

**POLICY ISSUE  
INFORMATION**

September 12, 2011

SECY-11-0125

FOR: The Commissioners

FROM: Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

SUBJECT: ISSUANCE OF BULLETIN 2011-01, "MITIGATING STRATEGIES"

PURPOSE:

Pursuant to Management Directive 8.18, "NRC Generic Communications Program," this information paper is provided to inform the Commission that the staff issued Bulletin 2011-01, "Mitigating Strategies," on May 11, 2011 (see enclosure). This paper does not address any new commitments or resource implications.

SUMMARY:

Bulletin 2011-01 requests information from all holders of operating licenses for nuclear power reactors, except those who have permanently ceased operation and have certified that fuel has been removed from the reactor vessel. The U.S. Nuclear Regulatory Commission (NRC) issued Bulletin 2011-01 to achieve the following three objectives:

- (1) To require that addressees provide a comprehensive verification of their compliance with the regulatory requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.54(hh)(2).
- (2) To notify addressees about the NRC staff's need for information associated with licensee mitigating strategies under 10 CFR 50.54(hh)(2) in light of the recent events at Japan's Fukushima Dai-ichi Nuclear Power Station in order to determine whether (a) additional assessment of program implementation is needed, (b) the current inspection program should be enhanced, or (c) further regulatory action is warranted.

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- (3) To require that addressees provide a written response to the NRC in accordance with 10 CFR 50.54(f).

BACKGROUND:

Following the terrorist events of September 11, 2001, the agency enhanced the readiness of NRC-regulated facilities to manage challenges to core cooling, containment, and spent fuel pool cooling following large explosions or fires through a series of orders and imposition of license conditions. The rulemaking of March 27, 2009, resulting in 10 CFR 50.54(hh)(2), formalized these requirements (often referred to as B.5.b mitigating strategies).

In 2008, the NRC conducted a comprehensive inspection of the implementation of the mitigating strategies developed by licensees. Subsequently, the NRC incorporated this inspection area into the baseline Reactor Oversight Process as part of the triennial fire protection inspection.

Events at the Fukushima Dai-ichi facility following the March 11, 2011, earthquake and tsunami highlight the potential importance of B.5.b mitigating strategies in responding to beyond-design-basis events. The Commission established a task force to consider the need for agency actions following the events in Japan and is considering additional actions that could further enhance safety margins at operating reactors.

DISCUSSION:

The events in Japan highlight the importance and potential versatility of B.5.b mitigating strategies. Therefore, the NRC sought comprehensive confirmation that licensees are maintaining equipment and strategies to satisfy 10 CFR 50.54(hh)(2).

The existing guidance on the implementation of the strategies, which all licensees adopted to meet the regulatory requirements for mitigating strategies, does not describe in detail the practices necessary for maintenance and testing of the equipment, training requirements, and validation of the feasibility of the strategies. Based upon the information submitted by licensees in response to this bulletin, the NRC will determine whether additional efforts are needed to ensure compliance with existing regulatory requirements and whether enhancements to the existing regulations and guidance are necessary. This will be coordinated with other post-Fukushima agency actions.

COORDINATION:

The staff briefed the near-term task force that reviewed the events in Japan on the bulletin before its issuance. The Committee to Review Generic Requirements (CRGR) and the Advisory Committee on Reactor Safeguards (ACRS) received a draft copy of the bulletin before its issuance. The bulletin was issued prior to CRGR review under the immediately effective action provision of the CRGR charter. After issuance of the bulletin, the CRGR concluded that the information request is consistent with 10 CFR 50.54(f) and that the NRC is imposing no new requirements. The staff briefed ACRS on June 8, 2011, and the staff anticipates briefing ACRS on the results of the bulletin responses by the end of 2011.

The Commissioners

-3-

The Office of the General Counsel (OGC) reviewed this package and has no legal objections. In addition, OGC has determined that the bulletin does not constitute a “rule” under the Small Business Regulatory Enforcement Fairness Act of 1996.

***/RA/ (Jack A. Grobe for)***

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
Bulletin 2011-01, “Mitigating Strategies”

The Office of the General Counsel (OGC) reviewed this package and has no legal objections. In addition, OGC has determined that the bulletin does not constitute a “rule” under the Small Business Regulatory Enforcement Fairness Act of 1996.

Eric J. Leeds, Director  
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Enclosure:  
Bulletin 2011-01, “Mitigating Strategies”

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