

June 28, 2011

The Honorable Darrell Issa
Chairman, Committee on Oversight and
Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter of May 26, 2011, in which you posed several questions regarding the U.S. Nuclear Regulatory Commission's (NRC) Advisory Committee on Reactor Safeguards' (ACRS) review of the accident at Japan's Fukushima Daiichi nuclear reactors and my exercise of emergency powers during that accident. Specifically, this letter responds to your first set of four questions (enclosure). Documents responsive to your requests for documents and information, #1, 2, and 4-7, will be provided under separate cover as soon as possible, and we continue to work with your staff on documents responsive to information request #3.

If you have any further questions or need additional information, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko

[Enclosure: Questions and answers](#)

cc: Representative Elijah E. Cummings

Q. 1. Why has the ACRS not received the information requested by the Committee at the April 7, 2011 meeting?

The ACRS has been provided with a portion of the information it requested and the staff continues to work with the ACRS to be responsive to its request.

Q. 2. Have you or any other NRC Commissioner or employee informed members of the ACRS that they will not receive this information or that there will be a delay in receiving this information? If so, provide the date and a description of the nature of the discussion and any corresponding documents.

In early April I informed the ACRS Chairman Dr. Abdel Khalik that, in order to allow the Task Force to accomplish its very challenging near term responsibilities in the timeframe outlined by the Commission, the Task Force was not going to be immediately available to meet with the full Committee so that they could stay focused on their Commission assigned work. The Commission assigned the ACRS the important role of reviewing the Task Force's long term report, rather than reviewing the Task Force's near term activities or report. I am not aware of anyone else who conveyed similar information to the members of the ACRS. Responses from Commissioners Svinicki, Apostolakis, Magwood, and Ostendorff have been sent under separate cover to you.

Q. 3. Which specific authorities are granted to the NRC for responding to incidents at reactors located outside of the United States and licensed by other regulators?

Section 3 of Reorganization Plan No. 1 of 1980 transferred to the Chairman or his or her designee all authorities vested in the Commission pertaining to an emergency. Although the language in the Plan refers to "an emergency concerning a particular facility or materials licensed or regulated by the Commission," this language for many years has been interpreted as not limiting the scope of the Chairman's emergency response only to those incidents or threats involving particular NRC-licensed facilities. For example, the Chairman of the NRC carried out his emergency role following the September 11, 2001, terrorist attacks, although there was no damage to or specific threats pertaining to a nuclear facility regulated by the NRC.

Q. 4. Why did you believe the use of emergency authority was necessary in response to the situation in Japan? In your view, what conditions will trigger termination of the use of emergency authority?

The NRC utilized its emergency response structure to monitor for potential effects from the earthquake and tsunami in the Pacific Ocean and maintained that status as the agency assisted the efforts of the Executive Branch and the Government of Japan to address the second worst nuclear incident in history. NRC staff remain focused on the situation in Japan, working both in Tokyo and in Rockville, MD, and the agency's involvement will end when the crisis abates.

Enclosure