

November 21, 2011

The Honorable Richard 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 October 21, 2011, forwarding correspondence from your constituent, Mark Kelly. Dr. Kelly is concerned with the use of bad data within the nuclear industry that could lead to faulty analysis or decision making and have an effect on nuclear safety. In support of his views, he provided you with materials associated with a concern on this topic that he raised to the NRC in 1999.

As described in the enclosures to Dr. Kelly's letter, in 1999, the agency thoroughly investigated his concerns regarding faulty analysis associated with zirconium alloy tubing and concluded that there was no safety concern that warranted further investigation. The NRC did corroborate some shortcomings in the case identified by Dr. Kelly, which we believe were remediated. However, the experts consulted by the NRC in its investigation concluded that, even with those shortcomings, decisions based on the analysis in question would not have resulted in substandard material being qualified for use.

The NRC recognizes the importance of accurate and current data in decision making and works to ensure the use of such data at all times. Therefore, while we fully understand Dr. Kelly's concern in principle, without any new information the NRC reaffirms its earlier findings and conclusions on this matter. If you need any additional information, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

***/RA by Martin J. Virgilio for/***

R. W. Borchardt  
Executive Director  
for Operations

November 21, 2011

The Honorable Richard 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 October 21, 2011, forwarding correspondence from your constituent, Mark Kelly. Dr. Kelly is concerned with the use of bad data within the nuclear industry that could lead to faulty analysis or decision making and have an effect on nuclear safety. In support of his views, he provided you with materials associated with a concern on this topic that he raised to the NRC in 1999.

As described in the enclosures to Dr. Kelly's letter, in 1999, the agency thoroughly investigated his concerns regarding faulty analysis associated with zirconium alloy tubing and concluded that there was no safety concern that warranted further investigation. The NRC did corroborate some shortcomings in the case identified by Dr. Kelly, which we believe were remediated. However, the experts consulted by the NRC in its investigation concluded that, even with those shortcomings, decisions based on the analysis in question would not have resulted in substandard material being qualified for use.

The NRC recognizes the importance of accurate and current data in decision making and works to ensure the use of such data at all times. Therefore, while we fully understand Dr. Kelly's concern in principle, without any new information the NRC reaffirms its earlier findings and conclusions on this matter. If you need any additional information, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

*/RA by Martin J. Virgilio for/*

R. W. Borchardt  
Executive Director  
for Operations

DISTRIBUTION: G20110766/LTR-11-0581/EDATS: SECY-2011-0569

RRihm EDO r/f RidsOcaMailCenter RidsOgcMailCenter  
RidsEdoMailCenter RidsSecyMailCenter RidsNrrMailCenter

**ADAMS Accession No.: ML11325A061**

OFFICE	OEDO	OCA	OGC	NRR	EDO
NAME	RRihm	APowell (via email)	EWilliamson (via email)	JLubinski (via email)	R.W. Borchardt (MVirgilio for)
DATE	11/21/11	11/18/11	11/18/11	11/18/11	11/21/11

OFFICIAL RECORD COPY