



NUCLEAR ENERGY INSTITUTE

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February 11, 2009

Ms. June Cai
Concerns Resolution Branch
Office of Enforcement Mail Stop O-4 A15A
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: Safety Culture Policy Statement Development: Public Meeting and Request for Public Comments

Project Number: 689

Dear Ms. Cai:

On behalf of the nuclear industry, the Nuclear Energy Institute (NEI)¹ offers the following comments in response to the January 23, 2009 *Federal Register* Notice (FRN) (4260 volume 74) regarding the development of an NRC Safety Culture Policy Statement. The industry appreciated the opportunity to participate with other stakeholders in the public meeting held February 3, 2009. This letter provides our response to the three key questions posed in the FRN, and enclosure (1) has more detailed comments, including our perspective on the revised safety culture components.

1. Should NRC combine its expectations in the policy statement for safety culture and security culture or should NRC keep its expectations separate?

The NRC should issue one policy statement on safety culture that incorporates expectations for security for all personnel with unescorted access to a nuclear power station. Industry efforts are underway to better integrate security officers into the plant processes, procedures and expectations for safe operation, and protection of public health, safety, and common defense and security. Significant progress has been made in recent years to ensure security personnel have the same

¹ NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

expectations regarding a nuclear safety culture that other plant workers involved in safety-related activities have. They have the same processes available to report nuclear safety issues or concerns. These expectations and processes are routinely reinforced through training and refresher materials. To address security in a separate policy statement may only provide negative reinforcement that security is held to a different standard and current proven processes are not sufficient. This would be an undesirable outcome.

2. How should NRC increase attention by licensees and certificate holders to safety culture in the materials area?

In the area of fuel-cycle and byproduct materials licensees, we offer the following specific points. First, consistent with the position of the commercial nuclear power industry, there is general consensus among materials licensees that a *single* policy statement be drafted to address both safety and security. The policy should clearly state the Commission's expectation that licensees and certificate holders ensure that an appropriate safety culture, that includes a security culture component, exists at each facility. This approach would reflect the fact that safety programs in place today are comprised of several components, e.g., radiation protection, chemical safety, security, etc. Second, the policy should recognize and allow for a graded approach to facility safety and security culture based on the relative risks of the authorized materials and activities. For example, the sophistication, formality and level of detail in an effective safety culture program at a uranium enrichment plant would far exceed the program at a facility that manufactures tritium exit signs. Third, more coordination with the Agreement States and the wide variety of fuel-cycle and byproduct materials licensees is needed prior to finalizing and implementing a policy statement. The purpose of such coordination would be to gain additional insights on existing safety and security cultures to better define and articulate the agency's specific goals and expectations regarding enhancements to the current safety and security culture at regulated facilities.

3. Does safety culture as applied to reactors need to be strengthened?

The nuclear power industry believes that a strong nuclear safety culture is an essential element in the safe and reliable production of electricity and that leadership at each site is the appropriate body to take responsibility for setting and implementing expectations for nuclear safety culture. The industry employs the INPO Principles for a Strong Nuclear Safety Culture to provide a common language for all employees to understand their responsibilities and the importance of effective processes and procedures in assuring nuclear safety. The industry also believes that it is the responsibility of the NRC to oversee the licensees' safe operation of the stations and adherence to regulations. The current NRC approach to safety culture is too limited in that it only looks at a limited set of data (10-15 findings that occur at a plant over a year) and makes subjective

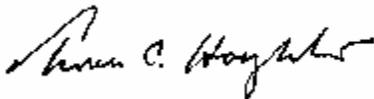
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judgments on this very limited set of data every six months. This approach is backward-looking and distracts industry and NRC management from their appropriate roles of direct responsibility for nuclear safety culture and oversight of industry, respectively. The industry has proposed an alternative approach which will strengthen nuclear safety culture. This approach was discussed at the public meeting and is described in enclosure (2) to this letter. The industry alternative uses all the data that is available (inspection results, culture surveys/assessments, employee concerns, industry evaluations, quality assurance audits, self assessments, operating experience, performance trends, etc.) to the site leadership team to provide a holistic and integrated look at nuclear safety culture and to act in a timely manner to correct weaknesses. The NRC's appropriate regulatory footprint will remain its baseline and supplemental inspection program, with, we believe, an enhanced Problem Identification and Resolution inspection procedure which will look at the effectiveness of the nuclear safety culture program. We recommend that the NRC staff work with the industry to transition from the NRC's current approach to the industry proposed alternative, an effort which will include a pilot program. In addition, we believe that the NRC and industry should be using a common language to describe the elements of nuclear safety culture. We recommend that the NRC safety policy statement support both of these efforts.

Again, the industry appreciates the opportunity to provide comments for your consideration as you proceed to draft a policy statement on the NRC's expectations for the safety and security culture at regulated facilities.

If you have any questions, please contact me (202-739 8107; tch@nei.org).

Sincerely,



Thomas C. Houghton

Enclosures

c: Mr. Martin Virgillio, U.S. Nuclear Regulatory Commission
Mr. Bruce Mallett, U.S. Nuclear Regulatory Commission