

Chris Tipton's Presentation to FCIX
Safety Culture Panel
(Revision 1)

Introduction

How I became involved as a concerned citizen regarding safety issues at our local nuclear fuel facility site.

I am a resident of Erwin, Tennessee and live within a mile of Nuclear Fuel Services commonly known as NFS. When my husband and I brought a house in 1995 for future retirement in my hometown, I was uninformed about processes or problems at the NFS site.

I became an organizing member of Erwin Citizens Awareness Network that we call ECAN, after I read an article in the New York Times on July 5, 2007 about a spill of high-enriched uranium at NFS on March 6, 2006 that was kept secret from the public until it was reported to Congress in April 2007. NFS management downplayed the event as something to be merely wiped up off the floor. However, the loss of containment of high-enriched uranium and two near criticalities became a big issue in the nuclear industry and the media.

Also at this time, we found out about the three-year Official Use Only policy to keep all information about NFS from the public. Then I learned that Congress was also kept in the dark about both the spill and OUO policy.

That was the beginning of nearly three years of intensive research by a group of concerned citizens who's stated mission became the study of impacts to health, safety and the environment from operations at the NFS site. We believe we have an ethical and legal right to know about impacts that may affect the health, safety,

and environment of Erwin, Unicoi County and other downstream and downwind counties.

We found that when one begins, as a concerned citizen, to investigate the safety issues of a nuclear facility in their backyard, they are in for the biggest run-around of their life. From the difficulties we have encountered -- in obtaining information to having questions answered -- we have become firm believers in the critical need for government transparency and access to facts for the sake of health, safety, and the environment.

As we compiled our research, certain patterns and trends began to emerge as we put together an historical timeline of events and violations at the NFS site from 1974 to the present.

First, we recognized a pattern of non-compliance with federal regulations throughout the years. For example, in a May 22, 2008 Safety Evaluation Report, NRC described NFS as having chronic non-compliance issues. As recent as Oct. 13, 2009, NFS failed to comply with NRC approved procedures during operations in a Bowl Cleaning station, which has resulted in five apparent violations of federal regulations with an upcoming pre-decisional enforcement conference scheduled for July 13th.

Second, our research revealed chronic problems that have occurred repeatedly throughout years of operation, for example: lack of engineered controls, configuration management issues, insufficient items relied on for safety, failure of safety-related equipment, failure to follow procedures, equipment run to failure, and workers accustomed to using degraded equipment.

Third, All of this research began to reveal to us that there was a major lack of a safety at NFS, and perhaps lax enforcement as well. Then we found that the 2007 Confirmatory Order stated that NFS needed to revise their configuration management and

implement a safety culture. We had already questioned this before a third party independent safety assessment team (called SCUBA which stands for Safety Culture Board of Advisors) in Feb 2008, determined that NFS was not meeting safety expectations in 9 of the 13 categories and only partially meeting the expectations in the other four areas. At this point, we were truly becoming concerned about our safety.

Now, after three years we discover that NFS's safety culture improvements have not been implemented and, of course, the plant was shut down from Dec. 31, 2009 to March 23, 2010 due to safety issues. This was pointed out repeatedly by the local media and in NRC meetings. We have been pointing out safety concerns for the past three years.

The 2010 NRC Confirmatory Action Letter to NFS stated that they needed to assure the agency that they could safely operate the plant. Based on the 15 actions and 4 management issues that were required to be addressed before restart operations, numerous previous Confirmatory Orders, agency investigations, and violation history, neither NRC nor NFS can "reasonably assure" us that a safety culture will ever exist at NFS. As the late Commissioner McGaffigan stated in May 2007, "NFS is as safe as it's ever going to be".

After we read the list of required actions from the June 2nd NRC Restart Readiness Assessment Team Report, it begins to sound as though NFS is not qualified to operate a nuclear fuel facility that handles high-enriched uranium, at least 52 chemicals, and numerous processes -- even with constant coaching from the NRC.

A fourth pattern emerged from our research early on, and that was the presence of the Department of Energy in decision-making and possibly influencing regulatory enforcement because of the so-

called “uniqueness and importance” of Navy Fuel Operations at NFS.

In 1980 an NRC Commissioner stated “there is little question that if this had been a commercial facility, its license would have been revoked.” The Director of Nuclear Safeguards for the NRC said, “if this was not an essential defense element, I would not recommend that it be licensed.”

Our research found that in May of 2004 DOE (Naval Reactors) requested that the NRC consider **all** documents currently publicly available for NFS and BWXT be considered Official Use Only and removed from public access as soon as possible. This action was initiated by the NRC in August 2004 and was not changed until August 2007 at the urging of Congress. In June of 2008, 727 documents were released to the public because Congress demanded more transparency. Just how much influence does DOE Naval Reactors have on the NRC when it comes to enforcing regulations and ensuring a safety culture?

The Navy fuel line has always been referred to as being an important national defense interest. Has this been used in the past as well as the present as an excuse to cover up noncompliant and unsafe operations at NFS?

In this day and time of terrorism, possibly Navy fuel needs to be moved to a Department of Energy site, for both safety of the public and security of a strategic national asset. After all the plant is 53 years old, located within the city limits of a town, surrounded by residents, schools, an interstate highway, a two-lane highway and a railroad.

Response to NRC Nuclear Safety Culture Definition

In view of our research, as we reflect on the NRC's definition of a Nuclear Safety Culture, we would like to see stronger wording.

The NRC has defined Nuclear Safety Culture as the core values and behaviors resulting from a collective **commitment** of leaders and individuals to **emphasize** safety over competing goals to **ensure** protection of people and the environment.

We would rather see a definition that states that a nuclear safety culture is a requirement by federal law that any nuclear business or endeavor must adhere to and abide by this law and the law will be fully enforced by the federal government. We're talking about something serious when we're talking about safety culture. It needs to be more than a "commitment."

A "commitment" by a nuclear facility is a very soft approach to ensuring the public of their nuclear safety. The safety of the public, according to the NRC safety culture policy statement, is depending on a commitment from a civilian nuclear fuel facility. This might be a beginning point, but there needs to be a lot more to having public confidence in safety than this. As we all know, public confidence in federal regulation, industry self-reporting, and industry promises are at an all-time low. The "trust-me" days are over.

The old adage – a person's handshake is as good as his word, just doesn't work. If it did, we wouldn't need laws, regulations, signed contracts, lawyers, fines or jail time. I personally want to hear that we are depending on more than a nuclear facility's commitment, because after 4 years of research of NRC documents about our local facility, I have no confidence in a "commitment" to safety.

As a matter of fact, we created a 36-page document from 2003 to 2009 that contains commitments made by NFS that we believe have not been kept. From our research, we had little confidence in commitments, because they appeared to be meaningless. Instead of relying on commitments, how about a law that says, if you cannot comply with regulations and maintain a safety culture, then you're out of business?

Reflections on NRC Traits being proposed for Nuclear Safety Culture

We think all of the traits being presented by the NRC are of quality, and you can find them in any management book. These are the ideal goals that any successful business tries to implement. Idealism is a starting point, but realism is the ultimate challenge.

The traits of Problem Resolution, Personal Responsibilities, Processes and Procedures, Continuous Learning, Leadership Safety Behaviors, Reporting Problems, Safety Communication, and a Respectful Work Environment are all important to implementing a Safety Culture.

Our comments about the NRC traits come from our reflection and our research on the NFS site in Erwin, Tennessee, since that is our only experience and point of reference.

Our research found that NFS does not promptly identify, evaluate, address, and correct problems. The NRC has recently stressed to NFS their need to find root causes and to initiate corrective actions.

When it comes to personal responsibility, our research found that some radiation technicians were hesitant to initiate a stop order for operations when safety issues were concerned. Is this a lack of

personal responsibility, or perhaps fear of retaliation for stopping production?

When it comes to controlling work activities with process and procedures, NFS has been cited many times with a lack of engineered controls and configuration management problems. The 2007 Confirmatory Order mandated that they revise their configuration management and implement a safety culture. To date, problems still exist in both areas.

Leadership at NFS promises a safety culture, safe operations, and compliance, but on numerous occasions they have had to admit that they made a decision to put “production over safety.” What kind of an example is this to your employees, the public or the NRC Commissioners?

As far as encouraging the report of problems as a trait, the NRC issued a Confirmatory Order in November 2009 for NFS to establish a Corporate Ethics Hotline and policies allowing for anonymous reporting. If the NRC is making this mandatory in a Confirmatory Order, what existed before, anything?

In the March 2010 Augumented Inspection Team Report, the NRC told NFS that everybody in the organization needs to develop a questioning attitude and be able to report safety concerns without fear of retaliation.

During the inspection of the NRC Restart Readiness Assessment Team, Feb. 22 to Mar. 22, 2010, many of the employees interviewed were unsure if the questioning attitude, that the NRC had encouraged NFS to implement, would continue at the same level once operational, and shared that concern with the team. The Restart Inspection Team noted that this emphasis on a questioning attitude may take a while to permeate the organization.

Conclusion

In conclusion, the real challenge of a nuclear safety culture is that all of the traits identified have to be embraced everyday by everyone involved in the nuclear industry.

If a fuel facility cannot comply with federal regulations, establish and maintain a safety culture, then how can they possibly ensure the public of nuclear safety. Regulations have been created as a safety measure for the public, the workers, and the environment. They need to be enforced.

We hope the NRC's desire for public input on nuclear safety culture is not just to placate the public, but is a genuine desire to initiate positive change. As a stakeholder, the public is an important monitor in addition to the NRC's regulatory efforts to ensure nuclear safety.

If the NRC is going to fulfill its mission of protecting the public and the environment, then we need to see tough, serious regulatory enforcement coming from the NRC, and a safety culture needs to be a legal part of regulatory enforcement.

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