

May 19, 2004

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, D.C. 20006-3919

Dear Mr. Lochbaum:

Thank you for your letter dated February 2, 2004, regarding the recent safety culture related issues at the Salem/Hope Creek Generating Stations and the Davis-Besse Nuclear Power Station. I certainly agree that a strong safety culture, including commitment to safety, technical expertise, and good management, is an important contributor to nuclear safety. The U.S. Nuclear Regulatory Commission (NRC) policy statement on the conduct of nuclear power plant operations states that nuclear power plant licensees have the duty and obligation to foster the development of a strong safety culture at each facility and to provide a professional working environment, in the control room and throughout the facility, that ensures safe operations.

To date, the Commission has specifically decided not to conduct direct evaluations or inspections of safety culture as a routine part of assessing licensee performance due to the subjective nature of such evaluations. The NRC does conduct a number of assessments that adequately evaluate how effectively licensees are managing safety. For example, guidance to inspectors on assessing the willingness of individuals to report problems has been incorporated into Inspection Procedure (IP) 71152, "Identification and Resolution of Problems." This aspect of safety culture is what is typically referred to as a safety conscious work environment. IP 71152 also provides guidance for assessing licensee evaluations of, and corrective actions for, identified issues, including licensee root cause evaluations of significant issues, which is an important aspect of a strong safety culture. Concerns or findings identified during these inspections are documented in inspection reports and assessed, where appropriate, using the NRC's significance determination process.

In addition to the inspection activities discussed above, the NRC staff uses the allegation program to provide insights on a licensee's safety conscious work environment. We review data concerning allegations that the agency receives to identify any trends that may indicate a change in the work environment at a licensee's facility. If the number of allegations received from a licensed facility meets or exceeds specified thresholds, the staff conducts a review. The staff review includes comparing trends in allegations with trends in the licensee's corrective action and employee concerns programs. Based on the results of these reviews and the results of follow-up activities regarding individual allegations, the staff determines whether the trend in allegations is indicative of a potential problem in the licensee's work environment.

The insights we gain from our inspection activities and the analyses of allegation trends are considered during the Reactor Oversight Process (ROP) mid-cycle and end-of-cycle assessments. If staff determines that there may be potential issues with a licensee's safety conscious work environment or safety culture, then this concern is elevated to NRC management for further discussion and evaluation. This may lead to possible action, such as Region I's current efforts at Salem and Hope Creek.

As you are aware, in a Staff Requirements Memorandum, "SECY-02-0166-Policy Options and Recommendations for Revising the NRC's Process for Handling Discrimination Issues," dated March 26, 2003, the Commission directed the staff to develop further guidance for our licensees, identifying best practices to encourage a safety conscious work environment. Such guidance, although not a regulatory requirement, helps to promote the NRC's expectations in this important cross-cutting issue. The Commission further directed that, in light of efforts by foreign regulators to measure and regulate safety culture, the staff should monitor developments abroad in this area so as to ensure that the Commission remains informed about these efforts and their effectiveness. The Commission also directed the staff to monitor efforts to develop objective measures that serve as indicators of possible problems with safety culture. While the staff is conducting these activities, it is not presently at a point where it is ready to conduct a public workshop on safety culture and "upgrades" to the ROP as you suggest.

Thank you for sharing your insights on this important issue. We value input from all stakeholders and believe it assists us in improving our processes. We will keep your comments in mind when further consideration is given to issues in this area. When changes to the ROP are needed in this area, we will solicit input from external stakeholders including individuals such as yourself, before rendering any final decisions.

Sincerely,

/RA/

Nils J. Diaz