

June 14, 2012

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

FROM: Gregory B. Jaczko **/RA/**

SUBJECT: EVALUATING OPTIONS PROPOSED FOR A MORE HOLISTIC
RISK-INFORMED, PERFORMANCE-BASED REGULATORY
APPROACH

On April 19, 2012, I received NUREG-2150, "A Proposed Risk Management Framework," which is the culmination of the work of the risk management task force (RMTF) led by Commissioner Apostolakis. This report proposes modifications to the regulatory framework, as well as specific findings and recommendations for the program areas of nuclear reactors, materials, waste, uranium recovery, fuel cycle, spent fuel storage, and transportation. Commissioner Apostolakis and the RMTF members, Christiana Lui, Mark Cunningham, George Pangburn, and William Reckley are to be commended for a thorough, thought-provoking, and well-developed product. Without their dedication and effort this milestone would not have been possible.

The accident at the Fukushima Dai-ichi facility in Japan occurred one month after the creation of the RMTF. In response to Fukushima, the Commission established the Near-Term Task Force (NTTF). Recommendation 1 of the NTTF report recommended establishing a logical, systematic, and coherent regulatory framework for adequate protection that appropriately balances defense-in-depth and risk considerations. The RMTF benefited from the discussion accompanying Recommendation 1 and their report noted that their proposed modifications to the regulatory framework could contribute to the implementation of the NTTF's recommendation. In SRM-SECY-11-0124, the Commission encouraged the staff to craft recommendations that continue to realize the strengths of a performance-based system as a guiding principle. In consideration of events beyond the design basis, a regulatory approach founded on performance-based requirements will foster development of the most effective and efficient, site-specific mitigation strategies.

As an initial step, the staff should consider the regulatory framework recommendations for power reactors provided in the RMTF report in its development of options for implementing NTTF Recommendation 1 and, in accordance with SRM-SECY-11-0093, should provide a notation vote paper on this matter in February 2013.

In addition, and without impacting progress on Recommendation 1, the staff should review NUREG-2150 and provide a paper to the Commission that would identify options and make recommendations, including the potential development of a Commission policy statement. In developing its options, the staff should consider how modifications to the regulatory framework could be incorporated into important agency policy documents, such as the Strategic Plan.

Also, the staff should seek stakeholder input on its proposed options and recommendations. This paper should be provided within six months of the staff requirements memorandum on the NTTF Recommendation 1 notation vote paper.

cc: Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
SECY