



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 23, 2012

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of May 9, 2012, regarding an anonymous letter you received alleging, among other things, that actions by a manager in our Region IV office in Arlington, Texas, have resulted in a chilled work environment that dissuades staff from identifying potential safety issues. The letter from your office requested an independent investigation into these allegations.

Prior to receipt of your letter, the NRC Executive Director for Operations (EDO) had discussed the anonymous letter with the Office of the Inspector General (OIG) to confirm awareness and readiness to accept referral of the complaint. By May 9, the EDO and all members of the Commission had referred the letter to the OIG for investigation. In the interim, while these concerns are being reviewed, the Region IV manager in question has been temporarily reassigned.

In light of this incident, NRC Office Directors and Regional Administrators have been communicating with their staff to re-emphasize the NRC's commitment to safety and urging them to voice safety concerns whenever they arise. They have been emphasizing the NRC's commitment to an open, collaborative work environment, the importance of the agency's safety mission, and the NRC values. These views were reiterated in an announcement to all agency staff on May 14, noting that the letter had been referred to the OIG for investigation, and also highlighting for staff the various mechanisms available to them if they are uncomfortable raising safety concerns with their supervisor.

Enclosed is a partial response to your specific questions and information requests. We will provide the remaining information to you as soon as it has been collected.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison M. Macfarlane", with a long horizontal flourish extending to the right.

Allison M. Macfarlane

Enclosure:
As stated

**Responses to Information Requests from Representative Edward J. Markey's
Letter Dated May 9, 2012**

1. Please provide a copy of SAF29 in the Regional Operations Plan referred to in the letter. Does the Commission support a performance award policy that equates bonuses to enforcement actions that are challenged or overturned by the licensee? If so, please explain. If not, what steps is the Commission taking to alter this policy?

A copy of SAF29 is attached. The NRC does not have, and the Commission does not support, a performance award policy that equates bonuses to enforcement actions that are challenged or overturned by licensees.

2. Please provide a copy of all documents (including but not limited to emails, phone logs, memos, or letters) in which NRC staff have identified or complained about the management style, acts of retaliation or other personnel complaints associated with Mr. Pruett. For each complaint that was brought to the attention of more senior NRC personnel, please indicate a) whether the alleged action was investigated and if so, please provide a copy of all documents related to any such investigation, b) whether the alleged action was remedied and if so, please provide a copy of all relevant documents, and c) whether any disciplinary actions were taken against Mr. Pruett, and if so, please provide a copy of all relevant documents.

Any records responsive to Question 2 are part of sensitive internal personnel files and contain personal privacy information. Without the permission of all individuals identified in the records, this information may not be released by the Agency without a request by a Congressional committee/subcommittee chairman, on behalf of the committee, or a court order.

3. Do you intend to proceed with the sort of independent and public investigation requested by Region IV staff? If so, please provide all details surrounding these plans, and if not, why not? What other actions have you taken or plan to take to investigate and remedy the problems identified in the April 24 letter I received?

The anonymous letter has been referred to the Office of the Inspector General (OIG). In the mean-time, senior managers have been communicating with staff about the importance of our safety mission and sharing safety concerns when they arise. We also are exploring other options for further assessing safety culture.

4. Please provide copies of all documents (including but not limited to emails, letters, telephone logs, and memos) to or from Commissioners, Commissioner staff, and senior NRC officials (including but not limited to Bill Borchardt, Marty Virgilio and Elmo Collins) that are in any way related to the decision to assign a "red" safety finding to the Fort Calhoun Station or to subject the Fort Calhoun Station to more aggressive oversight.

We are currently searching our records and will provide all relevant documents once that review is complete. Any Commission office that has relevant documents will send them separately to your office.

Enclosure

5. Does the Commission believe that safety or enforcement findings should be altered for any reason other than one based in their technical merits? If so, please fully explain your response?

The Commission's expectations for safety findings are set forth in the Reactor Oversight Process (ROP). The ROP is used to inspect and assess power reactor licensee performance in a manner that is risk-informed, objective, predictable, and understandable. The process is designed to focus on those plant activities most important to safety. As part of the ROP, the safety or security significance of inspection findings identified at operating power reactors is evaluated using the risk-informed Significance Determination Process (SDP). The SDP assigns a color to the inspection finding (i.e., Red, Yellow, White, or Green), based on the safety significance of the finding, with Red being the most significant. It is important to note that, although the significance assigned to an inspection finding is determined by the SDP, a violation of an NRC requirement associated with that inspection finding is dispositioned in accordance with the guidance in the NRC Enforcement Policy (Policy).

The Enforcement Policy sets forth the Commission's expectations for assessing and dispositioning violations of NRC requirements. The Policy allows the NRC to determine what enforcement actions should be taken in a particular case. After considering the general tenets of the Policy and the safety and security significance of a violation and its surrounding circumstances, judgment and discretion may be exercised in escalating or mitigating the severity levels of the violation and the appropriate enforcement sanctions to be taken. When determining an appropriate enforcement sanction, the NRC will typically consider whether the licensee self-identified the violation and the extent and appropriateness of the corrective actions taken by the licensee.



Business Line	Product Line	Measure ID	Measure Description	Green Book?	Target	Green	Yellow	Red	Q1	Q2	Q3	Q4	Remarks	Item Type	
Z-Multiple	Oversight	SAF29	Enforcement Actions Retracted - Number of disputed enforcement actions retracted due to NRC error.	No	≤4	≤4	TBD	>4	G=0	G=0					Item

Attachment to Enclosure