

From: [Schmitt, Ronald](#)
To: [RidsNrrMailCenter Resource](#); [RidsEdoMailCenter Resource](#)
Cc: [Torbey, Andrea](#); [Newton, Nicole](#)
Subject: FW: Concerns about the NRC's regulatory effectiveness
Date: Tuesday, March 04, 2014 7:55:04 AM

This email documents the completion of NRR/DIRS actions for G20140048.

Ron Schmitt
DIRS TA

From: Franovich, Rani
Sent: Friday, February 28, 2014 6:08 PM
To: Richard Andrews
Cc: Howe, Allen; Nieh, Ho; Regan, Christopher; Hay, Michael; Balazik, Michael; Schmitt, Ronald; Vaughn, Stephen
Subject: RE: Concerns about the NRC's regulatory effectiveness

Dear Mr. Andrews,

We received several additional emails from you January 12 and January 13, 2014, expressing concerns with nuclear plant safety when the NRC identifies a performance issue. You also expressed concerns that the NRC's regulatory framework and structure are flawed, and you advocated that a "Green Board" should be required for restart of a nuclear power plant. We appreciate your continued interest in nuclear safety.

As I mentioned in my January 23, 2014, response to you, we are planning a number of enhancements to our oversight process based on constructive feedback received in the last two years from a variety of internal and external stakeholders. With respect to Fort Calhoun Station (FCS), please be aware that green inputs into the Reactor Oversight Process (ROP) Action Matrix indicate that the licensee's performance warrants no more than the baseline inspection program. White, yellow and red inputs do not necessarily indicate that a licensee's performance is unacceptable; rather, these inputs indicate that supplemental inspection (above and beyond the baseline inspection program) are warranted to ensure performance issues are understood and effectively corrected by the licensee.

As you know, safety performance at FCS is currently being assessed by an oversight panel in accordance with Inspection Manual Chapter (IMC) 0350, "Oversight of Reactor Facilities in a Shutdown Condition Due to Significant Performance and/or Operational Concerns." The IMC 0350 Oversight Panel has been closely monitoring performance at FCS for several years, and the NRC's regulatory response to that performance has involved thorough supplemental inspections and collaborative discussions between Region IV and the Program Office in Headquarters. If we had any reservations about the operational safety at FCS, I can assure you that we would not have authorized its restart.

Again, many thanks for your continued interest in nuclear safety and the NRC's oversight thereof.

Kind regards,
Rani

From: Richard Andrews [<mailto:dick0645@yahoo.com>]
Sent: Thursday, January 23, 2014 8:32 PM
To: Franovich, Rani
Subject: Re: Concerns about the NRC's regulatory effectiveness

Dear Ms Franovich,

Thank you for taking the time to give me some good feedback about regulatory effectiveness.

I was associated with the Fort Calhoun Station for over 25 years. I empathized with all the folks who work there and have been working so hard to get things squared away over the past few years. I consider it a failure of the routine inspection program when a plant has to be identified as a troubled plant and placed under 0350. It appears that being placed under 0350 is still driven too much by significant operational events and not enough through the regulatory inspection process. I look forward to seeing enhancements to the process through all the reviews underway and planned that you mentioned.

Again thanks for your informative personal response.

Good luck as you seek those further improvements.

Sincerely,

Rich Andrews

From: "Franovich, Rani" <Rani.Franovich@nrc.gov>
To: "dick0645@yahoo.com" <dick0645@yahoo.com>
Cc: "Howe, Allen" <Allen.Howe@nrc.gov>; "Nieh, Ho" <Ho.Nieh@nrc.gov>; "Regan, Christopher" <Christopher.Regan@nrc.gov>; "Hay, Michael" <Michael.Hay@nrc.gov>; "Balazik, Michael" <Michael.Balazik@nrc.gov>; "Schmitt, Ronald" <Ronald.Schmitt@nrc.gov>; "Vaughn, Stephen" <Stephen.Vaughn@nrc.gov>
Sent: Thursday, January 23, 2014 1:43 PM
Subject: Concerns about the NRC's regulatory effectiveness

Dear Mr. Andrews,

On December 19, 2013, you sent two emails to the NRC Executive Secretary expressing concerns about the NRC's regulatory effectiveness. Thank-you for sharing your concerns. As you may be aware, the NRC has benefitted from recent feedback on the Reactor Oversight Process (ROP) and the inspection program from numerous internal and external stakeholders. In 2012, the NRC launched two substantive initiatives: one to enhance its baseline inspection program, and the other to streamline the significance determination process used to inform the safety significance of inspection findings. Since that time, we have received audit reports from the Government Accounting Office and the Office of the Inspector General. In addition, we are awaiting the results of an Independent Review of the ROP that was directed by the Commission. In response to the feedback we have received, we are planning enhancements this year to multiple key program areas of the ROP.

With respect to the Fort Calhoun Station (FCS), a marked decline in performance prompted the NRC to remove the plant from the ROP and apply the Inspection Manual Chapter (IMC) 0350 oversight process. The NRC is taking a number of actions to assess the effectiveness of its regulatory oversight under IMC 0350. Specifically, the NRC is conducting a review of lessons learned and will consider enhancements to governing procedures based on the results of this review. The NRC also is conducting an assessment of inspection and performance indicator data to determine if they provided sufficient warning of the performance decline at FCS. Additionally, the NRC is performing a review of specific issues identified both prior to and during implementation of the IMC 0350 Process at FCS to determine if improvements to the inspection and performance indicator programs should be considered.

Again, we appreciate your interest in the safe operation of commercial power facilities and your perspectives on the NRC's effectiveness.

Kind regards,

Rani Franovich

Chief, Performance Assessment Branch
Division of Inspection and Regional Support, NRR