

August 18, 2010

MEMORANDUM TO: Roy P. Zimmerman, Director  
Office of Enforcement

FROM: David Solorio, Chief /RA/  
Concerns Resolution Branch  
Office of Enforcement

SUBJECT: SUMMARY OF THE JULY 15, 2010 PUBLIC MEETING  
BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION  
AND THE FEBRUARY 2-4, 2010 WORKSHOP PANELISTS  
REGARDING THE DRAFT SAFETY CULTURE POLICY  
STATEMENT AND OUTREACH ACTIVITIES

On July 15, 2010, the United States Nuclear Regulatory Commission (NRC) held a public meeting with panelists from the February 2-4, 2010 workshop to discuss the status of the activities associated with the development of the draft safety culture policy statement, which included, for example, the review of public comments, outreach activities and a discussion of the definition and traits of safety culture.

Roy Zimmerman, Director, Office of Enforcement (OE), provided opening remarks at 10:00am:

- Thanked everyone for participating in the call and for the opportunity to update each other on activities they have participated in concerning safety culture.
- Performed introductions of NRC participants and stakeholders in the room and asked for those on the telephone to introduce themselves.
- Reviewed the agenda items.

#### NRC Outreach Activities

Jose Ibarra (OE) introduced himself and referenced one of the handouts listing the NRC outreach activities:

- The NRC staff has given about 10 presentations on safety culture as an outreach effort since the February workshop. NRC safety culture presentations in the Health Physics Society meeting in Utah and the 2<sup>nd</sup> NRC Workshop on Vendor Oversight for New Construction in New Orleans are examples of presentations that were well received. In addition in both of these meetings, presentations by February Workshop Panelists help connect with the audience and led to a successful interaction with the stakeholders.

Dick Toohey (HPS) gave a presentation in Utah and Bruce Williams (Shaw Power Group) gave a presentation in New Orleans.

- Questionnaires were handed out at the Safety in Radiation Therapy Conference on June 24-25, 2010. One question asked which attribute contributed most to safety. “Leadership demonstrates a commitment to safety” was chosen as that attribute. Other preliminary results indicated that there were no negative reactions to the February workshop’s definition and traits, but there were questions regarding: 1) policy vs. regulation; 2) implementation, and 3) whether “security” should be in the definition of safety culture.
- Jose asked if there were any other opportunities for outreach that the NRC should be aware of.
  - Tom Houghton (NEI) asked about the ANS meeting in Las Vegas in the fall. Jose replied that the NRC knew of the meeting but we were not sending anyone to attend this meeting.
  - Kevin Buckley (AAPM) asked about the International Radiation Protection meeting in February of next year in Charleston, S.C. He will provide Jose with more information on this meeting. Lynn Fairbent (AAPM) said that this is a jointly sponsored meeting with limited attendance. Dick Toohey (HPS) said that he would help coordinate.
  - Lynn Fairbent (AAPM) said that the American Society of Nuclear Cardiologist will meet in September in Philadelphia, and will provide us with information.
  - Billie Garde (Attorney) asked about the National Association of Employee Concerns Professionals (NAECP) meeting in July. June Cai (OE) said that she or Lisa Jarriel (OE) would attend.
  - Tom Houghton (NEI) asked about the American Nuclear Society (ANS) Utility Working Conference and Vendor Technology Expo, August 8 -11 on Amelia Island, and will provide us with additional information.
- Jose thanked them for their input.

### Stakeholder Outreach Activities

Roy Zimmerman (OE) asked the stakeholders if they had done any outreach or communicated with any group about the safety culture initiative:

- Bob Link (AREVA) sits on a NEI fuel cycle facilities operations committee and said that they discussed safety culture. He said the fuel cycles facilities have anxiety about how the policy statement will be rolled out and what practical impact it may have on regulation, enforcement, and inspection.
- Roy Zimmerman (OE) said that he has also heard these concerns from stakeholders. Implementation of the policy statement will not be rolled out all at once, but over a longer period of time. Communication will be important to let the licensees know what is being

accomplished. Progress will be made at different speed for different licensee classes or groups.

- Lynn Fairobent (AAPM) said that safety culture was also discussed at the American Cardiologist Medical Meeting
- Roy Zimmerman (OE) said that the current approach is to show progress using a Policy Statement and that it's a workable approach. If we don't make progress with the policy statement approach, we may end up in rulemaking space.
- Lynn Fairobent (AAPM) said that they met with three Commissioners on June 8. The meeting was beneficial and consistent with what she was hearing in today's call. She also said that at the Safety in Radiation Therapy meeting, individuals said that safety culture needed to be an integrated approach with a consistent philosophy.
- Tom Houghton (NEI) said that he sent the workshop results to the utilities, and that they supported the panel's efforts.
- Roy Zimmerman (OE) thanked everyone and commented that he did not hear that anything different from the results of the February workshop.

### Review of Public Comments

Catherine Thompson (OE) reviewed the process for reviewing the public comments and the results:

- Between November 2009 and March 2010, approximately 66 public comments were received to the Draft Safety Culture Policy Statement which was published in the Federal Register notice.
- While there were several comments on specific issues, most of the comments addressed three common themes:
  - The request for additional guidance regarding implementation of the policy statement, such as training requirements, resources needed, and expectations. Catherine Thompson (OE) stated that this issue will be addressed by the different NRC program offices in their oversight and inspection programs, and will be further clarified in the policy statement.
  - A number of comments addressed the NRC's use of a policy statement rather than a regulation, how it can be enforced, why it isn't a regulation, etc. Because of this confusion, the NRC will provide further clarification in the policy statement.
  - The third theme was on the issue of security, and whether it should be included in the definition or in the traits. Catherine Thompson (OE) said that Roy Zimmerman (OE) would discuss this issue in more depth in a few minutes.
- The NRC still welcomes Informal feedback and continues to collect comments at various outreach activities. Another formal comment period will be provided in the fall.

### Safety Culture Definition and Traits; Issue of “security”

Maria Schwartz (OE) referenced the handout with the NRC’s definition and characteristics of safety culture, and the workshop’s definition and traits, and the “revised” list of traits. She stated that she was on the working group that reviewed the public comments submitted on the draft policy statement:

- The NRC saw a lot of interest in using the workshop definition and is certainly mindful of that interest as this effort proceeds. The working group has slightly revised some of the wording in the traits which was provided to the stakeholders for their feedback.
- At the February workshop, the definition that the stakeholders developed deliberately removed the term “security” from that overarching statement. Internally, the pros and cons of his approach were considered and Roy Zimmerman (OE) will speak about this in greater detail.
- There were no comments

Roy Zimmerman (OE) discussed the security issue:

- He stated that the NRC has a safety culture steering committee (composed of senior agency managers) and a safety culture working group. That both groups have been struggling with whether security should be in the definition and/or traits. He noted that while some see the benefit to having security in the definition, others do not; thus, the NRC does not have a unanimous point of view on this issue at this time. The working group feels that if the term “security” is included in the traits wherever safety is called out, that security does not have to be in the definition. This issue is a work in progress and is not yet resolved.
- Lynn Fairobent (AAPM) stated that for the medical community, security is not included in the definition because security is embodied in the concept of safety culture.
- Bruce Williams (Shaw Power Group) said that safety should encompass everything, and that the NRC can’t keep adding every item (like security) to the definition when something new comes up.
- Billie Garde (attorney) asked how the stakeholders can make it any clearer that they do not feel the term “security” needs to be included in the definition. She asked whether the stakeholders need to advocate for themselves.
- Dave Collins (member of the public) said that post 9/11 there was a focus on security, but that doesn’t mean it needs to be added to the definition of safety culture. Many other items such as radiation protection, emergency planning, also support safety, not just security.
- Roy Zimmerman (OE) stated that many offices are on board to remove security from the definition. He also said that the stakeholders can use their tools, such as verbal communications (drop-ins), or written letters to the Commission to provide their views on the treatment of security in the Commission Policy Statement.
- Maria Schwartz (OE) said that the NRC will have a second FRN in the fall which will request additional comments. This FRN will include the workshop “revised” definition.

- George Marshall (APNGA) said that he works with moisture density gauges, and he believes that security should be in the definition. Security is important to the licensees. How does it look to the outside world, the public, and media if security is not specifically addressed in the definition? Security resonates with the public. The public wants to be both safe and secure. Also, he believes that security should be in the title of the policy statement itself.
- Roy Zimmerman (OE) said that the NRC is looking for a variety of views and that George's point of view has been expressed by some in the agency.
- Dave Solorio (OE) asked for individuals to read the policy statement and see how often security is in there and then send in comments.
- Roy Zimmerman (OE) thanked everyone for the views on this issue.

### Next Steps

Jose Ibarra (OE) referenced the timeline handout and discussed next steps:

- Another FRN will be issued in September/October which will include the proposed (revised) final definition, traits and policy statement.
- A final public meeting will be held in Las Vegas on September 28, 2010. The purpose of this meeting is to give stakeholders in the western US an opportunity to attend in person, provide a forum for where we are, and provide an opportunity for stakeholders to present views and give feedback.
- Roy Zimmerman (OE) noted that the NRC would like recommendations from those on the phone for other stakeholders in the west who may be able to attend.
- Tom Houghton (NEI) asked if this was an opportunity to tweak the traits. Dave Solorio (OE) said that the NRC was not going to rehash the February workshop, but it is a final chance to look at the traits and provide comments.
- Tom Houghton (NEI) asked what list of traits was going to be put out for public comment. Roy Zimmerman (OE) indicated that the staff was still evaluating the February workshop traits to ensure they were workable for the varied NRC stakeholders. However, it is the staff's intention to share the traits in a Federal Register Notice (FRN) and use the September 28, 2010 public meeting outreach to obtain feedback.
- Val Barnes (RES) noted that INPO should have completed the validation study by September. Ken Koves (INPO) said that it will be finished by mid-September.
- Roy Zimmerman (OE) stated that the NRC will publish the definition and traits in the FRN in the fall. However, he questioned the "Respectful Work Environment" trait and said that it may be in "one-tier down" (implementation phase), rather than as a stand-alone trait. Billie Garde (attorney) disagreed and said that it should be a stand-alone trait.
- Roy Zimmerman (OE) said that the Commission is looking for extensive outreach, so the Las Vegas public meeting is important. He also said that the NRC may have another conference call in late August to review a draft agenda for the Las Vegas meeting.

- Lynn Fairbent (AAPM) said that the NRC should seek to have common terminology with other government agencies that also oversee some of the licensees.
- Jose Ibarra (OE) asked if any panelists would be interested in presenting at the Las Vegas meeting. He said to contact him or any of the OE staff if interested.

Roy Zimmerman (OE) thanked everyone for their participation before adjourning the meeting at approximately 12:00pm.

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