

December 15, 2011

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

J. E. Dyer
Chief Financial Officer

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – SECY-11-0137 – PRIORITIZATION
OF RECOMMENDED ACTIONS TO BE TAKEN IN RESPONSE
TO FUKUSHIMA LESSONS LEARNED

The Commission has approved the staff's proposed prioritization of the Near-Term Task Force (NTTF) recommendations and supports action on the Tier 1 and Tier 2 recommendations, subject to the direction contained in the Staff Requirements Memorandum on SECY-11-0124, and the following additional comments.

In the absence of a fully developed justification for a proposed new requirement, the Commission finds it premature to initiate actions on the Near Term Task Force recommendations under the premise of assuring or redefining the level of protection of public health and safety that should be required as adequate in accordance with the backfit rule. The Commission will evaluate the staff's basis for imposing new requirements when documented in notation vote papers for any new requirements promulgated by orders or rulemaking.

The Commission looks forward to receiving, within nine months, the staff's evaluation of the schedule and milestones, resources and critical skill sets, and implementation challenges related to addressing the Tier 3 recommendations.

The staff should use INPO-11-005, "Special Report on the Nuclear Accident at the Fukushima Dai-ichi Nuclear Power Station," informed by country-specific considerations, as an input to its development of technical bases for any proposed regulatory changes.

As part of the FY 2014 budget formulation process, the staff should provide updated resource estimates for FY 2013 and FY 2014 to accommodate Fukushima lessons-learned activities. The FY 2014 Performance Budget proposal should include, as part of the FY 2013 Current Estimate, a detailed and scrutable discussion of proposed cancellations or deferrals of previously budgeted/planned activities that would be necessary to fund the plan of work associated with post-Fukushima regulatory actions.

The staff should, as part of the FY 2012 Current Estimate and Shortfall List proposal for Commission review and approval, integrate the Tier 1 activities among the planned program of work and give the highest priority to those activities or actions that achieve the greatest safety benefit and/or have the broadest applicability regardless of the initiating event. The paper should also discuss the budgetary add/shed process and decisions for the Fukushima-related

activities and identify significant deferrals and cancellations of planned work. Where the demand for critical skills sets, such as risk expertise, is driving delays or deferrals of significant agency work activities, such as license renewal and power uprates, the staff should propose strategies for optimizing FTE and contract resources to mitigate programmatic impacts.

The staff should initiate a PRA methodology to evaluate potential enhancements to the capability to prevent or mitigate seismically induced fires and floods as part of Tier 1 activities. The implementation of NTTF Recommendation 3 would still remain in Tier 3. This methodology is a necessary prerequisite for the implementation of this recommendation. In addition, insights gained from the development of this methodology will be useful to implementation of other NTTF recommendations. The next 6 month status update to the Commission, as required by the staff requirements memorandum on SECY-11-0117, should include a discussion of the resource estimate and schedule to develop the PRA methodology.

The Staff should consult with the Commission via notation vote papers before issuing any orders that would lead to a change in the design basis of licensed plants. The staff should inform the Commission 5 business days before issuing letters under 10 CFR 50.54(f) associated with the regulatory activities outlined in SECY-11-0137.

With respect to the six additional issues that the staff describes as having a clear nexus to the Fukushima Dai-ichi event and that the staff's indicates may warrant regulatory action but that were not included with the NTTF recommendations, the staff should provide the results of its determination of whether any regulatory action is recommended or necessary in the form of a SECY paper (information or notation vote, as appropriate). As with all other aspects of our Fukushima response, the Advisory Committee on Reactor Safeguards should provide its views of the staff's approach. The paper should also address the November 8, 2011 ACRS Review of the Staff's Prioritization, as appropriate.

The staff should quickly shift the issue of "Filtration of Containment Vents" from the "additional issues" category and merge it with the Tier 1 issue of hardened vents for Mark I and Mark II containments such that the analysis and interaction with stakeholders needed to inform a decision on whether filtered vents should be required can be performed concurrently with the development of the technical bases, acceptance criteria, and design expectations for reliable hardened vents.

The staff should inform the Commissioner's Assistants of plans for closing out GI-199 and the interdependency between the close out of GI-199 and NTTF recommendations 2.1, 2.2, and 2.3, including a discussion of any other generic issues related to external events that may have a relationship to the implementation of NTTF recommendations.

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR