

January 14, 2009

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. Nuclear Regulatory Commission Document Control Desk, dated February 28, 2008
 3. Letter, Mr. A. E. Scherer (SCE) to U. S. Nuclear Regulatory Commission Document Control Desk, dated November 14, 2008

Dear Sir or Madam,

On January 11, 2008, the U.S. Nuclear Regulatory Commission (NRC) issued Confirmatory Order (Order) EA 07-232 (Reference 1) to Southern California Edison (SCE). The purpose of this letter is to provide the U.S. Nuclear Regulatory Commission with a status report as to SCE's completion of the actions contained therein.

In response to the Order, SCE submitted a letter dated, February 28, 2008 (Reference 2), which included a corrective action plan and monitoring program to address willful violations at San Onofre Nuclear Generating Station (SONGS). In a letter dated November 14, 2008, (Reference 3), SCE provided documentation of its definitions and closure criteria for each item in the Order. The status report as to completion of the individual items of the Order (Attachment A) is in accordance with the criteria provided in Reference 3. In addition, SCE is providing a revised monitoring program in Attachment B.

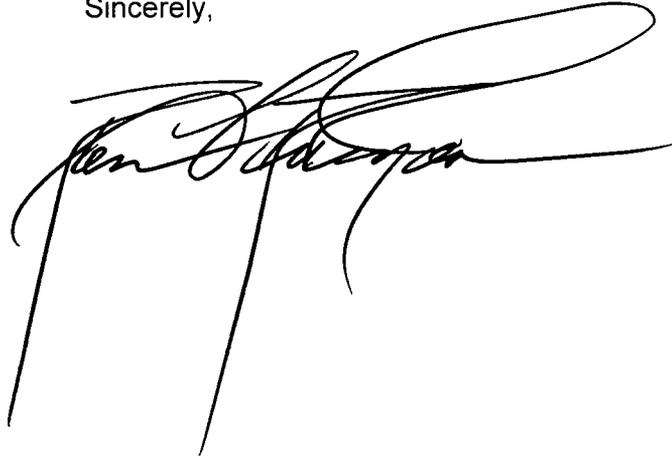
SCE intends to complete the requirements of the Confirmatory Order on the schedules included in the Order. Nevertheless, SCE will not consider the requirements of the Order to be fulfilled until the actions have been shown to be effective based on the results of the monitoring program.

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SCE remains committed to addressing and resolving the issue of willful violations at SONGS and, while completely complying with the Order, will continue to adjust our programs as necessary to accomplish that result.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken D. Fuller". The signature is fluid and cursive, with a large loop at the top and a long horizontal stroke at the bottom.

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 Status Report
Docket Nos. 50-361, 50-362, 50-206, and 72-41

BACKGROUND

Confirmatory Order (Order) EA 07-232 requires SCE to perform various actions which SCE agreed to during the Alternative Dispute Resolution session of December 3, 2007. In a letter dated November 14, 2008, SCE provided definitions and closure criteria for each item in the Order. The purpose of this attachment is to provide a one-year status report for each action item, which is based on the closure criteria unless otherwise stated.

STATUS REPORT

Item 1: "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."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

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

Status: Ready to Close.

The Corrective Action Plan and monitoring program were provided in a letter from SCE to the NRC dated February 28, 2008 (Reference 2). SCE has since enhanced the monitoring program, which is included as Attachment B to this letter.

Item 2.b: "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."

Status: Ready to close.

As of July 1, 2008, 278 individuals or 95% of the baseline target audience had completed the training.

As of December 31, 2008, 405 individuals or 99% of the expanded target audience had completed the training. (See Attachment B of Reference 3 for additional discussion.)

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Item 2.c: "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 [2.c.1]. SCE will conduct training for SONGS managers and supervisors in 2008 and other SCE SONGS employees in 2009. [2.c.2]"

Status: Item 2.c.1 is ready to close.

By December 31, 2008, 547 individuals or about 99 percent of the baseline target audience for 2008 had completed the corporate ethics program. SCE will continue to track progress of the remaining members of the target audience who had not completed the training when the item was "ready to close."

Item 2.c.2 is on track to complete by the December 31, 2009, due date.

Item 2.d: "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."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

Item 2.e: "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."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

Item 2.f: "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."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

Item 2.g: "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."

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Status: Ready to close.

The discipline guidelines were enhanced to provide more detailed guidance in January 2008. A presentation was delivered in January 2008 to managers and supervisors that provided information regarding the definition of a willful violation, actions being taken in response to the Order, SCE's plan to offer mitigation of consequences for those who self-report deliberate noncompliance, and SCE's intolerance of deliberate noncompliance. A copy of the enhanced discipline guidelines was provided to managers and supervisors in February 2008.

Presentations at all hands meetings in January and March emphasized that compliance with rules and procedures is essential at a nuclear power plant and although unintentional mistakes will happen, deliberate non-compliance cannot and will not be tolerated. The importance and methods of reporting mistakes as well as deliberate noncompliance were also communicated.

To increase awareness of the enhanced discipline guidance at SONGS, procedure PI-SO23-G-4, "Performance Responsibility Evaluations," was revised (effective January 9, 2009) to include the enhanced discipline guidelines. In addition, the enhanced discipline guidance and the importance of balancing accountability and encouragement of self-reporting will be addressed again during the first quarter of 2009.

Item 2.h: "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."

Status: Ready to Close.

By April 1, 2008, SCE revised the OJT trainer training modules to reinforce the responsibilities of trainers and trainees and added the revised training to the qualification requirements for trainers. SCE also revised the procedure used when performing work during an OJT session, which was effective on April 3, 2008.

In addition, SCE developed and implemented a web-based training module that emphasized the responsibilities of OJT trainers and trainees. By April 1, 2008, 2,176 or about 97% of the baseline target audience had completed the web based OJT training lesson and OJT trainer qualifications were removed for any trainers who had not completed the module. By December 31, 2008, 99 percent of the baseline target audience had completed the training. SCE will continue to track progress of the remaining members of the target audience who have not completed the training.

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Item 2.i: "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 ensure the performance of the contractor and its personnel meets specified criteria."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

Item 2.j: "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."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

Item 2.k: "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."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

Item 2.l: "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."

Status: Open.

SCE will request closure of the Confirmatory Order when the actions are complete and have been shown to be effective in minimizing willful violations at SONGS.

Item 3: "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."

Status: Closed. (See U.S. Nuclear Regulatory Commission Inspection Report 05000361/2008012, dated December 3, 2008.)

Attachment B
Monitoring Program, Revision 1
Docket Nos. 50-361, 50-362, 50-206, and 72-41

BACKGROUND

In response to items 2 and 2.a of the Order, Southern California Edison (SCE) submitted a letter from Mr. J. T. Reilly to the NRC Document Control Desk, dated, February 28, 2008. The letter provided SCE's corrective action plan and monitoring program to address the issue of willful violations at SONGS. The revised monitoring program provided in this attachment supercedes the program provided previously.

Overview

The overall objective of the monitoring program is to monitor the effectiveness of the individual corrective actions pursuant to the order and to measure the overall effectiveness of the corrective actions in collectively addressing the willful violation issue at SONGS. The results of the monitoring program will ultimately be used to determine when the objective of the Order has been met. In the interim, SCE will use the results of the monitoring program to identify any needed changes to the corrective action plan or to the monitoring program. The results of the monitoring program will be documented on a quarterly basis.

The monitoring program consists of (1) targeted surveillances, (2) a reporting and evaluation process, (3) effectiveness reviews, and (4) trending of performance indicators.

1. Targeted Surveillances

Item 2j of the Confirmatory Order requires SCE to incorporate into the SONGS oversight surveillance program, periodic sampling of repetitive rounds and log keeping activities. The intent of these surveillances is to provide reasonable assurance that actions to deter and detect instances of deliberate non-compliance are effective and serve as a deterrent to willful violations. The results of the surveillances provide one indication of the corrective action plan overall effectiveness.

2. Reporting and Evaluation Process

A reporting and evaluation process is being developed to evaluate and track occurrences where deliberate non-compliance at SONGS is identified. Situations identified in which an individual (1) did not comply with a requirement and (2) knew, or should have known, the requirement exists, will be evaluated to identify potential deliberate non-compliances with site and/or NRC requirements. The results of these evaluations will be trended. (As in the past, SCE will notify the NRC of any potential willful violations of NRC regulations identified through this process.)

3. Effectiveness Reviews

Targeted effectiveness reviews of the corrective actions will be performed as discussed below.

- a) To measure effectiveness of the training programs (Items 2.b, 2.c, 2.f, 2.e, and 2.h), post training interviews or surveys based on the critical knowledge and skills of the training sessions will be conducted with a sample audience of attendees in accordance with the systematic approach to training process. The surveys or interviews will be completed by

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Monitoring Program, Revision 1
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May 30, 2009; the results will be reviewed by the appropriate training oversight committee and opportunities, if any, to improve effectiveness will be identified by June 30, 2009.

- b) Site-wide mini surveys will be conducted throughout 2009 to gauge effectiveness of efforts to improve supervisory engagement. Results of the surveys will be evaluated to determine if additional corrective actions or metrics are necessary.
- c) Focus group interviews will be conducted at least twice in 2009. The focus group sessions will be used to assess effectiveness of communications regarding willful violations, procedure compliance, the enhanced discipline policy, and safety culture attributes.
- d) By June 30, 2009, results of the targeted surveillances (item 1 above) will be compared with results of the reporting and evaluation process (item 2 above) to provide a qualitative assessment as to whether the surveillances are sensitive to the types of deliberate noncompliance identified.

4. Performance Indicators

Performance indicators will be trended as discussed below. Results from these trends will be used to identify any potential changes or additions to the corrective action plan to prevent willful violations.

- a) The existing industrial safety indicator for OSHA recordables will be tracked as an indicator of overall safety culture improvements necessary for minimizing willful violations.
- b) Beginning in the first quarter of 2009, root cause evaluation results will be evaluated quarterly for trends associated with safety culture aspects.
- c) The results of the Work Environment Survey planned for 2009 will be compared with the results of the 2006 survey to identify trends in safety culture attributes.
- d) The results of 2009 nuclear safety culture survey and assessment will be compared with the results of the 2008 survey to identify trends in safety culture attributes.

SCE will use the results of the monitoring program to identify any needed changes to the corrective action plan or to the monitoring program. The results of the monitoring program will be documented on a quarterly basis.