opportunity to respond to your questions and trust I have satisfied your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory B. Jaczko". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gregory B. Jaczko

BARBARA BOXER, CALIFORNIA, CHAIRMAN

MAX BAUCUS, MONTANA  
THOMAS H. CARPER, DELAWARE  
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BENJAMIN L. CARDIN, MARYLAND  
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JAMES AL INHOFE, OKLAHOMA  
DAVID VITTER, LOUISIANA  
JOHN BARRASSÉ, WYOMING  
JEFF SESSIONS, ALABAMA  
MIKE CRAPO, IDAHO  
LAMAR ALEXANDER, TENNESSEE  
MIKE JOHANNIS, NEBRASKA  
JOHN BOZEMAN, ARKANSAS

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

CETONA FORNER, MAJORITY STAFF DIRECTOR  
RUTH VAN MARK, MINORITY STAFF DIRECTOR

April 6, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Jaczko,

I appreciate your hard work on the nuclear accident at the Fukushima power plant, and your efforts to help the public understand its implications for the American nuclear power fleet. I do want to raise concerns about some aspects of your response, with the hope that you can resolve them fully and quickly.

My concerns stem from the confirmation in response to my staff's inquiries that the Nuclear Regulatory Commission has been operating in a state of emergency since the Tohoku Earthquake on March 11, 2011. In particular, I question whether:

- 1) You may not have followed law as it pertains to the delineation of emergency authority as provided in Reorganization Plan #1 of 1980 (PL 98-614); and
- 2) This action may have reduced the contributions of your experienced colleagues in monitoring the event and in decision-making.

Section 3 of the Reorganization Plan #1 states that the functions transferred to the Chairman are those pertaining to an emergency concerning a particular facility or materials licensed or regulated by the NRC. Your Congressional Affairs staff indicated that you invoked these powers when the NRC Operations Center entered "monitoring mode" at 9:46 AM on March 11<sup>th</sup> in reaction to the Tohoku Earthquake and resulting potential tsunami threat to U.S. plants. At this time, the crisis is unfolding in Japan and I am not aware that you issued any warnings to any U.S. licensee or regulated facility since March 11<sup>th</sup>. On the contrary, you have repeatedly stated publicly that U.S. nuclear plants are safe and indicated, as has the U.S. Environmental Protection Agency, that any radiation resulting from the Fukushima nuclear accident that reaches the U.S. will not be significant enough to impact public health. Given what has transpired, it would be helpful if you could provide the basis for your invocation of emergency authority.

Secondly, if your basis for invoking emergency authority was the potential threat of a tsunami affecting nuclear plants in California, that threat ceased on March 11<sup>th</sup>. Please provide your rationale for continuing to exercise emergency authority after March 11<sup>th</sup> and your

Chairman Gregory Jaczko  
April 6, 2011  
Page 2

expectations for when and under what conditions you anticipate returning the agency to non-emergency status.

Section 3 of Reorganization Plan #1 also states that the functions transferred to the Chairman in an emergency include declaring, responding, issuing orders, etc., relative to the emergency incident. Since March 28<sup>th</sup> was the first indication my staff received regarding your exercise of emergency authority—and 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.

Lastly, Section 3 of Reorganization Plan #1 states that the Chairman shall, to the maximum extent possible, inform the Commission of actions taken relative to the emergency. On March 30, my staff queried all four of your fellow commissioners regarding their knowledge of any such declaration. All four offices indicated that none of the commissioners received any communication from you declaring your intent to exercise emergency powers. It would be helpful if you could provide an explanation as to why the commissioners were apparently not informed of your action.

By April 8th, please provide the information requested above and any legal analysis prepared prior to March 30, 2011 that supports the transfer of functions from the Commission to you including the basis for continuing to exercise those powers.

I look forward to working with you as the NRC addresses the Japan nuclear accident, and to ensure the safety of the nation's nuclear fleet.

Sincerely,



James M. Inhofe  
Ranking Member  
Committee on Environment and Public Works

Cc: Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff

Outside of Scope

**From:** McKelvin, Sheila  
**To:** E-Reader Distribution  
**Subject:** Friday, April 15, 2011 E-Reader  
**Date:** Friday, April 15, 2011 11:22:34 AM  
**Attachments:** Tab A 04-15-11 Sen. Webb .pdf  
Tab B  
Tab C: Outside of Scope  
Tab D 04-06-11 Corbett 11-0219.pdf

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**April 15, 2011**

**INCOMING CORRESPONDENCE**

**Tab "A" 04/15/11 -- Letter from Senator Jim Webb, concerns NRC's  
evacuation recommendation for U.S. residents  
within 50 miles of the Fukushima reactor.**

**Tab "B" 04/14/11**

**Tab "C" 04/06/11**

Outside of Scope

**Tab "D" 04/06/11 -- Letter from Ellen Corbett and Christine Kehoe,  
California State Senate, concerns seismic issues  
surrounding California's nuclear power plants**

**OUTGOING CORRESPONDENCE**

**None.**

EB/28

JIM WEBB  
VIRGINIA

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4024

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

# United States Senate

WASHINGTON, DC 20510-4605

April 15, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

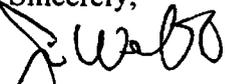
Dear Chairman Jaczko:

I write regarding the March 16, 2011 Nuclear Regulatory Commission (NRC) evacuation recommendation for U.S. residents within 50 miles of the Fukushima reactors. According to the NRC, this recommendation was issued under guidelines for public safety that would be used in the United States under similar circumstances.

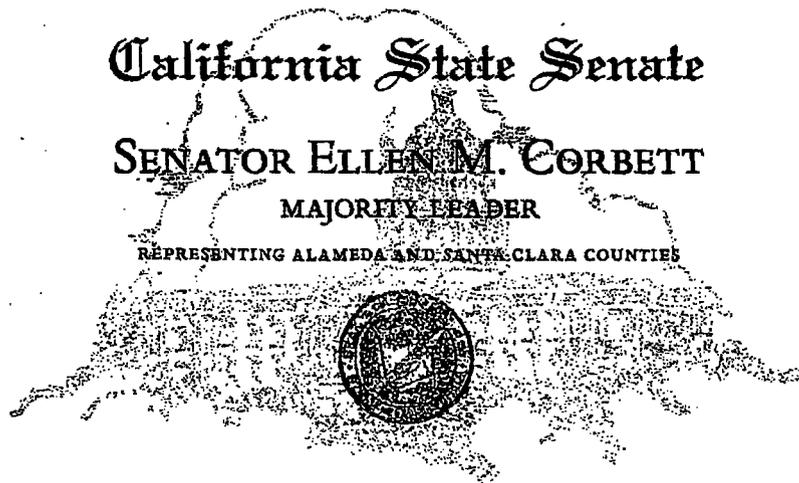
As this recommendation could have important implications for U.S. energy security, public health, and environmental protection, I respectfully request that you disclose all assumptions that were used in reaching this conclusion. In addition to any other relevant information, please address the following points:

- 1) The assumed magnitudes of the total releases (in Curies) to the atmosphere of the radioisotopes dominating the inhalation, cloudshine, and 4-day groundshine effective whole body doses and the thyroid inhalation doses;
- 2) The assumed duration of the releases;
- 3) The assumed wind speed and deposition velocities;
- 4) Any assumption concerning wind wander;
- 5) The height of the assumed release including any height increase of the mid-line of the plume due to heat buoyancy effects; and
- 6) The dose conversion factor that the NRC uses for Iodine-131 for converting exposure to airborne I-131 measured in Ci-seconds/m<sup>3</sup> exposure to thyroid doses in rem for adults and children of different ages.

I appreciate your prompt attention to this matter.

Sincerely,  
  
Jim Webb  
United States Senator

Outside of Scope



April 6, 2011

Gregory B. Jaczko, Chairman  
United States Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko:

On Monday, March 21, 2011, the California State Senate Select Committee on Earthquake and Disaster Preparedness, Response and Recovery held a hearing entitled, "The Japan Earthquake: The Impact and Lessons for California."

At this hearing we heard testimony that the Nuclear Regulatory Commission (NRC) does not include seismicity in the scope of review for relicensing nuclear power plants. As members of this committee, we are respectfully seeking an explanation as to why seismicity is not included in these reviews and requesting that the Commission consider the recommendations in the enclosed report of the California Energy Commission when conducting the safety review requested by President Obama.

In July 2007, a magnitude 6.8 earthquake in Japan rocked the Kashiwazaki Nuclear Power Plant, the largest nuclear plant in the world. The plant experienced ground motion nearly twice that which was anticipated when the plant was designed, resulting in minor radioactive leaks. The plant was immediately shut down and remained offline for two years. The cost resulting from this loss of power totals more than \$12 billion: \$6 billion in replacement fuel costs and \$6 billion in economic impacts. On March 11, the 9.0 magnitude Tohoku earthquake and related tsunami caused serious and life threatening damage to six nuclear reactors in Japan. Radiation has been emitted from the Fukushima Dai-ichi nuclear plant and there are still problems cooling the reactors and spent fuel.

After Japan, California is one of the most seismically active areas in the world to house Nuclear Power Plants. In fact your Commission has reported that the California nuclear plants are the only ones in the nation that are located in the "highest seismic hazard areas".

At Diablo Canyon Nuclear Power Plant there are two earthquake faults, the Hosgri fault and the newly discovered Shoreline fault. The Cristianitos fault is located in close proximity to

4/13...To EDO to Prepare Response for Chairman's Signature..Date due:  
May 6 .Cpy to: RF, SECY to Ack..11-0219 Chairman's Correspondence



Chairman Gregory B. Jaczko  
April 6, 2011  
Page 2

the San Onofre Nuclear Generating Station. It is clear that seismic activity must be taken into account to ensure our nuclear power plants are safe.

California is at a critical moment in its nuclear history. The NRC is currently reviewing an application from Pacific Gas & Electric to relicense Units 1 and 2 at Diablo Canyon Nuclear Power Plant. Current licenses expire in 2024 and 2025 respectively. Southern California Edison is expected to submit a license renewal application for Units 2 and 3 at San Onofre Nuclear Generating Station in 2012. The current licenses expire in 2022.

When California reactors were permitted in the late 1960's, little was known about offshore seismic faults. In fact, the NRC did not require either SCE or PG&E to look for active faults lying under our coastal waters. By the time San Onofre and Diablo Canyon applied for rate recovery there was one known active fault offshore at each reactor's site and cost overruns to meet revised NRC standards were over \$4 billion.

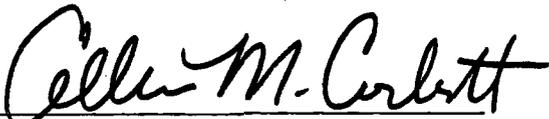
In 2008 the California Energy Commission report, required by Assembly Bill 1632, presented very clear warnings of potential seismic threats for both of California's nuclear plants. The report found that the San Onofre plant could experience "large and more frequent earthquakes than the maximum 7.0 magnitude earthquake predicted when the plant was designed."

In November 2008, the U.S. Geological Service discovered a previously unknown significant fault potentially running directly underneath Diablo Canyon Nuclear Power Plant. This new fault represents the second active fault in the immediate vicinity of the plant. The characteristics of the new fault, as well as its relationship with the first fault, are largely unknown as detailed seismic studies have yet to be completed. In particular, it is unclear if the Shoreline Fault intersects the Hosgri Fault, which is also located offshore of Diablo Canyon. An intersection of the faults could significantly alter previously held assumptions about potential seismic activity and the threat to Diablo Canyon Nuclear Power Plant.

In light of the recent tragedy in Japan and much of the evidence about the seismic issues surrounding California's nuclear power plants, we the undersigned respectfully request the NRC take all necessary steps possible to protect California by ensuring the safety of our nuclear power plants.

We greatly appreciate your consideration of this request and look forward to your response.

Sincerely,

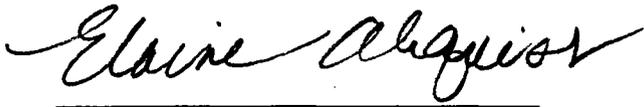


ELLEN M. CORBETT, Chair  
Senate Select Committee on  
Earthquake and Disaster Preparedness,  
Response, Recovery



CHRISTINE KEHOE  
Senator, District 39

Chairman Gregory B. Jaczko  
April 6, 2011  
Page 3



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ELAINE KONTOMINAS ALQUIST  
Senator, District 13



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SAM BLAKESLEE, Ph.D.  
Senator, District 15



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LONI HANCOCK  
Senator, District 9



---

MARK LENO  
Senator, District 3



---

ALAN LOWENTHAL  
Senator, District 27

Enclosure

CC: United States Senator Dianne Feinstein  
United States Senator Barbara Boxer  
California Congressional Delegation

**From:** Chamo, Billie  
**To:** Commission E-Reader Distribution; E-Reader Distribution  
**Subject:** COMMISSION E-READER.....WEDNESDAY...APRIL 20, 2011  
**Date:** Wednesday, April 20, 2011 10:29:58 AM  
**Attachments:** Tab A Landrieu - 04-19-11.doc  
Tab B  
Tab C Outside of Scope  
Tab D  
Tab E

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**April 20, 2011**

**INCOMING CORRESPONDENCE**

**Tab "A" 04/19/11 -- Questions for the record propounded by Sen. Mary Landrieu from the March 30, 2011 hearing on nuclear safety.**

**Tab "B"**

**Tab "C"**

Outside of Scope

**OUTGOING CORRESPONDENCE**

**Tab "D"**

**Tab "E"**

Outside of Scope

EB/29

**QUESTIONS FOR THE RECORD  
FOR THE NUCLEAR REGULATORY COMMISSION  
PROPOUNDED BY SENATOR MARY LANDRIEU  
SENATE APPROPRIATIONS SUBCOMMITTEE ON  
ENERGY AND WATER DEVELOPMENT  
Hearing on Nuclear Safety  
March 30, 2011**

1. What has and will the U.S. Nuclear Regulatory Commission do to ensure that our U.S. reactors are safe and are prepared for the worst case scenario?
2. I know that 23 of the U.S. reactors are a General Electric Mark I design, the same design at the Fukushima Daiichi facility in Japan. Yet, I believe each of these 23 facilities has been retrofitted and modified to address venting and other concerns with this reactor design. Can you please walk me through why the modifications were needed at the U.S. facilities? Can you confirm that all of these reactors have been modified? Does this make our reactors safer than the reactors in Japan?
3. I am told that in the upcoming year, two of the five NRC Commissioners will be up for replacement. Given the events that have taken place over the past month, and the number of U.S. nuclear facilities that will need renewal licenses, can you please speak to the importance of having a full panel as the NRC moves forward to tackle these issues?

Outside of Scope

---

**From:** Powell, Amy  
**Sent:** Monday, April 25, 2011 7:53 AM  
**To:** Virgilio, Martin; Schmidt, Rebecca  
**Cc:** Decker, David  
**Subject:** RE: COMMISSION E-READER...THURSDAY, APRIL 21, 2011

Thanks Marty – David Decker is reaching out to her staff to set up a cybersecurity briefing in following up to her expressed interest.

Amy

---

**From:** Virgilio, Martin  
**Sent:** Friday, April 22, 2011 2:52 PM  
**To:** Powell, Amy; Schmidt, Rebecca  
**Subject:** FW: COMMISSION E-READER...THURSDAY, APRIL 21, 2011

Please let us know if we need to have a follow up meeting with her (Milkulski's) staff on cyber security issues. I believe her interest was on both protecting NRC and protecting NRC licensees.

Marty

---

**From:** Champ, Billie  
**Sent:** Thursday, April 21, 2011 11:39 AM  
**To:** Commission E-Reader Distribution; E-Reader Distribution  
**Subject:** COMMISSION E-READER...THURSDAY, APRIL 21, 2011

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April 21, 2011

**INCOMING CORRESPONDENCE**

Tab "A" 04/20/11 -- Letter from Sen. Barbara Mikulski, expresses thanks for the support given to Japan during the nuclear crisis and continued efforts to keep domestic plants safe.

Tab "B" 04/20/11 -- Letter from Sen. Diane Feinstein, concerns elements of a nuclear power plant's "design basis" within the relicensing process.

EB/30

Tab "C" 04/14/11 -- Letter from Bob Huff, concerns the California State Senate Select Committee on Earthquake and Disaster Preparedness, Response, and Recovery hearing entitled "The Japan Earthquake: The Impact and Lessons for California."

**OUTGOING CORRESPONDENCE**

Tab "D"

Outside of Scope

**United States Senate**  
WASHINGTON, DC 20510-2003

April 20, 2011

The Honorable Gregory Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Jaczko,

Thank you once again to you and your staff for the outstanding visit on Monday. The wealth of knowledge displayed by your team was highly impressive. The informative briefing and operations center tour were top-notch, and I greatly appreciated the opportunity to learn more about the fantastic work being done by the staff at the Nuclear Regulatory Commission each day.

The NRC is being relied upon to provide support and guidance during the nuclear crisis in Japan, and is working hard to keep domestic plants safe right here in our backyard. The essential work of these federal employees is paramount as we work to ensure a safe energy future. They are working around the clock and deserve the utmost appreciation for their service.

Please thank the staff once again for all that they do. They have my sincere gratitude.

Sincerely,



Barbara A. Mikulski  
United States Senator

PATRICK J. LEAHY, VERMONT  
TOM HARKIN, IOWA  
BARBARA A. MIKULSKI, MARYLAND  
HERB HOHL, WISCONSIN  
PATTY MURRAY, WASHINGTON  
DIANNE FEINSTEIN, CALIFORNIA  
RICHARD J. DURBIN, ILLINOIS  
TIM JOHNSON, SOUTH DAKOTA  
MARY L. LANDRIEU, LOUISIANA  
JACK REED, RHODE ISLAND  
FRANK R. LAUTENBERG, NEW JERSEY  
BEN NELSON, NEBRASKA  
MARK PRYOR, ARKANSAS  
JON TESTER, MONTANA  
SHERROD BROWN, OHIO

MITCH McCONNELL, KENTUCKY  
RICHARD C. SHELBY, ALABAMA  
KAY BAILEY HUTCHISON, TEXAS  
LAMAR ALEXANDER, TENNESSEE  
SUSAN COLLINS, MAINE  
LISA MURKOWSKI, ALASKA  
LINDSEY GRAHAM, SOUTH CAROLINA  
MARK KIRK, ILLINOIS  
DANIEL COATS, INDIANA  
ROY BLUNT, MISSOURI  
JERRY MORAN, KANSAS  
JOHN HOEVEN, NORTH DAKOTA  
RON JOHNSON, WISCONSIN

## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

CHARLES J. HOUY, STAFF DIRECTOR  
BRUCE EVANS, MINORITY STAFF DIRECTOR

April 20, 2011

The Honorable Gregory Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Jaczko:

I am writing to request that the Nuclear Regulatory Commission (NRC) begin examining seismic and tsunami hazards, operational issues, plant security, emergency preparedness, spent fuel storage options and other elements of a nuclear power plant's "design basis" within the scope of the relicensing process.

The current relicensing process is focused entirely on identifying and managing the detrimental effects of aging plant facilities. The process does not reevaluate the threat assessment that formed the basis of the plant's original design.

I believe that our understanding of many threats – especially seismic threats, tsunami threats, spent fuel risks, and terrorist threats – has improved dramatically since most nuclear power plants were originally designed and licensed thirty or more years ago. Relicensing these facilities offers a unique opportunity to review the original assessment of potential threats, in order to ensure that a facility is designed to endure all threats safely.

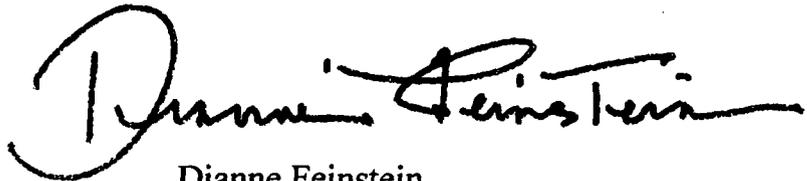
I appreciate that the NRC continuously reviews threats, and has required upgrades to address newly understood concerns outside of the relicensing process. For instance, the Commission issued rules to lower the risk of hydrogen explosions when this threat was identified in the 1980s. However, the ongoing assessment process places the burden of proof on the NRC to demonstrate that a design or operational modification of a fully

licensed facility is necessary. In contrast, the relicensing process would place the burden of proof on the facility to demonstrate that it is designed to endure and survive all potential threats.

Recent events demonstrate that thirty year old threat assessments can be devastatingly inaccurate. In Japan there have been two earthquakes in four years that exceeded the "design basis" of nuclear plants. In California, researchers have recently found new faults close to nuclear power plants, and tsunami experts have learned that submarine landslides can generate local tsunamis far larger than previously believed. Finally, recent research has demonstrated the susceptibility of storing radioactive spent fuel in densely packed pools. These new threats logically should be considered in a relicensing process, just as they would be in the licensing of a new nuclear power plant in the United States.

I strongly encourage the NRC to modify its relicensing policies in order to assure a full reexamination of design basis elements, including seismic and tsunami hazards, operational issues, plant security, emergency preparedness, and spent fuel storage options. If you have any questions or concerns about this request, please do not hesitate to contact me. I look forward to working with you to ensure that the United States has the world's safest nuclear industry.

Sincerely,

A handwritten signature in black ink, reading "Dianne Feinstein". The signature is written in a cursive style with a large initial "D".

Dianne Feinstein  
Chairman  
Subcommittee on Energy and Water  
Development

DF/mbn

CAPITOL OFFICE  
STATE CAPITOL, ROOM 5097  
SACRAMENTO, CA 95814  
TEL (916) 651-4029  
FAX (916) 324-0922

DISTRICT OFFICE  
20888 AMAR RD., SUITE 205  
WALNUT, CA 91789  
TEL (909) 598-3981  
FAX (909) 598-6459

WEB  
WWW.SENATE.CA.GOV/HUFF

# California State Senate

SENATOR  
BOB HUFF

REPUBLICAN CAUCUS CHAIRMAN  
TWENTY-NINTH SENATE DISTRICT

COMMITTEES  
BUDGET AND FISCAL REVIEW  
VICE-CHAIR  
GOVERNANCE AND FINANCE  
VICE-CHAIR  
EDUCATION  
TRANSPORTATION  
AND HOUSING



April 14, 2011

Chairman Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko:

On Monday, March 21, 2011, the California State Senate Select Committee on Earthquake and Disaster Preparedness, Response and Recovery held a hearing entitled, *The Japan Earthquake: The Impact and Lessons for California*.

At this hearing we heard testimony that the Nuclear Regulatory Commission (NRC) does not include seismicity in the scope of review for relicensing nuclear power plants. Yet, as of April 5, 2011, the commission's website states:

The agency requires plant designs to withstand the effects of natural phenomena including earthquakes (i.e., seismic events). The agency's requirements, including General Design Criteria for licensing a plant, are described in Title 10 of the *Code of Federal Regulations* (10 CFR). These license requirements include traditional engineering practices such as "safety margins." Practices such as these add an extra element of safety into design, construction, and operations.

The NRC has always required licensees to design, operate, and maintain safety-significant structures, systems, and components to withstand the effects of earthquakes and to maintain the capability to perform their intended safety functions. The agency ensures these requirements are satisfied through the licensing, reactor oversight, and enforcement processes.

The website also says:

The licensing bases for existing nuclear power plants are based on historical data at each site. This data is used to determine design basis loads from the area's maximum credible earthquake, with an additional margin included. The NRC also requires existing plants to assess their potential vulnerability to earthquake events, including those that might exceed the design basis, as part of the Individual Plant Examination of External Events Program. This process examines the available

safety margins of existing plants for various earthquakes and ensures these margins, together with the plant's accident management programs, continue to protect public health and safety.

Today, the NRC utilizes a risk-informed regulatory approach, including insights from probabilistic assessments and traditional deterministic engineering methods to make regulatory decisions about existing plants (e.g., licensing amendment decisions). Any new nuclear plant the NRC licenses will use a probabilistic, performance-based approach to establish the plant's seismic hazard and the seismic loads for the plant's design basis.

Therefore, as a member of this committee, I am respectfully seeking answers to the following:

1. Is seismicity included in the scope of review for relicensing? If not, why?
2. Are the seismic safety standards for relicensing an existing nuclear power plant lower than the seismic safety standards for licensing a new nuclear power plant?
3. Must a licensed (or relicensed) operator continue to meet all conditions during the previous licensing (or relicensing) process in order to continue operating under the license?
4. Does the commission already have the authority to suspend or terminate a nuclear power plant's license at any time based purely on the seismic threat? Or is the commission limited to addressing seismic concerns only during the relicensing process?
5. How sufficient are a power plant's NRC-mandated ongoing seismic programs in supporting the informational, decision-making needs of a nuclear power plant's relicensing process? Is additional seismic information required or desirable to support relicensing?

In July 2007, a magnitude 6.8 earthquake in Japan rocked the Kashiwazaki Nuclear Power Plant, the largest nuclear plant in the world. The plant experienced ground motion nearly twice that which was anticipated when the plant was designed, resulting in minor radioactive leaks. The plant was immediately shut down and remained offline for two years. The cost resulting from this loss of power totals more than \$12 billion; \$6 billion in replacement fuel costs and \$6 billion in economic impacts. On March 11, the 9.0 magnitude Tohoku earthquake and related tsunami caused serious and life threatening damage to six nuclear reactors in Japan. Radiation has been emitted from the Fukushima Dai-ichi nuclear plant and there are still problems cooling the reactors and spent fuel.

After Japan, California is one of the most seismically active areas in the world to house Nuclear Power Plants. In fact your commission has reported that the California nuclear plants are the only ones in the nation that are located in the "highest seismic hazard areas". At Diablo Canyon Nuclear Power Plant there are two earthquake faults, the Hosgri fault and the newly discovered Shoreline fault. The Cristianitos fault is located in

close proximity to the San Onofre Nuclear Generating Station. It is clear that seismic activity must be taken into account to ensure our nuclear power plants are safe.

California is at a critical moment in its nuclear history. The NRC is currently reviewing an application from Pacific Gas & Electric to relicense Units 1 and 2 at Diablo Canyon Nuclear Power Plant. Current licenses expire on 2024 and 2025 respectively. Southern California Edison is expected to submit a license renewal application for Units 2 and 3 at San Onofre Nuclear Generating Station in 2012. The current licenses expire in 2022.

When California reactors were permitted in the late 1960's, little was known about offshore seismic faults. In fact, the NRC did not require either SCE or PG&E to look for active faults lying under our coastal waters. By the time San Onofre and Diablo Canyon applied for rate recovery there was one known active fault offshore at each reactor's site and cost overruns to meet revised NRC standards were over \$4 billion.

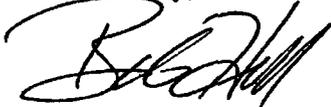
In 2008 the California Energy Commission report, required by Assembly Bill 1632, presented very clear warnings of potential seismic threats for both of California's nuclear plants. The report found that the San Onofre plant could experience "large and more frequent earthquakes than the maximum 7.0 magnitude earthquake predicted when the plant was designed."

In November 2008, the U.S. Geological Service discovered a previously unknown significant fault potentially running directly underneath Diablo Canyon Nuclear Power Plant. This new fault represents the second active fault in the immediate vicinity of the plant. The characteristics of the new fault, as well as its relationship with the first fault, are largely unknown as detailed seismic studies have yet to be completed. In particular, it is unclear if the Shoreline Fault intersects the Hosgri Fault, which is also located offshore of Diablo Canyon. An intersection of the faults could significantly alter previously held assumptions about potential seismic activity and the threat to Diablo Canyon Nuclear Power Plant.

In light of the recent tragedy in Japan and much of the evidence about the seismic issues surrounding California's nuclear power plants, I respectfully request the NRC take all necessary steps possible to protect California by ensuring the safety of our nuclear power plants.

I greatly appreciate your consideration of this request and look forward to your response.

Sincerely,



BOB HUFF  
Senator, 29<sup>th</sup> District

Outside of Scope

Tab D  
EB/30

Outside of Scope

Outside of Scope

Outside of Scope

Outside of Scope

**Schaperow, Jason**

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**From:** Schaperow, Jason  
**Sent:** Monday, April 04, 2011 12:51 PM  
**To:** Milligan, Patricia  
**Subject:** FW: IAEA Source Term data  
**Attachments:** Source term for march 26 with basis .docx

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

**From:** Tinkler, Charles  
**Sent:** Wednesday, March 30, 2011 10:36 AM  
**To:** Schaperow, Jason  
**Subject:** FW: IAEA Source Term data

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

**From:** PMT01 Hoc  
**Sent:** Wednesday, March 30, 2011 9:47 AM  
**To:** Esmaili, Hossein; Tinkler, Charles  
**Cc:** Lee, Richard  
**Subject:** FYI: IAEA Source Term data

Hossein and Charlie,

Forwarding you an IAEA source term estimate, FYI.

Tony Huffert  
Rich Clement  
PMT- NRC Ops Center  
301-816-5402

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

**From:** Shaffer, Mark R [<mailto:ShafferMr@state.gov>]  
**Sent:** Wednesday, March 30, 2011 6:23 AM  
**To:** Szymanski, John  
**Cc:** LIA02 Hoc; LIA03 Hoc; Schwartzman, Jennifer  
**Subject:** IAEA Source Term data

Mr. Szymanski:

I spoke with Mr. Jim Lyons, IAEA's Director for the Division of Nuclear Installation Safety, regarding your question. He provide me with the response below, as well as the attached document which summarizes the source term assumptions. Hope this helps.

-Mark

////////////////////////////////////  
////////////////////////////////////

**From:** [J.Lyons@iaea.org](mailto:J.Lyons@iaea.org) [<mailto:J.Lyons@iaea.org>]

EB/31

Sent: Wednesday, March 30, 2011 11:47 AM  
To: Shaffer, Mark R  
Subject: Source term for march 26 with basis .docx

Mark,

(b)(4),(b)(5)

Jim

This email is UNCLASSIFIED

(b)(4),(b)(5)

(b)(4),(b)(5)

**From:** [Riley \(OCA\), Timothy](mailto:Riley.OCA.Timothy)  
**To:** "[annie\\_caputo@epw.senate.gov](mailto:annie_caputo@epw.senate.gov)"  
**Subject:** Re: Public Meeting, FAQs and Daily phone Briefing  
**Date:** Monday, March 21, 2011 9:35:20 AM

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We had to host the calls out of the Emergency Ops Center over the weekend because our normal teleconference line hadn't been reserved for Sat/Sun. We're back onto the larger teleconference line.

Sent from an NRC Blackberry.  
Tim Riley

(b)(6)

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**From:** Caputo, Annie (EPW) <[Annie\\_Caputo@epw.senate.gov](mailto:Annie_Caputo@epw.senate.gov)>  
**To:** Riley (OCA), Timothy  
**Sent:** Mon Mar 21 09:31:33 2011  
**Subject:** RE: Public Meeting, FAQs and Daily phone Briefing

And are you sure that the call in number is the same? It was different yesterday.

**From:** Riley (OCA), Timothy [<mailto:Timothy.RileyOCA@nrc.gov>]  
**Sent:** Monday, March 21, 2011 8:59 AM  
**To:** Riley (OCA), Timothy  
**Subject:** NRC: Public Meeting, FAQs and Daily phone Briefing

The Nuclear Regulatory Commission has posted a series of updated seismic and tsunami questions and answers on its website. The [Q&A](#) provides basic information on earthquakes and tsunamis, details on U.S. nuclear power plant seismic design and an explanation of NRC's recent study on earthquake risk. Other NRC information related to the March 11 earthquake and tsunami is available at <http://www.nrc.gov/japan/japan-info.html>.

The Commission is holding a public meeting **this morning at 9am** to discuss the NRC response to recent nuclear events in Japan. Meeting information, including slides and webcast information, are available via our [public meetings page](#).

The NRC will continue to conduct a phone briefing **at 3pm daily** to address domestic concerns following events in Japan.

Dial-in information for the call Monday-Friday:

Dial-in: 1-800-593-7189  
Participant passcode: (b)(6)

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission

EB/32

---

Office of Congressional Affairs

Phone: 301-415-8492

Blackberry: (b)(6)

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Bcc:** "abigail.pinkete@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6) "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Caruto@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina.Poirer@epw.senate.gov"; (b)(6) "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian.Clifford@barrasso.senate.gov"; "bryan.zumwalt@vitter.senate.gov";  
"Carrie.Apostolou@apro.senate.gov"; "Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov";  
(b)(6) "christopher.griffin@lieberman.senate.gov";  
"conrad.schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis.Swager@alexander.senate.gov";  
"darren.springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov";  
(b)(6) "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.cradock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hil.thomas@mail.house.gov"; "ilva.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie.Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"  
**Subject:** Press Release: NUCLEAR REGULATORY COMMISSION DIRECTS STAFF ON CONTINUING AGENCY RESPONSE TO JAPAN EVENTS; ADJUSTS COMMISSION SCHEDULE  
**Date:** Wednesday, March 23, 2011 5:36:00 PM  
**Attachments:** 11-055.docx

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Please see attached press release.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/33

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Droggitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane, Raeann  
**Bcc:** Abby Pinkele; "Alison Cassidy"; annie\_caputo@epw.senate.gov; "Brian Cliford (Barrasso)"; "Chris Sarley"; "David McCarthy"; "Greg Dotson"; isaac.edwards@energy.senate.gov; jeff.baran@mail.house.gov; John Marshall; jonathan\_epstein@bingaman.senate.gov; karen\_billups@energy.senate.gov; "Kathy Dedrick"; laura\_haynes@carper.senate.gov; "Mary Neumayr"; "Maryam Brown"; michael.beckerman@mail.house.gov; "Ruth Van Mark"; sam\_fowler@energy.senate.gov; "Terrance Horner"; adam\_christensen@feinstein.senate.gov; (b)(6); ali\_nouri@webb.senate.gov; andrew.wallace@tomudall.senate.gov; "Andy.Zach@mail.house.gov"; ashley.martin@mail.house.gov; avneel.joseph@mail.house.gov; "ben\_dunham@lautenberg.senate.gov"; "Ben\_Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov"; "Bettina\_Poirier@epw.senate.gov"; (b)(6); Bob.Schwalbach@mail.house.gov; bob\_simon@energy.senate.gov; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov"; "Brian\_Clifford@barrasso.senate.gov"; "bryan\_zumwalt@vitter.senate.gov"; "Carnie\_Apostolou@appro.senate.gov"; "Chris\_Carrillo@Feinstein.senate.gov"; "chris\_miller@reid.senate.gov"; (b)(6); christopher\_griffin@lieberman.senate.gov; "conrad\_schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis\_Swaner@alexander.senate.gov"; "darren\_springer@sanders.senate.gov"; "Doug\_Clapp@appro.senate.gov"; (b)(6); elissa.levin@mail.house.gov; "elizabeth.mortenson@mail.house.gov"; "elizabeth\_craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov"; "ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov"; "hill.thomas@mail.house.gov"; "Ilya.fischhoff@mail.house.gov"; "James.decker@mail.house.gov"; "Jamie\_Long@whitehouse.senate.gov"; "Janine.Benner@mail.house.gov"; "Jared\_brown@hatch.senate.gov"; "jasmine\_hunt@durbin.senate.gov"; "Jay.Cranford@mail.house.gov"; "jeanette\_lyman@tomudall.senate.gov"; "jen.stewart@mail.house.gov"; "jeremiah.baumann@merkley.senate.gov"; "jesse.lashbrook@mail.house.gov"; "Jessica\_Smith@crapo.senate.gov"; "Jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov"; "John.Billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov"; "jonathan.levenshush@mail.house.gov"; "jonathan.phillips@mail.house.gov"; "Jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov"; "jt.jezierski@mail.house.gov"; "karen.wayland@mail.house.gov"; "Katherine\_Field@Feinstein.senate.gov"; "katie.murtha@mail.house.gov"; "katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov"; "laurel.angell@mail.house.gov"; "lee.lilley@mail.house.gov"; "lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6); "Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov"; "mary.frances.repko@mail.house.gov"; "marybeth\_schultz@hsgac.senate.gov"; "matthew.kaplan@mail.house.gov"; "megan.bel@mail.house.gov"; "michael.biagi@mail.house.gov"; "michael.weems@mail.house.gov"; "michael.freedhoff@mail.house.gov"; "mike\_burke@cardin.senate.gov"; "natalie.farr@mail.house.gov"; "nathan.rea@mail.house.gov"; "Neena\_Imam@alexander.senate.gov"; "neil.chatterjee@mcconnell.senate.gov"; "pablo.curan@mail.house.gov"; "Patrick\_Lehman@johanns.senate.gov"; "Peter.Spencer@mail.house.gov"; "Phillip\_Moore@boozman.senate.gov"; "Rob.Blair@mail.house.gov"; "ryan.tracy@mail.house.gov"; "Sandra\_Luff@sessions.senate.gov"; "sarah.neimeyer@durbin.senate.gov"; "Scott.Tranter@mail.house.gov"; "shane.skellon@mail.house.gov"; "Shea\_Loper@barrasso.senate.gov"; (b)(6); "shimmy.stein@mail.house.gov"; "taunja.berquam@mail.house.gov"; "tuley.wright@mail.house.gov"; "Tyler\_Owens@appro.senate.gov"; "vance\_serchuk@hsgac.senate.gov"; "vic.edgerton@mail.house.gov"; "will.hupman@mail.house.gov"; "wyndee.parker@mail.house.gov"; "Mitchell.Vakerics@mail.house.gov"; "christopher.king@mail.house.gov"; "Alexander\_McDonough@reid.senate.gov"; "Jaime\_shimek@murray.senate.gov"; "Brendon\_Plack@rc.senate.gov"; "Dan.Pearson@mail.house.gov"; "john.ohly@mail.house.gov"; "Erin.Alexander@mail.house.gov"; "keith.barnicle@mail.house.gov"; "Franz@coons.senate.gov"; "erick\_lutt@benneison.senate.gov"; "Greg.Dotson@mail.house.gov"; "Alison.Cassady@mail.house.gov"; "diane.berry@mail.house.gov"; "Jeff\_Wood@sessions.senate.gov"; "Grantz, Brad"  
**Subject:** 06/15/11 9:30am Webcast: Briefing on the Progress of the Task Force Review of NRC Processes and Regulations Following Events in Japan  
**Date:** Wednesday, June 15, 2011 8:27:00 AM

The Nuclear Regulatory Commission will be holding a public meeting this morning to receive an update from the task force that is examining the agency's regulatory requirements, programs, processes, and implementation in light of information from the Fukushima Daiichi site in Japan, following the March 11 earthquake and tsunami. A webcast of the meeting will be available [here](#). More information about the task force is available [here](#).

**BRIEFING ON THE PROGRESS OF THE TASK FORCE REVIEW OF NRC PROCESSES AND REGULATIONS FOLLOWING THE EVENTS IN JAPAN**

EB/34

**Purpose:** To provide the Commission a 60-day status report on the task force's review of NRC processes and regulations and identify issues for agency action, if any.

**Scheduled:** June 15, 2011 at 9:30 am

**Duration:** Approx. 2 hours

**Agenda:**

**Presentation: 60-day status of the task force review (50 mins.\*)**

**Bill Borchardt**, Executive Director for Operations

**Marty Virgilio**, Deputy Executive Director for Reactor and Preparedness Programs

**Charlie Miller**, Director, Office of Federal and State Materials and Environmental Management Programs and Chair of the Task Force

[Note: The other task force members will be seated in the well.]

\*For presentation only and does not include time for Commission Q & A's.

**Commission Q & A 50 mins.**

**Discussion – Wrap-up 5 mins.**

Timothy Riley

Congressional Affairs Officer

U. S. Nuclear Regulatory Commission

Office of Congressional Affairs

Phone: 301-415-8492

(b)(6)

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Droogitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane, Raeann  
**Bcc:** "Bettina Poirier@epw.senate.gov"; "kathy dedrck@epw.senate.gov"; "ruth vanmark@epw.senate.gov";  
"annie\_caputo@epw.senate.gov"; "laura\_haynes@carper.senate.gov"; "Brian\_Clifford@barrasso.senate.gov";  
"michael.beckerman@mail.house.gov"; "jeff.baran@mail.house.gov"; "maryam.brown@mail.house.gov";  
"david.mccarthy@mail.house.gov"; "JohnM@mail.house.gov"; "abigail.pinkele@mail.house.gov";  
"Tawnia.berquam@mail.house.gov"; "Doug\_clapp@appro.senate.gov"; "Rob.blair@mail.house.gov";  
"Carrie\_apostolou@appro.senate.gov"; "michal.freedhoff@mail.house.gov"  
**Subject:** USNRC Emergency Operations Center Status Update 070611  
**Date:** Wednesday, July 06, 2011 12:07:00 PM  
**Attachments:** USNRC Earthquake-Tsunami Update 070611 1200 EDT.PDF  
Attachment - NRC Daily Assessment of Daiichi 070611.pdf

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Good Morning,

Attached is the Status Update for Wednesday, July 6, 2011. There were no changes since the previous status update.

**Important:** With conditions at Fukushima Daiichi stabilizing and progress being made on the Roadmap, the NRC has determined that it is time to reassess the frequency of our issuance of the Status Update. Since the March 11<sup>th</sup> earthquake and tsunami, the NRC has reported nearly daily on the conditions at the site, including efforts by TEPCO and the Government of Japan (GOJ) to reach stability, and the NRC's support activities. Over the last few weeks, the GOJ and TEPCO have continued to make progress on implementing the Roadmap. The efforts in the Roadmap are key milestones toward site stability and, as such, require substantial engineering and scientific work to implement. Accordingly, the combination of relatively static site conditions and measured progress on the Roadmap have resulted in minimal changes to the Status Update over the last few weeks. Therefore, **the NRC is discontinuing daily issuance of the Status Update.** This does not change the NRC's commitment to the continued support the U.S. Embassy in Japan and the GOJ. **The NRC will continue to monitor conditions at Fukushima Daiichi, including progress on the Roadmap, and will issue updates to the Status Update whenever there is a significant item of interest to report.**

~~NOTE. THE ATTACHED IS FOR OFFICIAL USE ONLY\*\*\*\*\*~~

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/35

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov";  
**Cc:** Amy Powell; David Decker; Droggitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane, Raean  
**Bcc:** "abigail.pinkele@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6); "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@gillibrand.senate.gov"; "Beth.Oshome@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina.Poirier@epw.senate.gov"; (b)(6); "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian.Clifford@barrasso.senate.gov"; "bryan.zumwalt@vitter.senate.gov";  
"Carrie.Arosimou@apro.senate.gov"; "Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov";  
(b)(6); "christopher.griffin@lieberman.senate.gov";  
"conrad.schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis.Swager@alexander.senate.gov";  
"darren.springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov";  
(b)(6); "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.cradock@landreu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "Ilya.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie.Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jav.cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah.baumann@merkle.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica.Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshus@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan.Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"jt.jezierski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Katherine.Field@Feinstein.senate.gov"; "Kathy.Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"Laura.Haynes@carper.senate.gov"; "laurel.angell@mail.house.gov"; "lee.lillev@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6);  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelrand@mail.house.gov";  
"mary.frances.repko@mail.house.gov";

**Subject:** Press Release: NRC'S Japan Task Force Report  
**Date:** Wednesday, July 13, 2011 8:49:00 AM  
**Attachments:** 11-127.docx

Please see the attached press release about the 90-day report: NRC'S Japan Task Force Recommends Changes to Defense in Depth Measures at Nuclear Plants; Cites Station Blackout, Seismic, Flooding and Spent Fuel Pools as Areas for Improvement

**Note:** links to the full report will not become active until shortly after 9:30 am.

Reminder: On July 19 at 9:30am there will be a Commission Briefing on the Task Force Review of NRC Processes and Regulations Following Events in Japan. This public meeting will be webcast.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/36



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs Telephone: 301/415-8200

Washington, D.C. 20555-0001

E-mail: [opa\\_resource@nrc.gov](mailto:opa_resource@nrc.gov) Site: [www.nrc.gov](http://www.nrc.gov)

Blog: <http://public-blog.nrc-gateway.gov>

No. 11-127

July 13, 2011

## **NRC'S JAPAN TASK FORCE RECOMMENDS CHANGES TO DEFENSE IN DEPTH MEASURES AT NUCLEAR PLANTS; CITES STATION BLACKOUT, SEISMIC, FLOODING AND SPENT FUEL POOLS AS AREAS FOR IMPROVEMENT**

The Nuclear Regulatory Commission's Japan Task Force has proposed improvements in areas ranging from loss of power to earthquakes, flooding, spent fuel pools, venting and preparedness, and said a "patchwork of regulatory requirements" developed "piece-by-piece over the decades" should be replaced with a "logical, systematic and coherent regulatory framework" to further bolster reactor safety in the United States.

The report has been given to the five members of the Nuclear Regulatory Commission, who are responsible for making decisions regarding the Task Force's recommendations.

While declaring that "a sequence of events like the Fukushima accident is unlikely to occur in the United States" and that plants can be operated safely, the Task Force also recognized that "an accident involving core damage and uncontrolled release of radioactivity to the environment, even one without significant health consequences, is inherently unacceptable." Thus, the Task Force developed a comprehensive set of 12 recommendations -- many with both short and long term elements -- to increase safety and redefine what level of protection of public health is regarded as adequate. It also recommended additional study of some issues.

"Our recommendations are grouped into four areas beyond the overarching suggestion to clarify the agency's regulatory framework," said Charles Miller, an NRC veteran who was about to retire when tapped to lead the review team. "We looked at ensuring protection, enhancing accident mitigation, strengthening emergency preparedness and improving the efficiency of NRC programs. The independence given our team was outstanding. Everything was on the table and we felt free to take a holistic approach to these key subjects."

"We asked the Japan Task Force to undertake a systematic and methodical review of our processes and regulations to determine if the Commission should make additional improvements in our regulations and to give us recommendations for policy direction. This comprehensive report fulfills that charter," said NRC Chairman Gregory Jaczko. "I am proud of the diligence and dedication of the Task Force and look forward to working with my fellow commissioners to respond to these recommendations."

On July 19 the Commission will meet to hear from Miller and his team, and pose questions about their nearly four-month effort. On July 28 the Task Force will hold a public meeting to discuss the report, and members will appear before the Advisory Committee on Reactor Safeguards on Aug. 17. Additional meetings may be scheduled to seek public input on the recommendations.

The report noted that the current NRC approach to regulation includes requirements for protection and mitigation of design-basis events, requirements for some “beyond-design-basis” events through regulations, and voluntary industry initiatives to address severe accident issues.

“This regulatory approach, established and supplemented piece-by-piece over the decades, has addressed many safety concerns and issues, using the best information and techniques available at the time. The result is a patchwork of regulatory requirements and other safety initiatives, all important, but not given equivalent consideration and treatment by licensees or during NRC technical review and inspection. Consistent with the NRC’s organizational value of excellence, the Task Force believes that improving the NRC’s regulatory framework is an appropriate, realistic and achievable goal,” said the report.

The authors added, “Continued operation and continued licensing activities do not pose an imminent risk to public health and safety. However, the Task Force also concludes that a more balanced application of the Commission’s defense-in-depth philosophy using risk insights would provide an enhanced regulatory framework that is logical, systematic, coherent and better understood. Such a framework would support appropriate requirements for increased capability to address events of low likelihood and high consequence, thus significantly enhancing safety.”

By recommending a more “coherent regulatory framework for adequate protection that appropriately balances defense-in-depth and risk considerations,” the report recommends:

- Requiring plants to reevaluate and upgrade as necessary their design-basis seismic and flooding protection of structures, systems and components for each operating reactor and reconfirm that design basis every 10 years;
- Strengthening Station Black Out (SBO) mitigation capability for existing and new reactors for design-basis and beyond-design-basis natural events – such as floods, hurricanes, earthquakes, tornadoes or tsunamis – with a rule to set minimum coping time without offsite or onsite AC power at 8 hours; establishing equipment, procedures and training to keep the core and spent fuel pool cool at least 72 hours; and preplanning and pre-staging offsite resources to be delivered to the site to support uninterrupted core and pool cooling and coolant system and containment integrity as needed;
- Requiring that facility emergency plans address prolonged station blackouts and events involving multiple reactors;
- Requiring additional instrumentation and seismically protected systems to provide additional cooling water to spent fuel pools if necessary; and requiring at least one system of electrical power to operate spent fuel pool instrumentation and pumps at all times. The Task Force noted it will take some time for a full understanding of the sequence of events and condition of the spent fuel pools. The report said based on information available to date the two most cogent insights related to the availability of pool instrumentation and the plant’s capability for cooling and water inventory management;

- Requiring reliable hardened vent designs in boiling water reactors (BWRs) with Mark I and Mark II containments;
- Strengthening and integrating onsite emergency response capabilities such as emergency operating procedures, severe accident management guidelines and extensive damage mitigation guidelines;
- Identifying, as part of the longer term review, insights about hydrogen control and mitigation inside containment or in other buildings as more is learned about the Fukushima accident;
- Evaluating, as part of the longer term review, potential enhancements to prevent or mitigate seismically induced fires or floods;
- Pursuing, as part of the longer term review, additional emergency preparedness topics related to SBO and multiunit events;
- Pursuing, as part of the longer term review, emergency preparedness topics on decision making, radiation monitoring and public education;
- Strengthened regulatory oversight of plant safety performance – the NRC’s Reactor Oversight Process by which plants are monitored on a daily basis – by focusing more attention on defense-in-depth requirements.

The report also acknowledged work on flooding and seismic issues under way at the NRC before the March 11 Fukushima event. The short-term review will be followed by a longer term review with a report with recommendations for the Commission’s consideration within six months.

Editors: The full report can be found at this [link](#). The broad area recommendations are contained in the Executive Summary. Detailed proposed actions – either rulemaking or “orders” – can be found in Appendix A.

###

News releases are available through a free *listserv* subscription at the following Web address: <http://www.nrc.gov/public-involve/listserver.html>. The NRC homepage at [www.nrc.gov](http://www.nrc.gov) also offers a SUBSCRIBE link. E-mail notifications are sent to subscribers when news releases are posted to NRC’s website.

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Drogoitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane, Raeann  
**Bcc:** "Bettina Poirier@epw.senate.gov"; "kathy dedrick@epw.senate.gov"; "ruth vanmark@epw.senate.gov";  
"annie\_caputo@epw.senate.gov"; "laura haynes@carper.senate.gov"; "Brian.Clifford@barrasso.senate.gov";  
"michael.beckerman@mail.house.gov"; "eff.baran@mail.house.gov"; "maryam.brown@mail.house.gov";  
"david.mccarthy@mail.house.gov"; "JohnM@mail.house.gov"; "abigail.pinkele@mail.house.gov";  
"Tanjia.bercuam@mail.house.gov"; "Doug.clapp@appro.senate.gov"; "Rob.blair@mail.house.gov";  
"Carrie.apostolou@appro.senate.gov"; "michal.freedhoff@mail.house.gov"  
**Subject:** USNRC Emergency Operations Center Status Update 071411  
**Date:** Thursday, July 14, 2011 1:29:00 PM  
**Attachments:** USNRC Earthquake-Tsunami Update 071411 1200 EDT.PDF  
Attachment - NRC Daily Assessment of Daiichi 071411.pdf

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~~NOTE: THE ATTACHED IS FOR OFFICIAL USE ONLY~~

Good Afternoon,

Attached is the Status Update for Thursday, July 14, 2011. The attachment *USNRC Earthquake-Tsunami Update 071411* contains new information.

**Reminder:** With conditions at Fukushima Daiichi stabilizing and progress being made on the Roadmap, the NRC has discontinued daily issuance of the Status Update. This does not change the NRC's commitment to the continued support the U.S. Embassy in Japan and the GOJ. **The NRC will continue to monitor conditions at Fukushima Daiichi, including progress on the Roadmap, and will issue updates to the Status Update whenever there is a significant item of interest to report.**

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Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/37

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Drogcitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane, Raeann  
**Bcc:** "Bettina\_Poirngr@epw.senate.gov"; "kathy\_dedrick@epw.senate.gov"; "ruth\_vanmark@epw.senate.gov"; "annie\_caputo@epw.senate.gov"; "laura\_haynes@carper.senate.gov"; "Brian\_Clifford@barrasso.senate.gov"; "michael.beckerman@mail.house.gov"; "jeff.baran@mail.house.gov"; "maryam.brown@mail.house.gov"; "david.mccarthy@mail.house.gov"; "JohnM@mail.house.gov"; "abigail.pinkele@mail.house.gov"; "Taunja.berquam@mail.house.gov"; "Doug\_clapp@appro.senate.gov"; "Rob.blair@mail.house.gov"; "Carrie\_apostolou@appro.senate.gov"; "michal.fredhoff@mail.house.gov"  
**Subject:** USNRC Emergency Operations Center Status Update 072011  
**Date:** Wednesday, July 20, 2011 2:14:00 PM  
**Attachments:** USNRC Earthquake-Tsunami Update 072011 1400 EDT.PDF  
Attachment - NRC Daily Assessment of Daiichi 072011.pdf

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Good Afternoon,

Attached is the Status Update for Wednesday, July 20, 2011.

**Important:** The combination of relatively static site conditions and measured progress on the Roadmap has resulted in **the NRC discontinuing daily issuance of the Status Update**. This does not change the NRC's commitment to the continued support the U.S. Embassy in Japan and the GOJ. **The NRC will continue to monitor conditions at Fukushima Daiichi, including progress on the Roadmap, and will issue updates to the Status Update whenever there is a significant item of interest to report.**

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Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/38

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Bcc:** "abigail.pinkele@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6) "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina.Poirier@epw.senate.gov"; (b)(6) "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian.Clifford@harrasso.senate.gov"; "bryan.zumwalt@vitter.senate.gov";  
"Carrie.Apostolou@apro.senate.gov"; "Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov";  
(b)(6) "christopher.griffin@lieberman.senate.gov";  
"conrad.schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis.Swager@alexander.senate.gov";  
"darren.springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov";  
(b)(6) "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.craddock@andrew.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "Ilya.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamil.Longo@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah.baumann@merkley.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica.Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.evenshus@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan.Egstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"jt.leziarski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Katherine.Field@Feinstein.senate.gov"; "Kathy.Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura.haynes@carper.senate.gov"; "laurel.angel@mail.house.gov"; "lee.lilley@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6)  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"

**Subject:** NRC: Japan Task Force Public Meeting 7/28/11 Rockville, MD w/webcast  
**Date:** Thursday, July 21, 2011 10:20:00 AM  
**Attachments:** 11-137.docx

Please see the attached press release.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/39

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Droggits, Spiros; Eugene Dacus; Jenny Weill; Rebecca Schmidt; Shane, Raean  
**Bcc:** "abigail.pinkete@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6); "ali\_nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie\_Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben\_dunham@lautenberg.senate.gov";  
"Ben\_Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina\_Poirier@epw.senate.gov"; (b)(6) "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian\_Clifford@barrasso.senate.gov"; "bryan\_zumwalt@vitter.senate.gov";  
"Carrie\_Apostolou@appro.senate.gov"; "Chris\_Carrillo@Feinstein.senate.gov"; "chris\_miller@reid.senate.gov";  
(b)(6) "christopher\_griffin@leberman.senate.gov";  
"conrad\_schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis\_Swager@alexander.senate.gov";  
"darren\_springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug\_Clapp@appro.senate.gov";  
(b)(6) "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth\_craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "ilya.fischhoff@mail.house.gov";  
"isaac\_edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie\_Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared\_brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"Jay.Cranford@mail.house.gov"; "jeanette\_lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah\_baumann@merklejv.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica\_Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshys@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan\_Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"it.jezierski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen\_billups@energy.senate.gov";  
"Katherine\_Field@Feinstein.senate.gov"; "Kathy\_Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura\_haynes@carper.senate.gov"; "laurel.angeil@mail.house.gov"; "lee.litlev@mail.house.gov";  
"Lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6)  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"  
**Subject:** NRC: ACRS/Fukushima Subcommittee Meeting 8/16/11 0830-1200  
**Date:** Monday, August 15, 2011 10:37:00 AM  
**Attachments:** ACRS Fukushima-Subcommittee meeting FRN 8-16-11.pdf  
ACRS Fukushima Subcommittee Agenda 8-16-11.pdf

Good morning,

Please see the attached Federal Register Notice (FRN) and agenda for tomorrow's public meeting of the Fukushima Subcommittee of the Advisory Committee on Reactor Safeguards (ACRS). There is a public dial-in number; participants will be invited to ask questions at the end of the meeting.

Please contact me with any questions,

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/40

**From:** Riley (OCA), Timothy  
**To:** "tm.riley@nrc.gov"  
**Bcc:** "abigail.pinkete@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6); "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@qilibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina.Poirier@epw.senate.gov"; (b)(6); "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian.Clifford@barrasso.senate.gov"; "bryan.zumwalt@vitter.senate.gov";  
"Carrie.Apostolou@apro.senate.gov"; "Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov";  
(b)(6); "christopher.griffin@lieberman.senate.gov";  
"conrad.schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis.Swager@alexander.senate.gov";  
"darren.springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov";  
(b)(6); "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.colson@mail.house.gov"; "hili.thomas@mail.house.gov"; "ilva.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie.Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah.baumann@merkley.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica.Smith@crapo.senate.gov"; "letta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshus@mail.house.gov"; "Jonathan.phillips@mail.house.gov";  
"Jonathan.Epstein@bingaman.senate.gov"; "Jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"it.leziarski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Katherine.Field@Feinstein.senate.gov"; "Kathy.Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura.haynes@carper.senate.gov"; "laurel.angell@mail.house.gov"; "lee.lilley@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6);  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelrand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"

**Subject:** NRC: Commission Seeks Prompt Action on Japan task Force Recommendations  
**Date:** Friday, August 19, 2011 10:02:00 AM  
**Attachments:** 11-151.docx

Please see attached press release, which the NRC intends to issue at 10:30 am.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/41

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Drogoitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane Raeann  
**Bcc:** "abigail.pinkete@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6); "ali\_nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie\_Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben\_dupham@lautenberg.senate.gov";  
"Ben\_Rosenbaum@qilibrand.senate.gov"; "Beth\_Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina\_Poirier@epw.senate.gov"; (b)(6); "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian\_Clifford@barrasso.senate.gov"; "bryan\_zumwalt@vitter.senate.gov";  
"Carrie\_Apostolou@apro.senate.gov"; "Chris\_Carrillo@Feinstein.senate.gov"; "chris\_miller@reid.senate.gov";  
(b)(6); "christopher\_griffin@lieberman.senate.gov";  
"conrad\_schatte@alexander.senate.gov"; "corv.hicks@mail.house.gov"; "Curtis\_Swager@alexander.senate.gov";  
"darren\_springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug\_Clapp@apro.senate.gov";  
(b)(6); "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth\_craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "Ilya.fischhoff@mail.house.gov";  
"isaac\_edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie\_Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared\_brown@hatch.senate.gov"; "jasmine\_hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette\_lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah\_baumann@merkley.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica\_Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshush@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan\_Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"it.iezierski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen\_billups@energy.senate.gov";  
"Katherine\_Field@Feinstein.senate.gov"; "Kathy\_Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura\_haynes@carper.senate.gov"; "laurel.angell@mail.house.gov"; "lee.lillev@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6);  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"

**Subject:** NRC: Commission Seeks Prompt Action on Japan task Force Recommendations (revised)  
**Date:** Friday, August 19, 2011 10:25:00 AM  
**Attachments:** 11-151.docx  
2011-0093srm.pdf

Minor edit in third bullet to the attached press release. The SRM is now attached.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/42

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Drogitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane, Raean  
**Bcc:** "abigail.pinkete@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
" (b)(6) "; "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina.Poirier@epw.senate.gov"; " (b)(6) "; "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian.Clifford@harrasso.senate.gov"; "bryan.zumwalt@vitter.senate.gov";  
"Carrie.Apostolou@apro.senate.gov"; "Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov";  
" (b)(6) "; "christopher.griffin@lieberman.senate.gov";  
"conrad.schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis.Swager@alexander.senate.gov";  
"darren.springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov";  
" (b)(6) "; "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.craddock@landriau.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "Ilya.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie.Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jav.cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah.baumann@merkle.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica.Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshus@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan.Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"jt.jeziarski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Katherine.Feid@Feinstein.senate.gov"; "Kathy.Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura.haynes@carper.senate.gov"; "laurel.angell@mail.house.gov"; "lee.lilley@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; " (b)(6) ";  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"

**Subject:** NRC Public Meeting 8/31/11 re: Fukushima Task Force Recommendations  
**Date:** Tuesday, August 23, 2011 10:03:00 AM  
**Attachments:** 152.docx

Please see the attached press release regarding an August 31, 2011 public meeting for stakeholder representatives to express their views on the Japan Task Force recommendations.

Please contact me with any questions.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/43

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Drogitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane, Raeann  
**Bcc:** "abigail.pinkete@mail.house.gov"; "adam.christensen@feinstein.senate.gov";  
[redacted] "(b)(6)"; "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Canyto@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina.Polier@epw.senate.gov"; [redacted] "(b)(6)"; "Bob.Schwalbach@mail.house.gov";  
"bob.simon@energy.senate.gov"; "brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian.Clifford@barrasso.senate.gov"; "bryan.zumwalt@vitter.senate.gov";  
"Carrie.Apostolou@apro.senate.gov"; "Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov";  
[redacted] "(b)(6)"; "christopher.griffin@lieberman.senate.gov";  
"conrad.schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis.Swager@alexander.senate.gov";  
"darren.springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov";  
[redacted] "(b)(6)"; "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "ilva.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie.Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah.baumann@merkle.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica.Smith@rapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshush@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan.Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"it.iezierski@mail.house.gov"; "karen.wavland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Kathrine.Field@Feinstein.senate.gov"; "Kathy.Dedrick@epw.senate.gov"; "kaue.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura.haynes@carper.senate.gov"; "laurel.angell@mail.house.gov"; "lee.lilley@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; [redacted] "(b)(6)";  
"Marc.Riggs@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.geifand@mail.house.gov";  
"mary.frances.revko@mail.house.gov"  
**Subject:** NRC: Recommended Actions to be Taken Without Delay from the Near-Term Task Force (Fukushima)  
**Date:** Tuesday, September 13, 2011 8:50:00 AM  
**Attachments:** 20110909-RecommendedActionsFromNearTermTaskForce.pdf

Please see the attached pdf document, which is the NRC staff paper regarding the recommendations from the Near-Term Task Force (NTTF) that can and, in the staff's judgment, should be initiated, in part or in whole, without delay. The Commission will hold a public meeting Wednesday, September 14, 2011 at 9am to discuss the staff recommendations. The meeting will be webcast.

Please contact me with any questions,

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

[redacted] "(b)(6)"

EB/44

**From:** Riley (OCA), Timothy  
**To:** "annie\_caputo@epw.senate.gov"  
**Cc:** Droggitis, Spiros; Powell, Amy  
**Subject:** Re: Recommended Actions to be Taken Without Delay from the Near-Term Task Force (Fukushima)  
**Date:** Wednesday, September 14, 2011 10:15:06 AM

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Annie,  
I will begin coordinations and get back to you shortly.

Sent from an NRC Blackberry.

Tim Riley

(b)(6)

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**From:** Caputo, Annie (EPW) <Annie\_Caputo@epw.senate.gov>  
**To:** Riley (OCA), Timothy  
**Sent:** Wed Sep 14 10:09:24 2011  
**Subject:** RE: Recommended Actions to be Taken Without Delay from the Near-Term Task Force (Fukushima)

How soon could some of us get a briefing on this?

**From:** Riley (OCA), Timothy [mailto:Timothy.RileyOCA@nrc.gov]  
**Sent:** Tuesday, September 13, 2011 8:50 AM  
**To:** Riley (OCA), Timothy  
**Cc:** Powell, Amy; Decker, David; Droggitis, Spiros; Dacus, Eugene; Weil, Jenny; Schmidt, Rebecca; Shane, Raeann  
**Subject:** NRC: Recommended Actions to be Taken Without Delay from the Near-Term Task Force (Fukushima)

Please see the attached pdf document, which is the NRC staff paper regarding the recommendations from the Near-Term Task Force (NTTF) that can and, in the staff's judgment, should be initiated, in part or in whole, without delay.  
The Commission will hold a public meeting Wednesday, September 14, 2011 at 9am to discuss the staff recommendations. The meeting will be webcast.

Please contact me with any questions,

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/45

**Weil, Jenny**

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**From:** Caputo, Annie (EPW) [Annie\_Caputo@epw.senate.gov]  
**Sent:** Thursday, September 15, 2011 10:41 AM  
**To:** Weil, Jenny  
**Cc:** Herther, Andrew (EPW)  
**Subject:** FW: NRC Press Release: NRC TO DISCUSS INDUSTRY'S POST-FUKUSHIMA EFFORTS SEPT. 21 IN ROCKVILLE, MD.

Jenny,

We've had some staff changes around here. Would you please add Andrew Herther to all the same distributions I'm on and delete Kyle Miller? Kyle has moved onto the more trendy highways portfolio.

Annie

---

**From:** Belmore, Nancy [mailto:Nancy.Belmore@nrc.gov]  
**Sent:** Thursday, September 15, 2011 8:50 AM  
**To:** Abby Pinkele; Alison Cassidy; Caputo, Annie (EPW); Clifford, Brian (Barrasso); Chris Sarley; David McCarthy; Greg Dotson; Edwards, Isaac (Energy); [jeff.baran@mail.house.gov](mailto:jeff.baran@mail.house.gov); John Marshall; Epstein, Jonathan (Bingaman); Billups, Karen (Energy); Dedrick, Kathy (EPW); Haynes, Laura (Carper); Mary Neumayr ; Maryam Brown; [michael.beckerman@mail.house.gov](mailto:michael.beckerman@mail.house.gov); VanMark, Ruth (EPW); Fowler, Sam (Energy); Horner, Terrance (EPW)  
**Subject:** NRC Press Release: NRC TO DISCUSS INDUSTRY'S POST-FUKUSHIMA EFFORTS SEPT. 21 IN ROCKVILLE, MD.

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# NRC NEWS

**U.S. NUCLEAR REGULATORY COMMISSION**  
Office of Public Affairs Telephone: 301/415-8200  
Washington, D.C. 20555-0001  
E-mail: [opa.resource@nrc.gov](mailto:opa.resource@nrc.gov) Site: [www.nrc.gov](http://www.nrc.gov)  
Blog: <http://public-blog.nrc-gateway.gov>

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No. 11-173

September 15, 2011

NRC TO DISCUSS INDUSTRY'S POST-FUKUSHIMA EFFORTS  
SEPT. 21 IN ROCKVILLE, MD.

EB/46

majority of an industry or sector in a 12 month period, that collection is presumed to be addressed to ten or more persons.<sup>13</sup>

The requirements of the PRA apply to voluntary collections as well as to mandatory collections and collections required to obtain a Federal benefit (e.g., a job, a grant, a contract).<sup>14</sup> In implementing program activities, agencies should be aware of the applicability of the PRA and address PRA compliance in sufficient time to solicit and respond to public comment.<sup>15</sup>

#### What does not count as information under the PRA?

OMB regulations specify a number of items that are generally not “information” under the PRA.<sup>16</sup> Important examples are

- affidavits, receipts, changes of address, or consents;
- tests of the aptitude, abilities, or knowledge of persons; and
- facts or opinions that are (1) submitted in response to general solicitations of public comments,<sup>17</sup> (2) addressed to a single person, (3) obtained or solicited at or in connection with public hearings or meetings, (4) obtained through direct observation by the agency (e.g., through visual inspection to determine how long it takes for people to complete a specific transaction), or (5) obtained from participants in clinical trials (which typically do not involve answers to “identical questions”).

It is worth emphasizing that facts or opinions obtained in connection with public meetings do not count as “information.” This “public meeting” exception allows agencies to engage with the public on the Internet so long as the engagement is the functional equivalent of a public meeting (i.e., not a survey). In addition, it is important to underline that general solicitations, such as *Federal Register* notices, do not trigger the PRA. It follows that agencies may offer the public opportunities to provide general comments on discussion topics through the Internet. More generally, agencies may use social media and web-based technologies in a variety of specific ways without triggering the PRA.<sup>18</sup>

#### What information collections do not require OMB approval?

By statute, the PRA does not apply to some types of information collections. OMB approval is not required for information collections during a Federal criminal investigation or prosecution, during a civil action to which the United States is a party, or during the conduct of intelligence activities.<sup>19</sup> Agency collections from “agencies, instrumentalities, or employees of

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<sup>13</sup> 5 C.F.R. 1320.3(c)(4)(ii).

<sup>14</sup> See 44 U.S.C. § 3502(3); 5 C.F.R. 1320.3(c).

<sup>15</sup> Given that the required public comment periods total 90 days, agencies should plan for at least 90 days plus time to respond to comments and questions that arise during OMB review.

<sup>16</sup> 5 C.F.R. 1320.3(h). Please see the Appendix for the regulatory text.

<sup>17</sup> Documents such as Advance Notices of Proposed Rulemaking, Requests for Comments, Requests for Information, and Notices of Proposed Rulemaking are generally not information collections.

<sup>18</sup> For additional information, see OIRA Memorandum on Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act, available at [http://www.whitehouse.gov/omb/inforeg\\_default/](http://www.whitehouse.gov/omb/inforeg_default/).

<sup>19</sup> 44 U.S.C. § 3518(c). Please see the Appendix for the statutory exemptions.

As these situations arise, agencies should consult with OIRA to select an approach that permits them to comply with the PRA while meeting their other obligations.<sup>25</sup>

An agency may also request a “generic clearance” in situations in which (a) there is a need for multiple, similar low-burden collections that do not raise substantive or policy issues and (b) the specifics of each collection cannot be determined until shortly before the data are to be collected. Generic clearances have proved useful for customer satisfaction surveys, focus group testing, and website usability surveys. To obtain a generic clearance, agencies provide the public with opportunity for comment as required by the PRA and provide all information that would allow for meaningful comment, including a description of the need for the collection, the general nature of the collection, an estimate of the overall burden, and a description of the methodologies that will be used to collect the data. Once approval is granted for the overall collection, individual collections that fall within the generic clearance are reviewed on an expedited basis and are not generally required to undergo further public comment. Agencies are encouraged to consult with their OMB desk officers before developing a generic clearance to determine if it is appropriate.

#### What does OMB evaluate during its review of proposed collections?

A central goal of OMB review is to help agencies strike a balance between collecting information necessary to fulfill their statutory missions and guarding against unnecessary or duplicative information that imposes unjustified costs on the American public. In this regard, OIRA evaluates whether the collection of information by the agency:

- is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;<sup>26</sup>
- minimizes the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected; and
- maximizes the practical utility of and public benefit from information collected by or for the Federal Government.<sup>27</sup>

OIRA also reviews the extent to which the information collection is consistent with applicable laws, regulations, and policies related to privacy, confidentiality, security, information quality, and statistical standards. In addition, OMB coordinates efforts across Federal agencies in shared areas of interest and expertise.

Under the PRA, OMB may approve a collection for up to three years at one time.<sup>28</sup> To extend the expiration date of a collection, an agency must provide the public with an opportunity to comment on the continuation of the collection, with the two notices described above, and

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<sup>25</sup> This includes setting a schedule for when the agency will provide the public with opportunities for full notice and comment under the PRA.

<sup>26</sup> 44 U.S.C. § 3508.

<sup>27</sup> 44 U.S.C. § 3504.

<sup>28</sup> 44 U.S.C. § 3507(g). Some approvals are for shorter periods of time. In the case of “emergency” requests, OMB approvals are limited to six months. 44 U.S.C. § 3507(j)(2).

## Appendix

### Statutory Exemptions<sup>32</sup>

- (1) Except as provided in paragraph (2), this subchapter shall not apply to the collection of information--
- (A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;
  - (B) during the conduct of--
    - (i) a civil action to which the United States or any official or agency thereof is a party; or
    - (ii) an administrative action or investigation involving an agency against specific individuals or entities;
  - (C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or
  - (D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.
- (2) This subchapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

### OMB Regulations

OMB regulations specify categories of items that are generally not "information" under the PRA.<sup>33</sup> These categories include:

- (1) Affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments; provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument (by contrast, a certification would likely involve the collection of "information" if an agency conducted or sponsored it as a substitute for a collection of information to collect evidence of, or to monitor, compliance with regulatory standards, because such a certification would generally entail burden in addition to that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument);
- (2) Samples of products or of any other physical objects;
- (3) Facts or opinions obtained through direct observation by an employee or agent of the sponsoring agency or through nonstandardized oral communication in connection with such direct observations;
- (4) Facts or opinions submitted in response to general solicitations of comments from the public, published in the *Federal Register* or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration of the comment;

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<sup>32</sup> 44 U.S.C. § 3518(c).

<sup>33</sup> 5. C.F.R. 1320.3(h).

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Drozditis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Sharié, Raean  
**Bcc:** "abigail.pinkele@mail.house.gov"; "adam.christensen@feinstein.senate.gov";  
(b)(6); "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@qillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "betsy.christian@mail.house.gov";  
"Bettina.Poirier@epw.senate.gov"; (b)(6); "Bob.Schwalbach@mail.house.gov";  
"bob\_simon@energy.senate.gov"; "brad.grant@mail.house.gov"; "brian.skretny@mail.house.gov";  
"Brian.Clifford@barrasso.senate.gov"; "bryan.zumwalt@vitter.senate.gov";  
"Cairie.Apostolou@apro.senate.gov"; "Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov";  
(b)(6); "christopher.griffin@lieberman.senate.gov";  
"conrad.schatte@alexander.senate.gov"; "cory.hicks@mail.house.gov"; "Curtis.Swager@alexander.senate.gov";  
"darren.springer@sanders.senate.gov"; "david.mccarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov";  
(b)(6); "elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "ilya.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie.Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah.baumann@merkley.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"jessica.smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshush@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan.Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"jt.jezierski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Katherine.Field@Feinstein.senate.gov"; "Kathy.Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ctt@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura.haynes@carper.senate.gov"; "laurel.angel@mail.house.gov"; "lee.lilley@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6);  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"  
**Subject:** NRC to discuss prioritizing recommendations of Near-Term Task Force 10/11/2011  
**Date:** Tuesday, October 04, 2011 4:52:00 PM  
**Attachments:** 11-190.docx

Please see the attached press release. Text of PR follows:

The Nuclear Regulatory Commission will meet Tuesday, Oct. 11, to discuss the staff's prioritization proposal for the recommendations of the NRC's Japan Near-Term Task Force. The Task Force examined issues raised by the Fukushima nuclear accident in March.

The commission meeting will be held from 9 a.m. to 3:30 p.m. in the Commissioners' Conference Room at NRC Headquarters, 11555 Rockville Pike, Rockville, Md. Discussion will include external stakeholders' input on prioritization and a presentation by NRC staff. The meeting will be open to public observation and will be webcast.

A detailed agenda and meeting slides will be available in advance on the webcast page. The NRC staff paper that will form the basis of the meeting will be available in advance on the Commission's Recently Released Documents page.

**Media Notes:** At this time, this event will be open for television; the agency reserves the right to seek a mandatory pool if demand exceeds available space. Seats on one side of the commission hearing room will be reserved for accredited members of the news media. Photographers will have limited space at the meeting in which to take photos. Movement must be kept to a minimum so as not to be disruptive, and entry into the inner well closest to the Commission briefing table is prohibited.

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Plan to arrive in advance of the meeting at the NRC's One White Flint North entrance, at the corner of Rockville Pike and Marinelli Road, with proper media credentials. The NRC is located across the street from the White Flint Metro station. Parking is available at the White Flint metro parking garage on Marinelli Road. Members of the media are asked to call the NRC Office of Public Affairs (301-415-8200) in advance to provide the names of those attending the meeting to assure sufficient seating.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

**From:** Riley (OCA), Timothy  
**To:** "hm.riley@nrc.gov";  
**Bcc:** "abigail.pinkele@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6) "ali\_nouri@webb.senate.gov"; "andrew\_wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie\_Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben\_dunham@laurenberg.senate.gov";  
"Ben\_Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "Bettina\_Poirier@epw.senate.gov";  
(b)(6) "Bob.Schwalbach@mail.house.gov"; "bob\_simon@energy.senate.gov";  
"brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov"; "Brian\_Clifford@barrasso.senate.gov";  
"bryan\_zumwalt@vitter.senate.gov"; "Carie\_Apostolou@apro.senate.gov";  
"Chris\_Carrillo@Feinstein.senate.gov"; "chris\_miller@reid.senate.gov"; (b)(6)  
"christopher\_griffin@lieberman.senate.gov"; "cory.hicks@mail.house.gov";  
"Curtis\_Swager@alexander.senate.gov"; "darren\_springer@sanders.senate.gov";  
"david.mccarthy@mail.house.gov"; "Doug\_Clapp@apro.senate.gov"; (b)(6)  
"elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth\_craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "Ilya.fischhoff@mail.house.gov";  
"isaac\_edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie\_Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "jared\_brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette\_lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah\_bavmann@merkley.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica\_Smita@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshush@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan\_Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"jt.tejerski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen\_billups@energy.senate.gov";  
"Katherine\_Field@Feinstein.senate.gov"; "Kathy\_Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura\_haynes@carper.senate.gov"; "laurel.angel@mail.house.gov"; "lee.litley@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6)  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marly.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov";  
**Subject:** Resend: NRC to discuss prioritizing recommendations of Near-Term Task Force 10/11/2011  
**Date:** Tuesday, October 04, 2011 5:19:00 PM  
**Attachments:** 11-190.docx

**NRC TO DISCUSS PRIORITIZING RECOMMENDATIONS OF  
NEAR-TERM JAPAN TASK FORCE OCT. 11 IN ROCKVILLE, MD**

The Nuclear Regulatory Commission will meet Tuesday, Oct. 11, to discuss the staff's prioritization proposal for the recommendations of the NRC's Japan Near-Term Task Force. The Task Force examined issues raised by the Fukushima nuclear accident in March.

The commission meeting will be held from 9 a.m. to 3:30 p.m. in the Commissioners' Conference Room at NRC Headquarters, 11555 Rockville Pike, Rockville, Md. Discussion will include external stakeholders' input on prioritization and a presentation by NRC staff. The meeting will be open to public observation and will be webcast.

A detailed agenda and meeting slides will be available in advance on the webcast page. The NRC staff paper that will form the basis of the meeting will be available on the Commission's Recently Released Documents page.

Media Notes: At this time, this event will be open for television; the agency reserves the right to seek a mandatory pool if demand exceeds available space. Seats on one side of the commission hearing room will be reserved for accredited members of the news media. Photographers will have limited space at the meeting in which to take photos. Movement must be kept to a minimum so as not to be disruptive, and entry into the inner well closest to the

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Commission briefing table is prohibited.

Plan to arrive in advance of the meeting at the NRC's One White Flint North entrance, at the corner of Rockville Pike and Marinelli Road, with proper media credentials. The NRC is located across the street from the White Flint Metro station. Parking is available at the White Flint metro parking garage on Marinelli Road. Members of the media are asked to call the NRC Office of Public Affairs (301-415-8200) in advance to provide the names of those attending the meeting to assure sufficient seating.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Bcc:** "abigail.pinkele@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6); "ali.nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie.Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"ayenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "Bettina.Poirier@epw.senate.gov";  
(b)(6); "Bob.Schwalbach@mail.house.gov"; "bob\_simon@energy.senate.gov";  
"brad.grantz@mail.house.gov"; "brian.skretmy@mail.house.gov"; "Brian.Clifford@barrasso.senate.gov";  
"bryan.zumwalt@vitter.senate.gov"; "Carrie.Apostolou@apro.senate.gov";  
"Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov"; (b)(6)  
"christopher.criffin@lieberman.senate.gov"; "cory.hicks@mail.house.gov";  
"Curtis.Swager@alexander.senate.gov"; "darren.springer@sanders.senate.gov";  
"david.mcCarthy@mail.house.gov"; "Doug.Clapp@apro.senate.gov"; (b)(6)  
"elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth.cragdock@andrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "jiva.fischhoff@mail.house.gov";  
"isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie.Long@whitehouse.senate.gov";  
"Janine.Benner@mail.house.gov"; "Jared.brown@hatch.senate.gov"; "jasmine.hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah.baumann@merkle.senate.gov"; "jesse.lashbrock@mail.house.gov";  
"Jessica.Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levashus@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan.Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"jt.lezlerski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Katherine.Field@Feinstein.senate.gov"; "Kathy.Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"kate.gtt@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura.haynes@carper.senate.gov"; "laurel.angell@mail.house.gov"; "lee.lillev@mail.house.gov";  
"lindsay.mosshart@mail.house.gov"; "lisa.wright@mail.house.gov"; (b)(6)  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"  
**Subject:** NRC: Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned  
**Date:** Wednesday, October 05, 2011 1:04:00 PM  
**Attachments:** ML11269A204.pdf  
ML11272A203.pdf

As anticipated in yesterday's press release, the Commission has released the staff's prioritization proposal for the recommendations of the NRC's Japan Near-Term Task Force. The attached documents have been publicly released and are available via the NRC's Public Documents system: [ADAMS](#).  
Keyword search: ML11272A111

Please feel free to contact me with any questions,

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/49

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Drogitis, Spiros; Eugene Dacus; Jenny Well; Rebecca Schmidt; Shane, Raeann  
**Bcc:** "grant\_cope@epw.senate.gov"; "abigail.pinkle@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
(b)(6) "ali\_nouri@webb.senate.gov"; "andrew\_waliace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie\_Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben\_dunham@lautenberg.senate.gov";  
"Ben\_Rosenbaum@qilibrand.senate.gov"; "Beth\_Oshorne@mail.house.gov"; "Bettina\_Poirier@epw.senate.gov";  
(b)(6) "Bob.Schwalbach@mail.house.gov"; "bob\_simon@energy.senate.gov";  
"brad.grant@mail.house.gov"; "brian.skretny@mail.house.gov"; "Brian\_Clifford@barrasso.senate.gov";  
"bryan\_zumwalt@vitter.senate.gov"; "Carle\_Apostolou@apro.senate.gov";  
"Chris\_Carrillo@Feinstein.senate.gov"; "chris\_miller@reid.senate.gov"; (b)(6)  
"christopher\_griffin@lieberman.senate.gov"; "cory.hicks@mail.house.gov";  
"Curtis\_Swager@alexander.senate.gov"; "darren\_springer@sanders.senate.gov";  
"david.mccarthy@mail.house.gov"; "Doug\_Clapp@apro.senate.gov"; (b)(6)  
"elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth\_craddock@landrieu.senate.gov"; "eric.hultman@mail.house.gov";  
"ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov"; "gary.kline@mail.house.gov";  
"greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov"; "ilva.fischhoff@mail.house.gov";  
"isaac\_edwards@energy.senate.gov"; "james.decker@mail.house.gov"; "Jamie\_Long@whitehouse.senate.gov";  
"Janine\_Benner@mail.house.gov"; "Jared\_brown@hatch.senate.gov"; "jasmine\_hunt@durbin.senate.gov";  
"jay.cranford@mail.house.gov"; "jeanette\_lyman@tomudall.senate.gov"; "jeff.baran@mail.house.gov";  
"jen.stewart@mail.house.gov"; "jeremiah\_baumann@merkeley.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica\_Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshus@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan\_Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph\_Levin@mail.house.gov";  
"it.jezierski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen\_bullups@energy.senate.gov";  
"Katherine\_Field@Feinstein.senate.gov"; "katie.murtha@mail.house.gov"; "katie.ott@mail.house.gov";  
"kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov"; "laura\_haynes@carper.senate.gov";  
"laurel.angell@mail.house.gov"; "lee.lilley@mail.house.gov"; "lindsay.mosshart@mail.house.gov";  
"lisa.wright@mail.house.gov"; (b)(6) "Marc.Rigas@mail.house.gov";  
"mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov"; "mary.frances.repko@mail.house.gov";  
"dana\_milner@blumenthal.senate.gov"; "Jasper.MarcSarrow@mail.house.gov"

**Subject:** NRC: Commission vote on Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report  
**Date:** Wednesday, October 19, 2011 9:18:00 AM  
**Attachments:** SRM-11-0124.docx

The Commission has voted on the NRC Staff's Recommended Actions To Be Taken Without Delay From The Near-Term Task Force Report. Directions to the staff from the Commission are provided in the attached document. The votes of the Chairman and Commissioners will be available [here](#), shortly.

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/50

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Droggitis, Spiros; Eugene Dacus; Jenny Weil; Rebecca Schmidt; Shane Raean  
**Bcc:** "grant\_cope@epw.senate.gov"; "abigail.oinkle@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
"andy.zach@mail.house.gov"; "Annie\_Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben\_dunham@lautenberg.senate.gov";  
"Ben\_Rosenbaum@qilibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "Pettina\_Poirier@epw.senate.gov";  
"Brad.Grant@mail.house.gov"; "Bob.Schwalbach@mail.house.gov"; "bob\_simon@energy.senate.gov";  
"brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov"; "Brian\_Clifford@barrasso.senate.gov";  
"bryan\_zumwalt@vitter.senate.gov"; "Carrie\_Apostolyu@apro.senate.gov";  
"Chris\_Carrillo@Feinstein.senate.gov"; "chris\_miller@reid.senate.gov"; "Cory.Hicks@mail.house.gov";  
"christopher\_griffin@lieberman.senate.gov"; "Curtis\_Swager@alexander.senate.gov"; "david.mcCarthy@mail.house.gov"; "Doug\_Clapp@apro.senate.gov"; "elissa.levin@mail.house.gov";  
"Elizabeth.Mortenson@mail.house.gov"; "Elizabeth\_Craddock@andrieu.senate.gov";  
"eric.hultman@mail.house.gov"; "ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov";  
"gary.kline@mail.house.gov"; "greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov";  
"Ilya.Fischhoff@mail.house.gov"; "Isaac\_Edwards@energy.senate.gov"; "James.Decker@mail.house.gov";  
"Jamie\_Long@whitehouse.senate.gov"; "Janine.Benner@mail.house.gov"; "Jared\_brown@hatch.senate.gov";  
"jasmine\_hunt@durbin.senate.gov"; "jay.cranford@mail.house.gov"; "jeanette\_lyman@tomudall.senate.gov";  
"jeff.baran@mail.house.gov"; "jen.stewart@mail.house.gov"; "jeremiah\_baumann@merkley.senate.gov";  
"jesse.lashbrook@mail.house.gov"; "Jessica\_Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov";  
"jim.richardson@mail.house.gov"; "john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov";  
"JohnM@mail.house.gov"; "jonathan.levenshus@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan\_Fostein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"it.jeziarski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen\_billups@energy.senate.gov";  
"Katherine\_Field@Feinstein.senate.gov"; "katie.murtha@mail.house.gov"; "katie.ott@mail.house.gov";  
"kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov"; "laura\_haynes@carper.senate.gov";  
"laurel.angell@mail.house.gov"; "lee.lilley@mail.house.gov"; "lindsay.mosshart@mail.house.gov";  
"Lisa.Wright@mail.house.gov"; "Marc.Rigas@mail.house.gov";  
"mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov"; "mary.frances.repko@mail.house.gov";  
"Jasper.MacSparrow@mail.house.gov";  
" (b)(6) "

**Subject:** NRC: Charter for Longer-Term Review of Events in Japan  
**Date:** Wednesday, October 19, 2011 10:52:00 AM  
**Attachments:** 2011-0117srm.pdf

The Commission has voted on the proposed charter for the Longer-Term Review of Lessons Learned from the March 11, 2011 Japanese Earthquake and Tsunami. Please see the attached document for details.

Please contact me with any questions,

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/51

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Cc:** Amy Powell; David Decker; Droggitis, Spiros; Eugene Dacus; Jenny Well; Rebecca Schmidt; Shane, Raeann  
**Bcc:** "Andrew.Newton@shelby.senate.gov"; "Grant.Cope@epw.senate.gov"; "abigail.pinkele@mail.house.gov";  
"adam.christensen@feinstein.senate.gov"; (b)(6) "Jali.nouri@webb.senate.gov";  
"andrew.wallace@tomudall.senate.gov"; "Andy.Zach@mail.house.gov"; "Annie.Caputo@epw.senate.gov";  
"ashley.martin@mail.house.gov"; "avenel.joseph@mail.house.gov"; "ben.dunham@lautenberg.senate.gov";  
"Ben.Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "Bettina.Poirier@epw.senate.gov";  
(b)(6) "Bob.Schwallbach@mail.house.gov"; "bob\_simon@energy.senate.gov";  
"brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov"; "Brian.Clifford@barrasso.senate.gov";  
"bryan.zumwalt@vitter.senate.gov"; "Carrie.Apostolou@appro.senate.gov";  
"Chris.Carrillo@Feinstein.senate.gov"; "chris.miller@reid.senate.gov"; (b)(6)  
"christopher.griffin@lieberman.senate.gov"; "cory.hicks@mail.house.gov";  
"Curtis.Swager@alexander.senate.gov"; "darren.springer@sanders.senate.gov";  
"david.mccarthy@mail.house.gov"; "Doug.Clapp@appro.senate.gov"; "elissa.levin@mail.house.gov";  
"elizabeth.mortenson@mail.house.gov"; "elizabeth.craddock@andrieu.senate.gov";  
"eric.hultman@mail.house.gov"; "ethan.rosenkranz@mail.house.gov"; "gary.andres@mail.house.gov";  
"gary.kline@mail.house.gov"; "greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov";  
"Ilya.fischhoff@mail.house.gov"; "Isaac.edwards@energy.senate.gov"; "james.decker@mail.house.gov";  
"Jamie.Long@whitehouse.senate.gov"; "Janine.Benner@mail.house.gov"; "Jared.brown@batch.senate.gov";  
"Jasmine.hunt@durbin.senate.gov"; "Jay.Cranford@mail.house.gov"; "jeanette.lyman@tomudall.senate.gov";  
"jeff.baran@mail.house.gov"; "jen.stewart@mail.house.gov"; "jeremiah.baumann@merkeley.senate.gov";  
"jesse.lashbrook@mail.house.gov"; "Jessica.Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov";  
"jim.richardson@mail.house.gov"; "john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov";  
"JohnM@mail.house.gov"; "jonathan.levenshush@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan.Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"jt.jeziarski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen.billups@energy.senate.gov";  
"Katherine.Field@Feinstein.senate.gov"; "katie.murtha@mail.house.gov"; "katie.ott@mail.house.gov";  
"kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov"; "laura.haynes@carper.senate.gov";  
"laurel.angell@mail.house.gov"; "lee.lilley@mail.house.gov"; "lindsay.mosshart@mail.house.gov";  
"lisa.wright@mail.house.gov"; (b)(6) "Marc.Rigas@mail.house.gov";  
"mariah.sixkiller@mail.house.gov"; "marty.gelfand@mail.house.gov"; "mary.frances.repko@mail.house.gov";  
"Jasper.MacSparrow@mail.house.gov"  
**Subject:** NRC Takes Action on Japan Near-Term Task Force Recommendations  
**Date:** Thursday, October 20, 2011 1:10:00 PM  
**Attachments:** 11-202.docx

Please see attached press release

Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/52

**From:** Riley (OCA), Timothy  
**To:** "tim.riley@nrc.gov"  
**Bcc:** "grant\_cope@epw.senate.gov"; "ahigail.pinkete@mail.house.gov"; "adam\_christensen@feinstein.senate.gov";  
" (b)(6) "; "aii\_nouri@webb.senate.gov"; "andrew.wallace@tomudall.senate.gov";  
"Andy.Zach@mail.house.gov"; "Annie\_Caputo@epw.senate.gov"; "ashley.martin@mail.house.gov";  
"avenel.joseph@mail.house.gov"; "ben\_dunham@lautenberg.senate.gov";  
"Ben\_Rosenbaum@gillibrand.senate.gov"; "Beth.Osborne@mail.house.gov"; "Bettina\_Poirier@epw.senate.gov";  
" (b)(6) "; "Bob.Schwalbach@mail.house.gov"; "bob\_simon@energy.senate.gov";  
"brad.grantz@mail.house.gov"; "brian.skretny@mail.house.gov"; "Brian\_Clifford@barrasso.senate.gov";  
"bryan\_zumwalt@vitter.senate.gov"; "Carrie\_Apostolou@apro.senate.gov";  
"Chris\_Carrillo@Feinstein.senate.gov"; "chris\_miller@reid.senate.gov"; " (b)(6) ";  
"christopher\_griffin@lieberman.senate.gov"; "corv.hicks@mail.house.gov";  
"Curtis\_Swager@alexander.senate.gov"; "darren\_springer@sanders.senate.gov";  
"david.mccarthy@mail.house.gov"; "Doug\_Clapp@apro.senate.gov"; "Eden\_J\_Murrie@nss.eop.gov";  
"elissa.levin@mail.house.gov"; "elizabeth.mortenson@mail.house.gov";  
"elizabeth\_cradock@landrieu.senate.gov"; "eric.hultman@mail.house.gov"; "gary.andres@mail.house.gov";  
"gary.kline@mail.house.gov"; "greg.dotson@mail.house.gov"; "hill.thomas@mail.house.gov";  
"liya.fischhoff@mail.house.gov"; "isaac\_edwards@energy.senate.gov"; "James.decker@mail.house.gov";  
"Jamie\_Long@whitehouse.senate.gov"; "Janine.Benner@mail.house.gov"; "Jared\_brown@hatch.senate.gov";  
"jasmine\_hunt@durbin.senate.gov"; "jay.cranford@mail.house.gov"; "jeanette\_lyman@tomudall.senate.gov";  
"jeff.baran@mail.house.gov"; "Jennifer.Goedke@mail.house.gov"; "jen.stewart@mail.house.gov";  
"jeremiah\_baumann@merkle.senate.gov"; "jesse.lashbrook@mail.house.gov";  
"Jessica\_Smith@crapo.senate.gov"; "jetta.wong@mail.house.gov"; "jim.richardson@mail.house.gov";  
"john.billings@mail.house.gov"; "john.rainbolt@mail.house.gov"; "JohnM@mail.house.gov";  
"jonathan.levenshus@mail.house.gov"; "jonathan.phillips@mail.house.gov";  
"Jonathan\_Epstein@bingaman.senate.gov"; "jordan.downs@mail.house.gov"; "Joseph.Levin@mail.house.gov";  
"it.jezierski@mail.house.gov"; "karen.wayland@mail.house.gov"; "karen\_billups@energy.senate.gov";  
"Katherine\_Feld@Feinstein.senate.gov"; "Kathy\_Dedrick@epw.senate.gov"; "katie.murtha@mail.house.gov";  
"katie.ott@mail.house.gov"; "kimberly.betz@mail.house.gov"; "kyle.victor@mail.house.gov";  
"laura\_haynes@carper.senate.gov"; "laurel.angeil@mail.house.gov"; "lee.lillev@mail.house.gov";  
"lindsay.moysshart@mail.house.gov"; "lisa.wright@mail.house.gov"; " (b)(6) ";  
"Marc.Rigas@mail.house.gov"; "mariah.sixkiller@mail.house.gov"; "marly.gelfand@mail.house.gov";  
"mary.frances.repko@mail.house.gov"  
**Subject:** NRC to Discuss Implementing Recommendations of Near-Term Japan Task Force Dec. 1  
**Date:** Tuesday, November 29, 2011 1:08:00 PM  
**Attachments:** 11-216.pdf

Please see attached press release

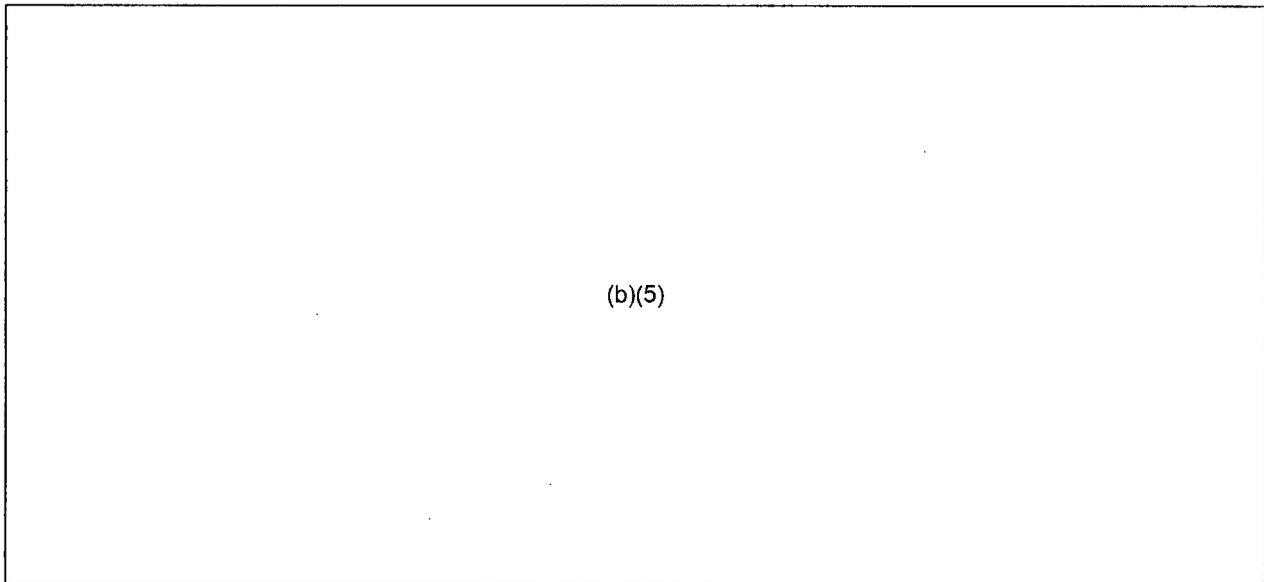
Timothy Riley  
Congressional Affairs Officer  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-8492

(b)(6)

EB/53

~~DRAFT~~

**Severe Accident Consequences**

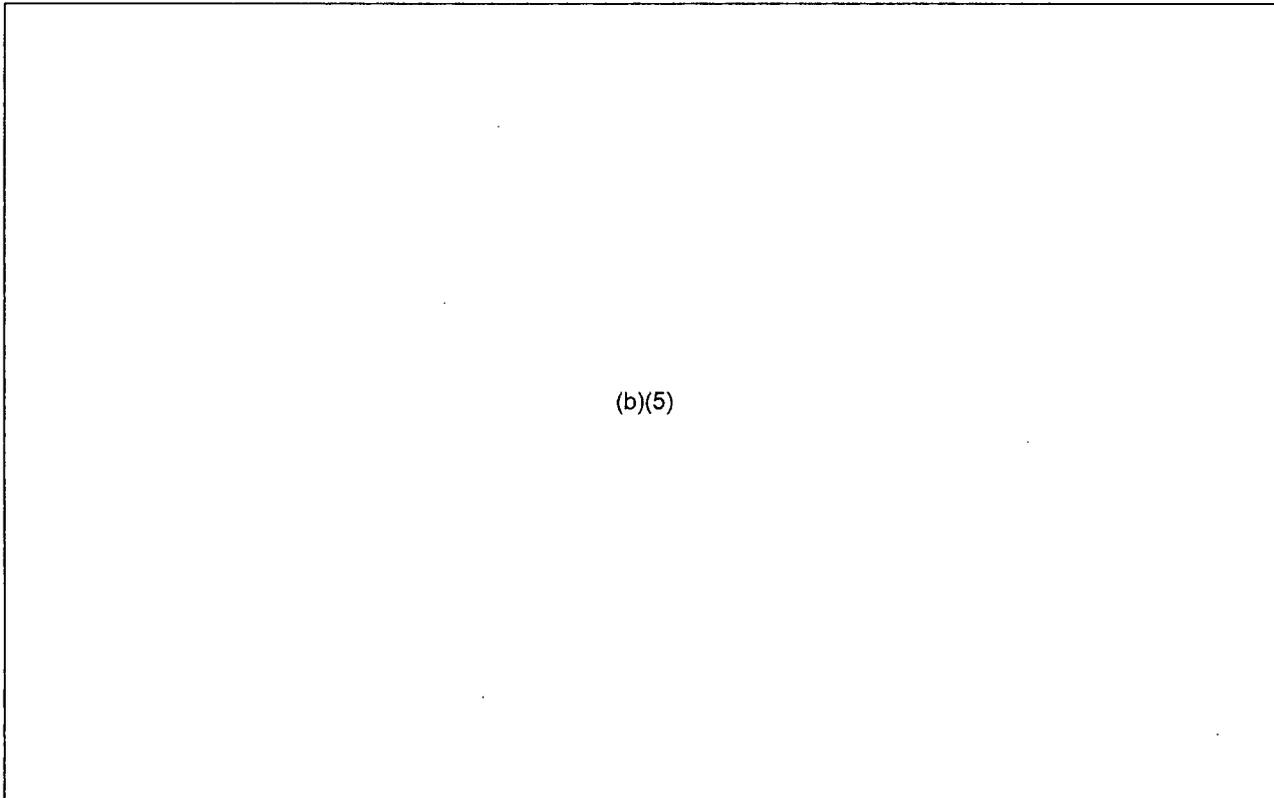


EB/54

11:40 AM-EDT  
3/14/2011

~~DRAFT~~

**Severe Accident Consequences**



(b)(5)

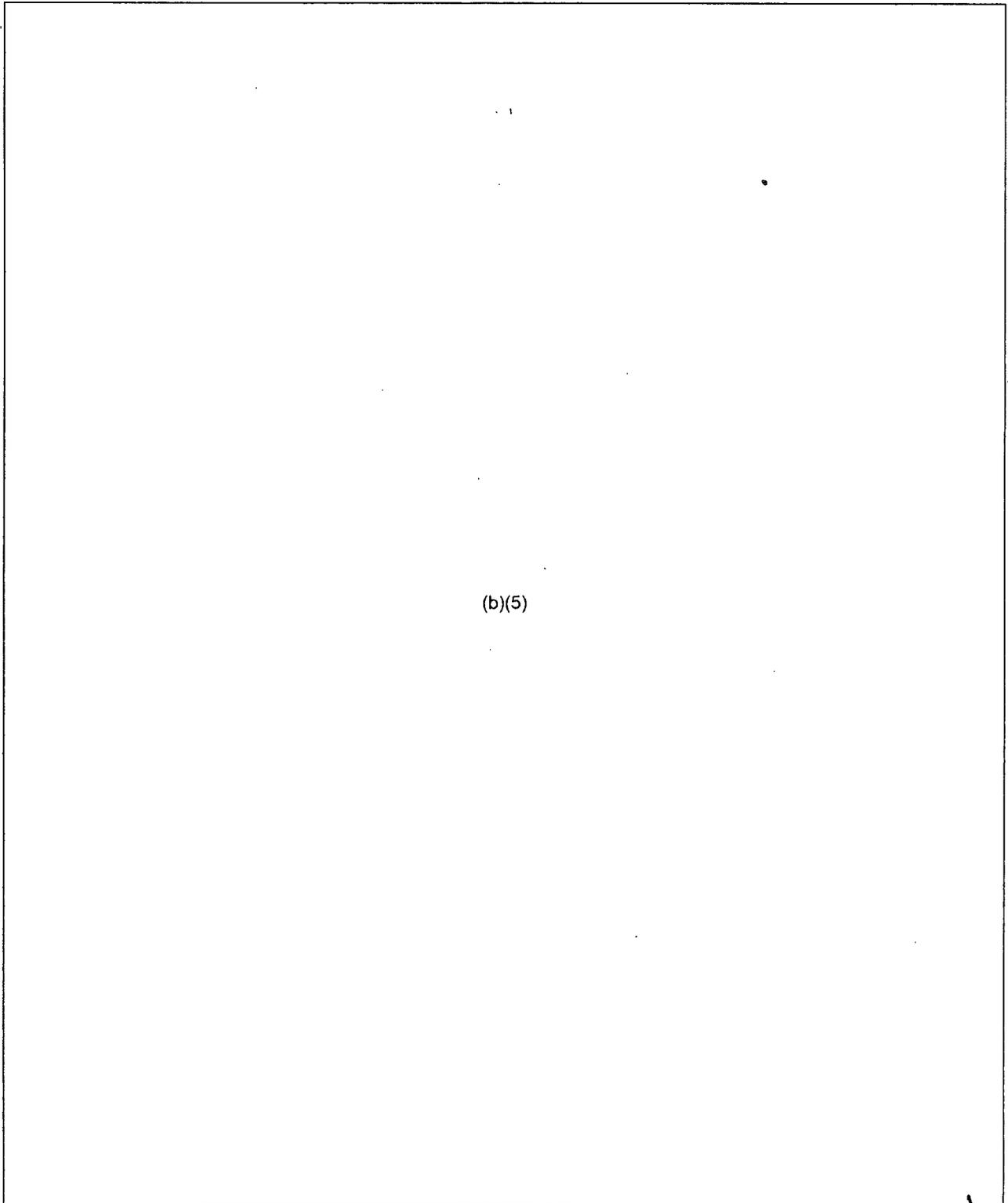
EB/55

(b)(5)

14:51 EDT  
3/14/2011

~~DRAFT~~

### Severe Accident Consequences



(b)(5)

EB/56

(b)(5)

(b)(5)

Jackson, Karen

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**From:** Hoc, PMT12  
**Sent:** Sunday, March 27, 2011 12:27 PM  
**To:** PMT03 Hoc  
**Subject:** FW: Please Review - High Priority  
**Attachments:** Summary of Air Sample Analyses Submitted by CMOC 25 Mar  
WORKING DRAFT.xlsx

**From:** OST01 HOC  
**Sent:** Sunday, March 27, 2011 11:08 AM  
**To:** ET07 Hoc; LIA06 Hoc; LIA08 Hoc; PMT01 Hoc; PMT02 Hoc; PMT11 Hoc; Hoc, PMT12  
**Subject:** FW: Please Review - High Priority

Please forward to applicable personnel, if necessary.

**From:** HOO Hoc [<mailto:HOO.Hoc@nrc.gov>]  
**Sent:** Sunday, March 27, 2011 11:05 AM  
**To:** LIA07 Hoc; OST01 HOC; OST02 HOC; OST03 HOC  
**Subject:** FW: Please Review - High Priority

-----  
**From:** NITOPS[[SMTP:NITOPS@NNSA.DOE.GOV](mailto:NITOPS@NNSA.DOE.GOV)]  
**Sent:** Sunday, March 27, 2011 11:04:58 AM  
**To:** DL-Policy Working Group; CMHT; HOO Hoc; NARAC; PMT01 Hoc; PMT02 Hoc;  
Hoc, PMT12  
**Subject:** FW: Please Review - High Priority  
**Auto forwarded by a Rule**

FYI

**From:** Reed, Alexis L (NST)  
**Sent:** Sunday, March 27, 2011 11:03 AM  
**To:** NITOPS; CMHT  
**Subject:** Please Review - High Priority

Please review the attached summary spreadsheet of air samples taken by the CMRT field teams. Target values are daily whole-body dose (mrem) and daily thyroid dose (mrem) at each location.

\*\*\*\*\*  
Alexis L. Reed, Ph.D. (Contractor)  
DOE CM Home Team

EB/57

702-794-1671

**LIA02 Hoc**

---

**From:** Michael W. Chinworth [michael-chinworth@jnes-usa.org]  
**Sent:** Monday, March 14, 2011 12:48 PM  
**To:** Emche, Danielle  
**Cc:** Yamachika, Hidehiko; Foggie, Kirk; Aono, Kenjiro; LIA02 Hoc  
**Subject:** Re: TEPCO Earthquake Information Update as of March 14, 2300(JST) - Fukushima Daini Unit 1 in Cold Shutdown

Correct.

-- Michael C.

On 3/14/2011 11:55 AM, Emche, Danielle wrote:

This is unit two correct?

Danielle

Sent from an NRC BlackBerry.

---

**From:** Emche, Danielle

**To:** 'yamachika-hidehiko@jnes-usa.org' <yamachika-hidehiko@jnes-usa.org>; Foggie, Kirk; 'michael-chinworth@jnes-usa.org' <michael-chinworth@jnes-usa.org>

**Cc:** 'aono-kenjiro@jnes-usa.org' <aono-kenjiro@jnes-usa.org>

**Sent:** Mon Mar 14 11:53:28 2011

**Subject:** Re: TEPCO Earthquake Information Update as of March 14, 2300(JST) - Fukushima Daini Unit 1 in Cold Shutdown

Is this Unit 2?

Danielle

Sent from an NRC BlackBerry.

---

**From:** Hidehiko Yamachika <yamachika-hidehiko@jnes-usa.org>

**To:** Emche, Danielle; Foggie, Kirk; Cullingford, Michael

**Cc:** Aono, Kenjiro <aono-kenjiro@jnes-usa.org>; Michael W. Chinworth <michael-chinworth@jnes-usa.org>

**Sent:** Mon Mar 14 11:49:29 2011

**Subject:** RE: TEPCO Earthquake Information Update as of March 14, 2300(JST) - Fukushima Daini Unit 1 in Cold Shutdown

TEPCO announced at 11:30 am in EDT that all of fuel became uncovered again at 10:20am in EDT because the closure of the valve prevented from flow of sea water.

TEPCO is trying to open another valve to release high pressure in the reactor vessel, which took place due to the lack of sea water supply, and keep condition in which sea water flow will be assured.

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Based on the sample analysis of the Unit 3 turbine building contaminated water stepped in by the three workers at the Fukushima Daiichi site on March 24, 2011 it is believed that the source of the water is from the Unit 3 reactor.

The location of the source of the water is based on the presence of Iodine 131 and Lanthanum 140 because of:

- I-131 is a short lived fission by product (half-life 8days); (b)(5)  
(b)(5) described the newest fuel in the Unit 3 Spent Fuel Pool to be at least 105 days old. 105 day equates to 13 half-lives and radiological decay is accepted to be 0 after 7 half-lives.
- Lanthanum 140 is byproduct of severe core damage which would only have occurred in the core. The SFP would not have had sufficient energy to develop severe core damage type results even if the fuel was to experience a zircaloy water reaction (catch fire and burn).

Conclusion, the only source for this water is the Unit 3 reactor.

EB/59

Updated from 3-19-11 discussion at 1400 to this revision 2 at 2347.  
Forwarded from Lamparski to Roberts in the NRC ECC late on 3-19-11

## Issues Related to Sea Water in a BWR Plant

### 1. Thermal Hydraulic Issues

The use of seawater for reactor core cooling introduces the potential for boiling to concentrate salts and suspended solids within the core assembly, possibly to the extent of hindering or blocking fuel channel flow. Injecting saltwater flow at a sufficiently high rate to prevent boiling would preclude this issue. A feed and bleed process injects subcooled water into the reactor vessel and relies on the change-out of water volume within the core to absorb decay heat before the water temperature reaches saturation and nucleate boiling. There are a number of considerations and challenges that must be addressed before concluding the requisite saltwater injection rate:

- Injection water will absorb heat from metal structure in addition to core decay heat. Both sources of heat must be factored into determining the rate needed to stave-off boiling within the core.
- Blockage is a localized phenomena, so the conditions within a small region would need to be characterized
- Core power peaking factors at the hot spot under normal conditions can provide an initial estimate of the local heat load; however, and effects of core degradation (if currently exists) must be factored into any calculation
- Core hot spot may not be amenable to cooling due to degradation of the local structure.

In the absence of fresh water sources, the use of saltwater for core cooling is a necessary action. The presence of cool water flow in regions surrounding any chloride-blocked regions can still provide beneficial cooling through conduction processes. However, at the earliest opportunity, fresh water sources for cooling flow should be employed at maximized rates. Freshwater flow can provide flushing through regions that may have experienced chloride build-up, thereby reducing restrictions to flow or removing chloride layering that interferes with heat transfer from core structures.

Another potential concern is the accumulation of solids in the reactor vessel in the event that the prevailing cooling method is by seawater addition combined with steam venting. Unit 3 had the highest decay heat burden at the time of the event, but the following discussion is generally applicable to Unit 2, and to a lesser degree, Unit 1. The "IEEE Spectrum" chronology indicates seawater injection began at unit 3 54 hours after shutdown. The total decay heat generated from that point to the current time (05:00 on 3/20/11 JST, or 218 hours post casualty) is on the order of  $3.8E+09$  BTU. Removal of this amount of heat by feed and bleed would involve  $3.5E+06$  lbm of seawater injection. The specific gravity of seawater is about 1.03 indicating a 3% solids fraction. Hence, the solids deposited within the pressure vessel to date could be on the order of 104,000 lbm (52 tons). Continued flow of 48 gpm is currently required for decay heat removal, which equates to 550,000 lbm/day and a continued accumulation of solids at a rate of 8 tons per day. This may not be of significant near term impact. If 52 tons of solids (primarily NaCl) collected into a dense precipitate it would fill up only about the bottom 3 feet of the 70 foot plus tall pressure vessel.

Sea water contains about three weight percent dissolved solids, mostly sodium chloride. The sodium chloride concentration is about a factor of twelve below saturation near room temperature, but some of the minor constituents are much closer to saturation. Untreated sea

EB/60

suggests that deposition of minerals from the sea water is not a problem for once-through systems, but can be a problem when the sea water is recycled between the condenser and a cooling tower, where some of the sea water evaporates, increasing the concentration of minerals. Scaling is a major consideration when sea water is evaporated to produce fresh water. Quoting from some product literature from Rosemount Analytical,

"There are two separate scaling problems that must be dealt with in a sea water evaporator. The first includes both calcium carbonate (limestone) and magnesium hydroxide scale. These are formed under higher pH conditions when bicarbonate ions can form carbonate ions and when more hydroxyl (OH<sup>-</sup>) ions are present...

CaCO<sub>3</sub> and Mg(OH)<sub>2</sub> scaling can be minimized by lowering the pH of the feedwater under 5.7, thus preventing the formation of appreciable amounts of scale. This is commonly achieved by adding citric acid, ferric chloride, or sulfuric acid. However, too much acid can result in corrosion...

The second problem occurs when the feed solution becomes saturated with calcium sulfate. CaSO<sub>4</sub> can not be controlled by pH adjustment. It is necessary to maintain the CaSO<sub>4</sub> concentration below the saturation point, roughly 2 gpl, by removing a portion of the heavy brine in the evaporator."

The calcium concentration in raw sea water is ~400 ppm, which is equivalent to 1.36 grams of calcium sulfate per liter. Therefore, evaporating as little as one-third of the original volume of the sea water might cause calcium sulfate scaling to begin.

In steam generators, calcium sulfate impurity in the boiler water can be a serious problem, because it precipitates preferentially on the hottest surfaces, where it forms an adherent scale which impedes heat transfer. One of the reasons that sodium phosphate is often used as a boiler water additive is that it causes calcium to precipitate as a phosphate compound rather than as calcium sulfate. The phosphate precipitates are reputed to be less prone to form adherent scales on heat transfer surfaces.

## 2. Plant Integrity Issues

### a. Stainless Steel Piping and Pressure Vessel Penetrations

#### i. BWR's have many bottom penetrations of the pressure vessels related to Control Rod Drive Mechanisms

##### 1. Stainless Steel Welds

- a. At 100C in an aerated environment stress corrosion cracking of stainless steel welds has likely begun in a period of several hours to a day
- b. At 100C the Stress Corrosion Crack Growth rates of the stainless steel welds will likely proceed at rates on the order of 0.001" per day.
  - i. 125 days before seeing the first signs of leaking in 1/8 inch weld
  - ii. Several years in 1 inch and greater welds
- c. Mitigation techniques
  - i. Once flow is re-established in the plants
    1. Drive down the corrosion potential of the water
      - a. Deaerate the water in the plant
        - i. Hydrazine additions
      - b. Add phosphates

2. Replace salt water with fresh water as soon as practical

b. Pressure Vessel Steel

i. Chlorides not a major concern

1. Same mitigation techniques as above would be beneficial

ii. Borate

1. Concentrated borate solutions can cause fast corrosion attack of pressure vessel steel.
2. Will require concentrating mechanism against the pressure vessel steel
  - a. Probably unlikely internal to the reactor
  - b. External to the reactor could conceivably occur
    - i. Davis Besse Scenario
      1. Primary to atmosphere leak through stainless steel penetrations
      2. Accumulate borates on the outside of the vessel near the leak.

c. Nickel based alloys

1. Chlorides not a major concern
2. Same mitigation techniques as for stainless steel above would be beneficial

Jackson, Karen

---

**From:** Hoc, PMT12  
**Sent:** Friday, April 01, 2011 8:27 PM  
**To:** PMT03 Hoc  
**Subject:** FW: Basis for IAEA review of Japan OILs

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

**From:** Laforteza, Leonard D CIV COMPACFLT, N43  
**Sent:** Friday, April 01, 2011 3:03 PM  
**To:** Hoc, PMT12  
**Subject:** RE: Basis for IAEA review of Japan OILs

(b)(6)

OK. Thanks Eric!

Leonard

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

**From:** Hoc, PMT12 [<mailto:PMT12.Hoc@nrc.gov>]  
**Sent:** Thursday, March 31, 2011 19:06  
**To:** Laforteza, Leonard D CIV COMPACFLT, N43  
**Cc:** FOIA Response.hoc Resource  
**Subject:** FW: Basis for IAEA review of Japan OILs

Leonard,

In my turnover from Tim Harris, I was instructed to forward this to you.

Eric Benner, NRC PMT

**From:** [IEC14@iaea.org](mailto:IEC14@iaea.org) [<mailto:IEC14@iaea.org>]  
**Sent:** Friday, April 01, 2011 12:48 AM  
**To:** HOO Hoc; Hoc, PMT12  
**Cc:** [IEC3@iaea.org](mailto:IEC3@iaea.org)  
**Subject:** [WARNING: MESSAGE ENCRYPTED]Basis for IAEA review of Japan OILs

Dear NRC,

Further to our recent telephone call, please find attached a the pre-release version of the IAEA document: GSG-2 Criteria for use in preparedness and response for nuclear or radiological emergency. It has also been posted on ENAC under Documents (but not under the emergency).

EB/6/1

This document has been used as the basis of the review the IAEA conducted as summarized below.

Based on measurements of I-131 and Cs-137 in soil, sampled from 18 to 26 March in 9 municipalities at distances of 25 to 58 km from the Fukushima Nuclear Power Plant, the total deposition of iodine-131 and cesium-137 has been calculated. The results indicate a pronounced spatial variability of the total deposition of iodine-131 and cesium-137. The average total deposition determined at these locations for iodine-131 range from 0.2 to 25 Megabecquerel per square metre and for cesium-137 from 0.02-3.7 Megabecquerel per square metre. The highest values were found in a relatively small area in the Northwest from the Fukushima Nuclear Power Plant. First assessment indicates that one of the IAEA operational criteria for evacuation is exceeded in Iitate village. We advised the counterpart to carefully assess the situation. They indicated that they are already assessing.

Should you have any questions please do not hesitate to ask.

Regards,

Pat Kenny

ERM on duty

Emergency Response Manager, IEC

x26622

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Task 1928

Originator: EST Actions Officer

Requester: DoD

Due Date/Time: 3/21/2011 @ 18:30

Request:

DoD wants to know what criteria NRC uses to know that the situation is getting worse—temperature, radiological, or anything else. They want to know what kinds of temperatures or rad levels would trigger concern at NRC. They want to do this so that they can track the situation themselves somewhat and know when they may need to be prepared to start evacuating. The DoD requests the information within 8 hours from now.

Provide response via email or verbal brief (if classified) to Laura Pearson, NSIR.

RST Response:

The NRC Reactor Safety Team is monitoring information available through the Embassy relative to the core and containment conditions for the Fukushima Daiichi Units 1, 2, and 3, as well as the spent fuel pool conditions for Units 1 through 4 (Unit 4 had no fuel in the reactor core at the time of the earthquake and does not pose a radiological concern. The general plant conditions include significant damage but some stability has been noted (3/20/2011 JAIF information) in all three reactors and associated containments. Recent thermography results indicate stability has been achieved in the spent fuel pools for Units 1 through 4, although damage has occurred in Unit 4. (The operating history prior to the earthquake and tsunami at Units 5 and 6 and the current conditions at those two facilities have not indicated any significant damage states that would likely cause immediate risks to American citizens living in Japan.) Note, that while the plant conditions are somewhat stable, this does not mean that the (Unit 1 to 3) reactor cores have achieved a safe, cold shutdown condition, nor are the (Unit 1 to 3) containments in a normal state where future releases can be predicted or fully controlled.

The key information that is relative to stability are:

Reactor vessel seawater injection, level and pressure;

Containment pressure; and,

Spent fuel pool temperature.

General Status and Conclusions:

The core is damaged in Units 1, 2, and 3 and the integrity of the Reactor Coolant System is unknown (Unit 4 core was offloaded at time of event). The Primary Containment is functional in Unit 1; has indicated torus damage in Unit 2; and, has an unknown status (but may not be damaged) in Unit 3 (Primary Containment is not needed at Unit 4). The Secondary Containment (Reactor Building) is severely damaged in Units 1, 3, and 4 and is "opened" in Unit 2 to remove H2 buildup.

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Some core stability has occurred resulting from seawater injection to the Unit 1, 2, and 3 cores via the core spray system.

Primary Containment pressure is below design pressure and venting has been stopped temporarily, although a decreasing pressure trend has been observed at Unit 3 indicating the possibility of leakage. Drywell pressure is 1.6 atmospheres at Unit 1 and is 1.2 atmospheres at Units 2 and 3.

The Spent Fuel Pool temperatures (thermography) now indicate that the fuel is being cooled by seawater spray in Units 3 and 4 and by seawater injection in Unit 2. Radiation levels have also decreased. Unit 4 spent fuel is damaged as indicated by a H2 explosion.

Specific Status Information:

Unit 1 (reactor and containment) – based on JAIF source:

Core status is damaged. Reactor Coolant System integrity is unknown. As of 3/21/2011, the reactor coolant system temperature is not known; at 2:25 PM (local time) reactor pressure was stable at 0.198 MPa (28 psi); and, reactor water level indication is -1750 mm (about half of the active fuel is uncovered). Seawater injection is ongoing through use of the core spray system so that cool water is being injected on the top of the core to provide core cooling and to strip gaseous releases from damaged fuel.

Primary containment is stable and at 2:25 PM (local time) the drywell pressure was 0.160 MPa (23 psi or 1.6 atm). Primary Containment cooling has not been restored but drywell pressure is stable and below design. Containment venting has been stopped temporarily. Secondary Containment status - failed.

Unit 2 (reactor and containment) – based on JAIF source:

Core status is damaged. Reactor Coolant System integrity is unknown. As of 03/21/2011, the reactor coolant system temperature is not known; at 2:25 PM (local time) reactor pressure was stable at -0.023 MPa (negative pressure is suspicious data) – this value is sub-atmospheric and is not a reliable value; and, reactor water level indication is -1350 mm (about half of the active fuel is uncovered). Seawater injection is ongoing through use of the core spray system so that cool water is being injected on the top of the core to provide core cooling and to strip gaseous releases from damaged fuel.

As of 03/21/2011, primary containment has possible torus damage as indicated by a pressure change in the suppression pool on 03/XX/2011; at 2:25 PM (local time) the drywell pressure was 0.12 MPa (17 psi or 1.2 atm). Primary Containment cooling has not been restored but drywell pressure is stable and below design. Primary Containment venting has been stopped temporarily. Secondary Containment status - a blowout panel is opened on the side of the reactor building to reduce H2 buildup.

Unit 3 (reactor and containment) – based on JAIF source:

Core status is damaged. Reactor Coolant System integrity is unknown. As of 3/21/2011, the reactor coolant system temperature is not known; at 12:25 PM (local time) reactor pressure was stable at -0.183 MPa (negative pressure is suspicious data) – this value is sub-atmospheric and

is not a reliable value; and, reactor water level indication is -2000 mm (about half of the active fuel is uncovered). Seawater injection is ongoing through use of the core spray system so that cool water is being injected on the top of the core to provide core cooling and to strip gaseous releases from damaged fuel.

Primary containment status is unknown (may not be damaged) but has had a decreasing pressure trend. On 03/21/2011 at 12:25 PM (local time) the drywell pressure was 0.120 MPa (17 psi or 1.2 atm). Primary Containment cooling has not been restored but drywell pressure is stable and below design. Containment venting has been stopped temporarily. Secondary Containment status - failed.

Spent Fuel Pools (Units 1 through 4) – based on US supplied information:

The spent fuel pool temperatures have been estimated (b)(5) all four spent fuel pools now indicate temperatures below 100 degrees C. This value is important because it indicates that sufficient water is in the pools to provide cooling to the irradiated fuel. While damage to the spent fuel may have occurred that could result in additional releases of radioactive materials, maintaining temperature below 100 degrees C is a positive indication that conditions are not worsening. Therefore, as long as this parameter does not significantly degrade (as indicated by significantly greater temperatures), releases are not expected to be more significant than has already occurred (additional information by the PMT dose assessment group).

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

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**From:** Jaczko, Gregory  
**Sent:** Saturday, April 02, 2011 5:44 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: message from Ambassador Roos

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**From:** Carpenter, Cynthia  
**Sent:** Saturday, April 02, 2011 5:44:27 AM  
**To:** Borchardt, Bill; Weber, Michael; Virgilio, Martin; ET07 Hoc; Jaczko, Gregory  
**Cc:** Morris, Scott; Casto, Chuck  
**Subject:** message from Ambassador Roos  
**Auto forwarded by a Rule**

Chairman,

Chuck Casto called this morning. Ambassador Roos asked Chuck to pass along the Ambassador's sincere appreciation and gratitude to the NRC staff for the wonderful job the entire team back here has been doing. He added, "The Ambassador has received feedback from credible sources that believe this has been the US Embassy's finest hour since the Embassy has been there."

Chuck Casto asked that we pass this along, and also, he will craft some additional words directly from the Ambassador for either the Chairman or Bill to send to the staff.

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**From:** Jaczko, Gregory  
**Sent:** Tuesday, April 05, 2011 10:10 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Thoughts on long/medium/short term planning  
**Attachments:** Decision PointsJapan.docx

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**From:** Casto, Chuck  
**Sent:** Tuesday, April 05, 2011 10:09:51 PM  
**To:** Virgilio, Martin  
**Cc:** Jaczko, Gregory  
**Subject:** Thoughts on long/medium/short term planning  
**Auto forwarded by a Rule**

Marty,

As you know I was asked to give some thoughts on the Japanese long/medium/short term planning. I will meet with Mr. Hosono later today to share my thoughts. Attached is a rough outline of those attributes that I would expect to be addressed in such a plan.

Thanks,

casto

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**Decision Points/Fundamental Assumptions:**

(b)(5)

(b)(5)

**Plans short/medium/long:**

**short:**

(b)(5)

**medium:**

(b)(5)

longer:

(b)(5)

Other details:

(b)(5)

(b)(5)

(b)(5)

(b)(5)

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**From:** Jaczko, Gregory  
**Sent:** Wednesday, April 06, 2011 8:18 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: cabinet meeting minutes from last night

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**From:** Casto, Chuck  
**Sent:** Wednesday, April 06, 2011 8:18:24 PM  
**To:** Jaczko, Gregory  
**Subject:** Re: cabinet meeting minutes from last night  
**Auto forwarded by a Rule**

Yes. Better data, engineer to engineer exchange, nitrogen injection started, they are dumping low level waste to make room for high level waste which is a good thing, and they are developing a long range plan.

Chuck

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**From:** Jaczko, Gregory  
**To:** Casto, Chuck  
**Sent:** Wed Apr 06 19:36:01 2011  
**Subject:** Re: cabinet meeting minutes from last night

Thanks chuck. Is there progres?s

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**From:** Casto, Chuck  
**To:** Jaczko, Gregory; Virgilio, Martin  
**Cc:** Weber, Michael  
**Sent:** Wed Apr 06 19:21:06 2011  
**Subject:** cabinet meeting minutes from last night

Attached are the meeting minutes.....

(b)(5)

-casto

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**From:** Jaczko, Gregory  
**Sent:** Saturday, April 16, 2011 7:38 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: timing of call

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**From:** Zimmerman, Roy  
**Sent:** Saturday, April 16, 2011 7:38:03 AM  
**To:** Jaczko, Gregory  
**Cc:** Casto, Chuck  
**Subject:** timing of call  
**Auto forwarded by a Rule**

Good Morning Chairman.....I wanted to verify the time you would like to talk with Chuck and myself this weekend. On weekdays, Chuck calls in at 0830 and you usually join us around 0845, if available, or call back to the Ops Center when you free up and the ET director briefs you.

On the weekend do you want to maintain that schedule? I believe I may have mentioned 10:00am to you when we talked yesterday, which is wrong based on current approach, although likely doable with Chuck because I believe his schedule is lighter today.

If you get this email in time, pls let me know if would like to stick with the 0845 timeframe.....or move it back a bit. Thx, Roy

EB/66

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**From:** Jaczko, Gregory  
**Sent:** Sunday, April 17, 2011 6:22 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Secretary Clinton's Comments  
**Attachments:** JapenGlobalAssessmentFinalApril15.pptx

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**From:** Casto, Chuck  
**Sent:** Sunday, April 17, 2011 6:22:16 AM  
**To:** Jaczko, Gregory  
**Cc:** Virgilio, Martin  
**Subject:** Secretary Clinton's Comments  
**Auto forwarded by a Rule**

Mr. Chairman,

As you know the Secretary of State visited today. We provided a short PowerPoint presentation to the Embassy for her briefing book. She did not ask for a briefing. However, the following accolades were provided concerning the NRC's work.

We were told that at the Emperor's Palace the work of the NRC was discussed. Also, at the Secretary's townhall visit here at the Embassy she mentioned the great work of the NRC (we were the first Agency that she mentioned). I was introduced to her and we talked briefly about the great work of the Agency and the Embassy. The Ambassador was very gracious about our work.....

FYI...

casto

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**From:** Jaczko, Gregory  
**Sent:** Monday, April 18, 2011 12:10 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: topics of interest for telephone calls

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**From:** Casto, Chuck  
**Sent:** Monday, April 18, 2011 12:10:04 AM  
**To:** Jaczko, Gregory  
**Cc:** Virgilio, Martin  
**Subject:** topics of interest for telephone calls  
**Auto forwarded by a Rule**

Mr. Chairman,

You mentioned a potential telephone conversation that you may have with Mr. Hosono and that you would call the Ambassador beforehand. I am happy to set up the call with the Ambassador as you wish. I would like to offer some potential topics of interest that you may want to share with either of them.

Those items are:

Ambassador

(b)(5)

Mr. Hosono

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(b)(5)

Offered for your consideration-

-casto

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**From:** Jaczko, Gregory  
**Sent:** Monday, April 18, 2011 2:54 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW:  
**Attachments:** NRC Daily Assessment of Daiichi - 4-18-11.pdf

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**From:** Moore, Carl  
**Sent:** Monday, April 18, 2011 2:53:45 AM  
**To:** Jaczko, Gregory  
**Cc:** Borchardt, Bill; Weber, Michael; Virgilio, Martin; Casto, Chuck; Leeds, Eric; RST01 Hoc; OST01 HOC  
**Auto forwarded by a Rule**

Dear Chairman

Attached please find the NRC Japan Team's Daily Assessment of conditions at the Fukushima Daiichi nuclear power plants and spent fuel pools. There are no changes to the daily assessment chart for today. It should be noted that the Unit 3 reactor pressure vessel flange temperature and upper drywell temperature indicators are starting to trend down. Over the past 24 hours reactor pressure vessel flange and upper drywell temperature has come down approximately 20 degrees C. The cause for the decrease is still unknown and is being evaluated.

If you have any questions, please don't hesitate to ask.

Best regards,  
Carl Moore  
NRC Japan Team

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## NRC's Daily Assessment of Conditions at Fukushima Daiichi Nuclear Power Plant

<u>Unit 1</u>		Today	Yesterday	<u>Unit 3</u>		Today	Yesterday
Vessel	Cooling	Challenged	Challenged	Vessel	Cooling		
		↔	↔			↔	↔
	Integrity				Integrity		
		↔	↔			↔	↔
Containment	Flooding			Containment	Flooding	Challenged	Challenged
		↔	↔			↔	↔
	Integrity	Challenged	Challenged		Integrity		
		↔	↔			↓	↓
Spent Fuel Pool	Cooling/Level			Spent Fuel Pool	Cooling/Level	Challenged	Challenged
		↔	↔			↔	↔
	Integrity				Integrity	Challenged	Challenged
		↔	↔			↔	↔
<u>Unit 2</u>		Today	Yesterday	<u>Unit 4</u>		Today	Yesterday
Vessel	Cooling	Challenged	Challenged	Spent Fuel Pool	Cooling/Level	Challenged	Challenged
		↔	↔			↔	↔
	Integrity				Integrity	Challenged	Challenged
		↔	↔			↑	↑
Containment	Flooding						
		↔	↔			Today	Yesterday
	Integrity			Protective Measures	Exposure Risk		
		↔	↔			↔	↔
Spent Fuel Pool	Cooling/Level						
		↔	↔				
	Integrity						
		↔	↔				

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April 18, 2011

Methodology for Developing the Fukushima Daiichi Daily Assessment Report

**PURPOSE:** The report is prepared to provide a qualitative high level assessment of daily conditions at Fukushima Daiichi that the U.S. Ambassador can use to assess the safety of American citizens in Japan.

**DISCLAIMER:** The development of the daily assessment report includes a number of inputs. Some of these are objective, such as plant data provided by TEPCO, while others are subjective, such as engineering insights from the NRC's reactor and protective measures specialists in Japan. It should be recognized that there are many unknowns and uncertainties associated with having a complete understanding of conditions in each of the Daiichi reactors and spent fuel pools. As such, this tool represents the collective judgment of the NRC staff in Japan based on all available data.

For each of the major plant parameters listed below, the NRC staff assesses its status daily and bins it into one of the three categories listed. The staff uses the listed plant information and conditions in making its assessment. The arrows on the report indicate the relative trend in plant conditions from the previous day.

1. Reactor Pressure Vessel
  - a. Cooling – Adequate, Challenged, or Inadequate.
    - i. Flow or Injection Rate
    - ii. Reliability of Injection
    - iii. Source of Water
  - b. Integrity – Intact, Challenged, or Failed.
    - i. Temperature indications
    - ii. Pressure readings
2. Primary Containment
  - a. Flooding Status – Complete/Not needed, Challenged, or Incomplete/Needed.
    - i. Water Level
    - ii. Sources
    - iii. Injection capacity/rate
  - b. Integrity - Intact, Challenged, or Failed.
    - i. Pressure readings
    - ii. Bypass evaluations
    - iii. Temperature indications
3. Spent Fuel Pools
  - a. Cooling/Level – Adequate, Challenged, or Inadequate.
    - i. Flow or Injection Rate
    - ii. Reliability of Injection
    - iii. Source of Water
  - b. Integrity – Intact, Challenged, or Failed. Due to limited available data, this assessment relies strongly on the NRC team's engineering judgment.
4. Protective Measures – Exposure Risk to American citizens in Japan outside the U.S. government's recommended 50-mile evacuation zone.
  - a. Low – 50-mile recommendation remains sufficient
  - b. Medium – New information has raised questions regarding the sufficiency of the 50-mile recommendation.
  - c. High – 50-mile recommendation is no longer sufficient due to changing plant condition

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**From:** Jaczko, Gregory  
**Sent:** Tuesday, April 19, 2011 3:52 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Question from State Dept Operations Center

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**From:** Reynolds, Steven  
**Sent:** Tuesday, April 19, 2011 3:52:19 AM  
**To:** Jaczko, Gregory; Virgilio, Martin  
**Subject:** FW: Question from State Dept Operations Center  
**Auto forwarded by a Rule**

Chairman and Marty,

Wanted to forward on to you what I provided in response to Bruce Howard's questions (see email below).

Thanks,  
Steve

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**From:** Reynolds, Steven  
**Sent:** Tuesday, April 19, 2011 3:01 PM  
**To:** Casto, Chuck; 'howardeb@state.gov'  
**Subject:** RE: Question from State Dept Operations Center

Bruce,

There have been many reports in the press indicating that TEPCO has acknowledged fuel damage to all three reactors. TEPCO was quoted as saying that they estimate that 70 percent of the fuel in Unit 1 was damaged, 30 percent in Unit 2, and 25 percent in Unit 3. This may be the first time that NISA has publicly acknowledged fuel damage (melting).

As for damage to the spent fuel in the Unit 2 spent fuel from falling wreckage, we have not heard this. We are not aware of damage to the Unit 2 spent fuel pool; however, there has been damage on Unit 1, 2, and 4 spent fuel pools.

CCS Edano's comments may be referring to fuel melting through the reactor vessel (or ex-vessel). We have not seen TEPCO or NISA acknowledge publicly that any of the reactors have fuel outside the reactor vessel.

Let us know if you have any further questions.

Thanks,  
Steve

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**From:** Casto, Chuck  
**Sent:** Tuesday, April 19, 2011 1:53 PM  
**To:** Reynolds, Steven  
**Subject:** Fw: Question from State Dept Operations Center

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**From:** Howard, E. Bruce <HowardEB@state.gov>  
**To:** Casto, Chuck  
**Sent:** Tue Apr 19 00:39:35 2011  
**Subject:** Question from State Dept Operations Center

Chuck,

Can you provide the requested "additional context" for this? Or answer the "seemingly significant" question? Thanks!  
Bruce

We are preparing the Secretary's next brief and are considering including the highlighted portion below if we can get additional context from you all. Could our NRC team put this development in additional context? Is it surprising that this seemingly significant announcement was made by NISA?

**7:32 April 19, 2011 Tuesday (Yomiuri: NISA acknowledges "melting" of nuclear fuel):** All papers, including Yomiuri, reported on press remarks on Monday by a senior NISA official, who formally acknowledged for the first time that nuclear fuel rods at reactors 1, 2, and 3 have "apparently melted." The official reportedly explained that ceramic pellets inside the fuel rods appear to have melted. Meanwhile, Asahi reported on TEPCO's view that spent fuel rods stored at the No. 2 reactor spent fuel pool may have been damaged. TEPCO conjectured that damage to the spent rods may have been caused by falling wreckage.

This email is UNCLASSIFIED.

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**From:** Jaczko, Gregory  
**Sent:** Tuesday, April 19, 2011 9:41 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: April 21 Issue (Shukan Bunshun: SHOCKING SCOOP-Revolt at TEPCO's Fukushima nuclear complex):  
**Attachments:** 11041304im.docx

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**From:** Casto, Chuck  
**Sent:** Tuesday, April 19, 2011 9:40:28 PM  
**To:** Jaczko, Gregory; Virgilio, Martin  
**Cc:** Reynolds, Steven  
**Subject:** FW: April 21 Issue (Shukan Bunshun: SHOCKING SCOOP-Revolt at TEPCO's Fukushima nuclear complex):  
**Auto forwarded by a Rule**

Interesting article....(by the way, we don't have an office in TEPCO, the consortium is the (INPO))

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**From:** Morimura, Stephanie (TDY/PAS) [mailto:TDYMorimuraS@state.gov]  
**Sent:** Wednesday, April 20, 2011 9:18 AM  
**To:** Casto, Chuck  
**Cc:** Zumwalt, James P  
**Subject:** FW: April 21 Issue (Shukan Bunshun: SHOCKING SCOOP-Revolt at TEPCO's Fukushima nuclear complex):

Hi Chuck – Take a look at this. Would love to hear your take. It's from a Japanese weekly,

(b)(5)

Stephanie

This email is UNCLASSIFIED.

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**From:** Sabin, Burrirt H  
**Sent:** Wednesday, April 20, 2011 7:39 AM  
**To:** Morimura, Stephanie (TDY/PAS)  
**Subject:** April 21 Issue (Shukan Bunshun: SHOCKING SCOOP—Revolt at TEPCO's Fukushima nuclear complex):

Good morning Stephanie,

Here's the article. -- Burt

The attached article from the weekly magazine Shukan Bunshun describes a “revolt” by exhausted engineers at the Fukushima plant against the U.S.-instigated recommendations from TEPCO execs back in Tokyo. The

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weeklies sensationalize stories, but even taking the square root of what is alleged herein, there would seem to be a risk of a breakdown in communications with potentially dire consequences. Running through the article is an undercurrent of resentment against American "interference." The allegations of U.S. interference are highlighted.

This email is UNCLASSIFIED.

**April 21 Issue (Shukan Bunshun: SHOCKING SCOOP—Revolt at TEPCO's Fukushima nuclear complex):** At TEPCO's Fukushima Daiichi Nuclear Power Plant, a team of more than 300 on-site workers are doing whatever they can to restore its crippled reactors. Behind their efforts, however, there was a "revolt" that TEPCO's head office and the government are trying desperately to hide. The nuclear plant's site director and the TEPCO-METI joint headquarters locked horns with each other, and politicians are only saying "*gambare*" (hang in there)... We must not avert our eyes from the truth.

There is a seismically isolated building on the premises of TEPCO's Fukushima nuclear plant. This building is located northwest of the No. 1 reactor there. Its windows are covered with lead sheets to shut out radiation and its air-conditioning is fitted with high-precision filters. In this building, there are more than 300 workers from TEPCO, cooperative firms, and reactor manufacturers. Men risking their lives in a place with high levels of radiation to do whatever they can to restore the troubled complex—these are the engineers that are highly acclaimed as "heroes" in the overseas media's coverage of Japan's nuclear crisis.

In early April, the on-site workers were struggling with high-level radioactive water in the reactor buildings. On April 7, they injected nitrogen into the containment vessels to prevent the reactors from causing hydrogen explosions, which would be the worst-case scenario. Nitrogen injections began with the No. 1 reactor. Some experts, however, had noted that injecting nitrogen into the containment vessels might result in leaking gas containing radioactive substances. Later, CCS Yukio Edano explained in a press conference that the risk of injecting nitrogen was assessed as low in discussions among experts. He also stressed that nitrogen injections would not endanger local residents.

Behind the scenes, however, TEPCO and the government had covered up a grave fact. It was about a startling scene of a video conference held for several days from April 4 between TEPCO's executives at the head office and the on-site team's members in the seismically isolated building. The on-site team is led by Fukushima Daiichi Nuclear Power Plant Director Masao Yoshida. Although he puts up with unreasonable or impossible instructions from the head office, he is dauntless even against executives, so his staff thinks highly of him. In a session of video conferences, they discussed what to do.

On April 4, however, their smooth communication ground to a halt. That day, Yoshida suggested that the rainwater pooled in the No. 5 reactor building should be dumped. He explained, "If the No. 5 reactor building has cracks that we can't see, the rainwater will get in there and that will be troublesome in the future." Then, his tone of voice changed. "You always say '*gambare gambare*,' but I want you to think about what to do over the long term." The pooled rainwater was about 150 tons. They decided to dump the radiated water and rainwater into the sea. Yoshida went on, "About injecting nitrogen, are we really going to do that?" A TEPCO executive answered promptly: "We must do so for the No. 1 reactor before doing anything else. The U.S. Nuclear Regulatory Commission also strongly insists we should do so. Please make preparations at once." However, Yoshida rebutted: "Indeed, it's important to inject nitrogen. I understand that. In the future, we should do so. But not now." However,

TEPCO's head office wouldn't back down. The executive said, "We must reduce the future risk and that's important." Yoshida then suddenly flared up in anger. He shouted: "We're finally able to keep the reactors balanced. It's now possible to stabilize the reactors to a certain extent! This balance and stability is very delicate. Nevertheless, you're telling us to do something we never planned on. That's a big risk!"

A senior official from METI, who was at the TEPCO-METI joint headquarters at TEPCO's head office, became nervous. He even felt scared, thinking to himself that this might be the on-site team's first revolt. What would it mean if there were a communication breakdown? He didn't want to imagine what might happen. But this METI official knew how Yoshida was feeling. For nearly one month up until that point, Yoshida and several hundred engineers, driven by their strong professional awareness, continued to work under demanding conditions at the plant while tackling the fear of high radiation levels. They must have had strong pride as engineers who did not want the 'commentators' at TEPCO's head office to interfere with their work.

Yoshida and his staff made strenuous efforts and continued to carry out their delicate work, managing to overcome a series of unexpected events. Consequently, Yoshida was confident that they had finally reached a point at which they had reason to hope that the reactors could be brought under control... The senior METI official was certain that Yoshida must have thought that he would never allow his team's efforts to be spoiled by America's sudden interference...

The video conference continued the next day. Yoshida was wearing dark sunglasses. TEPCO's head office again urged Yoshida to inject nitrogen into the containment vessels. Yoshida wouldn't take off his sunglasses. With a microphone in his hand, Yoshida raised his voice: "What would you do if the containment vessels were damaged? If you inject nitrogen at a higher pressure level, vapor will condense to make waterdrops, and if there is negative pressure in the containment vessel, air will enter the containment vessel, and that could lead to an explosion. In other words, there would be a risk of a hydrogen explosion. We can't risk anything like that!"

TEPCO's head office engineers continued trying to coax Yoshida. But he hit the roof and finally "rebelled." Yoshida said: "If you keep telling us to go ahead with the nitrogen injection, we won't leave this building! We will stay put and watch what happens!" Yoshida went on: "We will stay here and we won't go over there! Then, the spent fuel rod cooling pool will be (heating up and) in serious trouble! If that happens, what are you planning to do! You people at the head office just keep saying 'gambare gambare!'" So saying, he threw the microphone on the table. And finally he shouted, "We can't do this anymore!"

The conference room fell silent. With his arms crossed, Yoshida stood up suddenly and threw his head back with an expression of utter hopelessness. The METI official swallowed hard as he watched the scene. If this "revolt" goes on, who will face the challenge of dealing with the reactors ... A scenario of terror beyond imagination is about to start... The METI official felt the blood drain out of his face. Then he happened to shift his glance and saw a peculiar sight. METI Minister Banri Kaieda and Prime Minister Kan's aide, Goshi Hosono, had also fallen silent. The

METI official suddenly felt weak. If the two politicians were unable to speak up because highly technical terms were being exchanged rapidly between the engineers, that would be understandable. However, what was needed there was their strong leadership to carry out coordination. In many cases, engineers would be caught up in explaining everything according to logic and reach no conclusion. In the video conference, Yoshida would not agree to carry out nitrogen injection. TEPCO's head office rushed its engineers to Fukushima and tried to persuade Yoshida. In the end, Yoshida reluctantly complied and made up his mind to inject nitrogen.

In the revolt, there are two things we must not overlook. One is the inner cry of men who have shouldered an overly excessive burden of responsibility in silence and put up with a lot. Nevertheless, TEPCO's head office is only saying "gambare" to the on-site team. TEPCO has not revealed anything about the "revolt" of its Fukushima on-site workers. They were absolutely exhausted and mentally stretched to the limit. But how to save them is self-evident. Kaieda and Hosono, who both remained silent, should display strong leadership and carry out coordination. The other thing is that we must not forget that this revolt resulted from America's recommendations. The USG muscled in and borrowed a conference room near the TEPCO-METI joint headquarters, handing down its recommendations from there. Now, all the data about the Fukushima Daiichi nuclear power plant is sent to Washington for analysis. The USG provides "advice" to the GOJ in every area.

We acknowledge the significance of their "otomodachi sakusen" [slightly different in nuance from "tomodachi sakusen" or Operation Tomodachi], and we do not rule out accepting their assistance. In other words, however, it could become an intervention in Japan's decision-making process, which should be left to Prime Minister Kan. In fact, the USG finally urged Hosono to let its experts join in the video conference. Hosono boasts of being a point of contact with the USG. Will he allow America to intervene in Japan's decision-making process?

In the video conference on April 11, Hosono said timidly, "I'm not sure if I should mention this here but ..." He went on: "Today, the government decided to expand the scope of evacuation. We're causing problems for many people. We really just want you to hang in there."

This politician, who, like TEPCO's head office executives, can only say "hang in there," is about to become a minister of state for nuclear power disasters... That's the deplorable reality of Japan right now.

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**From:** Jaczko, Gregory  
**Sent:** Tuesday, April 19, 2011 9:42 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: GW returns to Port

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**From:** Casto, Chuck  
**Sent:** Tuesday, April 19, 2011 9:41:31 PM  
**To:** Jaczko, Gregory; Zimmerman, Roy; Boger, Bruce  
**Cc:** Virgilio, Martin; Reynolds, Steven  
**Subject:** RE: GW returns to Port  
**Auto forwarded by a Rule**

We have a great team!!! HQ and Japan.....and thank you for the support to all of us.

-casto

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**From:** Jaczko, Gregory  
**Sent:** Wednesday, April 20, 2011 10:40 AM  
**To:** Casto, Chuck; Zimmerman, Roy; Boger, Bruce  
**Cc:** Virgilio, Martin; Reynolds, Steven  
**Subject:** Re: GW returns to Port

Thanks chuck. I had a good talk with ambassador roos tonight. Very positive comments about you and the team

---

**From:** Casto, Chuck  
**To:** Zimmerman, Roy; Boger, Bruce  
**Cc:** Virgilio, Martin; Jaczko, Gregory; Reynolds, Steven  
**Sent:** Tue Apr 19 21:30:00 2011  
**Subject:** GW returns to Port

This morning in a encouraging maneuver, the George Washington was brought back into port at Yokosuka. This is an positive message to the people of Japan. As you are aware, SECNAV will be here tomorrow morning for a briefing by the NRC. He is only meeting with the Ambassador, NRC, and Marine Guard, then departing . We will use the same presentation provided for SoS briefing package.

-casto

EB/72

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**From:** Jaczko, Gregory  
**Sent:** Wednesday, April 20, 2011 11:00 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):

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**From:** Casto, Chuck  
**Sent:** Wednesday, April 20, 2011 11:00:19 PM  
**To:** Jaczko, Gregory; Virgilio, Martin; Tracy, Glenn; Zimmerman, Roy; Reynolds, Steven  
**Subject:** Fw: April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):  
**Auto forwarded by a Rule**

Fyi. Hosonos' statement on japan-US relationship.

---

**From:** Zumwalt, James P <ZumwaltJP@state.gov>  
**To:** Casto, Chuck; Donovan, Joseph R <DonovanJR@state.gov>; Deming, Rust M <DemingRM@state.gov>; Morimura, Stephanie (TDY/PAS) <TDYMorimuraS@state.gov>; Hoffmann, Phillip P <HoffmannP@state.gov>; Forbes, James A <ForbesJA@state.gov>; EAP-J-Office-DL <EAP-J-Office-DL@state.gov>  
**Cc:** Basalla, Suzanne I <BasallaSI@state.gov>; Wall, Marc M <WallMM@state.gov>; Young, Joseph M <YoungJM@state.gov>; Howard, E. Bruce <HowardEB@state.gov>  
**Sent:** Wed Apr 20 22:00:38 2011  
**Subject:** FW: April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):

(b)(5)

Jim.

James P. Zumwalt  
Deputy Chief of Mission  
U.S. Embassy, Tokyo  
1-10-5 Akasaka  
Minato ku Tokyo 107-8420  
(03) 3224-5550  
<http://tokyo.usembassy.gov/zblog/e/zblog-emain.html>

EB/73

**April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):** The Prime Minister's adviser Goshi Hosono, the coordinator on the Japanese side for the Japan-U.S. nuclear crisis response team, talked about the team's activities so far and issues for the future on April 20. He said:

We have engaged in technical discussions with the U.S. side right after the accident occurred. However, the first time all the members sat down together at a meeting was in late March. We had daily meetings until early April. Since a relationship of trust is important, we asked that each ministry be represented by the same people all the time, and so we have fixed members in the team.

The present nuclear power plant accident is unprecedented in the world. We need to borrow the wisdom of various countries. The U.S. happens to have the most advanced and extensive technology.

However, the U.S. has never set any conditions or imposed its ideas. We have always proceeded by making our own decisions, taking action, and seeking the U.S. side's cooperation. The U.S. takes the stance of rendering all possible assistance to Japan's effort to work for a solution.

Our simulation on how to deal with a major crisis has been very inadequate. It is necessary to rethink crisis management mechanisms. Furthermore, Japan's experience with this accident needs to be shared with the international community. We will spare no effort in cooperating with other countries. We will disclose information thoroughly.

This email is UNCLASSIFIED.

---

**From:** Jaczko, Gregory  
**Sent:** Thursday, April 21, 2011 12:28 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: April 21, 2011 Thursday (Asahi: U.S. nuclear expert stationed at Kantei to deal with Fukushima crisis)

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**From:** Casto, Chuck  
**Sent:** Thursday, April 21, 2011 12:27:59 AM  
**To:** Jaczko, Gregory; Virgilio, Martin  
**Cc:** Reynolds, Steven; Tracy, Glenn; Zimmerman, Roy  
**Subject:** FW: April 21, 2011 Thursday (Asahi: U.S. nuclear expert stationed at Kantei to deal with Fukushima crisis)  
**Auto forwarded by a Rule**

See article below on Kantei.

(b)(5)

casto

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**From:** Zumwalt, James P [mailto:ZumwaltJP@state.gov]  
**Sent:** Thursday, April 21, 2011 12:34 PM  
**To:** Donovan, Joseph R; Deming, Rust M; Casto, Chuck; Basalla, Suzanne I; EAP-J-Office-DL; Russel, Daniel R.  
**Cc:** Tong, Kurt W  
**Subject:** FW: April 21, 2011 Thursday (Asahi: U.S. nuclear expert stationed at Kantei to deal with Fukushima crisis)

**April 21, 2011 Thursday (Asahi: U.S. nuclear expert stationed at Kantei to deal with Fukushima crisis):** It was learned that the Kan administration stationed a U.S. nuclear energy expert at the Prime Minister's Official Residence [Kantei] for some time to facilitate cooperation between the two countries in responding to the Fukushima Daiichi Nuclear Power Plant accident. The Prime Minister's aides have admitted this. The purpose of this was to exchange information on the response to the nuclear plant crisis, and this came about as a result of the Japanese side's accommodation of the U.S. side's demand. It is extremely unusual for foreigners to be admitted to the Kantei, which is the nerve center of the administration.

The U.S. expert was stationed at the Kantei in late March. One American nuclear engineering expert stayed at the Kantei from the time right before the Japan-U.S. team was launched on March 22 until the team began to function smoothly.

Soon after the nuclear power plant accident on March 11, the first demand made by the U.S. side to Kantei was the stationing of U.S. officials there. The U.S. side had a strong sense of crisis from the beginning and wanted to respond speedily by obtaining information directly from the center of the administration.

EB/74

In response to this, the Japanese side rejected the request at first because it was uncomfortable with stationing foreign government officials inside the Kantei. Prime Minister Naoto Kan told his aides that "the Japanese people should be the ones to tackle the nuclear plant crisis first" and administration officials felt that "the U.S. side is aiming at obtaining detailed data on the accident through its involvement with the policymaking process in the Kantei," according to a Kantei staff member.

However, the Kan administration was unable to come up with a clear vision for ending the crisis and the U.S. side had continued to complain about the lack of information from the Japanese side and other issues, so Kantei later decided to accept the stationing of American officials. A senior government official said: "Japan's rejection of the demand to station U.S. personnel was taken by the U.S. side as an indication of the Kan administration's lack of seriousness in responding to the nuclear accident."

So far, U.S. Nuclear Regulatory Commission Chairman Gregory Jaczko, Pacific Fleet Commander Admiral Patrick Walsh, Ambassador to Japan John Roos, and other officials have participated in the Japan-U.S. team's meetings. The Japanese side is represented by the prime minister's aide Goshi Hosono, former Parliamentary Secretary of Defense Akihisa Nagashima, and Deputy Chief Cabinet Secretary Tetsuro Fukuyama. Officials from the Ministry of Economy, Trade, and Industry, Ministry of Defense, Ministry of Education, Culture, Sports, Science and Technology, and other ministries, and TEPCO are also involved.

At the team's first meeting on March 22, the U.S. side proposed the cooling of the nuclear reactors' inner pressure vessel by injecting water into the containment vessel. However, TEPCO was concerned that the weight of the water might trigger reactor trouble and would only say "we're thinking about it." Subsequently, TEPCO adopted the U.S. proposal since prospects for the early restoration of the cooling systems had remained uncertain. Like on the question of stationing U.S. staff in the Kantei, the Japanese side was slow in responding but eventually agreed to the U.S.'s suggestions.

This email is UNCLASSIFIED.

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**From:** Jaczko, Gregory  
**Sent:** Thursday, April 21, 2011 12:30 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):

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**From:** Casto, Chuck  
**Sent:** Thursday, April 21, 2011 12:29:45 AM  
**To:** Jaczko, Gregory; Virgilio, Martin  
**Cc:** Reynolds, Steven; Tracy, Glenn; Zimmerman, Roy  
**Subject:** FW: April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):  
**Auto forwarded by a Rule**

I read this email after I sent you the previous email.

(b)(5)

Casto

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**From:** Wall, Marc M [mailto:WallMM@state.gov]  
**Sent:** Thursday, April 21, 2011 11:50 AM  
**To:** Zumwalt, James P; Casto, Chuck; Donovan, Joseph R; Deming, Rust M; Morimura, Stephanie (TDY/PAS); Hoffmann, Phillip P; Forbes, James A; EAP-J-Office-DL  
**Cc:** Basalla, Suzanne I; Young, Joseph M; Howard, E. Bruce  
**Subject:** RE: April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):

(b)(5)

Hosono is registering a protest with Asahi about the story. The PM's office and MOFA are preparing press guidance stating that the claim about basing a U.S. nuclear expert at the Kantei "is not true."

Marc

**7:50 April 21, 2011 Thursday (Asahi: U.S. nuclear expert temporarily "based" in Kantei):** Asahi reported on the admission by a source close to the prime minister that the Kan administration, upon the request of the United States, allowed a U.S. nuclear engineer to have a desk inside the Kantei at one point in late March in order to share U.S. expertise in bringing the Fukushima crisis under control. While asserting that the DPJ administration first turned down such an offer by the United States, the daily said it ultimately allowed direct access to the Kantei due to the continued difficulty in containing the accident. An unnamed high-ranking GOJ official reportedly said: "The fact that we turned down an initial U.S. proposal has left Washington with the impression that the Kan administration is not serious about nuclear crisis response." The daily stressed that it was quite unusual for Japan to allow a foreigner a seat at the "very core" of the nation's decision-making apparatus.

EB/75

SBU

This email is UNCLASSIFIED.

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**From:** Zumwalt, James P  
**Sent:** Thursday, April 21, 2011 11:01 AM  
**To:** 'Casto, Chuck'; Donovan, Joseph R; Deming, Rust M; Morimura, Stephanie (TDY/PAS); Hoffmann, Phillip P; Forbes, James A; EAP-J-Office-DL  
**Cc:** Basalla, Suzanne I; Wall, Marc M; Young, Joseph M; Howard, E. Bruce  
**Subject:** FW: April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):

(b)(5)

Jim.

James P. Zumwalt  
Deputy Chief of Mission  
U.S. Embassy, Tokyo  
1-10-5 Akasaka  
Minato ku Tokyo 107-8420  
(03) 3224-5550  
<http://tokyo.usembassy.gov/zblog/e/zblog-emain.html>

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**April 21, 2011 Thursday (Asahi: PM aide Hosono on Japan-U.S. nuclear crisis response team):** The Prime Minister's adviser Goshi Hosono, the coordinator on the Japanese side for the Japan-U.S. nuclear crisis response team, talked about the team's activities so far and issues for the future on April 20. He said:

We have engaged in technical discussions with the U.S. side right after the accident occurred. However, the first time all the members sat down together at a meeting was in late March. We had daily meetings until early April. Since a relationship of trust is important, we asked that each ministry be represented by the same people all the time, and so we have fixed members in the team.

The present nuclear power plant accident is unprecedented in the world. We need to borrow the wisdom of various countries. The U.S. happens to have the most advanced and extensive technology.

However, the U.S. has never set any conditions or imposed its ideas. We have always proceeded by making our own decisions, taking action, and seeking the U.S. side's cooperation. The U.S. takes the stance of rendering all possible assistance to Japan's effort to work for a solution.

Our simulation on how to deal with a major crisis has been very inadequate. It is necessary to rethink crisis management mechanisms. Furthermore, Japan's experience with this accident needs to be shared with the

international community. We will spare no effort in cooperating with other countries. We will disclose information thoroughly.

This email is UNCLASSIFIED.

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**From:** Jaczko, Gregory  
**Sent:** Thursday, April 21, 2011 10:53 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: DOE comments

---

**From:** Casto, Chuck  
**Sent:** Thursday, April 21, 2011 10:53:24 AM  
**To:** Jaczko, Gregory; Virgilio, Martin  
**Cc:** Zimmerman, Roy  
**Subject:** DOE comments  
**Auto forwarded by a Rule**

Mr. Chairman, below are the comments made tonight by DOE at the cabinet meeting:

(b)(5)

casto

EB/76

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**From:** Jaczko, Gregory  
**Sent:** Thursday, April 21, 2011 11:32 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Pic with SoS  
**Attachments:** IMG\_Casto SoS.jpg

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**From:** Casto, Chuck  
**Sent:** Thursday, April 21, 2011 11:32:06 AM  
**To:** Virgilio, Martin  
**Cc:** McCree, Victor; Jaczko, Gregory  
**Subject:** Pic with SoS  
**Auto forwarded by a Rule**

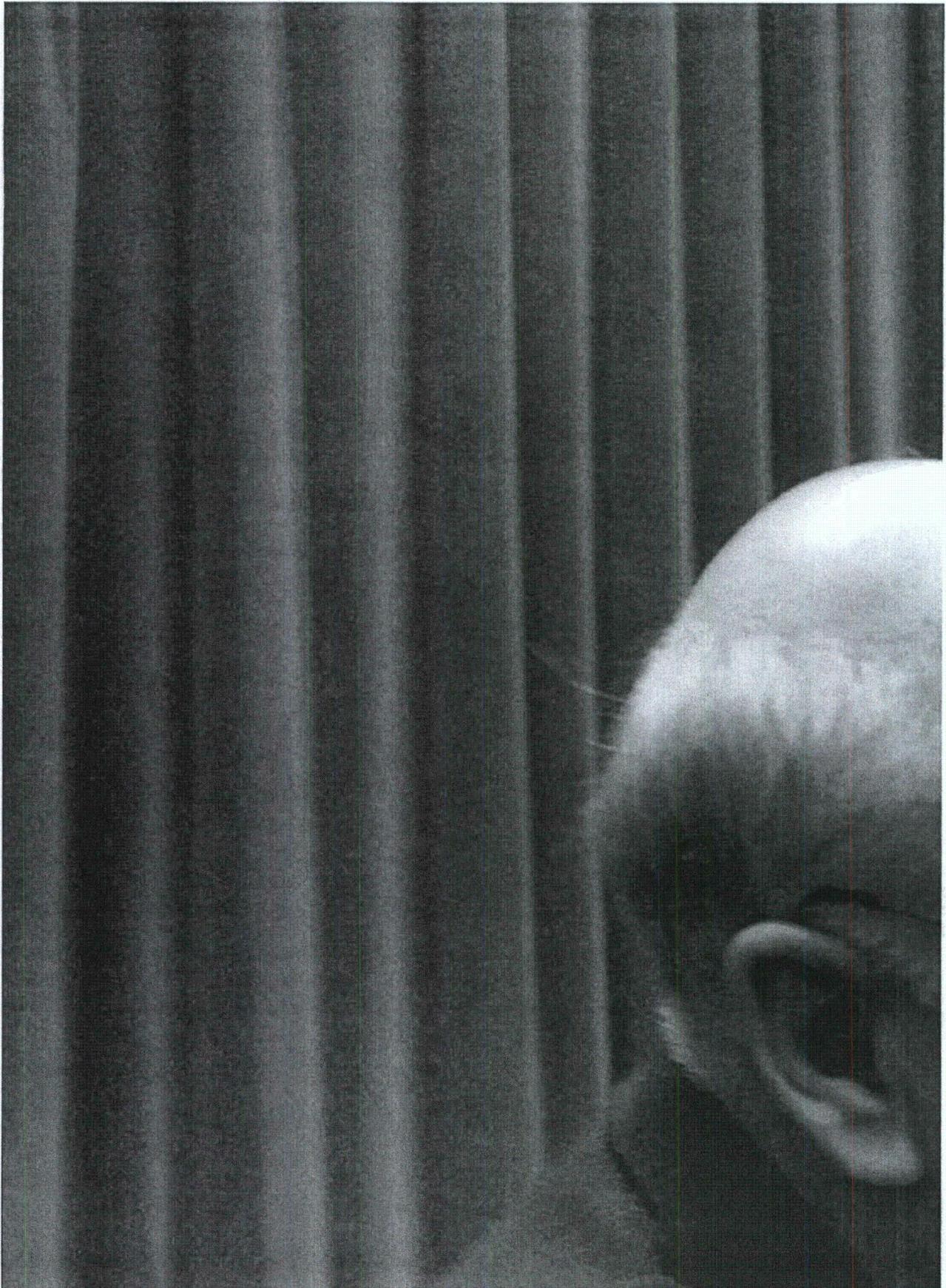
Attached is a Pic of me with SoS....

Ambassador John V. Roos introducing us, with his wife Suzy looking on.....

Honorable time....she gave NRC major billing in her speech.....congrats to staff....

casto

EB/77



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**From:** Jaczko, Gregory  
**Sent:** Friday, April 22, 2011 12:32 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: cabinet meeting notes  
**Attachments:** 21 Apr Notes (1900).doc

---

**From:** Casto, Chuck  
**Sent:** Friday, April 22, 2011 12:31:49 AM  
**To:** Jaczko, Gregory; Virgilio, Martin  
**Cc:** Tracy, Glenn; Zimmerman, Roy  
**Subject:** cabinet meeting notes  
**Auto forwarded by a Rule**

Attached are the minutes from the meeting last night....

(b)(4),(b)(5)

EB/TB

21 Apr Meeting (1900)

(b)(4),(b)(5)

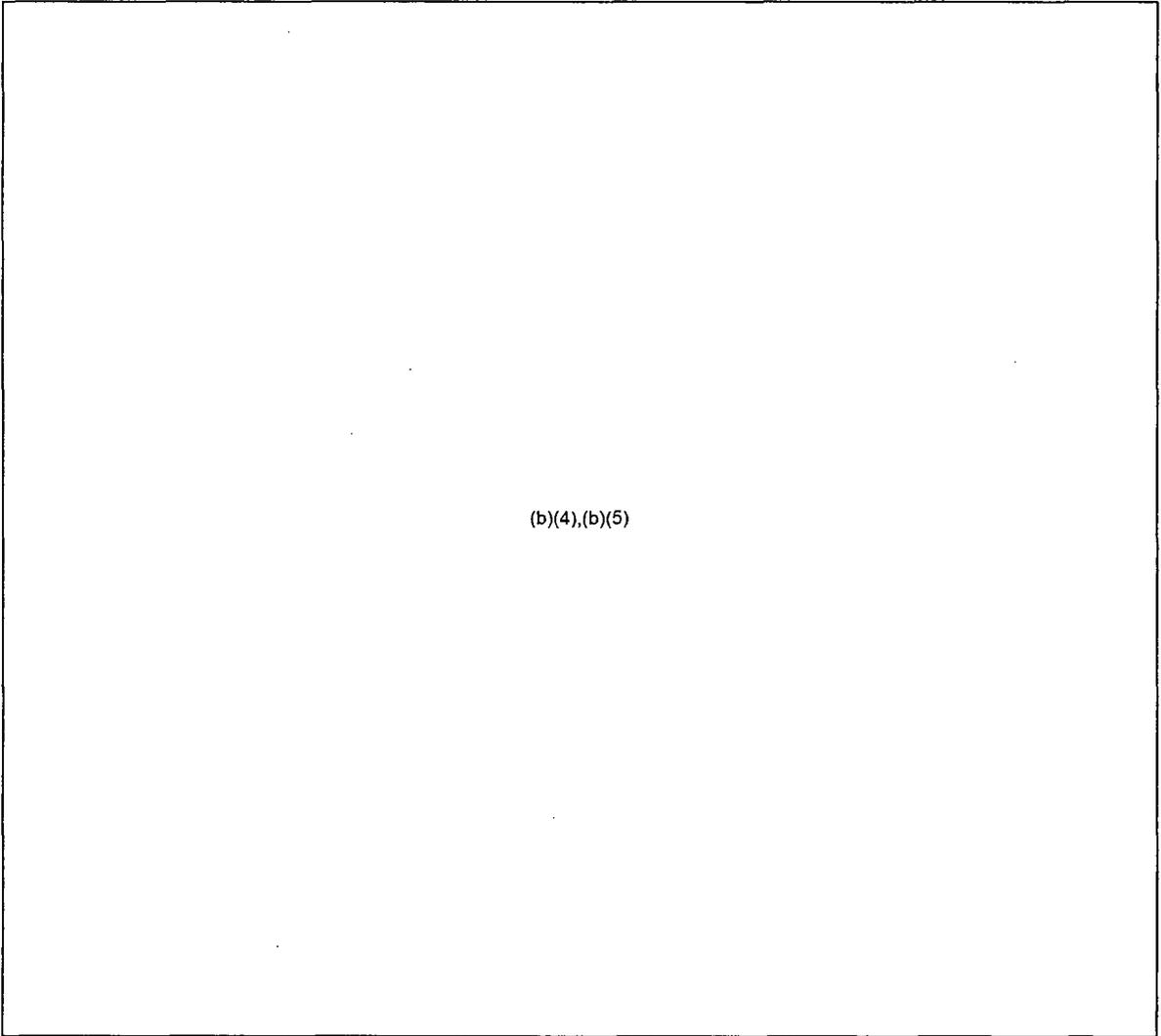
21 Apr Meeting (1900)

(b)(4),(b)(5)

21 Apr Meeting (1900)

(b)(4),(b)(5)

21 Apr Meeting (1900)



(b)(4),(b)(5)

Next meeting: 7PM on Tuesday, 25 Apr.

\*GOJ points in normal font. *US points in italics*

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**From:** Jaczko, Gregory  
**Sent:** Wednesday, April 27, 2011 7:38 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Cabinet meeting minutes  
**Attachments:** Crisis Mgt Mtg 4-26-11.docx

---

**From:** Casto, Chuck  
**Sent:** Wednesday, April 27, 2011 7:37:42 PM  
**To:** Virgilio, Martin; Jaczko, Gregory  
**Subject:** Cabinet meeting minutes  
**Auto forwarded by a Rule**

I regret it took me so long to get you these minutes from last Tuesday night...

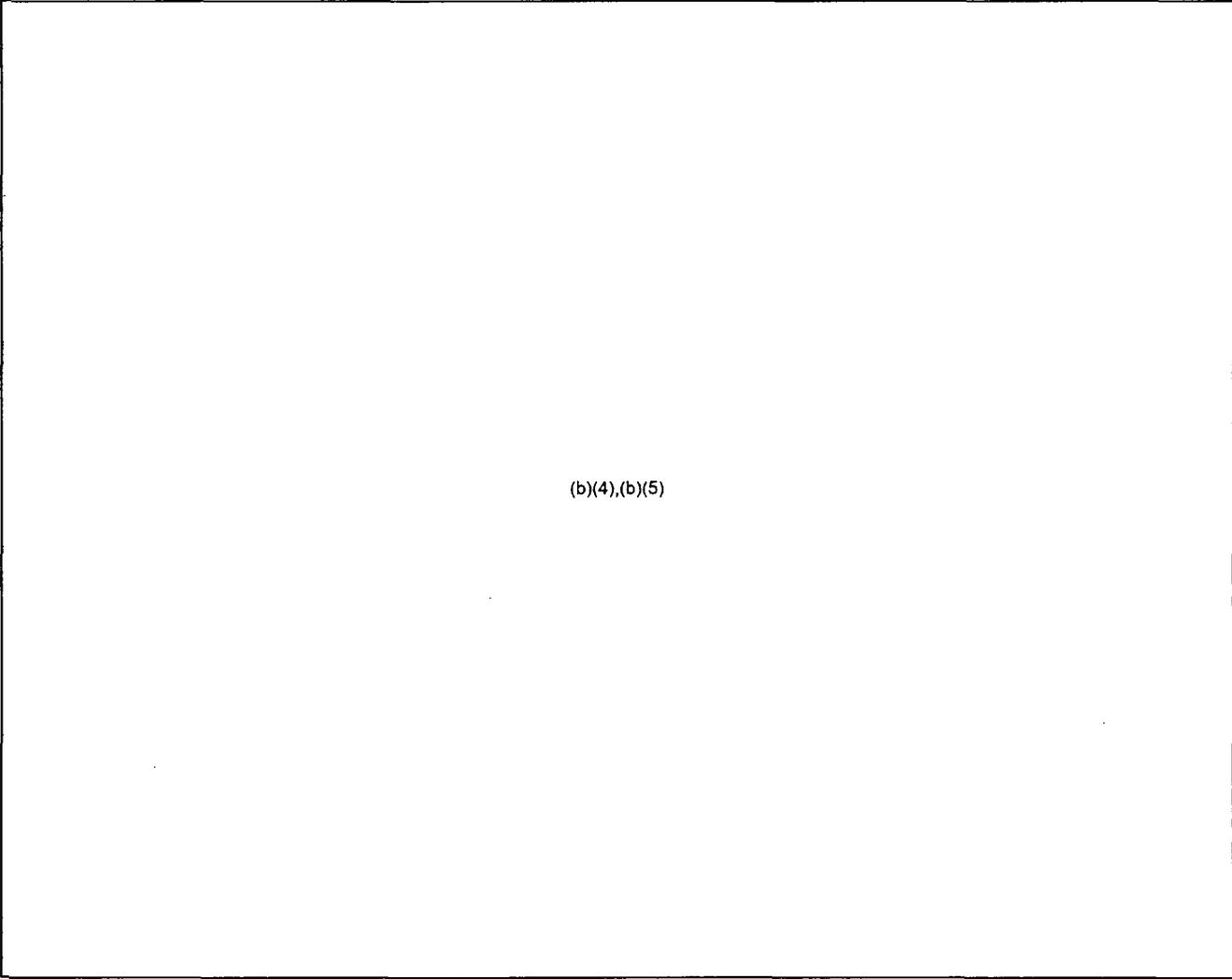
(b)(4),(b)(5)

EB/79

Cabinet Office Crisis Management Meeting  
April 26, 2011



(b)(4),(b)(5)



(b)(4),(b)(5)

The next meeting will take place Tuesday, May 10, at 1900.

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**From:** Jaczko, Gregory  
**Sent:** Thursday, April 28, 2011 5:49 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Next phase of organization/steering committee

---

**From:** Casto, Chuck  
**Sent:** Thursday, April 28, 2011 5:48:59 AM  
**To:** Virgilio, Martin  
**Cc:** Skeen, David; Uhle, Jennifer; Carpenter, Cynthia; Reynolds, Steven; Doane, Margaret; Jaczko, Gregory  
**Subject:** Next phase of organization/steering committee  
**Auto forwarded by a Rule**

Marty,

(b)(5)

EB/80

(b)(5)

The Ambassador asked his staff (and us/me) to target next Monday for a draft of the paper. He would like to have something when Washington awakens Monday morning. Obviously we need the NRC and DOE positions on these issues/questions. I expect that in reality by the time we get leadership, State and legal advice on this, it will take a lot longer than Monday.....Nevertheless, if you're ok with us helping the Embassy staff develop talking points or a paper, we will head in that direction.

Again, I suggest we do some work on a paper, attend the first meeting (scheduled for Monday) and then make a more informed decision.

Thanks  
Casto

---

**From:** Jaczko, Gregory  
**Sent:** Friday, April 29, 2011 1:44 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: The Road to Sendai  
**Attachments:** Road to Sendai 4-29-2011.docx; Base guidance on T Xpressway.docx

---

**From:** Casto, Chuck  
**Sent:** Friday, April 29, 2011 1:44:19 AM  
**To:** Correia, Richard  
**Cc:** Evans, Michele; Virgilio, Martin; Wiggins, Jim; Skeen, David; 'Basalla, Suzanne I'; Tracy, Glenn; Uhle, Jennifer; Jaczko, Gregory; Borchardt, Bill; Reynolds, Steven; Gepford, Heather  
**Subject:** The Road to Sendai  
**Auto forwarded by a Rule**

Folks,

Because USFJ intends on releasing the road to Sendai for unrestricted travel, the Embassy would like to issue a joint travel statement with USFJ. USFJ and DoS would like to have a coordinated message.

Unrestricted travel would mean no radiation monitoring required, no KI, no pre-travel briefing or notification prior to travelling the road.

Attached is the draft USFJ statement language and the NRC justification paper. We would craft a AMCIT statement that parallels the USFJ statement. Once the AMCIT statement is drafted we would send it to you.

We are asking for concurrence on the justification for unrestricted travel on the road to Sendai. If approved we would begin drafting the statement. Please let us know if you have questions.

-casto

EB/81

Relaxing Restrictions within the 50-mile Zone  
NRC PMT Site Team  
April 29, 2011

(b)(5)

(b)(5)

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**From:** Jaczko, Gregory  
**Sent:** Friday, April 29, 2011 2:46 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Clarity on my request the Road to Sendai

---

**From:** Casto, Chuck  
**Sent:** Friday, April 29, 2011 2:45:38 AM  
**To:** Tracy, Glenn  
**Cc:** Correia, Richard; Wiggins, Jim; Skeen, David; Uhle, Jennifer; Borchardt, Bill; Jaczko, Gregory; Reynolds, Steven; Gepford, Heather  
**Subject:** Clarity on my request the Road to Sendai  
**Auto forwarded by a Rule**

Folks,

I wasn't clear in my message on the Road to Sendai....

Here's some more clarity:

(b)(5)

-See my earlier email for the details.....

chuck

EB/82

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**From:** Jaczko, Gregory  
**Sent:** Friday, April 29, 2011 5:05 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: POSSIBLE draft change to travel alert

-----  
From: Casto, Chuck  
Sent: Friday, April 29, 2011 5:05:15 AM  
To: Evans, Michele; Tracy, Glenn; Virgilio, Martin; Jaczko, Gregory; Borchardt, Bill  
Subject: Fw: POSSIBLE draft change to travel alert Auto forwarded by a Rule

On hold [redacted (b)(5)]. We will wait for the comprehensive document.

Sorry for the changes.

Casto

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

From: Basalla, Suzanne I <BasallaSI@state.gov>  
To: Crowe, Blake BGen USMC USFJ J01 [redacted (b)(6)]; Zumwalt, James P <ZumwaltJP@state.gov>; Chipman, Alan R <ChipmanA@state.gov>  
Cc: Fitzgerald, Paul M <FitzgeraldPM@state.gov>; Gepford, Heather; Casto, Chuck; Foster, Dirk L CAPT USN [redacted (b)(6)]; Stackpole, Patrick T COL USA USFJ J0 [redacted (b)(6)]; Harvis, Lee H COL USAF [redacted (b)(6)]  
Sent: Fri Apr 29 04:40:28 2011  
Subject: RE: POSSIBLE draft change to travel alert

All,

I have spoken with CAPT Foster, Chuck, General Crowe/CAPT Foster, and the DCM and here's where I think we are:

[Large redacted area containing (b)(5)]

Thanks to all for your help working this issue today!

EB/83

Suzanne

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

From: Crowe, Blake BGen USMC USFJ J01 [mailto:(b)(6)]  
Sent: Friday, April 29, 2011 4:52 PM  
To: Zumwalt, James P; Basalla, Suzanne I; Chipman, Alan R  
Cc: Fitzgerald, Paul M; heather.gepford@nrc.gov; Chuck.Casto@nrc.gov; Foster, Dirk L CAPT USN; Stackpole, Patrick T COL USA USFJ J0; Harvis, Lee H COL USAF  
Subject: RE: POSSIBLE draft change to travel alert

Sir,

(b)(5)

V/r  
BGen Crowe

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

From: Zumwalt, James P [mailto:ZumwaltJP@state.gov]  
Sent: Friday, April 29, 2011 4:23 PM  
To: Basalla, Suzanne SAA AMEMB JP; Chipman, Alan R  
Cc: Fitzgerald, Paul M; heather.gepford@nrc.gov; Chuck.Casto@nrc.gov; Crowe, Blake BGen USMC USFJ J01; Foster, Dirk L CAPT USN  
Subject: Re: POSSIBLE draft change to travel alert

(b)(5)

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From: Basalla, Suzanne I  
To: Chipman, Alan R  
Cc: Fitzgerald, Paul M; heather.gepford@nrc.gov <heather.gepford@nrc.gov>; 'Casto, Chuck' <Chuck.Casto@nrc.gov>; 'Blake Crowe' <(b)(6)>; 'Foster, Dirk L CAPT USN' <(b)(6)>; Zumwalt, James P  
Sent: Fri Apr 29 03:14:20 2011  
Subject: FW: POSSIBLE draft change to travel alert

Alan,

(b)(5)

Suzanne

SBU

This email is UNCLASSIFIED.

From: Basalla, Suzanne I  
Sent: Friday, April 29, 2011 3:56 PM  
To: 'Casto, Chuck'; Fitzgerald, Paul M; heather.gepford@nrc.gov; Chipman, Alan R  
Cc: Zumwalt, James P; 'Dirk Foster'; 'Blake Crowe'  
Subject: POSSIBLE draft change to travel alert

Alan,

USFJ and NRC are in discussions and may soon pursue the relaxation of the travel restriction to allow travel on the expressway and the bullet train within the 50mi radius of the plant.

I'm still waiting to hear from USFJ if they are ready for us to staff this back in Washington (they may want more time to further consider the bullet train), but if they want to proceed, we'll need your help with the RSO/DS clearances on a short turnaround.

For your advanced consideration, please see:

- 1) Draft travel alert with edits
- 2) NRC justification
- 3) USFJ draft guidance (for expressway only)

Paul/Chuck/Heather/DCM – please see the draft language I put in the travel alert. Please advise if you have any proposed adjustments to the language.

Suzanne

Suzanne I. Basalla

*Senior Advisor to Ambassador John V. Roos*

American Embassy – Tokyo

cid:image001.png@01CB6AB3.DDE8C1A0 <<http://twitter.com/AmbassadorRoos>> Please follow Ambassador Roos on [Twitter.com/AmbassadorRoos](https://twitter.com/AmbassadorRoos)

Tel: 081-3-3224-5023

Fax: 081-3-3224-5312

BasallaSI@state.gov

SBU

This email is UNCLASSIFIED.

SBU  
This email is UNCLASSIFIED

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**From:** Hart, Michelle  
**Sent:** Friday, June 03, 2011 8:40 AM  
**To:** Skeen, David; Taylor, Robert; Brown, Eva  
**Subject:** FW: relaxing 50 mile zone

FYI

---

**From:** Brandon, Lou  
**Sent:** Thursday, June 02, 2011 9:08 PM  
**To:** Hart, Michelle  
**Cc:** Casto, Chuck; Young, Francis  
**Subject:** relaxing 50 mile zone

Michelle,

For perspective, I was informed at our morning meeting that Chuck Casto spoke with the Chairman last night on a number of issues, including the 50 mile zone. The chairman is on board with the concept of relaxing from 50 miles to be consistent with the Japanese guidance based on the concept of good Japanese emergency response infrastructure in place and adequate timeframes to notify and move citizens returning (although unlikely, if necessary) .

(b)(5)

Lou

Emergency Response Coordinator  
NRC/NSIR/DPR  
Mail Stop: T4-L7  
Washington, DC 20001  
301-415-8013

EB/84

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**From:** Jaczko, Gregory  
**Sent:** Saturday, March 26, 2011 7:02 PM  
**To:** Batkin, Joshua  
**Cc:** Pace, Patti; Coggins, Angela  
**Subject:** Re: Delegations

Apastolakis was not on the call so let's do magwood to run the meeting. I know, I know...

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

**From:** Batkin, Joshua  
**To:** Jaczko, Gregory  
**Cc:** Pace, Patti; Coggins, Angela  
**Sent:** Sat Mar 26 19:00:49 2011  
**Subject:** Delegations

After talking to Steve Burns, my recommendation is that you delegate emergency powers to the EDO for the duration of your trip and delegate Acting Chairman to Commissioner Apastolakis solely for the purpose of conducting the SMR meeting. Patti, please see if you can draft this memo and send it to him tonight. If not, Chairman, may we have the authority to autopen it? Thank you Josh

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

EB/85

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**From:** Hipschman, Thomas  
**Sent:** Sunday, March 27, 2011 8:48 AM  
**To:** Batkin, Joshua; Coggins, Angela; Loyd, Susan; Montes, David; Warren, Roberta; Pace, Patti; Monninger, John; Bradford, Anna; Gibbs, Catina; Dhir, Neha; Clark, Lisa; Fopma, Melody; Marshall, Michael; Speiser, Herald  
**Subject:** Sunday March 27 0830 Update

Dyer dayshift ET Director

Units remain essentially the same. FW going in to all units and coming out recirc pump seals  
Discussion about flooding containments. (b)(5)

(b)(5)

Sampling turbine buildings for specific radionuclides  
Unit 3 has confirmed fission products in water

Bechtel pumping system en-route. One Navy barge has arrived at the site.

(b)(5)

(b)(5)

Japanese request shielding is to encase the reactor building 3. Intended not to be temporary.

(b)(5)

Casto and Monninger made it to J-Village. It's a recovery development site. No need to place staff there now. NR went along, and said there was a lot of activity at Daiini. Mike Scott of the team confirmed all 4 units in shutdown.

(b)(5)

Chairman en-route to Japan, will return Tuesday. Will meet with the Ambassador, the team, and key partners.  
(b)(6) asked who had Emergency Powers.

EB/86

**From:** Pace, Patti  
**To:** Sharkey, Jeffrey; Sosa, Belkys; Bubar, Patricia; Nish, Ho; Bell, Hubert; Borchardt, Bill; Burns, Stephen; Schmidt, Rebecca; Bronner, Eliot; Dyer, Jim; Opara, Margaret; Poole, Brooke; Boyte, Thomas (GIS); HQO Hoc; Weber, Michael; Virgilio, Martin  
**Cc:** Leopre, Janet; Blake, Kathleen; Crawford, Carla; Herr, Linda; Benaherrera, Alicia; Taylor, Renee; Pulley, Deborah; Mayberry, Theresa; Belmore, Nancy; Quisenberry, Jeannette; Ellis, Mary; Hudson, Sharon; Kreuter, Jane; Armstrong, Janina; Gibbs, Catina; Speiser, Herald; Harkin, Joshua; Bradford, Anna; Coggins, Angela; Aleksiewicz, Brenda; Shannon, Valerie; Garland, Stephanie; Conri, Sandra; Bosco, Paulette  
**Subject:** Chairman Jaczko's Designation of Emergency Powers, 4/3 to 4/6/2011  
**Date:** Friday, April 01, 2011 8:57:51 PM  
**Attachments:** GB1-EPMemo3Apr-6Apr2011.pdf

---

Good Evening,

Please find Chairman Jaczko's EP designation attached.

Many thanks,

Patti Pace  
Assistant to Chairman Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
301-415-1820 (office)  
301-415-3504 (fax)

EB/87

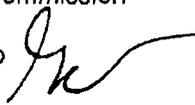


CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 1, 2011

MEMORANDUM TO: Annette Vietti-Cook  
Secretary of the Commission

FROM: Gregory B. Jaczko 

SUBJECT: DESIGNATION OF EMERGENCY POWERS

While I am away from the office, I delegate exclusively the Emergency Powers of the Chairman under Section 3 of Reorganization Plan No. 1 of 1980, as follows:

- Michael F. Weber, Acting Executive Director for Operations, starting 1500 hours on Sunday April 3, 2011 and ending at 2359 hours on Sunday April 3, 2011.
- Martin J. Virgilio, Acting Executive Director for Operations, starting 0000 hours on Monday April 4, 2011 and ending at 1700 hours on Wednesday April 6, 2010.

cc: Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff  
IG  
EDO  
GC  
CA  
PA  
CFO  
IP  
CAA  
OIS  
Incident Response Center

---

**From:** Gibbs, Catina  
**Sent:** Monday, April 04, 2011 6:44 AM  
**To:** Bradford, Anna; Pace, Patti  
**Subject:** Re: Emergency Powers

On my way in.

Sent from an NRC Blackberry  
Catina Gibbs

(b)(6)

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

**From:** Bradford, Anna  
**To:** Gibbs, Catina; Pace, Patti  
**Sent:** Mon Apr 04 06:21:45 2011  
**Subject:** Fw: Emergency Powers

Catina, can you please make this your first priority when you get in to the office today?

Thanks.

Anna Bradford  
Chairman Jaczko's Office  
US Nuclear Regulatory Commission

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

**From:** Batkin, Joshua  
**To:** Bradford, Anna  
**Sent:** Sun Apr 03 20:05:22 2011  
**Subject:** Fw: Emergency Powers

Can you please get them to draft something along these lines first thing in the AM and shoot me a draft?

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

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

**From:** Jaczko, Gregory  
**To:** Batkin, Joshua  
**Sent:** Sun Apr 03 16:37:05 2011  
**Subject:** Re: Emergency Powers

Yes you may use the autopen for this purpose

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

EB/88

From: Batkin, Joshua  
To: Jaczko, Gregory  
Cc: Pace, Patti; Coggins, Angela  
Sent: Sun Apr 03 16:36:22 2011  
Subject: Emergency Powers

Chairman - may I authorize use of the autopen for an amended delegation memo through which you would leave EP with Virgilio for Japan activities and delegate EP to Commissioner Ostendorff for any domestic events - starting in the morning and going through Wednesday afternoon? Thank you, Josh

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

---

**From:** Batkin, Joshua  
**Sent:** Monday, April 04, 2011 9:44 AM  
**To:** Gibbs, Catina  
**Cc:** Bradford, Anna; Pace, Patti  
**Subject:** Re: Draft Emergency Powers

(b)(5)

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

---

**From:** Gibbs, Catina  
**To:** Batkin, Joshua  
**Cc:** Bradford, Anna; Pace, Patti  
**Sent:** Mon Apr 04 09:19:40 2011  
**Subject:** RE: Draft Emergency Powers

Josh, please review the attached

Thanks,

Catina M. Gibbs  
Admin. Assistant to  
Chairman Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
301-415-1750 (office)  
301-415-3504 (fax)

---

**From:** Batkin, Joshua  
**Sent:** Monday, April 04, 2011 8:41 AM  
**To:** Gibbs, Catina  
**Cc:** Bradford, Anna; Pace, Patti  
**Subject:** Re: Draft Emergency Powers

(b)(5)

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

EB/89

**From:** Gibbs, Catina  
**To:** Batkin, Joshua  
**Cc:** Bradford, Anna; Pace, Patti  
**Sent:** Mon Apr 04 07:37:26 2011  
**Subject:** Draft Emergency Powers

Josh, please see the attached and advise.

Thanks,

Catina M. Gibbs  
Admin. Assistant to  
Chairman Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
301-415-1750 (office)  
301-415-3504 (fax)

(b)(5)

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**From:** Powell, Amy  
**Sent:** Wednesday, April 06, 2011 4:24 PM  
**To:** Dedrick, Kathy (EPW)  
**Subject:** Emergency cites

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**From:** Powell, Amy  
**Sent:** Tuesday, March 29, 2011 6:54 PM  
**To:** 'Poirier, Bettina (EPW)'; 'Dedrick, Kathy (EPW)'  
**Subject:** Additional citations, info

More follow up from your call:

Chairman as agency "spokesman": Atomic Energy Act established, Sec. 21 that the Chairman of the then-AEC "shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons or the public..." In the Reorganization Act of 1974, AEA was updated to reflect the creation of NRC (from the AEC) and deems the NRC Chairman as official spokesperson in Section 201(a)(1)

Going back to the citation that I previously sent for the Reorganization Plan of 1980 re: emergency powers: In transmitting the Plan, President Carter stated:

"The [NRC's] ability to respond decisively and responsibly to any nuclear emergency must be fully ensured in advance. Experience has shown that the Commission as a whole cannot deal expeditiously with emergencies or communicate in a clear, unified voice to civil authorities or to the public. But present law prevents the Commission from delegating its emergency authority to any of its members. The Plan would correct this situation by specifically authorizing the Chairman to act for the Commission in an emergency."

Amy Powell  
Associate Director  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-1673

EB/90

---

**From:** Powell, Amy  
**Sent:** Thursday, April 07, 2011 6:10 PM  
**To:** Haynes, Laura (Carper)  
**Subject:** Follow-ups from NRC

Hi Laura –

I think that I've worked through the "IOU's" from our call this morning:

**Emergency powers to the Chairman**

Summary: Reorganization Plan No. 1 of 1980 strengthened the executive and administrative roles of the NRC Chairman, particularly in emergencies, transferring to the Chairman "all the functions vested in the Commission pertaining to an emergency concerning a particular facility or materials ... regulated by the Commission." This Reorganization Plan also provided that all policy formulation, policy-related rulemaking, and orders and adjudications would remain vested with the full Commission.

Click here for the full text of this legislation: ([full-text version](#))

In transmitting this Reorganization Plan, President Carter stated:

"The [NRC's] ability to respond decisively and responsibly to any nuclear emergency must be fully ensured in advance. Experience has shown that the Commission as a whole cannot deal expeditiously with emergencies or communicate in a clear, unified voice to civil authorities or to the public. But present law prevents the Commission from delegating its emergency authority to any of its members. The Plan would correct this situation by specifically authorizing the Chairman to act for the Commission in an emergency."

Related to our current status in response to events in Japan:

Section 3 of the Reorganization Plan No.1 of 1980 provides the Chairman with substantial additional authority during an emergency. This does not require an "official designation of an emergency." The Commission and staff understand how this authority is executed. The Operations Center went into monitoring mode on March 11th at approximately 0946 in response to the possible impact on the West Coast plants due to potentially high waves. The Chairman has been exercising his emergency authority since that time. The agency will return to a non-emergency status when the situation warrants.

**Commission vote: NRC actions following events in Japan (establish task force for review)**

Commission voting record: <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comqbj-vtr.pdf>

Staff Requirements Memo (direction to staff resulting from vote): <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comqbj-srm.pdf>

Press Release about and copy of charter for task force for review:  
<http://pbadupws.nrc.gov/docs/ML1109/ML110910479.pdf>

**Safety Culture**

I need to track a bit more down on this. Commission voted it, so there is a staff requirements memo from March 7, 2011, but I do not think that the staff has yet finalized the proposed policy statement for the Federal

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Register yet. Here is the SRM: <http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2011/2011-0005srm.pdf> and the paper that it amends (as I recall, the actual proposed policy statement is on p. 14): <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2011/2011-0005scy.pdf> I'll check FRN status.

**Emergency Planning briefing**

I understand from David that this may be coming together for Monday afternoon.

**Japan update, Qs**

We're set with Marty via phone bridge for 3pm (dial-in info went out earlier tonight to the 5 we discussed).

If I missed something, let me know.

Amy

Amy Powell  
Associate Director  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-1673

---

**From:** Jaczko, Gregory  
**Sent:** Monday, April 11, 2011 3:56 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: Senator Inhofe response

---

From: Batkin, Joshua  
Sent: Monday, April 11, 2011 3:56:23 PM  
To: Jaczko, Gregory  
Subject: Senator Inhofe response  
Auto forwarded by a Rule

Chairman - do you approve us autopenning the final version of the letter on emergency powers we provided you today?  
Thank you, Josh

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

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---

**From:** Caputo, Annie (EPW) <Annie\_Caputo@epw.senate.gov>  
**Sent:** Tuesday, April 12, 2011 8:45 AM  
**To:** Powell, Amy  
**Subject:** Re: Double-checking receipt of letter

Yes

---

**From:** Powell, Amy [mailto:Amy.Powell@nrc.gov]  
**Sent:** Tuesday, April 12, 2011 08:30 AM  
**To:** Caputo, Annie (EPW)  
**Subject:** Double-checking receipt of letter

Hi Annie –

Just double-checking to make sure that you go this last night...

See you later today,  
AP

---

**From:** Powell, Amy  
**Sent:** Monday, April 11, 2011 4:56 PM  
**To:** 'Annie\_Caputo@epw.senate.gov'  
**Cc:** Schmidt, Rebecca  
**Subject:** Response to Sen. Inhofe's April 6th letter

Hi Annie –

Attached is Chairman Jaczko's response to Sen. Inhofe's April 6<sup>th</sup> letter on emergency powers.

Amy

Amy Powell  
Associate Director  
U. S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Phone: 301-415-1673

EB/93



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 11, 2011

Senator James M. Inhofe  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510-6175

Dear Senator Inhofe:

This letter responds to your inquiry, dated April 6, 2011, regarding the NRC's response to the events in Japan and, in particular, my actions as Chairman as part of the response to that emergency. 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.

As the events at Fukushima began to unfold following the March 11, 2011 earthquake and tsunami in Japan, and in light of the presence of U.S. citizens and U.S. interests in Japan, not to mention Japan's status as a close ally to the United States, it became clear that the U.S. Government would have a significant interest regarding this foreign nuclear emergency. The NRC is the U.S. agency responsible for monitoring, understanding, and communicating about nuclear plant safety events, and those core competencies have served an important role in our Government's response to the events in Japan.

The NRC's Headquarters Operations Center has served a key role in assisting the U.S. Government's efforts to monitor the events at the Fukushima Daiichi nuclear plant. The Operations Center is intended to be managed during events by a traditional management structure with a single responsible official in charge. My exercise of emergency powers facilitates that process. Also, please note that there are no procedures in place for the full Commission to manage ongoing Operations Center response activities, nor would one expect there to be, given the assignment of responsibility to the Chairman under Reorganization Plan No. 1 of 1980. The agency's well-established and oft-tested emergency response procedures serve us well not only in responding to domestic events, but also to international events where NRC's response capabilities can support our government's interests.

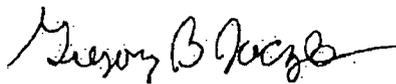
As you note, after the initial threat of potential tsunami effects on U.S. territory had passed, our subsequent activities have focused primarily on monitoring potential radiation reaching the U.S. and on providing advice and assistance within our Government and to Japan. To the extent this is said to involve the exercise of my emergency powers, I have been careful to act in the spirit of the Reorganization Plan, with appropriate regard to existing Commission policy and by keeping my fellow Commissioners informed. With respect to the Japanese emergency, many of the NRC's primary activities have involved communications—an authority the Chairman possesses as official spokesman even in non-emergency situations—and monitoring via the NRC's Operations Center—an executive activity that would also fall within the Chairman's authority to manage as the agency's principal executive officer.

Over the course of the events in Japan, I have maintained regular contact with my fellow Commissioners and have briefed them frequently, both individually and as a group on the latest developments. Event notification emails sent throughout the agency by the Headquarters Operations Center, beginning on March 11, also alerted agency personnel generally that the NRC was responding to the emergency. Press releases issued in the days after the earthquake and tsunami also provided notice to the general public that the NRC was engaging in response activities and that the Headquarters Operations Center was monitoring the events in Japan on a 24-hour basis.

As we take steps to understand any implications of the events in Japan for the regulation and safe operation of nuclear facilities in the United States, I have fully engaged my colleagues to obtain their insights and they supported the direction to the NRC staff to establish a task force to look at the near-term and longer-term implications of the Fukushima event.

I appreciate this opportunity to respond to your questions and trust I have satisfied your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory B. Jaczko". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gregory B. Jaczko

---

**From:** Batkin, Joshua  
**Sent:** Wednesday, April 13, 2011 6:47 PM  
**To:** Powell, Amy; Brenner, Eliot; Schmidt, Rebecca; Coggins, Angela  
**Subject:** Re: More on emergency powers

I think the message should be that this is a totally absurd red herring. The only time it is relevant whether a chairman is acting under his emergency authorities versus all of his other authorities is when he or she assumes the powers of the full Commission to issue orders and change requirements for licenses separate and apart from the normal Commission processes. Any Chairman has that legal authority but thankfully after almost two years on the job he has never even once needed to do that.

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

---

**From:** Powell, Amy  
**To:** Brenner, Eliot; Batkin, Joshua; Schmidt, Rebecca  
**Sent:** Wed Apr 13 18:20:48 2011  
**Subject:** More on emergency powers

Sen. Boxer's EPW staff just called – Politico (Darius Dixon) asked them for comment about the emergency powers issue.

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, April 13, 2011 6:09 PM  
**To:** Batkin, Joshua; Schmidt, Rebecca; Powell, Amy  
**Subject:** FW: post-hearing scrum

Folks: those who would like to press this issue are not going away. I'll take any help anyone wants to give me. I've already given Steve what I can.

---

**From:** Dolley, Steven [mailto:Steven\_Dolley@platts.com]  
**Sent:** Wednesday, April 13, 2011 6:00 PM  
**To:** Brenner, Eliot  
**Subject:** RE: post-hearing scrum

Thanks. I've talked with some more folks since Tuesday.

1. What specific emergency powers, if any, including those under the Reorganization Act, has the chairman invoked in regard to the Fukushima accident? When was that done, if it was done?
2. Were the other commissioners consulted on, or informed of, the chairman's invocation(s)? If they were not, why not?
3. Why did the chairman not mention emergency powers invocation at the March 16 hearings, or in his conversations with Senator Inhofe?
4. Why was the majority staff at the Senate EPW committee notified, but not the minority staff (if that is true)?
5. Why did only Chairman Jaczko appear at yesterday's hearing, rather than the full commission?

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6. What basis or authority does the chairman have to use emergency powers under the Reorganization Act, given the emergency in question is at a non-US nuclear facility?

---

**From:** Brenner, Eliot [mailto:Eliot.Brenner@nrc.gov]  
**Sent:** Wednesday, April 13, 2011 5:42 PM  
**To:** Dolley, Steven  
**Subject:** RE: post-hearing scrum

Yeah, a little. I think the senator's office made public our letter, and I asked the chairman about it this morning. He believes that concern about this is misplaced and inappropriate and he believes his action have been fully consistent with his authority and responsibilities.

How's that for an answer?

Eliot

---

**From:** Dolley, Steven [mailto:Steven\_Dolley@platts.com]  
**Sent:** Wednesday, April 13, 2011 5:11 PM  
**To:** Brenner, Eliot  
**Subject:** RE: post-hearing scrum

Any luck on this today? I'm writing Thursday afternoon. Thanks, Steve

---

**From:** Brenner, Eliot [mailto:Eliot.Brenner@nrc.gov]  
**Sent:** Tuesday, April 12, 2011 7:45 PM  
**To:** Dolley, Steven  
**Subject:** RE: post-hearing scrum

The answer I was referring to was what he said in the committee hearing, which very roughly translated was that there are authorities that exist with the job and don't necessarily have to be invoked. However, this is a very nuanced legal area and I think it best that I talk with counsel tomorrow to get a real bead on this.

---

**From:** Dolley, Steven [mailto:Steven\_Dolley@platts.com]  
**Sent:** Tuesday, April 12, 2011 7:40 PM  
**To:** Brenner, Eliot  
**Subject:** RE: post-hearing scrum

Thanks. But his answer, at least what I heard, was just to refer me to Inhofe. What did I miss?

---

**From:** Brenner, Eliot [mailto:Eliot.Brenner@nrc.gov]  
**Sent:** Tuesday, April 12, 2011 7:36 PM  
**To:** Dolley, Steven  
**Subject:** RE: post-hearing scrum

Take a look at his answer and the letter we sent Inhoffe. I think they'll release it. I will check with counsel in the morning but I believe there is authority to act that comes with being chairman that does not need to be invoked, it exists.

---

**From:** Dolley, Steven [mailto:Steven\_Dolley@platts.com]  
**Sent:** Tuesday, April 12, 2011 6:52 PM  
**To:** Brenner, Eliot  
**Subject:** RE: post-hearing scrum

Thanks for tossing me the question, even though he ducked it. I would like to find out what, if any, extraordinary authority or powers the chairman has invoked since March 11; what the basis was for their activation; whether the commission was consulted on those actions; how long they will remain in effect; and why emergency authority is justified by an accident that is not taking place at an NRC-licensed or regulated facility. Can you help me out with that, should I follow up with Scott? Thanks, Steve

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

---

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**From:** Batkin, Joshua  
**Sent:** Wednesday, April 13, 2011 6:50 PM  
**To:** Powell, Amy; Brenner, Eliot; Schmidt, Rebecca; Coggins, Angela  
**Subject:** Re: More on emergency powers

Should he call politico?

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

---

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EB/95

---

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**To:** Dolley, Steven  
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**Subject:** RE: post-hearing scrum

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**Sent:** Tuesday, April 12, 2011 7:40 PM  
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**Subject:** RE: post-hearing scrum

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**Sent:** Tuesday, April 12, 2011 7:36 PM  
**To:** Dolley, Steven  
**Subject:** RE: post-hearing scrum

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**To:** Brenner, Eliot  
**Subject:** RE: post-hearing scrum

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

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**From:** Janbergs, Holly on behalf of OPA Resource  
**Sent:** Thursday, April 14, 2011 11:05 AM  
**To:** Brenner, Eliot  
**Subject:** FW: Chairman's assumption of emergency authority

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**From:** Harrington, Holly  
**Sent:** Thursday, April 14, 2011 11:02 AM  
**To:** OPA Resource  
**Subject:** RE: Chairman's assumption of emergency authority

No. Send to Eliot (basically, any question that is specific to the Chairman goes to Eliot)

---

**From:** Janbergs, Holly **On Behalf Of** OPA Resource  
**Sent:** Wednesday, April 13, 2011 12:20 PM  
**To:** Harrington, Holly  
**Subject:** FW: Chairman's assumption of emergency authority

Can you handle?

---

**From:** Frantz, Steven P. [mailto:sfrantz@morganlewis.com]  
**Sent:** Wednesday, April 13, 2011 11:34 AM  
**To:** OPA Resource  
**Subject:** Chairman's assumption of emergency authority

I understand based upon the hearing on April 12, 2011 before the Senate Committee on Environment and Public Works that Chairman Jaczko has assumed emergency authority. Could you forward to me the document that states that he has assumed emergency authority and the scope of that authority.

Thank you very much.

Steve Frantz

**Steven P. Frantz**  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW | Washington, DC 20004  
Direct: 202.739.5460 | Main: 202.739.3000 | Fax: 202.739.3001  
www.morganlewis.com  
Assistant: Mary L. Freeze | 202.739.5752 | mfreeze@morganlewis.com

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EB/96

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**From:** Jaczko, Gregory  
**Sent:** Thursday, April 28, 2011 6:32 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: TNT addition

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**From:** Brenner, Eliot  
**Sent:** Thursday, April 28, 2011 6:32:07 PM  
**To:** Brenner, Eliot  
**Subject:** TNT addition  
**Auto forwarded by a Rule**

JAPAN – The trade publication E&E told us they were writing a story about the chairman’s exercise of authority during the Japan crisis. We provided a statement for noting the emergency and executive authority exercised is inherent in the powers of the office of chairman. Timing of the story is unknown, but certainly before a congressional hearing next Wednesday.

EB/97

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**From:** Jaczko, Gregory  
**Sent:** Thursday, April 28, 2011 7:29 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: "emergency" issue

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**From:** Burns, Stephen  
**Sent:** Thursday, April 28, 2011 7:28:55 PM  
**To:** Brenner, Eliot; Jaczko, Gregory; Coggins, Angela  
**Subject:** Re: "emergency" issue  
**Auto forwarded by a Rule**

(b)(5)

Steve

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**From:** Brenner, Eliot  
**To:** Jaczko, Gregory; Burns, Stephen; Coggins, Angela  
**Sent:** Thu Apr 28 19:10:08 2011  
**Subject:** Fw: "emergency" issue

Fyi.

(b)(5)

Eliot Brenner  
Director, Office of Public Affairs  
US Nuclear Regulatory Commission  
Protecting People and the Environment  
301 415 8200  
C: (b)(6)  
Sent from my Blackberry

---

**From:** Brenner, Eliot  
**To:** 'hnothey@eenews.net' <hnothey@eenews.net>  
**Sent:** Thu Apr 28 19:02:49 2011  
**Subject:** Re: minor edit

Hannah: that was intended as a statement from the chairman -- though I may ask that you quote me. and I may have to put him or the chief counsel on the phone with you. If you read the Hill email closely it clearly says no declaration of any kind is necessary for the chairman to exercise powers inherent in his office.

As for the situation now, it is not fully controlled, we still have staff in japan advising. This situation while better is by no means over.

What time do you get in tomorrow?

Eliot Brenner  
Director, Office of Public Affairs  
US Nuclear Regulatory Commission  
Protecting People and the Environment

EB/98

301 415 8200

C: [redacted] (b)(6)

Sent from my Blackberry

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**From:** Hannah Northey <hnorthey@eenews.net>

**To:** Brenner, Eliot

**Sent:** Thu Apr 28 18:44:29 2011

**Subject:** RE: minor edit

Hey Eliot,

So do you want me to attribute that statement to you? I can do that, I'm writing for an 11am deadline tomorrow.

Also, I obtained an email from the NRC to Mr. Inhofe's office on April 4 that confirms the chairman has been "exercising his emergency authority since" the NRC Operations Center went into monitoring mode on March 11<sup>th</sup> at approximately 9:46am "in response to the possible impact on the West Coast plants due to potentially high waves."

The email also says that the chairman "has been exercising his emergency authority since that time" and the "agency will return to a non-emergency status when the situation warrants."

I am understanding the commission has been operating in a state of emergency since the tsunami alert – and do you have any idea if that emergency status has expired? Are we still in an "emergency status"? I'd also like to know if the chairman and the NRC will be following the steps in the Reorganization Plan No. 1 of 1980 – the report we talked about today and the chain of command – or has that already been implemented?

Thanks again,  
Hannah

---

**From:** Brenner, Eliot [mailto:Eliot.Brenner@nrc.gov]

**Sent:** Thursday, April 28, 2011 6:22 PM

**To:** Hannah Northey

**Subject:** minor edit

Hannah, would you permit me to make the following slight edit? Xxx spokesperson, I exercised both the xxx (exercised instead used)

Thanks in advance, and when are you writing for?

Eliot Brenner

Director, Office of Public Affairs

Nuclear Regulatory Commission

Rockville, Md.

O: 301-415-8200

C: [redacted] (b)(6)

---

**From:** Pace, Patti  
**Sent:** Friday, April 29, 2011 9:26 AM  
**To:** Speiser, Herald  
**Subject:** Fw: need 5 minutes with the boss

Patti Pace  
U.S. Nuclear Regulatory Commission  
(301) 415-1820

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**From:** Brenner, Eliot  
**To:** Pace, Patti; Gibbs, Catina  
**Sent:** Fri Apr 29 08:59:39 2011  
**Subject:** need 5 minutes with the boss

As soon as possible. Me, Burns and angela if she's around. Re emergency powers and E&E news.

Please let me know as soon as you can set it up. Thanks.

Eliot

Eliot Brenner  
Director, Office of Public Affairs  
Nuclear Regulatory Commission  
Rockville, Md.

O: 301-415-8200

C: (b)(6)

EB/99

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**From:** Jaczko, Gregory  
**Sent:** Friday, April 29, 2011 10:30 AM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: quick update

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**From:** Brenner, Eliot  
**Sent:** Friday, April 29, 2011 10:29:57 AM  
**To:** Jaczko, Gregory  
**Subject:** quick update  
**Auto forwarded by a Rule**

I couldn't get the reporter on the phone, and dealt with all the answers as we discussed. The reporter called me as I was finishing the email and asked me if the chairman were making decisions for the commission. This is the response I provided:

"To that I would say that in managing the situation, yes, he acted consistent with his executive responsibilities as Chairman, keeping the Commission apprised of the ongoing situation. I would also point out that the Commission has acted as a body in, for instance, adopting his proposal for a two-phase study to see where changes in our regulatory structure might be necessary. Any decisions that flow from that study would, of course, be Commission decisions."

Eliot Brenner  
Director, Office of Public Affairs  
Nuclear Regulatory Commission  
Rockville, Md.  
O: 301-415-8200  
C: (b)(6)

EB/100

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**From:** Jaczko, Gregory  
**Sent:** Friday, April 29, 2011 3:36 PM  
**To:** Coggins, Angela; Batkin, Joshua; Pace, Patti  
**Subject:** FW: emergency powers story

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**From:** Brenner, Eliot  
**Sent:** Friday, April 29, 2011 3:36:07 PM  
**To:** Jaczko, Gregory  
**Cc:** Batkin, Joshua; Loyd, Susan; Coggins, Angela; Burns, Stephen; Schmidt, Rebecca  
**Subject:** emergency powers story  
**Auto forwarded by a Rule**

<http://www.eenews.net/Greenwire/2011/04/29/2>

(b)(5)

**Eliot**

Eliot Brenner  
Director, Office of Public Affairs  
Nuclear Regulatory Commission  
Rockville, Md.

O: 301-415-8200

C: (b)(6)

EB/101

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**From:** Powell, Amy  
**Sent:** Friday, April 29, 2011 5:36 PM  
**To:** 'Rob.Blair@mail.house.gov'  
**Cc:** 'Joseph.Levin@mail.house.gov'  
**Subject:** Re: Your most recent favorite topic regarding Chairman Jaczko

"Enjoy" may be relative, but thanks for the sentiment...

There are three citations most relevant to a) Chairman's role and authorities, and b) emergency powers

1. Chairman as agency "spokesman": Atomic Energy Act established, in Sec. 21, that the Chairman of the then-AEC "shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons or the public..."
2. In the Reorganization Act of 1974, AEA was updated to reflect the creation of NRC (from the AEC) and deems the NRC Chairman as official spokesperson in Section 201(a)(1).
3. Reorganization Plan No. 1 of 1980 strengthened the executive and administrative roles of the NRC Chairman, particularly in emergencies (Section 3) following the 1979 Three Mile Island event. This Reorganization Plan also provided that all policy formulation, policy-related rulemaking, and orders and adjudications would REMAIN vested with the full Commission (ie emergency powers only apply to the emergency itself - not all matters before the Commission).

In dealing with the Japan issue, as the NRC chief executive and its spokesperson, the Chairman exercised both the emergency and executive powers inherent in the Chairman's role under existing statutes. This does not require an "official designation of an emergency." The Commission and staff understand how this authority is executed. There is no need to make a declaration of any type in carrying out these responsibilities. Responding to external emergencies is a basic function of the agency and its designated chairman, as noted when the 1980 plan was sent to the Congress at the time.

All three of these pieces of legislation (both summarized and links to full text) are on NRC's public Web site at <http://www.nrc.gov/about-nrc/governing-laws.html> (they are the first three listed on the page)

By design, I'll be back in the office Monday so feel free to call.

Enjoy the weekend,  
Amy

Amy Powell  
Associate Director  
Office of Congressional Affairs  
U. S. Nuclear Regulatory Commission  
Phone: 301-415-1673

Sent from my Blackberry

---

**From:** Blair, Rob <Rob.Blair@mail.house.gov>  
**To:** Powell, Amy  
**Cc:** Levin, Joseph <Joseph.Levin@mail.house.gov>  
**Sent:** Fri Apr 29 13:56:28 2011  
**Subject:** Your most recent favorite topic regarding Chairman Jaczko

Hope you're enjoying your day out of the office. Would you please send ASAP the specific statute/regulation that the Chairman invoked for his emergency powers, and the legal justification accompanying his decision?

EB/102

Thanks...

Robert Blair  
Committee on Appropriations  
Subcommittee on Energy and Water Development  
202.225.3421

**From:** Sharkey, Jeffrey  
**To:** "Caputo, Annie (EPW)"  
**Subject:** RE: request from Sen. Inhofe for information  
**Date:** Friday, April 01, 2011 1:56:00 PM  
**Attachments:** 2011-0002comgbl-vtr.pdf

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Commissioner Svinicki has not been informed by Chairman Jaczko of any declaration of an emergency or the Chairman's invocation of emergency response authority.

As noted in her vote on COMGBJ-11-0002, "NRC Actions Following the Events in Japan," Commissioner Svinicki's view is that, "The devastation in Japan constitutes an unprecedented tragedy for that nation. We need to keep in mind, however, that this crisis has not created an emergency in the United States, and the Commission and the staff should adhere to existing protocols." A copy of her vote – which is publicly available – is attached for your convenience.

**From:** Caputo, Annie (EPW) [mailto:Annie\_Caputo@epw.senate.gov]  
**Sent:** Wednesday, March 30, 2011 11:40 AM  
**To:** Bubar, Patrice; Sharkey, Jeffrey; Nieh, Ho; Sosa, Belkys  
**Subject:** request from Sen. Inhofe for information

As soon as possible, provide the date, time, and manner in which Chairman Jaczko informed your commissioner of his declaration of his exercise of emergency authority. Please include any information the Chairman providing his expectations regarding the duration of this emergency situation and his plan for returning the agency to a non-emergency status. Please include the date, time and manner in which your commissioner indicated his approval to Chairman Jaczko.

Annie

~~NOT FOR PUBLIC DISCLOSURE~~

EB/103

**Castleman, Patrick**

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**From:** Castleman, Patrick  
**Sent:** Sunday, March 27, 2011 7:26 AM  
**To:** Sharkey, Jeffry  
**Cc:** Reddick, Darani  
**Subject:** Re: Chairman travel

Delegate emergency powers to the EDO when there are four Commissioners available? Hmm...

Sent from an NRC Blackberry  
Patrick Castleman

(b)(6)

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

**From:** Sharkey, Jeffry  
**To:** Svinicki, Kristine  
**Cc:** Reddick, Darani; Thoma, John; Castleman, Patrick  
**Sent:** Sun Mar 27 07:19:44 2011  
**Subject:** Fw: Chairman travel

FYI

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

**From:** Batkin, Joshua  
**To:** Sharkey, Jeffry; Nieh, Ho; Bubar, Patrice; Sosa, Belkys  
**Cc:** Vietti-Cook, Annette; Bradford, Anna; Brenner, Eliot; Schmidt, Rebecca; Borchardt, Bill; Burns, Stephen; Doane, Margaret; Dyer, Jim; Coggins, Angela  
**Sent:** Sat Mar 26 21:14:30 2011  
**Subject:** Chairman travel

Fyi, the Chairman is leaving tonight for a quick trip to Japan to show our continuing support for our friends and allies, to touch base with our team, and to meet with USG and GOJ officials to discuss the ongoing mitigation efforts. Annette helped organize a quick Commission call to discuss this and the SMR meeting but Belkys' and Jeff's bosses weren't able to join on short notice.

The Chairman will be back Tuesday afternoon. He's delegated Emergency Powers to the EDO for continuity purposes and he's asked Commissioner Magwood to preside over the SMR meeting Tuesday morning so that it can take place in his absence.

Please let me know if your principals have any questions.

Thank you,  
Josh

Joshua C. Batkin  
Chief of Staff  
Chairman Gregory B. Jaczko  
(301) 415-1820

EB/104

**Remsburg, Kristy**

---

**From:** Burns, Stephen  
**Sent:** Thursday, March 17, 2011 2:57 PM  
**To:** Coggins, Angela  
**Cc:** Itzkowitz, Marvin; Rothschild, Trip  
**Subject:** CHAIRMAN'S EMERGENCY AUTHORITY  
**Attachments:** Chairman emergency JapaN.docx

I'M HOPING THIS IS WHAT YOU'RE LOOKING FOR, LONGer than I expected. but let me know

EB/105

March 17, 2011

I have been asked whether the Chairman's communication of protective action guidance and related information in an agency press release related to the nuclear emergency in Japan is a valid exercise of his authorities under the Energy Reorganization Act of 1974 and the Reorganization Plan No. 1 of 1980. I believe it is based on the Chairman's role as agency spokesman and under his responsibility for carrying out agency functions under emergency conditions.

First, the Chairman as spokesman may communicate factual data and recommendations that fall within existing Commission policies and procedures. As I understand the facts here, the agency's press release recommending that US citizens evacuate an area with a 50 mile radius of the Fukushima Daiichi Plant was based on factual information obtained by and modeling conducted by NRC. Moreover, the recommendation was based on existing guidance that would be used by the agency in the event of a domestic accident or incident of similar potential severity. On this basis, the communication of such information and guidance would not appear to raise a new policy issue and would appear consistent with the obligation to conform to existing policy. Such communications are consistent with the Chairman's role as agency spokesman.

Second, although this may be a novel question, I believe that the Chairman's actions fit within his authorities under section 3 of the Reorganization Plan under which all authorities vested in the Commission pertaining to an emergency are transferred to the Chairman. Although the language in the plan refers to "an emergency concerning a particular facility or materials licensed or regulated by the Commission," I do not view this language as limiting the scope of the Chairman's emergency response authority to only incidents involving particular facilities. In this regard, I note that former General Counsel Cyr gave a similar opinion in the context of agency response to the 9/11/2001 terrorist attacks in determining that the absence of an actual event or damage to a nuclear facility or materials did not limit the Chairman's authority to exercise his emergency powers. Memo from K. Cyr to Chairman Meserve (Nov. 7, 2001).

Section 3 of the Reorganization Plan of 1980 speaks variously of the Chairman's authority in terms of an "emergency", "emergency incident" and "emergency functions" without defining these terms, nor are the terms defined in the Atomic Energy Act. The absence of precise definitions is consistent with the need to ensure that the person accountable for emergency response is not unduly constrained from determining when an emergency exists and when and how the agency's emergency capabilities should be deployed. The legislative history of the Reorganization Plan makes clear that the intent was to ensure that a single politically accountable official would be responsible during an emergency. In transmitting the Plan, President Carter stated:

The [NRC's] ability to respond decisively and responsibly to any nuclear emergency must be fully ensured in advance. Experience has shown that the Commission as a whole cannot deal expeditiously with emergencies or communicate in a clear, unified voice to civil authorities or to the public. But present law prevents the Commission from delegating its emergency authority to any of its members. The Plan would correct this situation by specifically authorizing the Chairman to act for the Commission in an emergency.

H. Doc. No. 96-288, at 3. In carrying out these functions, the Chairman is expected to carry out the Commission's established policy guidelines, but has "maximum" discretion to adapt or refashion such policies to the specific emergency." Senate Report No. 96-790 at 20; House Report No. 96-1043 at 12.

Although the immediate threat of the earthquake and tsunami to US facilities has passed, ongoing efforts to monitor the state of the Fukushima reactor complex, assess potential impacts in the US Homeland, and provide protective advice to US citizens as well as US personnel, including NRC personnel, stationed in Japan are in any reasonable understanding of the term an emergency, and one in which the President and other agencies are looking to support and advice of the NRC in response activities. In context of the current situation and considering the legal authorities and prior opinions thereon, the Chairman's actions are consistent with his authority under section 3 of the Reorganization Plan.

Stephen G. Burns  
General Counsel

March 17, 2011

MEMORANDUM TO: Files

FROM: Stephen G. Burns */RA/*  
General Counsel

SUBJECT: CHAIRMAN'S EMERGENCY AUTHORITY

I have been asked whether the Chairman's communication of protective action guidance and related information in an agency press release related to the nuclear emergency in Japan is a valid exercise of his authorities under the Energy Reorganization Act of 1974 and the Reorganization Plan No. 1 of 1980. I believe it is, based on the Chairman's role as agency spokesman and under his authorities for coping with an emergency.

First, the Chairman as spokesman may communicate factual data and recommendations that fall within existing Commission policies and procedures. As I understand the facts here, the agency's press release recommending that US citizens evacuate an area with a 50 mile radius of the Fukushima Daiichi Plant was based on factual information obtained by and modeling conducted by NRC. Moreover, the recommendation was based on existing guidance that would be used by the agency in the event of a domestic accident or incident of similar potential severity. On this basis, the communication of such information and guidance would not appear to raise a new policy issue and would appear consistent with the obligation to conform to existing policy. Such communications are consistent with the Chairman's role as agency spokesman.

Second, although this may be a novel question, I believe that the Chairman's actions fit within his authorities under section 3 of the Reorganization Plan under which all authorities vested in the Commission pertaining to an emergency are transferred to the Chairman. Although the language in the plan refers to "an emergency concerning a particular facility or materials licensed or regulated by the Commission," I do not view this language as limiting the scope of the Chairman's emergency response authority to only incidents involving particular NRC-licensed facilities. In this regard, I note that former General Counsel Cyr gave a similar opinion in the context of agency response to the 9/11/2001 terrorist attacks in determining that the absence of an actual event or damage to a nuclear facility or materials did not limit the Chairman's authority to exercise his emergency powers. Memo from K. Cyr to Chairman Meserve (Nov. 7, 2001).

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be deployed. The legislative history of the Reorganization Plan makes clear that the intent was to ensure that a single politically accountable official would be responsible during an emergency. In transmitting the Plan, President Carter stated:

The [NRC's] ability to respond decisively and responsibly to any nuclear emergency must be fully ensured in advance. Experience has shown that the Commission as a whole cannot deal expeditiously with emergencies or communicate in a clear, unified voice to civil authorities or to the public. But present law prevents the Commission from delegating its emergency authority to any of its members. The Plan would correct this situation by specifically authorizing the Chairman to act for the Commission in an emergency.

H. Doc. No. 96-288, at 3. In carrying out these functions, the Chairman is expected to follow the Commission's established policy guidelines, but has "maximum" discretion to adapt or refashion such policies to the specific emergency." Senate Report No. 96-790 at 20; House Report No. 96-1043 at 12.

Although the immediate threat of the earthquake and tsunami to US facilities has passed, ongoing efforts to monitor the state of the Fukushima reactor complex, assess potential impacts on the U.S. Homeland, and provide protective advice to US citizens as well as U.S. personnel, including NRC personnel, stationed in Japan are reasonably construed as part of emergency monitoring and response. Such activities are also being conducted in circumstances in which the President and other agencies are looking to support and advice of the NRC in emergency response activities intended to protect U.S. interests as well as provide assistance to Japan in responding to the nuclear crisis. In context of the current situation and considering the legal authorities and prior opinions thereon, the Chairman's actions are a reasonable application of his authority under section 3 of the Reorganization Plan.

be deployed. The legislative history of the Reorganization Plan makes clear that the intent was to ensure that a single politically accountable official would be responsible during an emergency. In transmitting the Plan, President Carter stated:

The [NRC's] ability to respond decisively and responsibly to any nuclear emergency must be fully ensured in advance. Experience has shown that the Commission as a whole cannot deal expeditiously with emergencies or communicate in a clear, unified voice to civil authorities or to the public. But present law prevents the Commission from delegating its emergency authority to any of its members. The Plan would correct this situation by specifically authorizing the Chairman to act for the Commission in an emergency.

H. Doc. No. 96-288, at 3. In carrying out these functions, the Chairman is expected to follow the Commission's established policy guidelines, but has "maximum" discretion to adapt or refashion such policies to the specific emergency." Senate Report No. 96-790 at 20; House Report No. 96-1043 at 12.

Although the immediate threat of the earthquake and tsunami to US facilities has passed, ongoing efforts to monitor the state of the Fukushima reactor complex, assess potential impacts on the U.S. Homeland, and provide protective advice to US citizens as well as U.S. personnel, including NRC personnel, stationed in Japan are reasonably construed as part of emergency monitoring and response. Such activities are also being conducted in circumstances in which the President and other agencies are looking to support and advice of the NRC in emergency response activities intended to protect U.S. interests as well as provide assistance to Japan in responding to the nuclear crisis. In context of the current situation and considering the legal authorities and prior opinions thereon, the Chairman's actions are a reasonable application of his authority under section 3 of the Reorganization Plan.

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Date	3/17 /2011			

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**List of Non-Sunshine Act Discussions held in 2011:**

<u>Date</u>	<u>Via Telephone</u>
1) 3/12/11	yes
2) 3/13/11	yes
3) 3/14/11	yes
4) 3/16/11	yes
5) 3/17/11	yes
6) 3/18/11	no
7) 3/26/11	yes
8) 3/30/11	yes
9) 4/16/11	yes

## NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST

**DATE:** March 12, 2011 (Conducted via Telephone Bridge.)

**TITLE:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami; NRC Assistance; and Interagency Coordination

**START TIME:** 3:00 pm

**END TIME:** 3:30 pm

### ATTENDEES:

1. Chairman Jaczko
2. Commissioner Svinicki
3. Commissioner Apostolakis
4. Commissioner Magwood
5. Commissioner Ostendorff
  
6. Josh Batkin, OCM/GBJ
7. Annette Vietti-Cook, SECY
8. Steve Burns, OGC
9. Bill Borchardt, EDO
10. Marty Virgilio, DEDO

## NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST

**DATE:** March 13, 2011 (Conducted via Telephone Bridge.)

**TITLE:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami; NRC Assistance; and Interagency Coordination

**START TIME:** 4:00 pm

**END TIME:** 4:30 pm

### ATTENDEES:

1. Chairman Jaczko
2. Commissioner Svinicki
3. Commissioner Apostolakis (partial)
4. Commissioner Magwood
5. Commissioner Ostendorff
  
6. Josh Batkin, OCM/GBJ
7. John Monninger, OCM/GBJ
8. Annette Vietti-Cook, SECY
9. Trip Rothschild, OGC
10. Bill Borchardt, EDO

## **NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST**

**DATE:** March 14, 2011 (Conducted via Telephone Bridge.)

**TITLE:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami; NRC Assistance; and Interagency Coordination

**START TIME:** 4:30 pm

**END TIME:** 4:50 pm

**SECURITY LEVEL:** n/a

### **ATTENDEES:**

1. Chairman Jaczko
2. Commissioner Svinicki
3. Commissioner Apostolakis
4. Commissioner Magwood
5. Commissioner Ostendorff
  
6. Steve Burns, OGC
7. Jack Grobe, NRR
8. Annette Vietti-Cook, SECY

## **NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST**

**DATE:** March 16, 2011 (Conducted via Telephone Bridge.)

**TITLE:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami; NRC Assistance; and Interagency Coordination

**START TIME:** 7:30 pm

**END TIME:** 7:50 pm

### **ATTENDEES:**

1. Chairman Jaczko
2. Commissioner Svinicki
3. Commissioner Apostolakis
4. Commissioner Magwood
5. Commissioner Ostendorff
  
6. Annette Vietti-Cook, SECY
7. Steve Burns, OGC
8. Jack Grobe, NRR

## **NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST**

**DATE:** March 17, 2011 (Conducted via Telephone Bridge.)

**TITLE:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami; NRC Assistance; and Interagency Coordination

**START TIME:** 4:00 pm

**END TIME:** 4:30 pm

### **ATTENDEES:**

1. Chairman Jaczko
2. Commissioner Svinicki
3. Commissioner Apostolakis
4. Commissioner Magwood
5. Commissioner Ostendorff
  
6. Josh Batkin, OCM/GBJ
7. Annette Vietti-Cook, SECY
8. Steve Burns, OGC

## NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST

**DATE:** March 18, 2011

**TITLE:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami; NRC Assistance; and Interagency Coordination; and Agenda Planning discussion.

**START TIME:** 10:00 am

**END TIME:** 10:30 am \*

\*Note at 10:15 all attendees except the Commissioners left the meeting.

### ATTENDEES:

1. Chairman Jaczko
2. Commissioner Svinicki
3. Commissioner Apostolakis
4. Commissioner Magwood
5. Commissioner Ostendorff
  
6. Steve Burns, OGC
7. Annette Vietti-Cook, SECY
8. Joshua Batkin, OCM/GBJ
9. Jeffrey Sharkey, OCM/KLS
10. Belkys Sosa, OCM/GEA
11. Patricia Bubar, OCM/WDM
12. Ho Nieh, OCM/WCO

## **NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST**

**DATE:** March 26, 2011 (Conducted via Telephone Bridge.)

**TITLE:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami; NRC Assistance; and Interagency Coordination

**START TIME:** 6:40 pm

**END TIME:** 6:50 pm

### **ATTENDEES:**

1. Chairman Jaczko
2. Commissioner Magwood
3. Commissioner Ostendorff
  
4. Joshua Batkin, OCM/GBJ
5. Steve Burns, OGC
6. Brian Sheron, RES
7. Annette Vietti-Cook, SECY

## **NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST**

**DATE:** March 30, 2011 (Conducted via Telephone Bridge.)

**TITLE/TOPICS:** Summary of Chairman's trip to Japan; Review of this week's Congressional hearings; Discussion of upcoming Convention on Nuclear Safety; Reprogramming of Funds

**START TIME:** 9:05 am

**END TIME:** 9:20 am

### **ATTENDEES:**

1. Chairman Jaczko
2. Commissioner Apostolakis
3. Commissioner Ostendorff
  
4. Marvin Itzkowitz, OGC
5. Annette Vietti-Cook, SECY

**NON-SUNSHINE ACT DISCUSSION ATTENDEE LIST**

**DATE:** April 16, 2011 (Conducted via Telephone Bridge.)

**TITLE/TOPICS:** Status of Nuclear Plants in Japan after the Earthquake and Tsunami on  
3/11/11

**START TIME:** 3:00 pm

**END TIME:** 3:15 pm

**ATTENDEES:**

1. Chairman Jaczko
2. Commissioner Apostolakis
3. Commissioner Magwood
4. Commissioner Ostendorff
  
5. Steve Burns, OGC
6. Annette Vietti-Cook, SECY
7. Roy Zimmerman, NSIR
8. Scott Moore, FSME



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

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GENERAL COUNSEL

March 17, 2011

MEMORANDUM TO: Files  
FROM: Stephen G. Burns  
General Counsel  
SUBJECT: CHAIRMAN'S EMERGENCY AUTHORITY

I have been asked whether the Chairman's communication of protective action guidance and related information in an agency press release related to the nuclear emergency in Japan is a valid exercise of his authorities under the Energy Reorganization Act of 1974 and the Reorganization Plan No. 1 of 1980. I believe it is based on the Chairman's role as agency spokesman and under his authorities for coping with an emergency.

First, the Chairman as spokesman may communicate factual data and recommendations that fall within existing Commission policies and procedures. As I understand the facts here, the agency's press release recommending that US citizens evacuate an area with a 50 mile radius of the Fukushima Daiichi Plant was based on factual information obtained by and modeling conducted by NRC. Moreover, the recommendation was based on existing guidance that would be used by the agency in the event of a domestic accident or incident of similar potential severity. On this basis, the communication of such information and guidance would not appear to raise a new policy issue and would appear consistent with the obligation to conform to existing policy. Such communications are consistent with the Chairman's role as agency spokesman.

Second, although this may be a novel question, I believe that the Chairman's actions fit within his authorities under section 3 of the Reorganization Plan under which all authorities vested in the Commission pertaining to an emergency are transferred to the Chairman. Although the language in the plan refers to "an emergency concerning a particular facility or materials licensed or regulated by the Commission," I do not view this language as limiting the scope of the Chairman's emergency response authority to only incidents involving particular NRC-licensed facilities. In this regard, I note that former General Counsel Cyr gave a similar opinion in the context of agency response to the 9/11/2001 terrorist attacks in determining that the absence of an actual event or damage to a nuclear facility or materials did not limit the Chairman's authority to exercise his emergency powers. Memo from K. Cyr to Chairman Meserve (Nov. 7, 2001).

Section 3 of the Reorganization Plan of 1980 speaks variously of the Chairman's authority in terms of an "emergency," "emergency incident" and "emergency functions" without defining these terms, nor are the terms defined in the Atomic Energy Act. The absence of precise definitions is consistent with the need to ensure that the person accountable for emergency response is not unduly constrained from determining when an emergency exists and when and how the agency's emergency capabilities should

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EB/106

be deployed. The legislative history of the Reorganization Plan makes clear that the intent was to ensure that a single politically accountable official would be responsible during an emergency. In transmitting the Plan, President Carter stated:

The [NRC's] ability to respond decisively and responsibly to any nuclear emergency must be fully ensured in advance. Experience has shown that the Commission as a whole cannot deal expeditiously with emergencies or communicate in a clear, unified voice to civil authorities or to the public. But present law prevents the Commission from delegating its emergency authority to any of its members. The Plan would correct this situation by specifically authorizing the Chairman to act for the Commission in an emergency.

H. Doc. No. 96-288, at 3. In carrying out these functions, the Chairman is expected to follow the Commission's established policy guidelines, but has "maximum" discretion to adapt or refashion such policies to the specific emergency." Senate Report No. 96-790 at 20; House Report No. 96-1043 at 12.

Although the immediate threat of the earthquake and tsunami to US facilities has passed, ongoing efforts to monitor the state of the Fukushima reactor complex, assess potential impacts on the U.S. Homeland, and provide protective advice to US citizens as well as U.S. personnel, including NRC personnel stationed in Japan are reasonably construed as part of emergency monitoring and response. Such activities are also being conducted in circumstances in which the President and other agencies are looking to support and advice of the NRC in emergency response activities intended to protect U.S. interests as well as provide assistance to Japan in responding to the nuclear crisis. In context of the current situation and considering the legal authorities and prior opinions thereon, the Chairman's actions are a reasonable application of his authority under section 3 of the Reorganization Plan.

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