

POLICY ISSUE
(NOTATION VOTE)

August 26, 2011

SECY-11-0117

FOR: The Commissioners

FROM: R. W. Borchardt
Executive Director for Operations

SUBJECT: PROPOSED CHARTER FOR THE LONGER-TERM REVIEW OF
LESSONS LEARNED FROM THE MARCH 11, 2011, JAPANESE
EARTHQUAKE AND TSUNAMI

PURPOSE:

The purpose of this paper is to request the Commission's approval of the proposed charter for the Nuclear Regulatory Commission's (NRC's) longer-term review of lessons learned from the March 11, 2011, Japanese earthquake and tsunami.

BACKGROUND:

On March 11, 2011, Japan experienced a severe earthquake which resulted in the shutdown of multiple nuclear reactors. This earthquake was followed by a tsunami that inflicted catastrophic damage to the coastline of Japan. At the Fukushima Dai-ichi nuclear site, the earthquake and tsunami caused the loss of all alternating current power. The sustained loss of electrical power led to damage to nuclear fuel and radiological releases off site.

On March 23, 2011, the NRC Chairman, via Tasking Memorandum – COMGBJ-11-0002, "NRC Actions Following the Events in Japan," directed the staff to conduct a methodical and systematic review of NRC processes and regulations to determine whether the agency should make additional improvements to our regulatory system in light of the events in Japan. The tasking memorandum outlined objectives for both a near-term and longer-term review.

CONTACT: Gregory T. Bowman, OEDO
301-415-2939

In SECY-11-0093, "Near-Term Report and Recommendations for Agency Actions Following the Events in Japan," dated July 12, 2011, the Near-Term Task Force, which was established to complete the near-term review required by the Chairman's tasking memorandum, provided their recommendations to the Commission. The staff requirements memorandum (SRM) for SECY-11-0093, issued on August 19, 2011, directed the staff to provide the Commission with the proposed charter for the NRC's longer-term review within 5 days of the date of the SRM.

DISCUSSION:

The proposed charter for the longer-term review is [enclosed](#). The charter defines the staffing, scope, coordination and communication, and products and schedule associated with evaluation and implementation of the Near-Term Task Force's recommendations and the NRC's longer-term evaluation of the events in Japan.

Staffing

As described in the proposed charter, the NRC's longer-term review will be led by a steering committee consisting of NRC senior managers and support staff. The steering committee will report to the Executive Director for Operations (EDO) and will be chaired by the Deputy Executive Director for Reactor and Preparedness Programs. The steering committee will be supported by task groups, an NRC advisory committee, and a panel of external stakeholders. Action items identified during the course of the review will be completed by the line organization.

Scope

The scope of the NRC's longer-term review will include those items identified in the Chairman's tasking memorandum for longer-term review, recommendations for evaluation that were provided by the Near-Term Task Force and are approved by the Commission, and any other review topics the Commission directs. The scope of the steering committee's review will include power and non-power reactors, non-operating reactors, and non-reactor NRC licensees, and will be informed by interactions with external stakeholders.

Coordination and Communications

The proposed charter provides for obtaining external stakeholder input on the scope, communication strategies, and results of the longer-term review through development of a panel of external stakeholders and other mechanisms, such as public meetings or *Federal Register* notices. The steering committee will also brief the Advisory Committee on Reactor Safeguards (ACRS) during the course of the review. Any recommendations identified by the steering committee will be provided to the EDO or Commission for approval, as appropriate.

Products and Schedule

As described in the proposed charter, the steering committee will be responsible for providing oversight of the development of a number of written products and briefings describing the status and results of the longer-term review. These papers will be used to seek Commission approval of staff recommendations, and keep the Commission, ACRS, and stakeholders apprised of the

staff's progress. The longer-term review will conclude when all longer-term evaluations have been completed and regulatory actions identified, and those regulatory actions have been referred to the NRC line organization for action using existing processes.

Changes to the Charter

The staff intends to treat the proposed charter as a "living document" and modify it as necessary during the course of the review to adapt to new developments, additional information associated with the event, recommendations from internal or external stakeholders, or Commission direction. The staff will obtain Commission approval before making any changes associated with items in the charter that are required by the Commission through an SRM.

Differences Between the Proposed Charter and Tasking Memorandum

The longer-term charter was developed to be responsive to Tasking Memorandum – COMGBJ-11-0002. The charter deviates from the tasking memorandum in the following areas:

- The tasking memorandum required the staff to provide the Commission with resource impacts on other regulated activities before beginning work on the longer-term review. However, the scope of the longer-term review will not be fully developed until after the review has begun and the staff has had the opportunity to obtain and evaluate stakeholder input. In addition, complete estimates will not be available until longer-term evaluations have been completed and regulatory products are identified. As such, the staff intends to periodically provide the Commission with estimated resource impacts that exceed the reprogramming threshold of \$500,000 or four full-time equivalent staff as that information becomes available during the review.
- The tasking memorandum directed the staff to provide a longer-term report with recommendations, as appropriate, to the Commission within 6 months of the start of the evaluation. Because a number of the longer-term evaluations are expected to take longer than 6 months and because information about the events in Japan is still being developed, the staff intends to provide an update on the progress of the longer-term review within 6 months of starting and periodically thereafter. A final report will be provided to the Commission once the longer-term review is complete.

RECOMMENDATIONS:

The staff recommends that the Commission approve the proposed charter for the NRC's longer-term review.

RESOURCES:

As discussed above, the Chairman's March 23, 2011, tasking memorandum directed the staff to provide the Commission with estimated resource impacts on other regulatory activities before beginning work on the longer-term review. The longer-term charter includes a provision for the steering committee to provide this information to the Commission as it becomes available.

It should be noted that with Presidential and Congressional interest in bringing the Federal budget into primary balance in the long-run, the NRC's future fiscal budgets are expected to

remain relatively flat over the next several years. Accordingly, resources for the longer-term review will need to be prioritized among other planned programmatic work and will likely result in the deferral of some activities in the safety and security area.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has concurred.

/RA/

R. W. Borchardt
Executive Director
for Operations

Enclosure:

[Charter for the NRC Steering
Committee to Conduct a Longer-Term
Review of the Events in Japan](#)

**CHARTER FOR THE NUCLEAR REGULATORY COMMISSION
STEERING COMMITTEE TO CONDUCT A LONGER-TERM REVIEW
OF THE EVENTS IN JAPAN**

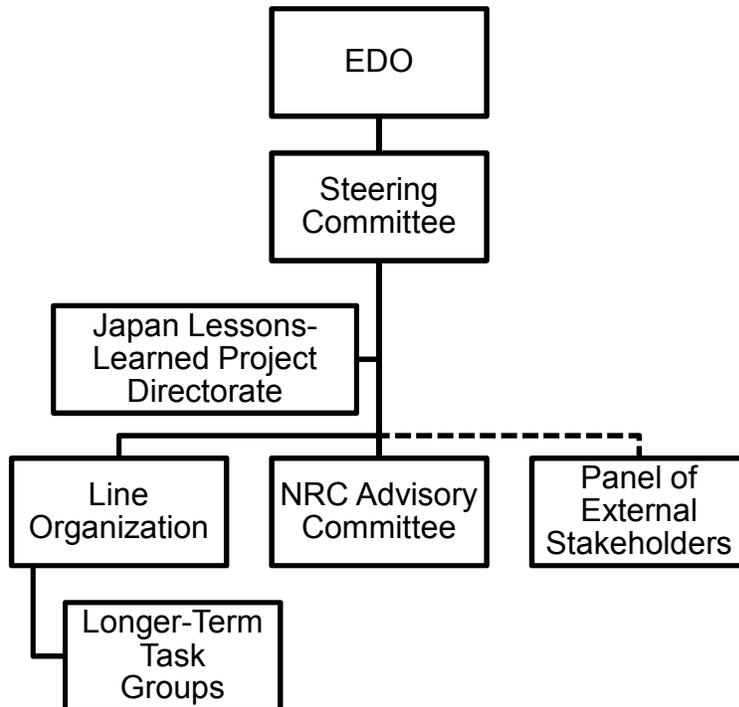
Objective

The purpose of this charter is to establish the structure, scope, and expectations for the Nuclear Regulatory Commission's (NRC's) longer-term review of the March 11, 2011, Japanese earthquake and tsunami. The objective of this effort is to oversee assessment and implementation of the Near-Term Task Force's recommendations and address the items identified for longer-term review in the Chairman's tasking memorandum, COMGBJ-11-0002, "NRC Actions Following the Events in Japan."

Staffing

As discussed below, the NRC's longer-term review effort will be led by a steering committee, which will report to the Executive Director for Operations (EDO). A Japan Lessons-Learned Project Directorate will be responsible for assessing and prioritizing the Near-Term Task Force's recommendations, under the direction of the steering committee. The steering committee will be supported by an advisory committee and a group of external stakeholders. Action items and longer-term evaluations will be completed by the NRC line organization.

The organizational structure of the committee and the groups supporting it is depicted in the figure below:



The steering committee will be chaired by Martin Virgilio, Deputy Executive Director for Reactor and Preparedness Programs, and will consist of the following members:

Senior Managers	Cynthia Carpenter Elmo Collins Catherine Haney Michael Johnson Eric Leeds Victor McCree Brian Sheron James Wiggins
Senior Technical Assistant	Gregory Bowman
Administrative Assistant	Tina Malone

The steering committee will be supported by an NRC advisory committee, as needed. The advisory committee's role will be to provide advice on legal, international, Congressional, financial, and public affairs issues, and will consist of the following members:

Public Affairs	Scott Burnell
International	Jack Ramsey
Congressional	Raeann Shane
Financial	Gordon Peterson Jennifer Golder
Legal	Ed Williamson

The steering committee will obtain information and comments from a panel of external stakeholders, which will include representatives from industry, States, Native American Tribes, and public interest groups. The members of this panel will provide their own individual advice, opinions, and perspectives to the steering committee on the scope and conclusions of the NRC's longer-term review.

The recommendations of the Near-Term Task Force will be evaluated, as directed by the Staff Requirements Memorandum (SRM) for SECY-11-0093, by the Japan Lessons-Learned Project Directorate. This group will be responsible for working with the line organization, under the direction of the steering committee, to develop an assessment of the Task Force recommendations to be provided to the Commission. Specifically, the Japan Lessons-Learned Project Directorate will be responsible for coordinating the development of the following two notation vote papers:

- A notation vote paper, submitted within 21 days of the date of the SRM for SECY-11-0093, with recommendations for any actions that should be completed without delay.
- A notation vote paper, submitted within 45 days of the date of the SRM for SECY-11-0093, providing a recommended prioritization of the Near-Term Task Force recommendations, informed by the steering committee, along with recommendations for obtaining stakeholder input and involvement of the Advisory Committee on Reactor Safeguards (ACRS).

After receiving Commission direction on the papers listed above, the Japan Lessons-Learned Project Directorate will be responsible for coordinating all action items and longer-term evaluations approved by either the Commission or EDO, as appropriate, with the line organization.

The line organization will be responsible for completing all action items and longer-term evaluations identified by the Near-Term Task Force and the steering committee that are approved by either the Commission or EDO, as appropriate.

The longer-term task groups will be responsible for completing longer-term evaluations identified by the Near-Term Task Force that were approved by the Commission, items identified by the steering committee for evaluation, and items specifically required by COMGBJ-11-0002 for longer-term review. Each longer-term task group will be assigned a team leader, who will normally be a member of the Senior Executive Service or a branch chief, and will be comprised of subject matter experts from the appropriate offices. The team leader and task group members will work within the line organization and normally support the longer-term effort on a part-time basis. The task groups will be responsible for completing an evaluation of each issue referred by the steering committee and providing a recommendation for action to the committee, through the lead office.

For the purposes of this charter, the term “action item” refers to regulatory actions such as orders, rulemaking, or generic communications. The line organization, and not the steering committee, will be responsible for providing direct oversight of action items identified during the longer-term review, or action items that were identified previously by the near-term review and referred to the line organization.

Scope

The committee’s review will include the following:

- a. Prioritization and implementation of the recommendations of the Near-Term Task Force. As discussed above, the Japan Lessons-Learned Project Directorate, under the direction of the steering committee, will provide the Commission with the staff’s evaluation of the Near-Term Task Force’s recommendations through the development of the two notation vote SECY papers required by the SRM for SECY-11-0093.
- b. The items specifically required by COMGBJ-11-0002 for the NRC’s longer-term review, including:
 - Oversight of the line organization’s development of specific information on the sequence of events and the status of equipment throughout the duration of the event. In completing this item, the line organization should, as much as possible, leverage any similar evaluations completed or in progress by Tokyo Electric Power Company, the Japanese regulatory authority, other Federal agencies, or other organizations.
 - A continued evaluation of any technical and policy issues related to emerging information, to identify potential additional research, generic issues, rulemakings, and adjustments to the regulatory framework or Reactor Oversight Process that should be conducted by the NRC.

- Evaluation of potential interagency issues, such as emergency preparedness.
- c. The longer-term review items identified by the Near-Term Task Force that are approved by the Commission.
- d. As required by SRM M110428, to the extent practicable, a comparison between NRC and Japanese regulatory requirements associated with station blackout.
- e. As required by the SRM for SECY-11-0093, an assessment of Recommendation 1 provided in the Task Force report. This item should be assigned to a longer-term task group, which should provide a notation vote paper through the line organization and steering committee within 18 months addressing the general approach to be used for dispositioning this recommendation.
- f. As required by the SRM for COMWDM-11-0001/COMWCO-11-0001, an evaluation of methods to improve communication with the public and other stakeholders. This item should be assigned to a longer-term task group and should address Items 3 and 4 in the SRM.

The scope of the steering committee's review will include power and non-power reactors, non-operating reactors, and non-reactor NRC licensees.

Any action items identified during the course of the committee's review 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 (e.g., through periodic briefings from the line organization) and include status updates of any action items in the periodic Commissioner updates discussed below.

Coordination and Communications

The steering committee will:

- Ensure that, for each proposed activity, the Commission is provided with an estimate of any resource impacts on other regulatory activities that exceed the reprogramming threshold of \$500,000 or four full-time equivalent staff. This information can be provided to the Commission either through an information paper, memo to the Commission, or briefing of the Commissioners' technical assistants.
- Coordinate development of a panel of external stakeholders. This panel should advise the steering committee, and include representatives from industry, States, Native American Tribes, and public interest groups. The panel should be established early in the NRC's longer-term review, before the scope of the review has been fully developed. Membership and participation on this panel is not static and may be subject to change during the course of the longer-term review.
- Solicit broad stakeholder input, as appropriate. The steering committee will interface with a broad array of external stakeholders (e.g., through public meeting or *Federal Register* notices), and should also hold a public meeting with the panel of external

stakeholders to obtain their own individual advice, opinions, and perspectives on items to be included in the scope of the longer-term review. The steering committee should also obtain feedback from stakeholders on the process for communicating the results of the longer-term review. This information should be evaluated in addressing Item f. in the Scope section.

- Brief the ACRS on the planned scope of the longer-term review shortly after obtaining and evaluating external stakeholder input and periodically during the course of the review. The steering committee shall also work with ACRS to obtain formal ACRS review of the Task Force's recommendations and the NRC's assessment of the recommendations, completed as described in Item a. in the Scope section.
- Coordinate and cooperate with other domestic and international efforts reviewing the events in Japan for additional insights, as appropriate.
- Update and brief internal stakeholders during the course of the longer-term review. The steering committee will provide periodic status reports to the EDO, and will notify the EDO and Commission promptly if any issues are identified that require immediate action by the NRC.
- Hold public meetings with the panel of external stakeholders prior to providing each periodic update to the Commission. Significant comments from the panel should be brought to the attention of the Commission.
- Provide recommendations to the Commission for any policy issues identified.
- Provide recommendations to the EDO for any actions not involving policy issues.
- Develop a communications plan. The communication plan shall include a mechanism for providing the public with the NRC's most up-to-date understanding of the chronology of events at Fukushima Dai-ichi and the agency's current understanding of the plant's status.

Expected Products and Schedule

The Japan Lessons-Learned Project Directorate's review should begin after the issuance of the SRM associated with SECY-11-0093. The remainder of the longer-term review should begin as soon as the NRC has sufficient technical information from the events in Japan to support the review, and should evolve to accommodate new issues as more information becomes available.

The staff will provide the Commission with the following SRM-required products:

- As required by the SRM for SECY-11-0093, a notation vote paper will be provided to the Commission within 21 days of the date of the SRM. This paper will provide the Commission with recommendations for any actions that should be implemented without further delay.
- As required by the SRM for SECY-11-0093, a notation vote paper will be provided to the Commission within 45 days of the date of the SRM. This paper will provide the

Commission with a recommended prioritization of the Near-Term Task Force recommendations, including a plan for obtaining stakeholder input on the recommendations and involvement of the ACRS.

- As required by the SRM for SECY-11-0093, a notation vote paper will be provided to the Commission within 18 months of the issuance of the SRM, providing the staff's general approach for dispositioning Task Force Recommendation 1.
- As required by SRM M110428, Item d. in the Scope section above should be provided to the Commission in the form of a Commissioners' Assistants note. This action should be completed once sufficient information is available from the Japanese regulator to complete such an analysis.
- As required by the SRM for COMWDM-11-0001/COMWCO-11-0001, a notation vote paper will be provided to the Commission within 6 months after public release of the Near Term Task Force report to address communication enhancements that could be taken by the agency.

Additional notation vote papers may be provided to the Commission periodically during the course of the longer-term review if action items are identified which require Commission approval.

The steering committee will update the Commission on the status of the longer-term review within 6 months of starting and periodically thereafter. These updates will be provided through either a Commission meeting, briefing of the Commissioners' technical assistants, or SECY paper.

The longer-term review will conclude when all longer-term evaluations have been completed and regulatory actions identified, and those regulatory actions have been referred to the NRC line organization for action using existing processes (e.g., the rulemaking process). The committee will provide its observations, conclusions, and recommendations in the form of a final SECY paper to the Commission at the conclusion of the longer-term review. This report will be released to the public via normal Commission processes. The SECY paper transmitting the final results of the longer-term evaluation will be provided to ACRS for review.

Changes to the Charter

This charter will be treated as a "living document," and the staffing, scope, coordination and communication, and products and schedules associated with this review may be changed at the discretion of the steering committee, with approval of the EDO, to adapt to new developments, additional information associated with the event, or recommendations from internal or external stakeholders. The charter may also be revised in response to Commission direction.

Commission approval is required to make any changes associated with items in the charter that are required by the Commission through an SRM.