

November 14, 2008

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555-0001

**Subject: Docket Nos. 50-361, 50-362, 50-206, and 72-41  
Response to Confirmatory Order EA 07-232 and Notice of Violation EA 07-141  
Inspection Report Nos. 05000361/2007016, 05000362/2007016,  
05000361/2007017, and 05000362/2007017  
San Onofre Nuclear Generation Station**

References: 1. Letter, Mr. Elmo E. Collins (USNRC) to Mr. Richard M. Rosenblum (SCE),  
dated January 11, 2008

2. Letter, Mr. J. T. Reilly (SCE) to U. S. NRC Document Control Desk, dated  
February 28, 2008

Dear Sir or Madam,

On January 11, 2008, the U.S. Nuclear Regulatory Commission (NRC) issued Confirmatory Order (Order) EA 07-232 to Southern California Edison (SCE). In addition, the NRC staff recently reviewed the status of SCE's completion of elements in the Order.

To facilitate a mutual understanding and assist the staff in future inspections, SCE has developed Attachment A to document its definitions and closure criteria for each item in the Order. These are based on the Order and the alternative dispute resolution agreement of December 3, 2007. In addition, this letter confirms our verbal commitment that SCE will submit, on or about the one year anniversary of the Order, a status report as to completion of the individual items of the Order. Should the staff have any questions on Attachment A, SCE is prepared to clarify, revise, and/or amend it, as appropriate.

SCE has also identified the need to clarify and/or correct some of the previous material, which is included as Attachment B.

Southern California Edison remains committed to addressing and resolving the issue of willful violations at San Onofre Nuclear Generating Station and, while completely complying with the Confirmatory Order, will adjust our programs as necessary to accomplish that result.

Sincerely,

A handwritten signature in black ink, appearing to read "K. D. Fuller". The signature is written in a cursive style with a large, stylized initial "K".

Attachments: As stated

cc: E. E. Collins, Regional Administrator, Region IV  
D. D. Chamberlain, Director, Division of Reactor Projects, NRC Region IV  
G. G. Warnick, NRC Senior Resident Inspector, San Onofre Units 2 and 3  
N. Kalyanam, NRC Project Manager, San Onofre Units 2 and 3  
K. D. Fuller, Regional Counsel/Allegation Coordination/Enforcement, NRC Region IV

Attachment A  
SONGS Confirmatory Order Definitions and Closure Criteria  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

## **BACKGROUND**

Confirmatory Order EA 07-232 (the "Order") requires SCE to perform various actions committed to during the alternative dispute resolution session of December 3, 2007. The purpose of this enclosure is to document completion criteria being used by SCE for each action item.

## **DEFINITIONS**

The following terms used in the Order are defined to facilitate understanding of the intended scope of planned corrective actions:

1. SCE: Southern California Edison
2. SONGS: San Onofre Nuclear Generating Station
3. SCE (or SONGS) Managers, Supervisors, and Leaders:
  - a. SCE employees assigned to the site with job titles that include the term Vice President, Director, Manager or Supervisor on or after the date specified in the closure criteria for each applicable item, and
  - b. SCE employees assigned to the site with direct reports on or after the date specified in the closure criteria for each applicable item.
4. Long-term managers and supervisors of independent contract workers:  
Contractor personnel, including corporate personnel, stationed at SONGS for greater than 90 days with direct reports as identified by the cognizant division training coordinator on or after the date specified in the closure criteria for each applicable item.
5. SCE (or SONGS) workers, employees, personnel, workforce, and individual contributors:  
SCE employees assigned to the site on or after the date specified in the closure criteria for each applicable item.
6. Contractors:  
Non-SCE workers located at SONGS on the date specified in the closure criteria for each applicable item.
7. All OJT Trainers:  
SCE employees and contractors qualified to provide on-the-job (OJT) training.
8. All OJT Trainees:  
SCE employees and contractors located at SONGS who require OJT or Task Performance Evaluation (TPE) training sessions.
9. Baseline Target Audience:  
The number of people in each of the above categories on the date specified in the closure criteria for each applicable item.

Attachment A  
SONGS Confirmatory Order Definitions and Closure Criteria  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

10. "Assigned to the site" or "located at SONGS":  
Personnel with a "T2000" record, which is created for each individual who obtains a site badge.

11. Ready to Close:

When the closure criteria for each action item in the Order are met, the item status will be designated as "Ready to Close," indicating the documentation is ready for NRC inspection. Effectiveness reviews will not be required for "ready to close" status; however, Item 2l (closure letter) will not be submitted until the actions have been shown to be effective through the monitoring program (Item 2a).

Any large population of workers on site is dynamic due to new hires, retirees, promotions, transfers, sickness, temporary disabilities, etc. Therefore, for the purpose of satisfying the training items in the Order, SCE will consider an item "ready to close" when 95% of the "baseline target audience" (as defined in the closure criteria) has been trained. Nonetheless, SCE will identify and track progress of the remaining members of the target audience who had not completed the training when the item was "ready to close."

## CLOSURE CRITERIA

SCE defined the following closure criteria for each action item specified in the Confirmatory Order. These criteria will be used by SCE to determine when each item is ready to be submitted to the NRC for closure.

### Item 1

Action Statement:

"By January 31, 2008, SCE will perform a common cause evaluation of known recent events, actually or potentially involving willful events to determine the root and contributing causes for the collective issues. This evaluation will include an analysis to determine if any deficiencies of safety culture components, as defined by NRC's Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program," were significant contributors. The results of this evaluation will be factored into the Corrective Action Program and addressed in other ongoing related efforts, as appropriate."

Closure Criteria:

1. Complete the common cause evaluation (CCE) as required by the Order.
2. Factor the results of the CCE into the SONGS Corrective Action Program and, if appropriate, other ongoing efforts.

### Item 2

Action Statement:

"By February 29, 2008, SCE will provide the NRC with a Corrective Action Plan that includes the results of item 1 and the following key elements:"

Attachment A  
SONGS Confirmatory Order Definitions and Closure Criteria  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

Closure Criteria:

1. The required Corrective Action Plan has been transmitted to the U.S. Nuclear Regulatory Commission. (Transmitted February 28, 2008.)

**Item 2a**

Action Statement:

"[2. By February 29, 2008, SCE will provide the NRC with a Corrective Action Plan that includes the results of Item 1 and provides the following key elements:]

- "a. A monitoring program to determine the effectiveness of the Corrective Action Plan developed pursuant to this Item 2."

Closure Criteria

1. The required monitoring program has been transmitted to the U.S. Nuclear Regulatory Commission. (Transmitted February 28, 2008.)

**Item 2b**

Action Statement:

"By June 30, 2008, SCE will conduct multi-day interventions that reinforce fundamental company values. SCE will ensure that this effort includes the elements of a strong nuclear safety culture to prevent deliberate violations. The intent of the interventions will be to focus leaders and managers on the importance of balancing accountability and encouraging workers to self-report errors and the importance of communicating this to their workers."

Closure Criteria:

1. Fulfilling item 2b requires the target audience to attend: (1) a corporate-wide training workshop on company values and guiding behaviors, and (2) a SONGS specific training module on willful violations issues.
2. The baseline target audience for item 2b is SCE managers, supervisors, and leaders with direct reports according to corporate records. (See Attachment B for further discussion.)
3. Item 2b will be considered "ready to close" when at least 95% of the baseline target audience has received the required training.

**Item 2c**

Action Statement:

"SCE will expand the Corporate Ethics Program to encompass long-term (i.e., greater than 90 days) managers and supervisors of independent contract workers at SONGS, who will be required to take the integrity training in 2008. SCE will conduct training for SONGS managers and supervisors in 2008 and other SCE SONGS employees in 2009."

Closure Criteria

1. Fulfilling item 2c requires the target audience to attend the half-day training session that includes a presentation from the corporate ethics department on a leader's role in building a diverse and ethical culture.

Attachment A  
SONGS Confirmatory Order Definitions and Closure Criteria  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

2. The baseline target audience for 2008 shall include the following personnel as of June 30, 2008:
  - a. SCE managers, supervisors, and leaders (Definition 3), and
  - b. Long-term managers and supervisors of independent contract workers (Definition 4)
3. The baseline target audience for 2009 shall include SCE employees located at SONGS (Definition 5) on April 1, 2009 minus the 2008 baseline target audience.
4. Item 2c will be considered "ready to close" when at least 95% of the baseline target audiences have received the required training.

**Item 2d**

Action Statement:

"SCE will conduct a safety culture assessment by an independent third-party organization by April 1, 2008. By June 30, 2008, the results of this assessment will be factored into the Corrective Action Program and addressed in other ongoing related efforts, as appropriate."

Closure Criteria

1. The required safety culture assessment is completed.
2. The willful violation aspects of the safety culture assessment results are factored into the corrective action program and, if appropriate, other related efforts.

**Item 2e**

Action Statement:

"By April 1, 2008, SCE will further enhance the new employee orientation and the general employee training programs to better ensure that new and periodically retrained personnel clearly understand that deliberate acts of non-compliance with regulations or procedures will not be tolerated and could result in a significant disciplinary action up to and including termination."

Closure Criteria:

1. The New Employee Orientation and Management Policies lessons for initial and continuing General Employee Training are revised and being implemented.

**Item 2f**

Action Statement:

"By September 30, 2008, SCE will develop and begin conducting training for managers and supervisors on techniques that can be used to monitor that workers are implementing procedures as instructed."

Closure Criteria:

1. The required training lesson is developed.
2. Begin using the new training lesson with the target audience as required by the Order.

Attachment A  
SONGS Confirmatory Order Definitions and Closure Criteria  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

3. The baseline target audience includes the following as of September 30, 2008:
  - a. SCE managers, supervisors, and leaders (Definition 3).
  - b. Long-term managers and supervisors of independent contract workers (Definition 4).
4. Item 2f will be considered "ready to close" when at least 95% of the baseline target audience has received the required training.

**Item 2g**

Action Statement:

"By April 1, 2008, SCE will enhance its existing disciplinary process to provide more detailed guidance in cases involving a deliberate misconduct-related violation. This process will communicate to the workforce specific escalating disciplinary actions that may be taken in response to initial and/or repeat deliberate misconduct by individual contributors and supervisors/managers. Communication of process enhancements will focus personnel on the importance of balancing accountability and encouraging workers to self-report errors and the importance of communicating this with their workers."

Closure Criteria:

1. Enhance the disciplinary process as required by the Order.
2. Communicate, at least once, the revised disciplinary process to SCE management and workforce.

**Item 2h:**

Action Statement:

"By April 1, 2008, SCE will revise the SONGS training lesson for On-the-Job Training (OJT) trainers and provide this training to all OJT trainers and trainees. The revised OJT training will reinforce the responsibilities of the trainer and the trainees. Emphasis will be placed on the expectations of a trainer while his/her trainee is performing work during an OJT session."

Closure Criteria:

1. Revise the OJT training lesson as required by the Order.
2. The baseline target audience includes OJT trainers (Definition 7) and trainees (Definition 8) as of April 1, 2008.
3. Item 2h will be considered "ready to close" when at least 95% of the baseline target audience have received the required training and the training is incorporated into OJT/TPE trainer training program.

**Item 2i:**

Action Statement:

"SCE will take steps to develop and implement incentives for on-site service contractors to help SCE address the issues that have resulted in deliberate misconduct-related violations. If SCE is unable to negotiate acceptable programs by a particular contractor, then SCE will impose additional oversight to

Attachment A  
SONGS Confirmatory Order Definitions and Closure Criteria  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

ensure the performance of the contractor and its personnel meets specified criteria.”

Closure Criteria:

1. Develop incentives for on-site service contractors as required by the Order.
2. Implement the incentives for contracts initiated and renewed after the date of the Order.

**Item 2j:**

Action Statement:

“By April 1, 2008, SCE will incorporate into the SONGS oversight surveillance program, periodic sampling of repetitive rounds and log keeping activities to provide reasonable assurance that actions to deter and detect instances of deliberate non-compliance are effective. This oversight will include sampling of SCE and contractor activities.”

Closure Criteria:

1. Revise the SONGS oversight surveillance program as required by the Order.
2. Initiate revised SONGS oversight surveillance program.

**Item 2k:**

Action Statement:

“SCE will use multiple site-wide communication tools to emphasize to employees and contractors at SONGS the need to comply with job rules, regulations, and procedures and potential consequences when compliance does not occur.”

Closure Criteria:

1. Use weekly bulletins, all-leaders meetings (also known as manager and supervisor forums), all-hands meetings, and targeted presentations to communicate with SCE employees (Definition 5) and contractors (Definition 6) as required by the Order.

**Item 2l:**

Action Statement:

“Upon completion of the terms of the Confirmatory Action Order, SCE will provide the NRC with a letter discussing its basis for concluding that the Order has been satisfied.”

Closure Criteria:

1. Items 1 through 2k meet their respective completion criteria and,
2. The corrective actions have been determined to be effective in accordance with the monitoring program.

Attachment A  
SONGS Confirmatory Order Definitions and Closure Criteria  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

**Item 3:**

Action Statement:

“By 30 days after issuance of the Order, SCE will provide to the NRC under separate letter its response to the three issues addressed by the NRC in its letter dated September 27, 2007, (EA 07-232) and for NRC letter dated November 7, 2007, (EA 07-141), the extent to which trainers may fail to follow the procedural requirements of Section 6.3.2 of SONGS Training Procedure SO123-XV-27.”

Completion Criteria:

1. The letter described above has been transmitted to the U.S. Nuclear Regulatory Commission. (Transmitted February 8, 2008.)

Attachment B  
Clarifications and Corrections  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

**February 28, 2008 Letter:**

In response to items 2 and 2a of the Order, Southern California Edison (SCE) submitted a letter from Mr. J. T. Reilly to the U.S. Nuclear Regulatory Commission, dated, February 28, 2008. The letter provided SCE's corrective action plan and monitoring program to address the issue of willful violations at San Onofre Nuclear Generating Station (SONGS).

The above referenced letter provided a list of the actions included in the corrective action plan developed by SCE in response to the Order. Item 2f from the Order was inadvertently omitted in the letter. The following description of Item 2f is included in SCE's corrective action plan:

"By September 30, 2008, SCE will develop and begin conducting training for managers and supervisors on techniques that can be used to monitor that workers are implementing procedures as instructed."

In addition, item 8 of the letter referenced Order Item 2l. The item that should have been referenced was Item 2k.

**September 23, 2008 Public Meeting**

At the public meeting on September 23, 2008, SCE presented information on the status of the Order actions. The completion rates presented for Item 2b were later found to be incomplete. The corrected information is presented below.

**Item 2b Action Statement:**

"By June 30, 2008, SCE will conduct multi-day interventions that reinforce fundamental company values. SCE will ensure that this effort includes the elements of a strong nuclear safety culture to prevent deliberate violations. The intent of the interventions will be to focus leaders and managers on the importance of balancing accountability and encouraging workers to self-report errors and the importance of communicating this to their workers."

**Actions Taken:**

**Program Description:**

In 2007, SCE began a corporate-wide training program on company values and guiding behaviors for managers and supervisors that was developed with the assistance of an outside consultant. The corporate program includes a two-day workshop followed by a one-day reconnect session several weeks after the workshop.

For SONGS managers and supervisors, beginning in April 2008, this program was supplemented with a module to emphasize the issues specified in the Order, including elements of nuclear safety culture and balancing accountability and encouraging workers to self-report errors. To fulfill item 2b of the Order, an individual is required to complete the corporate workshop and the SONGS supplemental module. Those SONGS participants who attended the corporate program prior to April 2008 were required to attend a follow-up session to attain the supplemental module.

Attachment B  
Clarifications and Corrections  
Docket Nos. 50-361, 50-362, 50-206, and 72-41

One exception to the multi-day format was taken for a group of Operations supervisors to balance their on-shift and requalification time demands with the commitment in the Order. The Operations supervisors were provided a one-day version of the workshop which included the supplemental module.

**Completion Status:**

The target audience (those required to attend the training) was initially designated to include SONGS managers, supervisors, and other personnel with direct reports. This is defined as the "baseline target audience." Corporate records were used to identify SONGS personnel with direct reports and to track completion of the training. Completion rates for the baseline target audience based on corporate records were provided on September 23, 2008, at a NRC public meeting with SCE.

After the public meeting, SCE determined that the completion rates presented at the meeting were incomplete. The numbers of personnel (as presented at the public meeting) who completed the program were obtained from corporate records, which tracked completion of the corporate program only and did not include completion of the supplemental module required to meet item 2b of the Order. The actual completion rates of the baseline target audience are shown in line 2 of the table below. As shown on the table, six of the baseline target audience completed the corporate workshop (by March 21, 2008) but had not completed the supplemental module at the time of the public meeting. One of these has been on long term disability for most of 2008 and another retired on October 1, 2008. The remaining four completed the supplemental module on November 6, 2008.

<b>SONGS Order Item 2b Training Completion Rates</b>					
	<b>Description</b>	<b>Target Audience</b>	<b>Complete by 6/30/08</b>	<b>Complete by 7/1/08</b>	<b>Complete by 9/10/08</b>
1	Reported at Public Meeting	292	272 (93%)	289 (99%)	292 (100%)
2	Baseline Target Audience Actual Completion	292	261 (89%)	278 (95%)	286 (98%)

After the baseline target audience was defined, SCE expanded the target audience to include SCE (or SONGS) Managers, Supervisors, and Leaders in accordance with the definition in Attachment A. This expansion resulted in additions to the target audience of SONGS personnel without direct reports but with job titles of manager or supervisor.

For the purpose of satisfying the Order, SCE considers an item "ready to close" when 95% of the baseline target audience has been trained. Based on this criteria, SCE considers item 2b to be "ready to close" as of July 1, 2008, when 95% of the baseline target audience was complete. SCE will identify and track progress of the remaining members of the target audience who had not completed the training when the item was "ready to close."