



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

November 13, 2013

SECRETARY

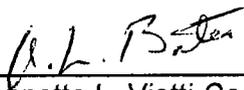
COMMISSION VOTING RECORD

DECISION ITEM: SECY-13-0095

TITLE: FOURTH 6-MONTH STATUS UPDATE ON RESPONSE TO
LESSONS LEARNED FROM JAPAN'S MARCH 11, 2011,
GREAT TOHOKU EARTHQUAKE AND SUBSEQUENT
TSUNAMI

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 13, 2013.

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 Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-13-0095

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MACFARLANE		X			X	9/26/13
COMR. SVINICKI		X			X	10/24/13
COMR. APOSTOLAKIS		X			X	10/8/13
COMR. MAGWOOD	X				X	10/7/13
COMR. OSTENDORFF		X			X	9/20/13

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Macfarlane
SUBJECT: SECY-13-0095 – FOURTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TOHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

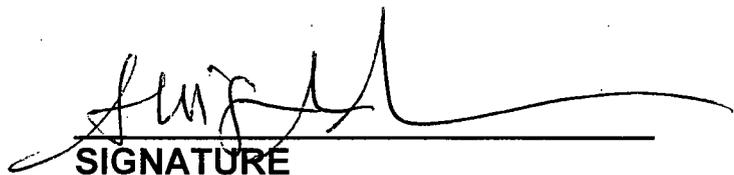
Approved _____ Disapproved XX Abstain _____

Not Participating _____

COMMENTS: Below XX Attached ___ None ___

I commend the staff, especially the Japan Lessons Learned Directorate for their concerted efforts to address the myriad issues associated with the lessons learned from the March 11, 2011 event at Fukushima Daiichi. I likewise commend the Steering Committee for their leadership and oversight on these issues.

I join Commissioner Ostendorff in the view that it is premature to dissolve the Steering Committee. As discussed in SECY-13-0095, the Steering Committee still plans to provide oversight of a number of activities that are not yet ready to transition to the line organization. As such, it would be more appropriate to submit a revised Steering Committee Charter to reflect the activities of the Steering Committee going forward.



SIGNATURE

9/26/13

DATE

Entered on "STARS" Yes No ___

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-13-0095 – FOURTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TOHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved _____ Disapproved XX Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____



SIGNATURE

10/24/13

DATE

Entered on "STARS" Yes No _____

**Commissioner Svinicki's Comments on SECY-13-0095
Fourth 6-Month Status Update on Response to Lessons Learned from
Japan's March 11, 2011, Great Tohoku Earthquake and Subsequent Tsunami**

This paper provides an informative compilation of the status of NRC activities undertaken to date in response to the agency's examination of the implications for U.S. nuclear facilities of Japan's March 11, 2011, Great Tohoku earthquake and subsequent tsunami. Two and one half years after the events at Fukushima Dai-ichi, status reports such as this one are a reminder of the extensive breadth of the NRC's regulatory response to these events. The status update also provides a useful overview of analyses currently underway or to be undertaken upon the completion of ongoing activities – making it not just a useful tool for the Commission but likely also useful for the experts in various external stakeholder groups who are closely following the NRC's work on these topics. For these reasons, the staff should continue to provide a status report to the Commission, such as is contained in the enclosures to this paper, every six months until the completion of the implementation of Tier 1 actions.

In this paper, the single item for which the staff seeks the Commission's approval is to dissolve the Steering Committee charter, which was approved by the Commission in SRM-SECY-11-0117. Yet, as the staff makes clear, it intends to continue to meet and conduct business as a steering committee, albeit on a finite set of topics. If the Steering Committee continues to meet and conduct business, as a fundamental matter of organizational discipline, it must have a charter. For that reason, I cannot support the staff's proposed dissolution of the charter. I propose a different path altogether – one which more fully advances the resourcing, accountability, and focus on these issues.

Mine has been a consistent voice for preparing and subsequently implementing a plan to transition the activities associated with Fukushima lessons learned back into the line organizations responsible for their implementation. This integration should extend to the prioritization and resourcing of these activities and to a comparison of their relevant health and safety priority against the NRC's other important, non-Fukushima-related, safety and security activities. Consequently, I am encouraged that the staff has undertaken an evaluation – issue by issue – and has determined that the majority of issues evaluated by the Steering Committee are ripe for such transition.

However, the staff goes on to justify the continuation of the Steering Committee on four issues: periodic re-confirmation of external hazards (Tier 3); reliable hardened vents for containment designs other than BWR Mark I and II (Tier 3); hydrogen control and mitigation (Tier 3); and applicability of lessons learned to other NRC-regulated facilities (not within a Tier). As the status update indicates, however, the four items to remain under the Steering Committee can only be addressed in the future, after some of the ongoing activities have been completed and NRC has digested the lessons learned from implementing them. Under this construct, the Steering Committee could exist a full 8 – 10 years after the Fukushima accident. This time delay will undermine what advantage a Steering Committee may provide in terms of maintaining continuity and corporate knowledge: by the time these items get addressed, the makeup of the Committee will likely be much different. Further, for activities that are being transitioned to the responsible line organizations, the paper repeatedly references a reliance on the Japan Lessons Learned Directorate to perform a coordination role to ensure that information is exchanged between NRC line organizations. This seems overly bureaucratic. Are there

barriers that exist inside the NRC that inhibit organizations working on similar topics from talking to each other? If so, does the NRC need to address that issue across the board, not just for Fukushima-related topics?

Working groups, task forces, and other such "rapid reaction" groups certainly have their place and, in fact, have a long history at the NRC of contributing to the agility with which this agency has dealt with many complex, short duration challenges. For example, in the instant case, I was encouraged to read that interoffice Division Director Steering Committees are being put into place on some lessons learned activities discussed in this paper. However, it can sometimes be indicative of either a flawed structure or other performance issue when an organization develops a sustained dependency on ad hoc, temporary groups to accomplish basic integration and coordination functions on topics it faces routinely (e.g., nuclear safety topics at the NRC). The institutional reluctance to fully dissolve the Steering Committee contributes to a concern that there exists some impediment to the senior NRC managers who are accountable for these various programs from simply meeting with and talking to each other; some barrier to their collaborating and cooperating on the resolution of issues; or some obstacle to the proper functioning of issue elevation and resolution by the Executive Director for Operations, through his Deputies and cognizant Office Directors. We must challenge ourselves to avoid falling into the easy complacency of an unhealthy dependency on stop-gap measures such as shadow governing councils and to hold ourselves accountable for making the routine mechanisms of how we conduct our business work for all of the important issues before us including Fukushima lessons learned.

For activities transitioned back to the line organizations, as well as future issues that may be evaluated, the staff should also return to the full utilization of existing agency mechanisms, such as the Committee to Review Generic Requirements (CRGR), as well as continuing to make full use of the expertise available in the Advisory Committee on Reactor Safeguards in reviewing staff's analyses, outcomes, and recommended resolution of issues. I was troubled to hear of a recent attempt to enshrine, solely in the meeting minutes of a joint meeting of the NRC and industry Fukushima Steering Committees, a requirement for licensees to submit certain information under oath and affirmation. If this is true, it would represent a serious lapse in regulatory discipline. In addition to transitioning issues back to the line organizations, a return to "regular order" processes such as the CRGR and others will ensure an adherence to the requisite rigor with which NRC traditionally approaches the development of complex, new regulatory requirements.

I propose that the Steering Committee charter not be dissolved but that the Committee and its charter be suspended until such time as any of the four issues that have not been transitioned are ripe for consideration by the Commission. At such time, the EDO should confer with his deputies and cognizant program Office Directors regarding whether the Steering Committee should be revived to deliberate the issue or whether the "regular order" of accountable line management up through the EDO can competently develop and recommend alternatives for the Commission's consideration on the matter. In the interim, revisions to the charter narrowing the scope of potential Steering Committee activities to solely the four remaining issues identified by the staff as justifying the continued existence of the Steering Committee should be submitted to the Commission for its review and approval.

Although not an issue for deliberation in this notation vote paper, I join Commissioner Magwood in remarking that the NRC's continued work to evolve approaches to beyond design basis events has the potential to shift foundational elements of nuclear safety regulation and must be approached with care. I look forward to continued engagement with the staff on this topic.

Finally, as referenced in the paper, the staff has now completed a limited scope comparison of U.S. and Japanese regulatory requirements at the time of the Fukushima accident. As recently directed by the Commission, the staff should make this document publicly available.



Kristine L. Svinicki 10/24/13

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: SECY-13-0095 – FOURTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TOHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below X Attached _____ None _____

I fully support the Steering Committee's efforts to transition oversight of post-Fukushima activities to the line organizations as those activities become sufficiently mature and have a clear path for completion, and where ownership has been established within the responsible line organization. However, I do not believe that the time is right to dissolve the Steering Committee charter in its entirety given that the Steering Committee has determined that:

1. Several activities are not ready for transition to the line organization;
2. It needs to stay apprised of the transitioned activities to ensure adequate focus is maintained on implementation; and
3. It needs to continue to interact with the industry's Steering Committee to resolve issues at an executive level.

The staff has not provided persuasive arguments for the dissolution of the charter. Even so, to support potential gains in efficiency in the agency's post-Fukushima activities, I propose that the Commission authorize the staff to modify or change the charter without Commission approval, but with advance notice to the Commission.

For these reasons, I join Commissioner Ostendorff and Chairman Macfarlane in disapproving the staff's request to dissolve the charter in its entirety.



SIGNATURE

10/8/13

DATE

Entered on "STARS" Yes x No _____

NOTATION VOTE

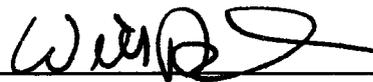
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Magwood
SUBJECT: SECY-13-0095 – FOURTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TOHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

1 October 2013

DATE

Entered on "STARS" Yes No _____

**Commissioner Magwood's Comments on SECY-13-0095,
"Fourth 6-Month Status Update on Response to Lessons Learned
from Japan's Great Tohoku Earthquake and Subsequent Tsunami"**

The staff has made great progress in implementing the lessons learned from the earthquake and tsunami that struck the Fukushima Daiichi plant on March 11, 2011. NRC has established a leadership role internationally as this agency has moved calmly and methodically to incorporate changes in regulation that will further enhance nuclear safety. I commend the staff for its technically-sound and transparent process and the excellent work it has performed as it has engaged our many stakeholders to discuss and respond to the lessons of Fukushima.

As noted in the subject SECY paper, there are many issues that have required flexibility in identifying and managing the necessary resources. The staff's approach to establish new management structures—such as temporary directorates—has been a success and a model for other complex activities that must draw upon expertise from across the agency. I encourage the staff to continue to use these approaches as they are needed, while ensuring that senior staff leaders remain responsible for both these process and the final decisions. Establishing temporary directorates and task forces is a good practice, but must not be used to shift decision-making responsibility.

It is important to note that the disposition of the Tier 1 and 2 activities take us clearly and irrevocably into new and scarcely charted space: the regulation of beyond design basis accidents. While we have marched forward into this new territory, it is quite clear to me that we are still in the process of developing the tools and approaches we will need to regulate effectively in the beyond design basis region. Many members of the staff still wonder what guidance to apply, what requirements to place on equipment, and how compliance should be verified. As of today, we are probing a vast, unexplored forest on a moonless night with a penlight and a compass.

One might have preferred to have left much of the U.S. preparation for high consequence, low probability events to, in essence, voluntary activities with limited regulatory footprint—which was how NRC had previously implemented hardened vents for Mark I reactors and the development and implementation of Severe Accident Management Guidelines. However, the inspections of SAMG and B.5.b implementation performed soon after the Great Tohoku Earthquake demonstrated that a clearer regulatory approach is required. It is therefore reasonable to proceed as we have done, but the risks of striking the wrong balance are high and persistent. Senior staff leadership and managers must make it their enduring mission to assure that this risk is managed and minimized.

In order to best enable agency leaders to carry out this function, it is essential that the appointed line managers incorporate these activities into their regular work as soon as practical. This is a good and appropriate time to effect this transition. I therefore agree with the staff proposal to assign activities related to our Fukushima lessons learned effort to the appropriate line organizations. I am confident that senior staff leaders know how best to

manage the remaining items and conduct the appropriate coordination without the ongoing oversight of the Steering Committee. Most important, they are best placed to establish, implement, and perpetuate guidance and approaches that reflect appropriately the safety significance of beyond design basis events.

 10/7/13

William D. Magwood, IV Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER OSTENDORFF

SUBJECT: SECY-13-0095 – FOURTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TOHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved _____ Disapproved X Abstain _____

Not Participating _____

COMMENTS: Below X Attached ___ None ___

I fully support and am encouraged by the Steering Committee's efforts to transition oversight of several lessons-learned activities to the appropriate line organizations. As stated in the Steering Committee Charter, it was envisioned that "Actions will be referred to the line organization to complete. The steering committee will not be responsible for providing direct oversight of these action items, but should maintain awareness of the staff's progress . . ." The Steering Committee has shown outstanding leadership and oversight of these lessons learned activities, including integrating and accelerating certain activities for more efficient implementation. I also recognize the efforts of the Japan Lessons Learned Directorate and the technical staff from the program offices who have supported these activities from the development of the proposed requirements and guidance through the implementation phase.

As discussed in SECY-13-0095, the Steering Committee plans to continue providing oversight of some activities that are not ready for transitioning to the line organization and plans to continue meeting with the Industry's Fukushima Steering Committee on a routine basis. In light of these activities, it is premature to dissolve the Steering Committee Charter. Therefore, I disapprove dissolving the Steering Committee Charter at this time. However, I encourage the staff to propose a revision to the Charter, if needed, to improve efficiency. Additionally, I support continuation of the semi-annual status updates.



SIGNATURE

1/20/13

DATE

Entered on "STARS" Yes No _____