

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-11-0093 – NEAR-TERM REPORT AND
RECOMMENDATIONS FOR AGENCY ACTIONS
FOLLOWING THE EVENTS IN JAPAN

Approved XX Disapproved XX Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached XX None ___



SIGNATURE

07/19/11

DATE

Entered on "STARS" Yes No _____

**Commissioner Svinicki's Comments on SECY-11-0093
"Near-Term Report and Recommendations for Agency Actions
Following the Events in Japan"**

I have studied carefully the recommendations of the Near-Term Task Force review of insights from the Fukushima Dai-ichi accident (the enclosure to SECY-11-0093). The members of the Near-Term Task Force have covered tremendous ground in the short, three months provided to them. After a more extensive examination than earlier, NRC post-Fukushima efforts were able to undertake, the Task Force has concluded that a sequence of events like the Fukushima accident is unlikely to occur in the United States and that continued operation and continued licensing activities do not pose an imminent risk to public health and safety. In addition to providing this safety re-assurance to the Commission and the public, the Task Force's work – conducted with some urgency, given their mission of finding any near-term deficiencies or re-confirming the safety of continued operations – now allows the agency the opportunity to proceed with the systematic and methodical review of lessons-learned that the Commission directed at the outset. Moreover, the agency is now in a position to conduct the fulsome stakeholder engagement and review by the Advisory Committee on Reactor Safeguards, which the Commission, in my view, reluctantly excused the Near-Term Task Force from undertaking, given the urgency of the Task Force's work to evaluate any near-term risks.

The SECY paper itself provides no NRC staff view of the Task Force Report. Lacking the NRC technical and programmatic staff's evaluation (beyond that of the six NRC staff members who produced the Task Force Report), I do not have a sufficient basis to accept or reject the recommendations of the Near-Term Task Force. I will cast my vote, therefore, in terms of both approving and disapproving, and will lay out the path forward that I approve pursuing in carrying forward with this important work. Having before us now the Near-Term Task Force recommendations, and understanding how far the team was able to progress in its analysis in 90 days, I believe it is necessary for the Commission to revise the path it set in SRM-COMGBJ-11-0002 and to modify the structure of the agency's longer term review of Fukushima lessons learned. In my view, the NRC finds itself at the appropriate point now to move away from small group taskings – including the Commission itself attempting to labor in isolation – towards integrating more fully the regulatory response arising from the events at Fukushima into the activities of NRC's line organizations.

Because this SECY notation vote paper contains no recommendation from the NRC's Executive Director for Operations (EDO), I consulted with the EDO and Deputy Executive Director for Reactor and Preparedness Programs directly, to understand their expert views on the Task Force Report. I also solicited from the EDO a recommendation of a path forward for NRC action regarding the Task Force Report. The EDO has recommended to me that, while some of the Task Force's recommendations, or sub-recommendations, could be treated separately, he has reviewed the recommendations in his capacity as EDO and believes there is value in evaluating the entire body of recommendations in a holistic manner. In addition, many external stakeholders have devoted considerable effort to similar lessons learned initiatives, and there would be a benefit to developing alignment on the objectives, approaches, and schedules for implementing safety improvements. Therefore, the EDO believes that directing the staff to provide the Commission with a proposed plan of its approach for (1) obtaining stakeholder input on the Task Force's recommendations, (2) analyzing stakeholder input, and (3) providing the Commission feedback on each of the recommendations would accomplish the objective of obtaining meaningful stakeholder input. As part of this plan, the staff would solicit input in a manner that will ensure broad stakeholder feedback is received and evaluated, and would

report back to the Commission on each of the near term Task Force recommendations once this has occurred. I understand that the Deputy Executive Director for Reactor and Preparedness Programs concurs in this recommendation.

I agree with this view and approve this path forward as the one the NRC should adopt, to move into the next phase of its Fukushima lessons-learned review. The staff's plan should be provided within 45 days of the date of the SRM on SECY-11-0093, in the form of a notation vote paper, to be delivered to each Commissioner office concurrently and containing the NRC staff recommendation of how to proceed with the evaluation of each Task Force Report recommendation, as further described above. This plan should also include a plan for stakeholder engagement on each recommendation, or set of related recommendations, and should include a schedule, with milestones, including any meetings that the staff would recommend the Commission itself conduct.

Additionally, the Commission's review of any proposed regulatory changes must, in my view, be informed by a comparison of U.S. and Japanese regulatory requirements, focused on those areas most relevant to the initiating sequence of events at Fukushima, but also comparing regulatory requirements regarding mitigation capability. Without this comparison, NRC's post-Fukushima response will lack a strong basis for determining the adequacy of, or strengthening, where necessary, the U.S. nuclear regulatory framework. The staff's plan should, therefore, also include a proposal for how NRC will undertake such a comparison.

The draft charter for the second phase of the review should also be provided to the Commission for its review and approval, as a notation vote paper (separate from the broader plan), as soon as possible, but in any event, no later than two weeks from the date of the SRM on SECY-11-0093. I personally support the general structure described to me by the NRC staff – that of a Steering Group, reporting to the EDO – but I believe the Commission must endorse or modify the charter itself, in a notation voting paper, in order to express its expectations and set the course for the agency's follow-on work.

Executive Order 13579, on the topic of "Regulation and Independent Regulatory Agencies," states that wise regulatory decisions depend on public participation and on careful analysis of the likely consequences of regulation. In that vein, the delivery of the Near-Term Task Force report is not the final step in the process of learning from the events at Fukushima. It is an important, but early step. Now, the conclusions drawn by the six individual members of the Near-Term Task Force must be open to challenge by our many stakeholders and tested by the scrutiny of a wider body of experts, including the ACRS, prior to final Commission action. The proposed path outlined here is intended to get us there with appropriate dispatch but without shortchanging the thoroughness and deliberation of our response.



Kristine L. Svinicki

07/19/11