

Generic Letter Related to the Accident at Fukushima Dai-ichi

Summary

Following the unanticipated events (earthquake and tsunami) at the Fukushima Dai-ichi nuclear plant in Japan, the U. S. Nuclear Regulatory Commission's (NRC) Chairman directed the staff to undertake near-term and longer-term actions (Tasking Memorandum – COMGBJ-11-0002 – NRC Actions Following the Events in Japan," dated March 23, 2011 (Agencywide Document Access and Management System (ADAMS) Accession No. ML110820875). One of the near-term actions was the creation of a Near-Term Task Force to review the events and the possible implications for the safety of U.S. nuclear power plants. One of the longer-term actions was for the staff to assess the applicability of the lessons learned from the accident to the non-reactor facilities, such as fuel cycle facilities, in the event of a natural disaster.

The NRC staff performed a systematic evaluation and inspection of selected fuel cycle facilities to confirm that licensees are in compliance with applicable regulatory requirements and license conditions; and to evaluate their readiness to address natural phenomena events. Based on the results of the inspection, the NRC staff identified that licensees have not clearly documented the assumptions they used to develop their safety assessments. Therefore, the NRC inspectors were unable to verify that these facilities were in compliance with their licensing basis and the regulatory requirements. This Generic Letter will request information from licensees to verify that they are in compliance with the regulatory requirements and demonstrate that they provide adequate protection of public health and safety. The outcome of the GL ensures that the NRC fulfills its mission of protecting the public.

On December 23, 2011, the Consolidated Appropriations Act, Public Law 112-074, was signed into law. Section 402 of the law requires a reevaluation of nuclear power reactor licensees' design basis for external hazards, and expands the scope to include other external events. While the text of the statute did not specify a deadline, the Conference Report for PL 112-74 stated:

The conferees recognize the progress that the Nuclear Regulatory Commission has made on the recommendations of the Near Term Task Force. Commission staff has proposed a prioritized list of the Task Force recommendations that reflects the order regulatory actions are to be taken. The conferees direct the Commission to implement these recommendations consistent with, or more expeditiously than, the "schedules and milestones" proposed by NRC staff on October 3, 2011. The conferees direct the Commission to maintain an implementation schedule such that the remaining recommendations (not identified as Tier 1 priorities) will be evaluated and acted upon as expeditiously as practicable. The conferees request that the Commission provide a written status report to the House and Senate Committees on Appropriations on its implementation of the Task Force recommendations on the one year anniversary of the Fukushima disaster.

Authority

The NRC is required by the Atomic Energy Act to verify that licensees are in compliance with the regulations and license conditions. Compliance with the regulations provides reasonable assurance of public health and safety.

The NRC already has the authority to collect this type of information under 10 CFR 70.22(d) and 10 CFR 40.31(b); therefore, a rulemaking is not necessary. 10 CFR 70.22(d) reads:

“The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a corporate officer thereof.”

10 CFR 40.31(b) reads:

“The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.”

Burden Estimates

The estimated burden to respond to these letters requesting information on seismic and flooding hazards is estimated to average 56 hours each for 13 facilities, totally 728 hours for all.

This collection is intended to be a one-time collection to meet the legislative requirements and will allow the NRC to verify the adequacy of each facility’s design basis and determine if additional regulatory actions are appropriate, given the lessons learned from the Fukushima Dai-ichi disaster

Request for Emergency Clearance Approval

The NRC requests approval for the issuance of the Generic Letter within 2 weeks so that the NRC can meet its mission of protecting public health and safety. Currently, the NRC cannot verify that in the event of foreseeable natural phenomena, fuel cycle facilities are in compliance with the regulatory requirements and the conditions of their licenses. Compliance is the basis for the NRC’s determination of reasonable assurance of public health and safety. The post-Fukushima review of current licensees meets the second criteria for emergency clearances, “an unanticipated event has occurred” (in this case, a natural disaster that could occur in the United States). In addition, this collection is directly tied to the agency’s mission to ensure the

adequate protection of public health and safety, and in compliance with the Congressional mandate to implement the lessons learned “as expeditiously as possible.”

The NRC is requesting OMB to authorize emergency processing of this collection of information as stated under 5 CFR 1320.13(a)(2):

- (ii) An unanticipated event has occurred; or
- (iii) The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline be missed.