



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

July 9, 2014

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-14-0046

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

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of July 8, 2014.

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

A handwritten signature in black ink, appearing to read "Richard J. Laufer", written over a horizontal line.

Richard J. Laufer
Acting Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Magwood
Commissioner Ostendorff
OGC
EDO
PDR

VOTING SUMMARY - SECY-14-0046

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. MACFARLANE	X				X	6/11/14
COMR. SVINICKI	X				X	7/3/14
COMR. MAGWOOD	X				X	6/20/14
COMR. OSTENDORFF	X				X	5/9/14

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Allison M. Macfarlane
SUBJECT: SECY-14-0046 – FIFTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TŌHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached _____ None _____

I join Commissioner Ostendorff in commending the Steering Committee, the Japan Lessons Learned Directorate, the Mitigating Strategies Directorate, and the staff throughout the agency who are supporting the effort to address the Fukushima Lessons Learned.

I approve the revised Steering Committee Charter. The charter addresses the direction that the Commission provided in SRM-SECY-13-0095 to modify or change the Charter to reflect the current scope of the Steering Committee activities. I also approve providing discretion to the Steering Committee Chair to modify the composition of the committee and to disband the committee under the conditions outlined in the charter.

Finally, I approve the consolidation of the Mitigating Strategies Rulemaking with the Onsite Emergency Response Capabilities and rulemakings for other emergency preparedness actions as described in enclosure 6. This consolidation should result in a more efficient and better coordinated approach to address the associated interrelated Fukushima lessons learned. I commend the staff for their early engagement and identification of this issue. It clearly reflects an attention to potential cumulative effect of regulation impacts.



SIGNATURE

6/11/14

DATE

Entered on "STARS" Yes X No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: SECY-14-0046 – FIFTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TŌHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below ___ Attached XX None ___



SIGNATURE

07/ 3 /14

DATE

Entered on "STARS" Yes No _____

Commissioner Svinicki's Comments on SECY-14-0046
Fifth 6-Month Status Update and Response to Lessons Learned from
Japan's March 11, 2011, Great Tohoku Earthquake and Subsequent Tsunami

The staff's status update paper provides an informative and yet concise description of the body of regulatory work undertaken and substantially still underway in response to the Fukushima events. Although the Commission originally directed these reports to continue for only two years [SRM-SECY-11-0117], they continue to provide value in communicating the agency's work and I support their continuation for the time being.

I approve the staff's proposal to consolidate post-Fukushima rulemaking activities, as described in Enclosure 6, and I do so for the reasons provided by the staff therein. The staff's proposal is, at bottom, simply an acknowledgement both of the complex, inter-related nature of the issues being addressed and also that addressing these issues piecemeal or *ad hoc*, as individual recommendations, was never going to be efficient or, arguably, even possible.

Also of note in Enclosure 6 is the statement that "[t]he staff understands that different portions of the consolidated rulemaking will have different backfitting justifications under 10 CFR 50.109, and accordingly portions of the consolidated rulemaking may not be supportable in accordance with the provisions of 10 CFR 50.109. The staff will also need to determine whether the consolidated rulemaking will be inconsistent with any applicable issue finality provisions in 10 CFR Part 52. As such, the staff intends to construct the consolidated rulemaking with this in mind, and *enable any requirements that do not meet the backfitting or issue finality requirements to be bifurcated* from the consolidated rulemaking at the final rule stage." (emphasis added) The staff's approach is the correct one, as it is essential that the agency not wave its hands over these important threshold judgments and that the Commission has before it a clear analysis of any attendant backfitting and issue finality consequences of the various provisions, as it is voting on the rule.

The staff also seeks approval in this paper of a revised charter (Enclosure 5) for the NRC Fukushima Steering Committee. Although I have voted repeatedly to sunset the Steering Committee and return the administration and implementation of the agency's body of work to the line organizations, the Commission as a body has not agreed and, indeed, disapproved the staff's recommendation just last year to dissolve the charter, which I voted to dissolve, along with the Committee.

Consequently, regarding the revised charter and related matters, I associate myself fully with the comments of Commissioner Magwood, as contained in his vote, and would go further, as reflected in my prior votes. Not only has the time come to sunset this committee, that time is already past. I approve, therefore, the provision of the charter delegating to the Chair of the Steering Committee the authority to dissolve the Committee upon the achievement of triggering conditions 1, 2, and 4, as laid out in the revised charter, but with the added proviso that "in the absence of that action, however, the Steering Committee shall be deemed dissolved on March 11, 2016." The third trigger (i.e., "routine executive-level meetings with industry are no longer needed") cannot be met and is a crutch to continue the Steering Committee indefinitely. It should be struck from the revised charter. Such engagements can always be found to be of utility, no matter the set of issues under discussion.

It is my hope that the Steering Committee Chairman shares the confidence of Commissioner Magwood (and me) that "senior staff leaders know how best to manage the remaining items and conduct the appropriate coordination with all stakeholders to resolve these complex issues, as we currently do for all other NRC activities without the oversight of a steering committee." Beyond an idle hope in this regard, if the Steering Committee Chairman does not share this confidence, we probably need to discuss it, as most of these "senior staff leaders" reside in his areas of programmatic responsibility.

Additionally, the need for the Japan Lessons-Learned Directorate does not and should not extend after the activities of the Steering Committee are closed, as it derives its principal purpose in "supporting the Steering Committee" and is redundant with the line organizations overseeing the same issues, but with non-Fukushima origins. The staff is correct, however, in its statement that, after dissolution of the Steering Committee, the makeup (or break up) and functions of the Directorate (and any progeny directorates) "would be determined by the Director of [Nuclear Reactor Regulation] NRR."

My view on these points is best summarized by Admiral Rickover's commentary on responsibility. He said: "Responsibility is a unique concept... You may share it with others, but your portion is not diminished. You may delegate it, but it is still with you... If responsibility is rightfully yours, no evasion, or ignorance or passing the blame can shift the burden to someone else. Unless you can point your finger at the man who is responsible when something goes wrong, then you have never had anyone really responsible."



Kristine L. Svinicki 07/ 3 /14

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MAGWOOD
SUBJECT: SECY-14-0046 – FIFTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TŌHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached None _____



SIGNATURE

20 June 2014

DATE

Entered on "STARS" Yes No _____

**Commissioner Magwood's Comments on SECY-14-0046,
"Fifth 6-Month Status Update on Response to Lessons Learned
from Japan's March 11, 2011, Great Tōhoku Earthquake and Subsequent Tsunami"**

The staff continues to make great progress in implementing the lessons learned from the 2011 accident at the Fukushima Daiichi nuclear plant. I once again commend the staff for the technically sound and transparent processes it has implemented since our work in this area began. The twice-a-year update reports have been effective in providing the staff with an ongoing mechanism to engage the Commission as this work continues.

In the "Fifth 6-Month Status Update", the staff recommends the Commission approve its proposal to consolidate the station blackout mitigation strategies and onsite emergency response capabilities rulemaking activities, as well as also approve a revised charter for the Japan Lessons-Learned Steering Committee.

I approve the staff's proposal to consolidate the rulemaking activities. In enclosure 6 of SECY-14-0046, staff details the efficiencies gained by this consolidation. I appreciate the staff's ongoing effort to enhance efficiency in support of the timely completion of these important regulatory activities.

Regarding the revised charter of the Japan Lessons-Learned Steering Committee, I support the revisions as proposed but continue to believe that the time has come to sunset this committee. In order to best enable agency leaders to carry out their functions, it is essential that the appointed line managers incorporate these activities into their regular work as soon as practical. I am confident that senior staff leaders know how best to manage the remaining items and conduct the appropriate coordination with all stakeholders to resolve these complex issues, as we currently do for all other NRC activities without the oversight of a steering committee. The merger of the Japan Lessons Learned Directorate and Mitigating Strategies Directorate and its placement within the Office of Nuclear Reactor Regulation further obviates the need for a steering committee.

William D. Magwood, IV 6/20/14

William D. Magwood, IV Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER OSTENDORFF

SUBJECT: SECY-14-0046 – FIFTH 6-MONTH STATUS UPDATE
ON RESPONSE TO LESSONS LEARNED FROM
JAPAN'S MARCH 11, 2011, GREAT TŌHOKU
EARTHQUAKE AND SUBSEQUENT TSUNAMI

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below XX Attached ___ None ___

I commend the Steering Committee for its continued outstanding leadership and oversight of the lessons learned activities. I also recognize the tremendous efforts of the Japan Lessons Learned Directorate, the Mitigating Strategies Directorate, and the additional staff from the program offices who play a key role in the successful execution of the Commission's direction in these areas.

I approve the revised Charter for the Japan Lessons-Learned Steering Committee. The revised Charter is appropriate based on the evolution of the role of the Steering Committee as most of the actions have now been transferred to the line organization for implementation. I also approve providing the Chair of the Steering Committee the authority to modify the composition of the Steering Committee as needs evolve and to disband the Steering Committee consistent with the proposed revised Charter.

I also approve the consolidation of the Station Blackout Mitigation Strategies rulemaking with the Onsite Emergency Response Capabilities rulemaking and rulemaking for numerous Emergency Preparedness actions. I applaud the staff's initiative to bring this issue before the Commission in order to ensure that the Agency's actions are efficient, clear and coherent.



SIGNATURE

5/9/14

DATE

Entered on "STARS" Yes X No _____