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Mr. Michael T. Lesar, Chief
Rulemaking and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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Re: Comments to NRC-2009-0485 – Draft Safety Culture Policy Statement

Dear Mr. Lesar:

I appreciate the opportunity to provide comments to the Nuclear Regulatory Commission's Draft Safety Culture Policy Statement as published in the 6 November 2009 Federal Register. As requested, the comments follow the eight Questions for Which NRC is Seeking Input.

Questions 1, 2, and 3. No comment.

Question 4. *The draft policy statement includes the following definition of safety culture: "Safety culture is that assembly of characteristic, attitudes, and behaviors in organizations and individuals which establishes that as an overriding priority, nuclear safety and security issues receive the attention warranted by their significance." Does this definition need further clarification to be useful?*

The problem is not with the definition, but with the soft language throughout the draft policy statement. For example, the proposed policy puts forth only NRC's expectations that licensees and certificate holders establish and maintain a positive safety culture. The entire document is weak in that NRC only "expects" compliance and that licensees and certificate holders "should" establish and maintain a positive safety culture. It is the NRC's duty to regulate the industry and ensure safety. The weak language of this draft policy statement should be replaced. For example, "expect" should be replaced with "require," and "should" replaced with "shall."

If the NRC plans to "include appropriate means to monitor safety culture in its oversight programs and internal management processes," as stated under the Statement of Policy section, the policy should be written so that it is REQUIRED and SHALL be followed.

Question 5. *The draft policy statement states, "All licensees and certificate holders **should** consider and foster the safety culture characteristics (...) in carrying out their day-to-day work activities and decisions." Given the diversity among the licensees and certificate holders regulated by the NRC and the Agreement States, does this statement need further clarification? (emphasis added)*

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First of all, if the NRC is serious about regulating safety, then "should" must be replaced with "shall" or the policy is merely a suggestion. The statement does not need further clarification, it needs TEETH.

Question 6. *How well does the draft safety culture policy statement enhance licensees' and certificate holders' understanding of the **expectations** that they maintain a safety culture that includes issues related to security? (emphasis added)*

Licensees and certificate holders will recognize the voluntary nature of the draft policy because of the weak language used and realize that little to nothing has changed. These entities already know that the NRC and the public expects them to be safety conscious. Obviously, that has not been enough and this policy should do more than **expect** those in the industry to establish and maintain a safety culture. Replace "expectations" with "requirements."

Question 7. *In addition to issuing a safety culture policy statement, what might the NRC consider doing, or doing differently, to increase licensees' and certificate holders' attention to safety culture in the materials area?*

Although the phrasing of this question seeks to limit discussion to the "materials area," I believe the following suggestion should relate to the entire safety culture issue. In instances where operational decisions are found to routinely subjugate safety concerns for profitability, the plant should be shut down temporarily and fined a large amount. Corporations have proven to care about one thing: profit. Reducing corporate profit is the ONLY way to attract corporate attention and ensure that the safety culture policy is followed. Although this draft policy is well thought out and admirable, it is meaningless without some type of punitive result when it is found that a regulated entity is not following the policy guidelines.

Question 8. *How can the NRC better involve stakeholders to address safety culture, including security, for all NRC and Agreement State licensees and certificate holders?*

If the NRC puts some teeth into the policy language and devises punitive measures for licensees and certificate holders who do not follow policy guidance, the stakeholders will fill meeting rooms to discuss the issues. As it stands, the draft safety culture policy statement is noble, but meaningless. I see nothing in this document that will result in change.

Thank you for considering my comments.

Sincerely,

Michael S. Hubbard

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