Regulatory Meltdown

How Four Nuclear Regulatory Commissioners Conspired to Delay and Weaken Nuclear Reactor Safety in the Wake of Fukushima

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Executive Summary

In the wake of the meltdowns at the Fukushima Daiichi Nuclear Power Plant, Congressman Edward J. Markey (D-Mass.) issued a report,[1] numerous letters[2] and introduced legislation[3] all aimed at highlighting potential safety vulnerabilities and accelerating the implementation of the needed safety enhancements. Congressman Markey was particularly concerned that the Commission was moving too slowly to adopt these new measures.

In late October 2011, Congressman Markey sent a letter to the Nuclear Regulatory Commission (NRC) requesting copies of all documents (including voting records, reports, emails, correspondence, memoranda, phone or meeting minutes or other materials) related to the events of Fukushima or the NRC's response thereto prepared or obtained by any Commissioner or member of any Commissioner's staff. While most Commissioners marked every single document – including articles that appeared in the public media – to be not for public release – this narrative is an effort to provide a summary of the thousands of pages of materials that were responsive to that request. The review of these materials indicates that:

1. Four NRC Commissioners attempted to delay and otherwise impede the creation of the NRC Near-Term Task Force on Fukushima.
2. Four NRC Commissioners conspired, with each other and with senior NRC staff, to delay the release of and alter the NRC Near-Term Task Force report on Fukushima.
3. The other NRC Commissioners attempted to slow down or otherwise impede the adoption of the safety recommendations made by the NRC Near-Term Task Force on Fukushima.
4. NRC Chairman Greg Jaczko kept the other four NRC Commissioners fully informed regarding the Japanese emergency, despite claims to the contrary made by these Commissioners.
5. A review of emails and other documents indicates high levels of suspicion and hostility directed at the Chairman.
6. The consideration of the Fukushima safety upgrades is not the only safety-related issue that the other NRC Commissioners have opposed.

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[1] http://markey.house.gov/docs/05-12-11reportfinalsmall.pdf

[2] http://markey.house.gov/docs/3-11-11_nrc_japan_letter.pdf
http://markey.house.gov/docs/03-13-11ejmtopotusemergencyresponse.pdf
http://markey.house.gov/docs/letter_to_holdren_3-14-11.pdf
http://markey.house.gov/docs/ejm_capps_nrc_letter_03.15.11.pdf
http://markey.house.gov/docs/ltr_to_sec_sebelius_3-16-11.pdf
http://markey.house.gov/docs/worst_case_nrc_letter_03.18.11.pdf
http://markey.house.gov/docs/4.15.11.nrc.pdf
http://markey.house.gov/docs/05092011_ki.pdf
http://markey.house.gov/docs/nrc_gdc_letter_1_07.14.11.pdf
http://markey.house.gov/docs/07-21-11ejmtomagwoodsvinicki.pdf
http://markey.house.gov/images/2011-08-24_jazkoletter.pdf
http://markey.house.gov/docs/sept_8_2011_ltr_to_nrc.pdf

[3] http://markey.house.gov/index.php?option=com_content&task=view&id=4286&Itemid=141

Background on emergency authority at the Nuclear Regulatory Commission

After the 1979 Three Mile Island (TMI) nuclear accident and the failures in communication and other response activities, the President's Commission on the accident at TMI chaired by John G. Kemeny ("the Kemeny Commission") made numerous findings related to the NRC's response to the accident, including one that states "With its present organization, staff, and attitudes, the NRC is unable to fulfill its responsibility for providing an acceptable level of safety for nuclear power plants[4]." It also found that "The quality of information provided to the public in the event of a nuclear plant accident has a significant bearing on the capacity of people to respond to the accident, on their mental health, and on their willingness to accept guidance from responsible public officials," and "Neither Met Ed nor the NRC had specific plans for providing accident information to the public and the news media.[5]"

In 1980, Congress enacted legislation to reorganize the NRC in the wake of the Kemeny Commission's report.[6] That legislation set out the responsibilities of the five NRC Commissioners, and additionally delegated specific responsibilities to the Chairman. Among other provisions, the law states that:

- "The Chairman shall be the official spokesman for the Commission,"
- "there are hereby transferred to the Chairman all the functions vested in the Commission pertaining to an emergency concerning a particular facility or materials licensed or regulated by the Commission, including the functions of declaring, responding, issuing orders, determining specific policies, advising the civil authorities, and the public, directing, and coordinating actions relative to such emergency incident."
- "To the maximum extent possible under the emergency conditions, the Chairman or other member of the Commission delegated authority under subsection (b), shall inform the Commission of actions taken relative to the emergency."
- "(d) Following the conclusion of the emergency, the Chairman, or the member of the Commission delegated the emergency functions under subsection (b), shall render a complete and timely report to the Commission on the actions taken during the emergency."

After the terrorist attacks of September 11, 2001, NRC Chairman Richard Meserve activated the NRC's Emergency Operations Center and directed NRC staff to review the NRC's security regulations and procedures[7]. Although the September 11 attacks did not occur at a

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[4] http://www.pddoc.com/tmi2/kemeny/nuclear_regulatory_commision2.htm

[5] http://www.pddoc.com/tmi2/kemeny/publics_right_to_information.htm

[6] http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0980/ml022200075-vol1.pdf

[7] http://www.nrc.gov/reading-rm/doc-collections/congress-docs/congress-testimony/2002/04-11-02SecTestimony.pdf

nuclear power plant, the NRC Chairman evidently used his emergency powers to direct the early response and policy review by the Commission and its staff.

Chairman Jaczko kept the four other Commissioners fully informed regarding the Japanese emergency, despite claims to the contrary made by these Commissioners.

After the earthquake and tsunami struck on March 11, the NRC's headquarters Operations Center began to monitor the situation on a 24-hour basis in accordance with the 1980 NRC reorganization act[8]. This occurred in keeping with NRC policy guidance, which states that the 1980 reorganization plan gives the "Chairman sole discretion to determine when to declare an emergency."[9] That plan also states that "it is recommended that the Chairman provide notice to the other Commissioners and the NRC staff that an emergency status… has been entered. Such notice allows the staff to be cognizant that they should follow Chairman directives rather than await the normal Commission decision-making processes."

On May 4, Commissioners Kristine L. Svinicki and William D. Magwood told the House Energy and Commerce Committee that they had never been informed of the Chairman's decision to move to emergency status, while Commissioner William C. Ostendorff stated that he had not been "fully" informed though he had discussed the topic with Chairman Jaczko on March 31.[10] Similar statements were made by all four NRC Commissioners at a June 16 hearing of the Senate Environment and Public Works Committee.

These assertions have also been made in less public ways. For example, on March 30, 2011 at 11:40 AM., Oklahoma Senator James Inhofe's staff emailed the other four NRC Commissioners' chiefs of staff asking, "As soon as possible, please provide the date, time and manner in which Chairman Jaczko informed your commissioner of his declaration of his exercise of emergency authority. Please include any information the Chairman providing [sic] his expectations regarding the duration of this emergency situation and his plan for returning the agency to a non-emergency status. Please include the date, time, and manner in which your commissioner indicated his approval to Chairman Jaczko."

In response to this request, Commissioner Ostendorff's staff indicated that he was informed on March 17 by one of Chairman Jaczko's staff that "the [NRC] operations center is activated and taking direction from the Chairman, but no policy functions have been transferred to the Chairman." [11] Commissioner Magwood's staff indicated that "Commissioner Magwood has not been informed by the Chairman that a declaration of emergency authority has been invoked. The Chairman has not provided notice to the Commission, either verbally or in writing, that an emergency status has been entered."[12] Commissioner Svinicki's staff indicated that

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[8] See, for example, the September 24, 2011 letter from NRC to Senator Jeff Sessions

[9] http://www.nrc.gov/about-nrc/policy-making/icp-chapter-1-2011.pdf#page=9

[10] http://democrats.energycommerce.house.gov/sites/default/files/image_uploads/Transcript_05.04.11_Hearing_EE-EP.pdf

[11] March 30, 2011 11:44 AM email from Ho Nieh to Annie Caputo

[12] March 30, 2011 3:02 PM email from Patrice Bubar to Annie Caputo

"Commissioner Svinicki has not been informed by Chairman Jaczko of any declaration of an emergency or the Chairman's invocation of emergency response authority."[13]

Yet an examination of internal NRC emails and other documents clearly demonstrate that these assertions are patently untrue:

- Following the Japanese earthquake and tsunami, an email (Attachment 1) was sent to the chiefs of staff of all NRC Commissioners at 9:34 AM on March 11 reporting that "NRC HQ and Region IV are monitoring the potential impact of tsunamis impacting NRC licensees and licensed materials."[14]
- When the NRC entered emergency monitoring mode, meaning that the emergency authority contemplated in the 1980 NRC reorganization had automatically shifted to the Chairman, an email (Attachment 1) was sent informing all Commission offices that this had occurred 23 minutes later, at 10:09 AM, stating that "the NRC is in the Monitoring Response Mode as of 0946 on 3/11/11"[15], and the first briefing of Commissioner staff took place just over three hours later (Attachment 1). [16] In the first 24 hours following the earthquake, four Commissioner staff briefings occurred.[17]
- On March 11 at 7:43 PM Chairman Jaczko emailed (Attachment 1) the other Commissioners letting them know that the NRC was continuing to monitor the evolving situation in Japan and that he would keep them updated as best as possible. [18]
- Chairman Jaczko personally briefed his colleagues regularly, including full Commission briefings on March 12, 13, 14, 15, 17, 18, 26, 30, 31, and April 7. These regular full Commission briefings were cancelled when the other Commissioners ceased participating in them. Additionally, Chairman Jaczko held personal meetings or calls with Commissioner Apostolakis (March 11, 24, 25), Commissioner Ostendorff (March 20, 21, 31, April 7), Commissioner Svinicki (March 23, 30) and Commissioner Magwood (March 26). [19]
- Regular briefing calls were also held for Commissioners' staffs (see Attachment 1 for the scheduling announcements for some of these briefings), every eight hours through March 15, every 12 hours through March 31, daily through April 10 and then twice weekly

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[13] April 1, 2011 1:56 PM email from Jeffry Sharkey to Annie Caputo

[14] March 11, 2011 9:34 AM from John Monninger to Jeffry Sharkey, Belkys Sosa, Patrice Bubar, Neha Dhir, and Ho Nieh

[15] March 11, 2011 10:09 AM email from Joe O'Hara

[16] See, for example, the September 24, 2011 letter from NRC to Senator Jeff Sessions

[17] See, for example, the September 24, 2011 letter from NRC to Senator Jeff Sessions

[18] March 11, 2011 7:43PM email from Greg Jaczko to the other 4 NRC Commissioners

[19] See, for example, the September 24, 2011 letter from NRC to Senator Jeff Sessions

through May 16.[20] The Commissioners' staffs often took detailed notes on the information received from these calls and shared them with the Commissioners for whom they worked, all of which were reviewed by Rep. Markey's staff.

- The NRC Office of International Programs circulated daily news clips on the disaster and weekly updates (that sometimes included information on the disaster) to all Commission offices. Rep. Markey's office reviewed 287 pages news clips and 65 pages of weekly updates that had also been provided to the rest of the Commission.
- Each day (and more than daily during the early stages of the crisis), "situation reports" detailing all developments were sent to all Commission offices. [21]

Yet at the same time that the Commissioners were provided with regular updates, the Commissioners and their staffs were complaining amongst themselves and were overtly suspicious of the Chairman's intent and actions.

- For example, after a March 18, 2011 telephone call, several of the Commissioners' staffs emailed each other with comments such as "what a bunch of s—t", "I detected a significant amount of a—kissing", "that was a bunch of Barbra Streisand."[22]
- Following the March 27 8 PM conference call at which Commissioner Svinicki's chief of staff took and circulated extensive notes, her chief of staff emailed the Commissioner stating that he was "at a loss on understanding how the Commission is being kept fully and currently informed." [23]
- On April 16, Chairman Jaczko's chief of staff tried to arrange a conference call for the Chairman to brief the other Commissioners on some new information related to Japan. [24] Commissioner Svinicki's staff wondered to Commissioner Svinicki why the call couldn't just be with staff rather than with Commissioners.[25]

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[20] See, for example, the September 24, 2011 letter from NRC to Senator Jeff Sessions

[21] As an example, more than 220 pages of these documents can be found at http://pbadupws.nrc.gov/docs/ML1122/ML11229A190.pdf and http://pbadupws.nrc.gov/docs/ML1129/ML11294A327.pdf

[22] March 18, 8:30 PM emails to and from Belkys Sosa, William Orders, Patrick Castleman, and Mike Franovich

[23] March 27, 2011 9:58 PM email from Jeffry Sharkey to Kristine Svinicki

[24] April 16, 2011 8:112 AM email from Josh Batkin to Annette Vietti-Cook

[25] April 16, 2011 3:01 PM email from Patrick Castleman to Kristine Svinicki

Four NRC Commissioners attempted to delay and otherwise impede the creation of the NRC Near-Term Task Force on Fukushima

On March 17 2011, Chairman Jaczko circulated a draft document[26] calling for the creation of a senior NRC Task Force to study the Fukushima accident to provide recommendations to the NRC related to what additional safety and enforcement measures should be taken to ensure the safety and resiliency of U.S. nuclear power plants. He proposed that the full Commission meet publicly on March 21 to approve the document, and asked for the other Commissioners to review it in advance. On March 19, following a 10:13 AM email from NRC's Executive Director for Operations Bill Borchardt to the Chairman that suggested some specific methodological steps the Task Force could take, the Chairman solicited input from the other four Commissioners on Mr. Borchardt's proposal. [27] On March 20, 2011, the Chairman sent another email (Attachment 1) to the rest of the Commission that included a revised proposal for the Task Force that incorporated feedback he had received, some additional documents intended to support the proposal to create the NRC Near-Term Task Force, and a request that they provide him with any feedback. [28]

Private communications between the Commissioners and their staffs indicate a desire to disparage, delay or otherwise impede the Chairman's efforts:

- In a March17, 2011 report to his staff on a 4 PM call with Chairman Jaczko, Commissioner Magwood said that "it's now pretty obvious that [the Chairman] plans to keep the Commission out of this entire exercise," and that the Chairman's statement that the recommendation to evacuate U.S. citizens within 50 miles of the Fukushima reactors came as a surprise to Chairman Jaczko "wasn't credible." [29]
- On March 17, 2011, Commissioner Magwood's staff suggested to him that "we should try to get two other offices to agree that we use an exemption to close the [March 21 public] meeting." If the meeting remained an 'agenda planning meeting', she noted, as opposed to a closed meeting, "the Chairman maintains control." [30] Commissioner Magwood ended up approving the agenda planning meeting, but suggested further coordination among the other Commissioners.
- On March 17, 2011, Commissioner Magwood emailed Commissioner Svinicki on the proposal, stating "my reaction is that it is pretty clear that there is no expectation that the

[26] http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj-vtr.pdf

[27] March 19, 2011 10:13 AM email from Bill Borchardt to Greg Jaczko and 12:37 PM email forwarding the Borchardt proposal to the rest of the NRC Commissioners

[28] March 20, 2011 7:42 PM email from Greg Jaczko to the other 4 Commissioners

[29] March 17, 2011 5:28 PM email from Bill Magwood to Patrice Bubar and William Orders

[30] March 17, 2011 10:38 PM email from Patrice Bubar to Bill Magwood

Commission will play a substantive role in this exercise…. We should coordinate in advance to make sure the [other Commissioners] is of the same mind." [31]

- On March 19, 2011, Commissioner Svinicki sarcastically emailed her staff, in response to the Chairman's request for input on the Borchardt proposal, "apparently all U.S. Laws have been suspended for this 'emergency'" [32] and, "I can't see why this needs to be agreed to before Monday." [33]
- On March 20, 2011, in response to the Chairman's email he sent directly requesting input on draft Near-Term Task Force documents (as opposed to having such a request be submitted by NRC staff), Chairman Magwood emailed his staff sarcastically saying "procedures? Who needs procedures?"[34]

It took until Wednesday, March 23 for the Commission to approve a modified version of the Chairman's proposal. A look at the Commissioners' individual voting records[35] indicates that:

- Commissioner Magwood, in his first vote on the proposal, removed the phrase "The report would be released to the public per normal Commission processes" and replaced it with "The report would be released to the public subsequent to its approval by the Commission." Commissioner Apostolakis concurred with that position.
- Commissioner Svinicki's first vote states that "this crisis has not created an emergency in the United States, and the Commission and the staff should adhere to existing protocols." She also expressed agreement with the edits to the proposal made by Commissioners Magwood and Apostolakis.

The final document[36] approved by the Commission indicates that the Chairman Jaczko evidently brokered a compromise between his proposal, which would have allowed for the automatic and public release of the results of the investigation, and Commissioners' Magwood, Apostolakis and Svinicki's views that the Commission first "approve" its public release, which could have led to both delays in public awareness regarding its findings, as well as to edits to the document by the Commission prior to its release. These concerns were noted in a March 22, 4:41 PM email (Attachment 1) from Chairman Jaczko to the other four Commissioners that stated, "I have concerns with the current majority position to only release publicly the task force reports after the commission approves them." Commissioner Apostolakis also noted that the Chairman had concerns that issuing the reports to the public after the Commission reviews them

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[31] March 18, 2011 7:09 AM email from Bill Magwood to Kristine Svinicki

[32] March 19, 2011 2:37 PM email from Kristine Svinicki to Jeffry Sharkey and Darani Reddick

[33] March 19, 2011 12:57 PM email from Kristine Svinicki to Jeffry Sharkey and Darani Reddick

[34] March 20, 2011 8:42 PM email from Bill Magwood to Patrice Bubar

[35] http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj-vtr.pdf

[36] http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj-srm.pdf

"may create the impression the commission will sanitize the reports." [37]The final document reads "The report would be released to the public per normal Commission processes (including its transmission to the Commission as a Notation Vote Paper)."

Following the release of Chairman Jaczko's vote approving the creation of the NRC Near-Term Task Force, Commissioners Magwood and Svinicki continued to privately gripe. In a March 25, 2011 1:57 PM email to Commissioner Magwood, Commissioner Svinicki stated, about the Chairman's vote, "what was that you were saying earlier about reasonable people being reasonable? I've forgotten now." In response, Commissioner Magwood stated "What color is the sky on his planet?'

[37] March 22, 2011 1:32 PM email from Commissioner Apostolakis to Michael Snodderly and Belkys Sosa

Four NRC Commissioners conspired, with each other and with senior NRC staff, to delay the release of and alter the NRC Near-Term Task Force report on Fukushima

According to the Commission-approved document that created the NRC staff Task Force[38], the Task Force report was supposed to be transmitted directly to the Commission when it was complete, 90 days after the creation of the Task Force. All input from other NRC staff and external stakeholders was intended to be obtained later.

It is clear from a review of emails and other documents that some of the Commissioners, having discussed their concerns about the contents of the Near-Term Task Force report amongst themselves before it was formally completed and submitted, worked with some NRC staff to alter the materials the Commission would be asked to vote on. They also attempted to delay its release both to Congress and the public.

According to emails reviewed by Rep. Markey's staff, Marty Virgilio, NRC's Deputy Executive Director for Reactor and Preparedness Programs and a member of the NRC Near-Term Task Force, briefed Commissioner Bill Magwood and two other Commissioners the week of June 27, 2011, approximately two weeks before the report was released. After that briefing, Commissioner Magwood's staff told Commissioner Ostendorff's staff that Commissioner Magwood would be requesting time to "let him know of his concerns with how this is shaping up."[39] Commissioner Svinicki apparently was also "quite concerned about its rumored content."[40]

On June 29, all Commissioners were sent a draft of a charter and timeline associated with the release of the NRC Fukushima Near-Term Task Force report. The charter included Chairman Jaczko's proposal that the report be transmitted to the Commissioners and to Congressional Committees on July 12, and then released publicly the next day.

On July 4, Commissioner Magwood was informed by his staff that the proposed schedule would "not leave time for deliberation before the public views the report."[41] Additionally, his staff advised him that although he had committed to support the transmission of the report to Congressional Committees on the same day it was transmitted to Commissioners during a June 16th hearing of the Senate Environment and Public Works Committee, his staff felt he had some "wiggle room as far as whether the Commission needs to agree" with the proposed timeline that provided for the report to be transmitted to Congressional Committees at the same time that it was transmitted to the Commission.[42] His staff suggested that the Commissioners turn the release of the Near-Term Task Force report into a voting matter to "release the report to the

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[38] http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj-srm.pdf

[39] July 1 2011 8:10 AM email from Patrice Bubar to Ho Nieh

[40] July 8, 2011 5:42 AM email from Ho Nieh to Sunny Bozin and Mike Franovich

[41] July 4 2011 3:35 PM email from Patrice Bubar to Bill Magwood

[42] July 5, 2011 12:58 PM email from Patrice Bubar to Bill Magwood and Margaret Bupp

public 10 days after the Commission received it and to control release of the report to the Committee to the same time as it is released to the public."

Commissioner Magwood then instructed his staff to discuss the matter with other Commissioners' staffs. [43] Although the NRC had already rejected Commissioner Magwood's proposal[44] to publicly release the Near-Term Task Force report only after it had been approved (and, presumably, edited) by a majority of the Commissioners, Commissioner Magwood began to attempt to prevent its release to Congress and the public anyway.

On July 5, Commissioner Magwood's chief of staff sent an email to the three other Commissioners' chiefs of staff expressing the concern that the Near-Term Task Force report was being publicly released too quickly and that it was being "provided to the Committees before the Commission even has a chance to review it". She indicated that she had suggested to Commissioner Magwood that the Commission either disapprove the plan for the Task Force report or turn it into a voting matter "to allow the Commission to have more influence over the timing of the release of the report." She asked her colleagues to let her know if their bosses could support this proposal.[45] Commissioner Svinicki's staff recommended that she support the "underlying intent" of Commissioner Magwood's proposal.[46]

When it became clear that the Commission would not provide majority support for the Chairman's proposal to release the Near-Term Task Force report on July 13, the NRC staff itself – as opposed to the NRC Chairman – sent a July 8 request to the Commissioners requesting the July 13 public release of the Task Force report. This request was approved by a majority of the Commissioners on the evening of July 12.

As the Near-Term Task Force report was being finalized, Bill Borchardt, NRC's Executive Director for Operations, attached his own views to the report so that the five Commissioners would be asked to vote on his views in addition to the contents of the Task Force report itself. This happened despite the NRC vote to have the report transmitted absent such materials so that the Commission could vote on the report alone[47]. Additionally, a July 11 email from Marty Virgilio, NRC's Deputy Executive Director for Reactor and Preparedness Programs to Chairman Jaczko (Attachment 1) indicated that the document forwarding "the Task Force report will have no [NRC Executive Director for Operations] analyses or recommendations.[48]

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[43] July 5, 2011 1:16 PM email from Bill Magwood to Patrice Bubar and Margaret Bupp

[44] http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgbj-vtr.pdf

[45] July 5, 2011 1:50 PM email from Patrice Bubar to Jeffry Sharkey, Belkys Sosa and Ho Nieh

[46] July 5, 2011 2:08 PM email from Jeffry Sharkey to Kristine Svinicki

[47] July 29, 2011 letter from Chairman Jaczko to Congressman Darrell Issa

[48] July 11, 2011 5:51 PM email from Marty Virgilio to Chairman Jaczko

Nevertheless, Mr. Borchardt attached a 5 page memo[49] to the Near-Term Task Force report that, in addition to summarizing some of the background on the Task Force and emphasizing that U.S. nuclear power plants were unlikely to experience the same problems as the Fukushima power plant had, also recommended that "before deciding on the path forward and the specific recommendations in the Task Force's report, the Commission may wish to solicit external stakeholder input" and that there would be a benefit "to developing alignment on the objectives, approaches and schedules [with that of external stakeholders] for implementing safety improvements."

When Mr. Borchardt's views were removed on July 12, Chairman Jaczko contacted all the other Commissioners to explain why that had occurred, and none raised any concerns directly to him.[50] Despite this, staff for Commissioners Magwood and Svinicki contacted [51] Mr. Borchardt and other NRC staff, and learned that Mr. Borchardt informed the Chairman that he planned on making his objection to the removal of his views public.[52] [53] Commissioner Magwood's chief of staff also contacted Commissioner Apostolakis' chief of staff requesting her boss's support for a proposal to have the Commission send the Task Force report to Mr. Borchardt so that he could provide the Commission with his views.[54] Commissioner Svinicki subsequently attempted to directly ascertain what the contents of Mr. Borchardt's views were,[55] and ultimately incorporated some of them into her vote on the Task Force report.

On July 11, 2011 Commissioners' staff were formally offered a briefing[56] on the Near-Term Task Force report. This offer followed other requests from Commissioner staff for such a briefing to occur prior to briefings that would be provided to other non-NRC parties.

On the evening of July 12, the chiefs of staffs of all NRC Commissioners were sent[57] a copy of the draft press release on the NRC Near-Term Task Force report that was to be sent the following day, although typical Commission procedure states that circulation of such drafts an

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[49] July 12, 2011 memo from R.W. Borchardt to the 5 NRC Commissioners entitled "NEAR-TERM REPORT AND RECOMMENDATIONS FOR AGENCY ACTIONS FOLLOWING THE EVENTS IN JAPAN"

[50] July 29, 2011 letter from Chairman Jaczko to Congressman Darrell Issa

[51] July 12, 2011 10:11 PM email from Patrice Bubar to Marty Virgilio, and July 13, 2011 6:10 AM email from Jeffry Sharkey to Bill Borchardt and Marty Virgilio.

[52] July 8 2011 12:43 PM email from Patrice Bubar to Bill Magwood.

[53] July 13. 2011 7:01 AM email from Bill Borchardt to Jeffry Sharkey.

[54] July 11, 2011 3:50 PM email from Patrice Bubar to Belkys Sosa

[55] July 15, 2011 11:41 AM email from Kristine Svinicki to Bill Borchardt and Marty Virgilio.

[56] July 7 2011 4:45 PM email from Richard Laufer to a large number of NRC and Commissioner staff.

[57] July 12, 2011 8:04 PM email from Eliot Brenner to Joshua Batkin, Jeffry Sharky, Belkys Sosa, Patrice Bubar and Ho Nieh

hour in advance is recommended as a "collegial practice."[58] Early the next morning, Commissioner Magwood sent his comments to Chairman Jaczko, stating that "someone reading this would think that every reactor in the country is a time bomb waiting to go off" and that the press release was "almost breathless."[59] The other three NRC Commissioners were copied on this email, and Commissioner Svinicki quickly echoed Commissioner Magwood's views. Commissioner Magwood referred to the draft press release as "irresponsible" in an email to Commissioner Ostendorff,[60]

As it turned out, due to a leak of the Near-Term Task Force report on July 12, the NRC public affairs office also shared the draft press release that evening with reporters who had obtained the report itself. No suggested edits were accepted, in keeping with the 1980 NRC reorganization act which provides that the Chairman is exclusively responsible for communicating with the public during an emergency.[61]

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[58] http://www.nrc.gov/about-nrc/policy-making/icp-chapter-1-2011.pdf#page=8

[59] July 13 2011 7:00 AM email from Bill Magwood to Greg Jaczko

[60] July 13, 2011 8:20 Am email from Bill Magwood to Bill Ostendorff

[61] http://www.nrc.gov/about-nrc/policy-making/icp-chapter-1-2011.pdf#page=9

The other NRC Commissioners attempted to slow down or otherwise impede the adoption of the safety recommendations made by the NRC Task Force on Fukushima

After the Task Force report was released, the Commissioners' attention turned to the scheduled July 19 NRC meeting on the report's contents. The other NRC Commissioners continued to explore ways to delay action on adoption of the Task Force recommendations. Commissioner Magwood even speculated that the effort to schedule this meeting after Chairman Jaczko's planned appearance at the National Press Club on July 18 "sounds like a scam to forestall votes until he makes his speech."[62]

On July 15 2011, Commissioner Magwood and Commissioner Ostendorff emailed one another regarding their concerns with the Chairman's desire to have the Commission vote on how to move forward with each of the Task Force recommendations within 90 days.[63] On July 16, Commissioner Ostendorff's chief of staff emailed the chiefs of staff of Commissioners Magwood and Svinicki saying that "the Commission needs to regain control of things" and proposing that the other Commissioners propose a vote on an alternative plan for the Near-Term Task Force report consideration than the one proposed by Chairman Jaczko. Chairman Magwood's chief of staff then replied that in her view, the way to do that would be to vote to send the entire Task Force report "back to the staff," "not support any of the meetings proposed by the Chairman," as well as other measures designed to "regain control". [64]

On July 17, Commissioner Ostendorff's chief of staff emailed[65] the chiefs of staff for Commissioners Apostolakis, Svinicki and Magwood that he proposed that the Commission not vote to adopt any of the Task Force recommendations or even decide on whether to hold additional meetings on the subject matter until the views of additional NRC staff were understood, and until the Commission voted on a longer-term task NRC staff charter. He requested the support of the other three Commission offices. In response, Commissioner Svinicki's staff indicated that he believed that the majority of the Commissioners were in alignment with that approach, and that Commissioner Svinicki had informed Commissioners Apostolakis, Magwood and Ostendorff that she believed the Task Force recommendations should be referred to a second group of NRC staff charged with taking a longer-term look at the accident.[66] Commissioner Magwood's staff then emailed Commissioner Svinicki's staff, asking whether he thought that Commissioner Ostendorff was on the same page as Commissioners Svinicki and Magwood "as far as turning the report back to the staff, not agreeing to any meetings proposed by [Chairman Jaczko] and putting this whole thing back in process?" [67]

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[62] July 12, 2011 7:47 AM email from Bill Magwood to Patrice Bubar

[63] July 15, 2011 8:08 AM email from Bill Magwood to Bill Ostendorff and the July 15, 2011 12:29 PM response.

[64] July 17 2011 12:04 PM email from Patrice Bubar to Ho Nieh and Jeffry Sharkey

[65] July 17, 2011 12:04 PM email from Ho Nieh to Jeffry Sharkey, Patrice Bubar and Belkys Sosa

[66] July 17, 2011 1:28 PM email from Jeffry Sharkey to Ho Nieh, Patrice Bubar and Belkys Sosa.

[67] July 17, 2011 1:55 PM email from Patrice Bubar to Jeffry Sharkey

Commissioner Apostolakis's chief of staff noted in an email to the Commissioner regarding the strategy put forward by Commissioner Ostendorff's office that "it is hard to find any pros with [Chairman Jaczko's] proposed path forward."[68]

In late July, the NRC Commissioners submitted their initial votes on the Near-Term Task Force report. Chairman Jaczko voted[69] in support of completing the implementation of all 12 recommendations made by the Task Force within five years and proposed that the Commission vote on whether to implement each of them within 90 days[70]. A review of the other Commissioners' votes indicates a much different approach. For example, Commissioners Magwood and Svinicki voted[71] to require a new group of NRC staff to submit plans for how they would go about evaluating the NRC staff Task Force recommendations and how they would obtain stakeholder input. These plans for how to evaluate the recommendations would themselves need to be voted on by the Commission before any of the technical evaluation could itself begin.

On August 19, the NRC finally obtained majority support for a plan[72] that directed the NRC staff to provide the Commission with a document within 21 days that would specify which Task Force recommendations could be implemented without delay, and would also include a plan for longer-term review. This document would then be voted on by the full Commission. However, because Commissioners Magwood, Svinicki, and Ostendorff did not agree even to allow the NRC staff to recommend a prompt up-or-down vote on the very first recommendation of the Task Force - to replace the current patchwork of safety regulations with a logical, systematic, and coherent regulatory framework - the NRC staff was directed to consider this recommendation separately from the others, and only within 18 months.

On September 9, the NRC staff submitted this new staff review of the Near-Term Task Force report[73], stating that "the NRC staff believes that all the [task force's] overarching recommendations, if implemented, would enhance safety and the staff agrees with moving forward with each of these recommendations." It also recommended the near-term implementation of a number of the Task Force recommendations.

It took the Commission until October 18 to reach a majority vote on how to proceed.[74] A majority of the Commission demanded[75] that the proposal for how nuclear power plants cope

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[68] July 17, 2011 email from Belkys Sosa to Commissioner Apostolakis

[69] http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0093vtr-gbj.pdf

[70] See attachment 1 http://markey.house.gov/docs/07-21-11ejmtomagwoodsvinicki.pdf

[71] http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0093vtr-wdm.pdf and http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0093vtr-kls.pdf

[72] http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2011/2011-0093srm.pdf

[73] http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2011/2011-0124scy.pdf

[74] http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2011/2011-0124srm.pdf

with a prolonged blackout be in the form of an advanced notice of proposed rulemaking rather than a proposed rule, thereby adding unnecessary delay of up to two years to the implementation of this fundamental safety measure. The majority also required the NRC staff to again justify and re-state its views that existing reactors must undergo retrofits to incorporate these safety upgrades in order to operate safely, a concern raised by Commissioners Svinicki.and Ostendorff.

The Commission is currently considering its votes on the next set of Fukushima Task Force recommendations (the 45-day report). On November 7 2011, Commissioner Magwood's chief of staff emailed the Commissioner recommending that he add an item to his as-yet unpublished vote. The item is also reportedly included in Commissioner Ostendorff's unpublished vote, and would disapprove the NRC staff's recommendation to require the safety upgrades to be implemented as retrofits to existing reactors in order to ensure the "adequate protection" of these facilities. If such an item was approved, it could mean that these safety upgrades might not have to be undertaken at all.[76]

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[75] http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0124vtr.pdf

[76] November 7, 2011 2:11 PM email from Patrice Bubar to Commissioner Magwood

A review of emails and other documents indicates high levels of suspicion and hostility directed at the Chairman

There were other instances in which the other NRC Commissioners assumed ill intent on the part of the Chairman and/or attempted to undermine his efforts or refuse his requests. A sampling of these follows:

- On April 1, 2011, Commissioner Svinicki's staff complained to Commissioner Svinicki that a report he had requested be transmitted to Commission staff upon its completion the night before had not been transmitted until the next morning.[77]
- Early on in the emergency, Chairman Jaczko asked that Commissioners and their staffs stop going to the emergency operations center, because NRC staff who were charged with responding to the emergency instead found themselves spending too much time responding to Commission requests. Commissioners' staffs complained amongst themselves about this, stating "and now that we supposedly can't go to the Ops center we have to listen to spin control," [78] "I'm skeptical about [Chairman Jaczko's] rationale," [79] that the decision is "a real outrage."[80]
- After Rep. Markey sent an April 15, 2011 letter[81] to the NRC regarding secrecy associated with the post-Fukushima inspections at U.S. nuclear power plants that was based on information he obtained from a whistleblower, Commissioner Magwood's chief of staff speculated to Commisioner Magwood that the letter was "most likely" the result of a briefing Rep. Markey's staff had received from the NRC emergency operations center and complained that the Chairman's office had not yet provided her with a copy of the briefing materials.[82]
- After receiving a draft of a May speech prepared for delivery by Chairman Jaczko, Commissioner Svinicki's chief of staff asked NRC's Marty Virgilio , a senior NRC official who was also a member of the NRC Near-Term Task Force, whether he agreed with some of its contents, and Mr. Virgilio provided some areas where he might have used "different language."[83]

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[77] April 1, 2011 12:47 PM email from Patrick Castleman to Kristine Svinicki

[78] March 17, 2011 8:45 PM email from Mike Franovich to Patrick Castleman and William Orders

[79] March 17, 2011 7:24 PM email from Patrick Castleman to Kristine Svinicki

[80] March 17, 2011 8:39 PM email from Patrick Castleman to William Orders

[81] http://markey.house.gov/docs/4.15.11.nrc.pdf

[82] April 15, 2011 3:32 PM email from Patrice Bubar to Commissioner Magwood

[83] May 21, 2011 1:39 PM email from Jeffry Sharkey to Marty Virgilio and 1:45 PM response

- On July 23, 2011, Commissioner Magwood noted[84] to his staff that it would be "nice" if someone countered a letter from California Senator Barbara Boxer that was related to the NRC Near-Term Task Force report.
- On August 4, after being told at a briefing that Chairman Jaczko's mother had been hospitalized due to breast cancer and reiterating a request that the Commission approve the Chairman's request to delay the submission of one of his votes while he was on personal leave, Commissioner Magwood decided he would continue to object to the request.[85]
- On August 19, after Chairman Jaczko submitted the vote discussed above, Commissioner Magwood's chief of staff emailed him saying that the Chairman had "finally" voted and "we'll see what is next on how [the Chairman] expresses his dissatisfaction with the Commission." [86] In response, Commissioner Magwood said "I can't wait… probably time to start anticipating the next battle."[87]
- In a September 22, 2011 7:36 AM email, Commissioner Magwood's chief of staff informs him that Senator Inhofe's staff was "quite disappointed" in Chairman Jaczko's September 14, 2011 letter to Senator Jeff Sessions that detailed the NRC's response to Fukushima and the manner in which the Commissioners were kept informed, and suggests that perhaps Commissioner Magwood "should counter the letter noting that you did not feel adequately and currently informed about the actions the staff and the Chairman were taking and you never received an explanation as to why the Chairman was invoking emergency powers."
- On October 20, 2011, in preparation for an all-hands NRC meeting, draft questions and answers contained in materials for Commissioner Ostendorff announced that he, along with the other three Commissioners, had sent Chairman Jaczko formal communications discussing their concerns with the Chairman's "intimidation of the staff."

[84] July 23, 2011 1:38 PM email from Bill Magwood to Patrice Bubar

[85] August 4 2011 11:16 AM email from Margaret Bupp to Patrice Bubar

[86] August 19, 2011 6:17 AM email from Patrice Bubar to Commissioner Magwood

[87] August 19, 2011 6:22 AM email from Bill Magwood to Patrice Bubar

The consideration of the Fukushima safety upgrades is not the only safety-related issue that the other NRC Commissioners have opposed

The Commissioners currently serving at the NRC regrettably have a history of voting against the safety recommendations put forward by technical experts, including its own advisory committees. Some of these votes have occurred since the March 11 earthquake and tsunami. What follows is a summary of these votes:

April 15, 2009: The Commission voted 4-1[88] (Chairman Jaczko disapproved, Commissioner Svinicki approved, and the other Commissioners who voted have since left the NRC) to support a proposal to enhance the security associated with cesium chloride sources rather than to phase out the most dispersible form of the material altogether as recommended by the National Academies of Science in 2008. Cesium chloride is so dangerous that after scavengers found a small amount in Brazil in 1987 and children and others spread it on their bodies, 250 people were contaminated, 20 became ill with symptoms of radiation poisoning and 4 died.

June 30, 2009: The Commission voted 2-2[89] (Chairman Jaczko approved, Commissioner Svinicki disapproved, and the other Commissioners who voted have since left the NRC)) to defeat a staff proposal to expand the National Source Tracking System to include Category 3 radioactive sources, which the International Atomic Energy Agency says, if not safely managed or securely protected, could cause permanent injury to a person who handled them, or were otherwise in contact with them, for some hours.

June 1, 2010: The Commission voted 4-1[90] (with only Chairman Jaczko voting to disapprove) in support of a proposal to reduce the limitation on the number of work hours for employees who perform quality control and quality verification functions at nuclear power plants.

September 7, 2010: The Commission voted 4-1[91] (with only Chairman Jaczko voting to disapprove) to support a proposal to stop having separate votes on all requests to be exempted from the requirement that 'near-site emergency operations facilities' be located near to the site of where the actual nuclear reactor emergencies or accidents might occur. Licensees have instead proposed the creation of 'centralized emergency operations facilities' that are hundreds of miles away from the nuclear reactors located in multiple States they are intended to serve.

December 2, 2010: The Commission voted 4-1[92] (with only Chairman Jaczko voting to approve) to disapprove a proposal to require specific NRC licenses for radioactive materials that could be

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[88] SECY 08-0184

[89] SECY 09-0086

[90] SECY-09-0183

[91] SECY 10-0078

[92] SECY-10-0105

used to make a dirty bomb whose activity level is greater than 1/10th of "Category 3," even though a previous Commission had supported such a proposal. Requiring a license would have alleviated some concerns related to the potential for a terrorist to aggregate these smaller sources to create a larger improvised dirty bomb.

March 15, 2011: The Commission voted 4-1[93] (with only Chairman Jaczko voting to disapprove) to approve a staff proposal to ignore a recommendation by NRC's Advisory Committee on Reactor Safeguards to ensure that safety measures that are assumed to address the hotter reactor cores and higher pressures associated with 'power up-rates' (which enable nuclear reactors to produce more electricity) would work to prevent a melt-down in the event of an accident. The Advisory Committee believed that the possibility that a fire or earthquake could breach the containment of the nuclear reactor needed to be considered.

March 30, 2011: The Commission voted 4-1[94] (with only Chairman Jaczko voting to approve) to disapprove a staff proposal to add requirements for personnel seeking access to nuclear reactor construction sites to ensure that appropriate security screening was conducted. The Commission instead decided to rely on a voluntary Nuclear Energy Institute personnel security initiative.

November 8, 2011: The Commission voted 3-2 (with Chairman Jaczko and Commissioner Ostendorff voting to approve) to disapprove a staff proposal that the Commission adopt an amendment to its Reactor Oversight Process,[95] described as "a means to collect information about licensee performance, assess the information for its safety significance, and provide for appropriate licensee and NRC response," to add a new performance measure related to leaks of radioactive materials from nuclear reactors.

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[93] SECY 11-0014

[94] SECY-10-013

[95] http://www.nrc.gov/reactors/operating/oversight/rop-description.html

Attachment 1

Angela Coggins

From: Jaczko, Gregory
Sent: Friday, March 11, 2011 8:13 AM
To: Monninger, John; Batkin, Joshua
Cc: Loyd, Susan; Coggins, Angela
Subject: Re: Tsunami

Thanks

----- Original Message -----
From: Monninger, John
To: Batkin, Joshua; Jaczko, Gregory
Cc: Loyd, Susan; Coggins, Angela
Sent: Fri Mar 11 07:21:34 2011
Subject: RE: Tsunami

There is a 8:00 call with EDO and Region IV that I'm going to sit in on.

Diablo Canyon issued a NOUE due to potential for Tsunamis.

I'll fill you in following the 8:00 call.

-----Original Message-----
From: Batkin, Joshua
Sent: Friday, March 11, 2011 7:20 AM
To: Jaczko, Gregory
Cc: Monninger, John; Loyd, Susan; Coggins, Angela
Subject: Tsunami

Chairman - record earthquake in Japan with tsunamis overnight. Tsunami warning for HI and West coast this morning. Can we get you an AM briefing about preparations for any materials/plants that may be in the US warning zone?

Joshua C. Batkin
Chief of Staff
Chairman Gregory B. Jaczko
[redacted]

Monninger, John

From: Monninger, John
Sent: Friday, March 11, 2011 9:37 AM
To: Nieh, Ho
Subject: FW: Tsunami

Ho,

See below. I was a little too quick on my email addressed.

Sorry about that.

John M.

From: Monninger, John
Sent: Friday, March 11, 2011 9:34 AM
To: Sharkey, Jeffry; Sosa, Belkys; Bubar, Patrice; Dhir, Neha
Cc: Batkin, Joshua; Hipschman, Thomas; Marshall, Michael
Subject: Tsunami

NRC HQ and Region IV are monitoring the potential impact of tsunamis impacting NRC licensees and licensed materials.

Diablo Canyon issued a NOUE due to the Tsunami WARNING. Expected wave is predicted to be well within the Design Basis. Licensees evaluating the potential for loss of circulating water pumps and need for potential shutdown due to sea level draw down in advance of wave. No decision on shutdown at this time. Humboldt Bay ISFSI is also monitoring the event and wave heights are predicted to be within the design basis.

San Onofre is in the Tsunami ADVISORY area so they are monitoring the event. Wave heights are predicted to be well within the design basis.

Staff does not expect any impact to material licensees, including Hawaii, Alaska, Guam, and the Marianas Islands.

Staff from the Japanese regulator (NISA) were attending the RIC and are still in the US. NRC offered them access to the HQ Operations Center to facilitate communications with their government and other entities back home.

OIP has checked and is not aware of any NRC staff in Japan.

Monninger, John

From: HOO Hoc
Sent: Friday, March 11, 2011 10:09 AM
To: HOO Hoc
Subject: HOO HIGHLIGHT - NRC IN MONITORING MODE AT 0946

The NRC is in the Monitoring Response Mode as of 0946 on 3/11/11. Region IV will take the lead for U.S. sites and HQ for international sites to provide assistance in response to the earthquake in Japan and any adverse affects from a tsunami. This response mode change is NOT associated with event number 46668.

Joe O'Hara
Headquarters Operations Officer
U.S. Nuclear Regulatory Commission
[redacted]

U.S.NRC
United States Nuclear Regulatory Commission
Protecting People and the Environment

Monninger, John

From: ANS.HOC@nrc.gov
Sent: Friday, March 11, 2011 12:54 PM
Subject: ACTION: Commissioner's Assistant Briefing Notification

There will be a Commissioner's Assistant Briefing given by Region4/HQ at 1300 concerning the event Tsunami from Japan. Call [redacted] approximately 5 minutes before the scheduled start time. When prompted, enter security code [redacted] You may call [redacted] at this time and follow the voice prompts if you do not wish to receive this notification from our Automatic Notification System.

Angela Coggins

From: Batkin, Joshua
Sent: Friday, March 11, 2011 1:04 PM
To: Monninger, John; Hipschman, Thomas; Loyd, Susan; Coggins, Angela
Subject: Fw: ACTION: Commissioner's Assistant Briefing Notification

Tom, are you jumping on?

Joshua C. Batkin
Chief of Staff
Chairman Gregory B. Jaczko
(301) 415-1820

From: ANS.HOC@nrc.gov <ANS.HOC@nrc.gov>
Sent: Fri Mar 11 12:53:34 2011
Subject: ACTION: Commissioner's Assistant Briefing Notification

There will be a Commissioner's Assistant Briefing given by Region4/HQ at 1300 concerning the event Tsunami from Japan. Call [redacted] approximately 5 minutes before the scheduled start time. When prompted, enter security code [redacted] You may call [redacted] at this time and follow the voice prompts if you do not wish to receive this notification from our Automatic Notification System.

Monninger, John

From: ANS.HOC@nrc.gov
Sent: Friday, March 11, 2011 7:24 PM
Subject: ACTION: Commissioner's Assistant Briefing Notification

There will be a Commissioner's Assistant Briefing given by Headquarters at 2315 EST concerning the Japan Tsunami event. Call [redacted] approximately 5 minutes before the scheduled start time. When prompted, enter security code [redacted] You may call [redacted] at this time and follow the voice prompts if you do not wish to receive this notification from our Automatic Notification System.

Batkin, Joshua

From: Jaczko, Gregory
Sent: Friday, March 11, 2011 7:43 PM
To: Ostendorff, William; Apostolakis, George; Magwood, William; Svinicki, Kristine
Subject: japan reactors

Hi all – We are continuing to monitor the situation with regard to reactors in japan. At this point, information is extremely spotty and unreliable. I have reinforced with the staff monitoring the situation the importance of only providing reliable information and the importance of not speculating. I have also emphasized with them that Japan has the responsibility for dealing with this tragic situation. I recognize that there may be press accounts that have information different from what we are providing, but please bear with us as we work to confirm information. We will keep you updated as best as possible, but please recognize that there will be limited confirmed information because that is all we – or anyone else – is able to obtain at this point. If you or you staff do obtain any information, please forward it to the HOO so that we have a central clearing house for all the information.
Thanks,
Greg

Monninger, John

From: ANS.HOC@nrc.gov
Sent: Saturday, March 12, 2011 6:55 AM
Subject: ACTION: Commissioner's Assistant Briefing Notification

There will be a Commissioner's Assistant Briefing given by HQ Monitoring Team at 0730 am on Saturday March 12 concerning the Japanese Reactor Event. Call [redacted] approximately 5 minutes before the scheduled start time. When prompted, enter security code [redacted] You may call [redacted] at this time and follow the voice prompts if you do not wish to receive this notification from our Automatic Notification System.

Monninger, John

From: ANS.HOC@nrc.gov
Sent: Saturday, March 12, 2011 8:41 PM
Subject: ACTION: Commissioner's Assistant Briefing Notification

There will be a Commissioner's Assistant Briefing given by Headquarters at 2330 EST concerning the Japan Nuclear Plants. Call [redacted] approximately 5 minutes before the scheduled start time. When prompted, enter security code [redacted] You may call [redacted] at this time and follow the voice prompts if you do not wish to receive this notification from our Automatic Notification System.

Monninger, John

From: ANS.HOC@nrc.gov
Sent: Sunday, March 13, 2011 7:00 AM
Subject: ACTION: Commissioner's Assistant Briefing Notification

There will be a Commissioner's Assistant Briefing given by NRC Headquarters Management at 0730 Eastern this morning [Sunday March 13] concerning the ongoing Japanese Reactor Event. Call [redacted] approximately 5 minutes before the scheduled start time. When prompted, enter security code [redacted] You may call [redacted] at this time and follow the voice prompts if you do not wish to receive this notification from our Automatic Notification System.

Monninger, John

From: ANS.HOC@nrc.gov
Sent: Sunday, March 13, 2011 2:07 PM
Subject: ACTION: Commissioner's Assistant Briefing Notification

This is the Headquarters Operations Officer. There will be a Commissioner's Assistant Briefing given by headquarters at 15:30 Eastern Daylight Time concerning the Japanese reactor event. Call [redacted] approximately 5 minutes before the scheduled start time. When prompted, enter the security code [redacted] followed by the pound sign.

Angela Coggins

From: Coggins, Angela
Sent: Tuesday, March 15, 2011 5:57 PM
To: Sharkey, Jeffry; Sosa, Belkys; Bubar, Patrice; Nieh, Ho
Cc: Batkin, Joshua; Bradford, Anna
Subject: Prep Material for
Attachments: Talking Points for Chairman 1030 am 3-15-11.doc

Hi everyone! In addition to the Q&As that I believe you already received from OPA, this is a one-pager that staff has been updating for the Chairman's use and that Mr. Borchardt used as prep for today's hill briefing. I believe it is just a summary of the more detailed status reports you receive, but in case you find it useful, I thought I would provide. Thanks!

Angela B. Coggins
Policy Director
Office of Chairman Gregory B. Jaczko
U.S. Nuclear Regulatory Commission
[redacted]

Angela Coggins

From: Jaczko, Gregory
Sent: Friday, March 18, 2011 1:10 PM
To: Vietti-Cook, Annette; Svinicki, Kristine; Apostolakis, George; Magwood, William; Ostendorff, William
Cc: Sharkey, Jeffry; Lepre, Janet; Sosa, Belkys; Blake, Kathleen; Bubar, Patrice; Crawford, Carrie; Nieh, Ho; Zorn, Jason; Coggins, Angela; Batkin, Joshua; Burns, Stephen; Rothschild, Trip; Bates, Andrew; Bavol, Rochelle; Laufer, Richard; Borchardt, Bill; Pace, Patti; 3WFN Core Team List Resource
Subject: RE: Monday's Commission Briefing on NRC Response to Recent Nuclear Events in Japan

I asked Annette to delete the second bullet because I did not want to get out ahead of the doe efforts to deal with bullet number 2. The staff is still prepared to deal with the issue per the scheduling note approved by the commission, but we likely won't have much to say until doe completes a few analyses in that regard. I suspect that should get done by Monday. I simply did not want to create a stream of press based on the scheduling note. We've supplied source term information, doe is doing the modeling and dose projections per usual authorities.

From: Vietti-Cook, Annette
Sent: Friday, March 18, 2011 1:04 PM
To: Svinicki, Kristine; Apostolakis, George; Magwood, William; Ostendorff, William; Jaczko, Gregory
Cc: Sharkey, Jeffry; Lepre, Janet; Sosa, Belkys; Blake, Kathleen; Bubar, Patrice; Crawford, Carrie; Nieh, Ho; Zorn, Jason; Coggins, Angela; Batkin, Joshua; Burns, Stephen; Rothschild, Trip; Bates, Andrew; Bavol, Rochelle; Laufer, Richard; Borchardt, Bill; Pace, Patti; 3WFN Core Team List Resource
Subject: Monday's Commission Briefing on NRC Response to Recent Nuclear Events in Japan

The Chairman requested that I delete the second bullet of the draft scheduling note I sent you earlier, and is following up with you. Attached is the final scheduling note that is being posted to the web. We are delivering background books today, and maybe slides. If slides are not available today, they will be sent around by email this weekend.

SECY has coordinated with the rest of the agency on logistics but just want you to be aware the meeting will be broadcast to TWFN auditorium to handle overflow in Commission Hearing Room, lots of security will be on hand, and CBS Broadcast Network pool camera will be in the room and will feed others, but lots of reporters and photographers are expected (OPA is working this), space is being reserved in the hearing room for NRC staff that may need to answer questions, and press.

I need to leave a little early this afternoon (picking up son from college - spring break...). Andy Bates is Acting for me this afternoon [redacted] Richard Laufer is working details of Monday's Commission meeting [redacted]

I am available by cell phone, from the time I leave and over the weekend. I will of course be here bright and early Monday.
Annette [redacted]

If you have any trouble reaching me, please contact the following people in this order for assistance:
Andrew Bates [redacted]

Rochelle Bavol [redacted]

Rich Laufer [redacted]

Ken Hart, although a SECY MVP, is not listed because he is working shift work at the ops center.

Angela Coggins

From: Coggins, Angela
Sent: Friday, March 18, 2011 5:33 PM
To: Sharkey, Jeffry; Sosa, Belkys; Bubar, Patrice; Nieh, Ho
Cc: Vietti-Cook, Annette; Laufer, Richard; Bavol, Rochelle
Subject: Monday's agenda planning

Hi everyone! SECY has done a great job putting together a packet as background for the agenda planning session on Monday. You should probably have it by now (SECY is walking it around). The Chairman will be working this weekend on providing a proposed plan for discussion at the meeting and we're hoping to share that by early evening Sunday. In the meantime though, we thought it might be helpful for everyone to have a packet that shows what was currently planned for the Commission during the next few months so that your bosses would have this as background as they think about what might need to be adjusted. We'll get you additional info as soon as we have it and please call if you have any questions. Thanks!!

Angela B. Coggins
Policy Director
Office of Chairman Gregory B. Jaczko
U.S. Nuclear Regulatory Commission

[redacted]

Angela Coggins

From: Jaczko, Gregory
Sent: Sunday, March 20, 2011 7:44 PM
To: Apostolakis, George; Magwood, William; Svinicki, Kristine; Ostendorff, William
Subject: Fw: draft COM and Items for Agenda Planning
Attachments: Tasking Following Japan Earthquake.docx; Proposed New Meeting Schedule.doc; spreadsheet recommended paper changes.doc

Hi all - please see below.

From: Greg Jaczko <[redacted]
To: Jaczko, Gregory
Sent: Sun Mar 20 19:42:07 2011
Subject: draft COM and Items for Agenda Planning

Attached are 3 items I hope will facilitate our discussion at tomorrow's agenda planning meeting and open meeting. First, you'll find a draft COM, that I would like to issue tomorrow, which lays out a plan for us to task the staff to address the events in Japan with both near and long term actions. Next, is a meeting list which lays out by week a proposed new calendar for the next 3 months and identifies where I've recommended some additional meetings or recommended moving around some of our existing meetings. The final item is a spreadsheet of the voting items that were on our priority list through June with some recommendations for modification to the prioritization of some of those items.

I woud appreciate any thoughts you have on the draft com tonight. If there are simple tweaks that could facilitate more timely decision, let me know. The COM is basically what I emailed y'all yesterday incorporating some feedback i've received. I then tried to make it a more readable is all.

Angela Coggins

From: Jaczko, Gregory
Sent: Sunday, March 20, 2011 8:57 PM
To: Coggins, Angela; Batkin, Joshua; Pace, Patti
Subject: FW: draft COM and Items for Agenda Planning

From: Magwood, William
Sent: Sunday, March 20, 2011 8:57:21 PM
To: Jaczko, Gregory; Apostolakis, George; Svinicki, Kristine; Ostendorff, William
Subject: Re: draft COM and Items for Agenda Planning
Auto forwarded by a Rule

Greg,

Thanks. As you indicate, your draft reflects recent exchanges. We should be able to come to closure in a timely fashion.

The only significant comment I would make at this stage is that I encourage that the longer-term effort begin at a defined time subsequent to completion of the proposed near-term review. I recognize that not all the facts will be in from the aftermath of the Fukushima event, but it could take months if not longer to develop a full understanding of what happened. An indefinite start-point has technical merit but practical challenges. I'm also uncertain how we should best consider any specific conclusions about Mark I BWRs in a framework that should perhaps focus on the broader issues you've highlighted.

Moreover, the events of the last week have already raised significant questions with which the agency must grapple. I don't see much to be gained by delaying the inevitable effort to look at issues such as SBO.

One other thought, which I don't think should be part of a "Japan Response" task force, is that we will need to deal with questions being raised about specific plants. They aren't going to go away.

Thanks,
Bill

From: Jaczko, Gregory
To: Apostolakis, George; Magwood, William; Svinicki, Kristine; Ostendorff, William
Sent: Sun Mar 20 19:44:26 2011
Subject: Fw: draft COM and Items for Agenda Planning

Hi all - please see below.

From: Greg Jaczko [redacted]
To: Jaczko, Gregory
Sent: Sun Mar 20 19:42:07 2011
Subject: draft COM and Items for Agenda Planning

Attached are 3 items I hope will facilitate our discussion at tomorrow's agenda planning meeting and open meeting. First, you'll find a draft COM, that I would like to issue tomorrow, which lays out a plan for us to task the staff to address the events in Japan with both near and long term actions. Next, is a meeting list which lays out by week a proposed new calendar for the next 3 months and identifies where I've recommended some additional meetings or recommended moving around some of our existing

Angela Coggins

From: Jaczko, Gregory
Sent: Tuesday, March 22, 2011 4:41 PM
To: Apostolakis, George; Svinicki, Kristine; Ostendorff, William; Magwood, William
Subject: japan com

Hi all
Two issue I wanted to bring to your attention.

1. I have concerns with current majority position to only release publicly the task force reports after the commission approves them. If there is anything I can do to help you understand my reservations about this please call me.

2. I think the agency is missing an opportunity to show that we can act in a timely manner on a matter of importance by completing the com. if there is anything I can do to help us come to a conclusion on the com, please call me about that too.

Thanks,
Greg

Angela Coggins

From: Nieh, Ho
Sent: Friday, March 25, 2011 12:24 PM
To: Batkin, Joshua; Sosa, Belkys; Sharkey, Jeffry; Bubar, Patrice
Cc: Coggins, Angela; Pace, Patti; Vietti-Cook, Annette; Burns, Stephen; Rothschild, Trip
Subject: RE: Daily discussions

Dear all,

Commissioner Ostendorff continues to believe that it is important that Commissioner staff be able to engage on current agency status and activities. Daily Chief of Staff meetings and routine reactors/materials/legal assistants meetings are effective mechanisms to exchange information that is useful to the activities of the Commission. Commissioner Ostendorff supports the continuation of these Commissioner staff meetings.

Furthermore, Commissioner Ostendorff continues to support opportunities, where appropriate, to meet with the entire Commission. While daily meetings to discuss current agency status and activities can and should continue to be conducted by the Chiefs of Staff, Commissioner Ostendorff would consider a meeting with his colleagues to discuss in general the ways in which the Commissioner offices routinely communicate.

Thanks,

Ho

Ho Nieh
Chief of Staff
Office of Commissioner William C. Ostendorff
U.S. Nuclear Regulatory Commission

From: Batkin, Joshua
Sent: Thursday, March 24, 2011 3:24 PM
To: Sosa, Belkys; Sharkey, Jeffry; Bubar, Patrice; Nieh, Ho
Cc: Coggins, Angela; Pace, Patti; Vietti-Cook, Annette; Burns, Stephen; Rothschild, Trip
Subject: Daily discussions

The daily non-sunshine act discussions among the Commissioners about the events in Japan seemed to work well, so we're going to try a modified way of keeping your principals up-to-date on the day's news. The Chairman would like to have a daily discussion with his colleagues at 9:00am for him to provide information about current agency status and activities. Annette, can you please help us set up such a non-sunshine act discussion as a routine part of the day (Mondays through Thursdays) beginning this Monday morning at 9am? OGC and SECY please join. Let's do it as a phone call, since that should make it easier for the Commissioners to be able to get together on a regular basis.

This daily call will obviate the need for the CoS's to get together each day at 10:30am. If there are actual policy discussions we can engage in at the staff level, we should definitely meet on an ad hoc basis.

Thank you,
Josh

Angela Coggins

From: Batkin, Joshua
Sent: Tuesday, March 29, 2011 7:11 PM
To: Nieh, Ho; Sosa, Belkys; Bubar, Patrice; Sharkey, Jeffry
Cc: Vietti-Cook, Annette; Rothschild, Trip; Coggins, Angela; Gibbs, Catina
Subject: Tomorrow's 9am Non-Sunshine Act Discussion

Consistent with my emails over the weekend, the Chairman looks forward to updating his colleague on agency status and activities, and his Japan trip, tomorrow at 9am. He will be leaving an 8am WH meeting early so that he can talk to them and then will head to the Hill to testify at 10am, therefore, this one will have to be by phone. Thanks Josh

Angela Coggins

From: Batkin, Joshua
Sent: Wednesday, March 30, 2011 11:36 AM
To: Nieh, Ho; Sosa, Belkys; Baggett, Steven
Cc: Coggins, Angela
Subject: Re: EA MEETING Time

My boss personally briefed yours this morning between a WH meeting and a Senate hearing. Our office will not be able to support a CoS meeting this afternoon or tomorrow morning because of our schedules and I would appreciate you respecting that. Can we please stop the silliness? As I told your boss Ho, I haven't given up on meeting with my colleagues as a group, and we'll find a mutually agreeable time to all get together, but this isn't a productive way to do that. Thanks so much.

Joshua C. Batkin
Chief of Staff
Chairman Gregory B. Jaczko
[redacted]

From: Nieh, Ho
To: Bates, Andrew; Sharkey, Jeffry; Bubar, Patrice; Sosa, Belkys; Baggett, Steven; Zorn, Jason; Batkin, Joshua; Coggins, Angela
Sent: Wed Mar 30 10:04:58 2011
Subject: RE: EA MEETING Time

I am also watching the hearing on the web.

Is there a time we can meet this afternoon?

Thanks,

Ho

Ho Nieh
Chief of Staff
Office of Commissioner William C. Ostendorff
U.S. Nuclear Regulatory Commission
[redacted]

From: Bates, Andrew
Sent: Wednesday, March 30, 2011 10:04 AM
To: Sharkey, Jeffry; Bubar, Patrice; Nieh, Ho; Sosa, Belkys; Baggett, Steven; Zorn, Jason
Subject: FW: EA MEETING Time

FYI – As follow up to Monday's meeting-

From: Batkin, Joshua
Sent: Wednesday, March 30, 2011 9:19 AM
To: Bates, Andrew
Cc: Coggins, Angela; Rothschild, Trip; Bradford, Anna
Subject: Re: EA MEETING Time

Angela Coggins

From: Batkin, Joshua
Sent: Thursday, March 31, 2011 8:29 PM
To: Bubar, Patrice
Cc: Coggins, Angela; Pace, Patti
Subject: Phone calls

Patty, appreciate your boss calling the Chairman back. It can wait until tomorrow, so let's get them to talk in the afternoon. Thanks Josh

Joshua C. Batkin
Chief of Staff
Chairman Gregory B. Jaczko
[redacted]

Angela Coggins

From: Jaczko, Gregory
Sent: Monday, July 11, 2011 6:20 PM
To: Virgilio, Martin
Cc: Borchardt, Bill; Coggins, Angela; Batkin, Joshua
Subject: RE: The Task Force Report

Thanks. lets chat. Are you still around

From: Virgilio, Martin
Sent: Monday, July 11, 2011 5:51 PM
To: Jaczko, Gregory
Cc: Borchardt, Bill; Coggins, Angela; Batkin, Joshua
Subject: The Task Force Report

Chairman

As we agreed, the SECY forwarding the Task Force Report will have no EDO analyses or recommendations. It provides the results of the team's independent review. In a separate memo we will provide the resource estimates developed by the Task Force. We have also developed a cover memo for you to use in providing the report to the White House. The purpose of this note is to offer my initial thoughts on the Report, which we will provide to you as early as possible tomorrow.

First, I believe that the line organization should review the report and provide recommendations to you and the Commission on how to move forward. I would have the Steering Committee for the long-term review lead that effort, and involve NRC technical experts and a panel of external stakeholders. I believe the ACRS should weigh in on the report as well.

Second, I believe that orders would not be the best approach for the 11 recommended areas. I believe seismic and flood protection walk downs, ERDS modernization, and new tech specs requiring operability of existing equipment could be accomplished by Order. However, other recommendations such as containment vents, new instrumentation, new power supplies, and multi unit EP would, in my view, best be accomplished by rule making with internal and external stakeholder involvement in developing the detailed success measures.

Finally, we need to align with you and the Commission on what work we proposed to place on hold while we follow-up on the Task Force report. As the team has stated, there is no imminent risk from continued operation and licensing activities. In that light, we need thoughtful choices around what work we will defer.

Marty