



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

October 18, 2011

SECRETARY

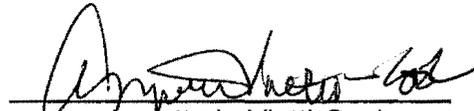
COMMISSION VOTING RECORD

DECISION ITEM: SECY-11-0124

TITLE: RECOMMENDED ACTIONS TO BE TAKEN WITHOUT  
DELAY FROM THE NEAR-TERM TASK FORCE REPORT

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 18, 2011.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.



Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Jaczko  
Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff  
OGC  
EDO  
PDR

VOTING SUMMARY - SECY-11-0124

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACZKO	X				X	9/30/11
COMR. SVINICKI	X				X	10/6/11
COMR. APOSTOLAKIS	X				X	9/26/11
COMR. MAGWOOD	X				X	9/14/11
COMR. OSTENDORFF	X				X	9/16/11

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: Chairman Gregory B. Jaczko  
SUBJECT: SECY-11-0124 – RECOMMENDED ACTIONS TO BE  
TAKEN WITHOUT DELAY FROM THE NEAR-TERM  
TASK FORCE REPORT

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below   Attached  X  None

  
\_\_\_\_\_  
SIGNATURE

9/30/11   
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No

**Chairman Jaczko's Comments on SECY-11-0124,  
"Recommended Actions To Be Taken Without Delay From  
The Near-Term Task Force Report"**

I approve the proposed actions to implement without delay the near-term recommendations as described in SECY-11-0124, and I continue to support implementation of all the recommendations of the Near-Term Task Force that are discussed in SECY-11-0093, "Near-Term Report And Recommendations For Agency Actions Following The Events In Japan."

The proposed actions in SECY-11-0124 to implement the near-term recommendations are a good first step. I look forward to receipt of the next paper by the Steering Committee for the Longer-Term Review of the Events in Japan that will discuss the priority and actions needed to implement the rest of the Near-Term Task Force recommendations. I renew my call for the NRC and the nuclear industry to commit to the completion and implementation of the lessons learned from the Fukushima accident within five years - by 2016.

  
\_\_\_\_\_  
Gregory B. Jaczko

9/20/11  
\_\_\_\_\_  
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER SVINICKI  
SUBJECT: SECY-11-0124 – RECOMMENDED ACTIONS TO BE  
TAKEN WITHOUT DELAY FROM THE NEAR-TERM  
TASK FORCE REPORT

Approved XX Disapproved      Abstain     

Not Participating     

COMMENTS: Below      Attached XX None     

  
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SIGNATURE

10/6/2011  
DATE

Entered on "STARS" Yes  No

**Commissioner Svinicki's Comments on SECY-11-0124**  
**Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report**

I commend the staff for rising to the challenge of evaluating in 21 days the Near-Term Task Force recommendations, engaging external stakeholders, and proposing actions that should be taken without delay. I appreciate and applaud the staff's straightforward recognition that the proposed actions in SECY-11-0124 are contingent upon formulating the requisite technical and regulatory bases, and that the final regulatory actions taken will depend not only on Commission direction and the adequacy of the supporting bases, but also whether each action is supportable under agency procedures and applicable backfitting requirements, including the potential to redefine what level of protection of public health and safety should be regarded as adequate. I approve the staff's recommendations regarding next steps, as modified by the following comments.

As others have said, much work remains before us in learning the lessons from the events at Fukushima Dai-ichi. At the September 14, 2011 Commission meeting on SECY-11-0124, I explored with both the staff and stakeholder panels the effort under the auspices of the Institute of Nuclear Power Operations (INPO), in collaboration with Tokyo Electric Power Company and others, to establish the event timeline and accident progression sequence. I continue to be of the view that a key consideration in developing the essential lessons learned from this accident is gaining greater clarity and a common understanding of the accident progression and responsive actions taken as the event unfolded. I understand that INPO anticipates producing a well-developed version of a timeline in November 2011. Having a putatively-accepted common timeline of the sequence of events and an understanding of event progression at Fukushima Dai-ichi will greatly enhance the lessons learned effort and stakeholder engagement process as we move forward in evaluating the technical bases for the proposed actions envisioned in SECY-11-0124 and SECY-11-0137, "Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned."

In addition to the INPO initiative, there are other efforts underway to analyze the reactor accidents at Fukushima Dai-ichi. Inevitably, disagreements between these analyses will arise as a result of uncertainties in available information. Where gaps in knowledge interfere with the staff's ability to make an informed recommendation on regulatory action, the staff should inform the Commission of these gaps. The staff should not feel driven to get ahead of the availability of reliable information in formulating recommendations for the Commission. Taking such a considered approach will have many advantages, including reducing the likelihood that the Commission could impose requirements that would, ultimately, be unworkable, thereby limiting the possibility of repeating the Commission's experience with some of the requirements that were contained in the Three Mile Island Action Plan.

The imposition of new or modified regulatory requirements or programs arising from the Near Term Task Force recommendations is an inherent Commission function, regardless of the regulatory mechanism used to impose them (e.g., order, rulemaking, 10 CFR 50.54(f) letter, generic letter, etc.). In particular, in the interests of ensuring transparency and due process on behalf of all stakeholders, open engagement between the staff and the Commission will be essential as the Commission carries out its responsibilities in this regard. Therefore, the staff should provide, for Commission review and approval in notation vote papers, the technical bases and acceptance criteria for implementing Recommendations 2.1 -- "Seismic and flood hazard reevaluations," 2.3 -- "Seismic and flood walkdowns," 4.2 -- "Equipment covered under Title 10 of the *Code of Federal Regulations* (10 CFR) 50.54(hh)(2)," 5.1 -- "Reliable hardened vents for Mark I containments," and 9.3, "Emergency preparedness regulatory actions."

Consistent with the staff's proposed approach that is described in SECY-11-0124, these notation vote papers should contain backfit analyses, and these analyses should be performed using existing regulatory requirements. Similarly, by notation vote paper(s) the staff should also provide the proposed Orders addressing Recommendations 4.2 and 5.1 once the staff has engaged stakeholders and established the requisite technical bases and acceptance criteria. For cases in which backfits cannot be justified using existing requirements, yet the staff believes that regulatory enhancements should be made, the staff should clearly explain the legal and policy bases for proceeding. Such bases should be grounded in a consistent set of criteria that are logical outgrowths of those used to impose new requirements following the terrorist attacks of September 11, 2001.

Concerning the potential to redefine what level of protection of public health and safety should be regarded as adequate, it is worth referring back to the Commission's recent decision on SECY-11-0093. The associated staff requirements memorandum directed that Task Force Recommendation 1, which proposed revising the framework for adequate protection, "be pursued independent of any activities associated with the review of the other Task Force recommendations. Therefore, the staff should provide the Commission with a separate notation vote paper within 18 months of the issuance of this SRM. This notation vote paper should provide options and a staff recommendation to disposition this Task Force recommendation." I continue to support this direction.

The staff's proposal for Recommendation 4.1 -- "Station blackout regulatory actions," is to engage stakeholders in support of rulemaking activities to enhance the capability to maintain safety through a prolonged station blackout (SBO). I support the staff's proposal, subject to the following approach. In my view, there are clear, comparative advantages for initiating this rulemaking as an advance notice of proposed rulemaking (ANPR) rather than a proposed rule. The ANPR would serve as a mechanism for obtaining early substantive input, can be issued relatively quickly, and establishes the desired schedule for the overall rulemaking effort. A complete technical basis is not required before issuing an ANPR. However, an ANPR does provide the opportunity to pose focused questions in the ANPR *Federal Register* notice, which would enhance the subsequent stakeholder workshop envisioned by the staff's proposal. For these same reasons, I support the staff's proposal to move forward with an ANPR for Recommendation 8, "Strengthening and integration of emergency operating procedures, severe accident management guidelines, and extensive damage mitigation guidelines." The proposed ANPRs addressing Recommendations 4.1 and 8 should be provided to the Commission in notation vote papers.

NRC has long been at the forefront of performance-based regulation, which we define as a regulatory approach that focuses on desired, measurable outcomes, rather than prescriptive processes, techniques, or procedures. Performance-based regulation leads to defined results without specific direction regarding how those results are to be obtained. As the NRC evaluates Fukushima lessons-learned and proposes modifications to its regulatory framework, it is important that the staff craft recommendations that continue to realize the strengths of a performance-based system. The strategies most effective for mitigating low probability/high consequence extreme natural events may differ at a desert site in the western United States from those most effective at a site located along a large river in the central United States. In order to be effective, approaches should be flexible and able to accommodate a diverse range of circumstances and conditions. In our consideration of events beyond the design basis, performance-based requirements will allow us to arrive at the most effective and efficient, site-specific mitigation strategies, similar to how the agency approached the approval of licensee response strategies for the "loss of large area" event under its B.5.b program. At the NRC,

performance-based regulatory actions focus on identifying performance measures that ensure an adequate safety margin and offer incentives for licensees to continue to improve safety. We should seek to foster this cycle of improvement in any response to Fukushima lessons learned.



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Kristine L. Svinicki 10/6 /11

# REVISED VOTE

## NOTATION VOTE

## RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER APOSTOLAKIS

SUBJECT: SECY-11-0124 – RECOMMENDED ACTIONS TO BE  
TAKEN WITHOUT DELAY FROM THE NEAR-TERM  
TASK FORCE REPORT

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

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

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



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SIGNATURE

9/26/11

\_\_\_\_\_  
DATE

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

**Commissioner Apostolakis' Comments on SECY-11-0124**  
**Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report**

I commend the staff for evaluating promptly the Near-Term Task Force recommendations, engaging external stakeholders, and proposing actions that should be taken without delay. I approve the staff's recommendations with the following comments.

When the staff issues the requests for information to licensees pursuant to 10 CFR 50.54(f) to identify actions that have been taken or are planned to address plant-specific vulnerabilities associated with the reevaluation of seismic and flooding hazards (Recommendation 2.1), the staff should explain the meaning of "vulnerability". This concept has remained unclear since the IPEEE days.

The staff should inform the Commission, either through an Information Paper or a briefing of the Commissioners' Assistants, when it has developed the technical bases and acceptance criteria for implementing Recommendations 2.1, 2.3, 4.2, 5.1, and 9.3. The Orders contained in Recommendations 4.2 and 5.1 should be issued after the technical bases and acceptance criteria are established. I agree with Dr. Edwin S. Lyman of the Union of Concerned Scientists that "the process for implementing [Orders] should be transparent" and Orders "should be as clear and specific as possible when issued."

The staff should provide the Commission with an evaluation of the recommendation regarding seismic instrumentation made by Dr. William Leith of the U.S Geological Survey during the Commission meeting on September 14, 2011. This evaluation should be provided to the Commission through an Information Paper within three months of the Staff Requirements Memorandum on SECY-11-0124.

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** COMMISSIONER MAGWOOD  
**SUBJECT:** SECY-11-0124 – RECOMMENDED ACTIONS TO BE TAKEN WITHOUT DELAY FROM THE NEAR-TERM TASK FORCE REPORT

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

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

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

I commend the staff for working in such rapid fashion to engage our many stakeholders and assess the Near-Term Task Force recommendations to identify actions the agency can implement immediately in response to the lessons learned thus far from the events at the Fukushima site in Japan. While much work remains before us, this excellent paper is a good first step in assuring that U.S. plants are prepared to respond to challenging external events.



\_\_\_\_\_  
SIGNATURE

14 September 2011

\_\_\_\_\_  
DATE

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

**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette Vietti-Cook, Secretary  
FROM: Commissioner Ostendorff  
SUBJECT: SECY-11-0124 – RECOMMENDED ACTIONS TO BE  
TAKEN WITHOUT DELAY FROM THE NEAR-TERM  
TASK FORCE REPORT

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

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

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

W. Ostendorff  
SIGNATURE

9/16/11  
DATE

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

**Commissioner Ostendorff's Comments on SECY-11-0124,  
"Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report"**

I commend the staff's efforts in determining what Near-Term Task Force (NTTF) recommendations could be initiated without delay. The perspectives of the external stakeholders and the NRC staff presented during the September 14, 2011 public Commission meeting associated with this SECY paper were of great benefit to me. I approve the staff's recommendation with additional direction noted below.

With respect to the orders associated with NTTF recommendations 4.2 and 5.1, I support the staff's recommendation to engage with stakeholders to develop those orders. I also agree with Commissioner Apostolakis that the process for implementing orders should be transparent and that the orders should be as clear as possible. That said, I am reserving judgment on matters related to adequate protection until I have had the opportunity to review the technical bases developed for those orders. To that end, the staff should provide the Commission with a notation vote paper for Commission approval of the orders and their associated bases.

Regarding the station blackout (SBO) rulemaking associated with NTTF recommendation 4.1, the staff should designate it as a high-priority rulemaking to be completed within 24 months of the date of the Staff Requirements Memorandum for this SECY paper. In addition, the staff should monitor nuclear industry efforts underway to strengthen SBO coping times and consider whether any interim regulatory controls (e.g., commitment letters or confirmatory action letters) for coping strategies for SBO events would be appropriate while rulemaking activities are in progress.