

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Chairman Allison M. Macfarlane  
**SUBJECT:** COMSECY-13-0002 – CONSOLIDATION OF JAPAN  
LESSONS LEARNED NEAR-TERM TASK FORCE  
RECOMMENDATIONS 4 AND 7 REGULATORY  
ACTIVITIES

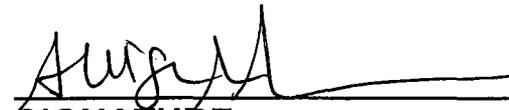
Approved   X   Disapproved        Abstain       

Not Participating       

**COMMENTS:** Below   X   Attached     None    

I approve the staff's recommendation to consolidate the rulemaking activities stemming from Near-Term Task Force Recommendations 4 and 7 and revise the schedules as outlined in the COMSECY. While this change extends the due date of the station blackout rulemaking as previously directed by the Commission, it does not change timely implementation of station blackout actions taken onsite as a result of the mitigating strategies Order. My approval is based on this unique situation where a change in the rulemaking schedule will not affect implementation of important safety actions onsite.

The staff should conduct enhanced communications with the public to ensure the bases for these changes are not viewed as a relaxation of the agency's expectations, which they are not.

  
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2/20/13  
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**DATE**

Entered on "STARS" Yes   X   No

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER SVINICKI

**SUBJECT:** COMSECY-13-0002 – CONSOLIDATION OF JAPAN  
LESSONS LEARNED NEAR-TERM TASK FORCE  
RECOMMENDATIONS 4 AND 7 REGULATORY  
ACTIVITIES

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below XX Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's recommendation to consolidate the rulemaking activities stemming from Near Term Task Force (NTTF) Recommendations 4 and 7 into one rulemaking, with a revised schedule, which will allow for consideration of the outcomes of the NRC's technical review of implementation of the mitigating strategies order by licensees. Requirements imposed on licensees by the mitigating strategies order address the most safety significant elements stemming from NTTF Recommendations 4 and 7 and are being implemented at a pace to achieve compliance by two refueling outages following issuance of the implementation guidance. As noted by the staff, feedback on these activities will be essential to the effectiveness of the NRC's rulemaking on these topics. I approve a schedule for the rulemaking that will allow consideration of lessons learned from potential failures, challenges, or gaps in implementation as directed by the Commission in Staff Requirements Memorandum M120807B and that will align more closely with the rulemaking in NTTF Recommendation 8. I further approve the modifications to the WITS tickets associated with these activities as laid out in the staff's recommendation 3 of the COMSECY, sub-elements a, b, and c.

  
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02/19/13  
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DATE

Entered on "STARS" Yes  No \_\_\_\_\_

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: Commissioner Apostolakis  
SUBJECT: COMSECY-13-0002 – CONSOLIDATION OF JAPAN  
LESSONS LEARNED NEAR-TERM TASK FORCE  
RECOMMENDATIONS 4 AND 7 REGULATORY  
ACTIVITIES

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below  X  Attached   None

I approve the staff's recommendation to consolidate the rulemaking activities resulting from NTTF Recommendations 4 and 7 into one rulemaking. I also approve a revised schedule that allows for consideration of feedback from implementation of NRC Order EA-12-049 (the mitigating strategies Order), consideration of potential failures and challenges to implementation of the mitigation strategies order, and closer alignment with the NTTF Recommendation 8 rulemaking. In this regard, I approve revision of WITS items 201200003, 201200020, 201100263, 201200021, 201200145, 201100264 and 201200022 as proposed by the staff. As the staff noted, the requirements imposed on power reactor licensee in the mitigating strategies Order address the most safety significant aspects of NTTF Recommendations 4 and 7 and licensee are implementing the Order at an expedited pace. Allowing additional time to codify the requirements stemming from these recommendations will avoid any potential conflicts that could arise between implementation of the Order and the rulemaking efforts and will allow for consideration of lessons learned from implementation of the Order.

  
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2/15/13

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DATE

Entered on "STARS" Yes  x  No

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MAGWOOD  
SUBJECT: COMSECY-13-0002 – CONSOLIDATION OF JAPAN  
LESSONS LEARNED NEAR-TERM TASK FORCE  
RECOMMENDATIONS 4 AND 7 REGULATORY  
ACTIVITIES

Approved  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached  None \_\_\_\_\_

  
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12 February 2013  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**Commissioner Magwood's Comments on COMSECY-13-0002,  
"Consolidation of Japan Lessons Learned  
Near-Term Task Force Recommendations 4 and 7 Regulatory Activities"**

One of the key actions taken by the agency in the aftermath of the Fukushima disaster was Order EA-12-049, "Issuance of Order to Modify Licenses with Regard to Requirements for Mitigation Strategies for Beyond Design Basis External Events". This Order addresses the strategies licensees must develop to respond to events that lead to an extended loss of power, in order to prevent fuel damage in the reactor and spent fuel pool. The subject paper states that the responses to this order will inform the rulemaking effort that the agency planned to conduct in response to Near Term Task Force (NTTF) Recommendation 4 (which would enhance our station blackout rules) and Recommendation 7 (which addresses enhancements to spent fuel pool instrumentation) and lead to a better rulemaking.

Staff's argument in COMSECY-13-0002 is that the responses to the Order will allow for better consideration of alternative engineering approaches on how beyond design basis external events should be addressed. Additionally, as the staff notes, the safety issues associated with NTTF Recommendations 4 and 7 will be addressed in large part and at an expedited pace by the implementation of Order EA-12-049.

In the SRM for SECY-11-0124, the Commission directed staff to designate the rulemaking associated with NTTF Recommendation 4.1 (Station Black Out) as a high-priority rulemaking with a goal of completion within 24 to 30 months. But as the shape of our response has become clear over the last year, it has become evident that combining the SBO rulemaking with the rulemaking addressing the capabilities of spent fuel pools to withstand beyond design basis natural phenomena makes sense. I agree that revising the schedule will allow the staff to consider potential failures and challenges to implementation strategies and ultimately will result in a more efficient revised change in regulations.

Therefore, I support the staff proposal to consolidate the rulemaking activities stemming from NTTF Recommendations 4 and 7 into a "Station Blackout Mitigation Strategies Rulemaking," and to modify the schedule in light of the benefits outlined in COMSECY-13-0002.

However, I remind staff that enhancing our station black out requirements stands as the most important single regulatory lesson-learned from the Fukushima Daiichi disaster and therefore remains a very high priority item. The Commission recognizes that resources available to the staff and licensees are not infinite and remains cognizant of the cumulative impacts of the many regulatory actions underway. Therefore, should it be necessary to adjust the schedule of other work to enable this effort to proceed with dispatch, staff should report to the Commission and suggest a reprioritization.

 2/10/13

William D. Magwood IV

Date

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER OSTENDORFF

**SUBJECT:** COMSECY-13-0002 – CONSOLIDATION OF JAPAN  
LESSONS LEARNED NEAR-TERM TASK FORCE  
RECOMMENDATIONS 4 AND 7 REGULATORY  
ACTIVITIES

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below  X  Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's recommendations, including the primary request to consolidate the high priority Station Blackout (SBO) Rulemaking with the Mitigation Strategies Rulemaking. The 2012 Mitigation Strategies Order, EA-12-0049, and implementing guidance provides strategies for plants to cope with a SBO for an indefinite time. This accomplishment effectively subsumes the intent of the SBO rulemaking within the Mitigation Strategies Order framework. The staff notes that licensees are implementing the Order at an expedited pace. As a result, a fundamental goal to reduce nuclear plant SBO risk will be achieved much earlier than envisioned by the Commission.

I applaud the staff and industry for this major accomplishment. The staff's well-written COMSECY-13-0002 paper helps explain the intricate relationship of various NTTF recommendations, Commission-directed work, and the staff's ongoing efforts. I encourage the staff to continue to communicate to the public this significant progress to implement key lessons-learned from the Fukushima Dai-ichi accident. Lastly, I agree with Commissioner Magwood that the consolidated Station Blackout Mitigation Strategies Rulemaking is a very high priority and that if it is necessary to reprioritize other work, the staff should report to the Commission with its recommendations.

  
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