



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

December 8, 2005

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Climate Change, and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

During the oversight hearing conducted by the Subcommittee on May 20, 2004, you took the Nuclear Regulatory Commission to task for not doing enough to address the safety culture issues that factored in the problems at the Davis-Besse nuclear plant. You were right: the forty-nine recommendations from the agency's Lessons Learned Task Force dealt with symptoms arising from safety culture problems without squarely addressing their root cause.

It was apparent the NRC heard your message and sincerely wanted to take meaningful steps to better protect against safety margin erosion caused by safety culture problems. Until recently, it was not apparent the agency would successfully translate those desires into deeds. But I attended a two-day public meeting the NRC conducted on November 29-30, 2005, and came away with strong conviction they have charted a course that will provide vastly improved oversight for this important area without imposing undue burden on plant owners.

The NRC's roadmap does not feature the agency engaging on safety culture at nuclear plant sites where performance levels are judged acceptable but has the agency engaging when performance declines are detected to discern whether safety culture is a factor. This is the most viable framework for regulatory oversight of safety culture. Engaging on safety culture earlier runs the risk of pulling regulatory resources and focus away from the detection of performance declines. In addition, earlier engagement penalizes plant owners who are achieving strong performance by unwarranted regulatory encroachment into day to day business operations. And finally, earlier engagement would unnecessarily duplicate steps undertaken by the industry in the wake of Davis-Besse. An industry task force working through the Institute for Nuclear Power Operations developed guidance to help plant owners better avoid safety culture problems. The NRC's roadmap credits this industry initiative while retaining regulatory oversight should any owner be unsuccessful in implementing the INPO guidance.

Should a performance decline be detected, the NRC's roadmap will not have the agency go out and evaluate the management structure and practices against some pre-approved template. Instead, the NRC will formally ask the plant owner if safety culture played a role in the decline and will independently evaluate the response. The plant owner retains flexibility to conduct a self-assessment or arrange for an independent evaluation in answering the NRC's inquiry.

Should a plant owner determine that safety culture was a factor in a performance decline, the NRC's roadmap will not have the agency require that the owner adopt the Davis-Besse model or the Millstone model or any other pre-approved safety culture "kit." Instead, the NRC will formally require the plant owner to submit its plan for resolving the problems within a reasonable time frame. After the plan is completed, NRC inspectors will independently assess whether the corrective measures adequately resolved the problems.

The NRC is working very hard to be able to report more progress than promises to you at next year's oversight hearing. A necessary barrier to being able to complete all the steps before the hearing are the checks and balances built into the NRC's reactor oversight process (ROP). The ROP is recognized to be a constantly evolving tool, but there are formal processes in place to guard against the steps taken to correct problem A inadvertently creating problems B and C. The NRC will likely have identified all the steps needed to handle safety culture within the ROP before next year's hearing, but will probably be unable to have shepherded them all through the checks and balances needed to have fully implemented the steps.

On behalf of the Union of Concerned Scientists, I want to express our appreciation for the key role you played in getting the NRC to squarely address safety culture. It appears likely the agency will have a success story to relay at next year's oversight hearing.

Sincerely,

A handwritten signature in cursive script that reads "David O. Lochbaum". The signature is written in dark ink and is positioned above the typed name and title.

David Lochbaum
Nuclear Safety Engineer