

August 26, 2011

The Honorable Richard G. Lugar  
United States Senate  
Washington, D.C. 20510

Dear Senator Lugar:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of July 6, 2011, forwarding correspondence from your constituent, Mr. Don Wiseman. Mr. Wiseman asked you to look into issues raised in an Associated Press (AP) article discussing nuclear safety regulations, which he enclosed. Although we disagree with many of its observations and conclusions, we welcome the additional attention the article brings to the critical importance of nuclear safety and security. It is this type of dialogue that helps us to engage the public and our other stakeholders, and to continue to be vigilant in all aspects of our safety mission.

As an independent regulatory agency, the NRC has a robust and comprehensive approach to holding U.S. nuclear power plants to strict safety standards. In many cases, the NRC's own inspection and maintenance requirements have led plants to detect and repair, replace or otherwise fix the equipment, systems, or other issues that were described in the AP article and in other instances that were not highlighted. For example, the NRC's inspections last year at the Fort Calhoun plant in Nebraska showed the plant needed to correct deficiencies in its flood response plan. The NRC increased its oversight of Fort Calhoun while the plant responded, and this year the plant is well positioned to ride out the ongoing extreme Missouri River flooding while keeping the public safe. The NRC has also ensured Westinghouse meets existing, stringent safety requirements as part of the agency review of the company's AP1000 new reactor design application.

Many NRC safety requirements are based on standards created and maintained by national professional organizations. For instance, the American Society of Mechanical Engineers' standards have been incorporated into requirements for reactor vessels and reactor coolant piping, while the Institute of Electrical and Electronics Engineers' standards apply to computer systems. These professional groups, along with researchers from the NRC and industry, regularly examine new information, including experience gathered from operating nuclear power plants, to determine if standards should change. The NRC only endorses changes when they maintain acceptable levels of public safety; this can include adding or strengthening requirements.

The NRC also maintains its focus on existing issues, such as how materials can degrade during exposure to the conditions inside a nuclear power plant. Research and experience has shown some metal alloys can slowly develop minute cracks, and NRC-required inspections and maintenance – based on existing performance standards – help ensure this issue doesn't compromise public safety. The NRC continues its research and information-gathering on issues such as this to ensure the relevant safety requirements are based on the most up-to-date information.

The AP article fails to accurately describe the sequence of events following the severe corrosion incident at the Davis-Besse nuclear power plant – a case where the licensee, FirstEnergy, was fined \$5.5 million for lying to the NRC and failing to follow critical agency requirements. The NRC kept Davis-Besse shut down for several years until the plant's damaged reactor vessel head was replaced and other required repairs were done. When later inspections revealed that the replacement head was also showing degradation, the NRC then ensured FirstEnergy accelerated its plans to install a brand-new reactor vessel head that utilized a more corrosion-resistant alloy.

The agency operates in an open and transparent manner, reaching decisions and setting standards based on the best available information and analysis. Safety-significant decisions are reached without regard for potential economic impacts on plant operators. We have inspectors stationed at every nuclear power plant in the country, and they inspect plants every day. We also enforce our requirements to ensure the public remains safe.

We appreciate the diligence and the time the AP spent in preparing and publishing this article. A heightened understanding of the importance of the NRC's role in ensuring nuclear safety and security is a positive development for the agency and for the American people.

Sincerely,

***/RA Darren B. Ash for/***

R. W. Borchardt  
Executive Director  
for Operations

R. Lugar

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