

October 28, 2010

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

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

SUBJECT: SUMMARY OF THE SEPTEMBER 28, 2010, PUBLIC
MEETING BETWEEN THE U.S. NUCLEAR REGULATORY
COMMISSION AND STAKEHOLDERS REGARDING SAFETY
CULTURE POLICY STATEMENT (ADAMS ACCESSION
NUMBER ML102500563)

On September 28, 2010, the United States Nuclear Regulatory Commission (NRC) held a public meeting in the Las Vegas Hearing Facility, Las Vegas, Nevada, with simultaneous broadcast in the Commission Hearing Room, Rockville, Maryland. The purpose of this meeting was to: (1) provide a western location for public meeting with stakeholders, (2) provide stakeholders a summary of efforts on the Safety Culture Policy Statement (SCPS) initiative, (3) provide stakeholders a summary of the Institute of Nuclear Power Operations (INPO) validation study, (4) provide last major outreach effort and the opportunity for public comments on the *Federal Register* Notice (FRN) (ML102500563), and (5) provide opportunity for discussion on next steps of draft SCPS. The goals of the public meeting were met.

Prior to the public meeting, the staff reached out to a large number of NRC-regulated entities. The staff encouraged their participation in this workshop in order to benefit from consideration of a spectrum of views and encourage these entities to comment on the SC policy statement. The staff's outreach activities included: (1) issuing an FRN (ML102290260) announcing the NRC plans for this public meeting in Las Vegas, (2) issuing an FRN (ML102500563) to provide revised draft policy statement for public comment, (3) issuing a press release for the general public, (4) noticing the meeting in the NRC public meeting website, and (5) contacting licensees: reactors, materials-industrial, materials-medical, material-fuel cycle, new reactor construction, vendors and suppliers, and interested members of the public to encourage their participation in the public meeting. In addition, the NRC solicited input from an external safety culture planning committee, made up of various stakeholders (external to the NRC that were participants at the February 2010 workshop to develop the safety culture definition and traits) that provided feedback to the NRC for conducting this public meeting.

In addition to the Las Vegas location, stakeholders could attend the secondary location in the Commission Hearing Room in Rockville, Maryland. The Las Vegas and Rockville locations were connected by video telephone conference. For the stakeholders that were not able to attend the two locations, individuals could participate the meeting by phone and the web.

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Because it was expected there would be attendees new to the safety culture topic, the one-day public meeting was structured to provide information for both stakeholders familiar with the SCPS initiative and stakeholders new to the SCPS initiative. The staff (1) presented the research basis for the development of a safety culture, (2) presented the evolution of the draft safety culture policy statement initiative from the start of the process to the present, and (3) presented information on the INPO validation study.

Following the NRC presentations, a panel of stakeholders representing nuclear power, portable nuclear gauges, building and construction, and physicists in medicine provided comments from their perspective on the SCPS. A facilitated discussion followed with opportunities for stakeholders in Las Vegas, Rockville, and on the phone and the web to join the discussion and ask questions.

In the afternoon the staff provided a brief description on the remaining steps in the SCPS initiative before the Commission renders its decision on the SCPS and gives the staff instructions related to the implementation of the policy. As a part of this discussion the staff from four licensing program offices provided their thoughts on implementing the SCPS. Another panel representing physicists in medicine, non-destructive testing, and fuel cycle facilities presented their comments related to the challenges/issues with respect to implementing the SCPS. An additional opportunity was provided for stakeholders to participate in the discussions and ask questions regarding the implementation and any other SCPS issue.

Throughout the meeting, stakeholders complimented the manner in which the NRC approached the development of the development of the SCPS. Specifically, they talked about the NRC giving the regulated entities the opportunity to be part of the development of the proposed definition and traits. Additionally, the stakeholders acknowledged that the NRC through its external planning committee kept them aware of the outreach activities.

Stakeholder comments during the public meeting:

1. INPO Validation

The staff stated that the INPO validation study only applied to the nuclear power area and had a targeted purpose. Nevertheless, several stakeholders expressed concerns that this study only applied to nuclear power reactors. The staff clarified the intent of the validation study with options on how it could potentially be used. This explanation appeared to mitigate some of the concerns. A representation of the American Association of Physicists in Medicine (AAPM) indicated that they want to poll the medical community regarding the INPO study and plans to do so at a meeting in late November.

2. Definition and Traits

There was agreement expressed by the stakeholders at the public meeting that the definition and traits as proposed in the September 17, 2010, FRN were satisfactory. There was a discussion related to the topic of Complacency as well as the potential addition of Questioning Attitude as a new trait. The Nuclear Energy Institute (NEI) representative for the nuclear reactors indicated that he supported the addition of Questioning Attitude as a trait. The nuclear fuel cycle representative indicated that there may be confusion if Questioning Attitude was added as a trait in response to a discussion of complacency. He

stated that complacency is the number one concern with respect to industrial safety. He further stated that Questioning Attitude is important, however, he did not see a direct nexus between Questioning Attitude and Complacency. He believes these are different traits. A stakeholder representing the Endangered Planet Earth group indicated that complacency should be trait.

There was support for including the traits directly in the statement of policy as they are in the September 17 FRN. One commenter representing the Endangered Planet Earth group indicated that the definition was too broad. He suggested one for power reactors and one for other licensees.

3. Federal Register Notice

Several of the representatives requested an extension of the FRN comment period originally set for 30 days. They felt their organizations needed more time to review the draft SCPS. The comment period is scheduled to end on October 18, 2010.

4. Other Issues

The nuclear fuel cycle representative indicated that there needs to be additional discussion as to how vendors and suppliers will be addressed in the policy statement.

The Endangered Planet Earth representative indicated that there should be an enforcement mechanism for the policy statement.

There was concern expressed regarding the lack of involvement of the Advisory Committee on the Medical Uses of Isotopes (ACMUI).

5. Next Steps

A representative in the medical community stated that the implementation phase for different categories of licensees may differ. This representative further stated that the NRC needs to define metrics related to the Statement of Policy. It was recommended that this effort should be completed with participation by the industry, such as with round-table discussions. In addition, this representative stated that additional presentations to industry groups would not suffice and a third tier is important and needs to be completed before enforcement of the policy statement. Support for her comments were offered by a radiation safety officer who stated that any scheme needs to be objective and the NRC should use a trial approach.

In response to questions regarding the framework for providing feedback during the implementation phase, the staff indicated that: (1) NUREG-1556 volumes, pertaining to material licensees, would be published for public comment, (2) States could inform their licensees, and (3) other organizations could be informed.

A medical community representative indicated a potential concern with NRC citing safety culture being rolled up into an inspection finding. This representative provided an example where a Veteran Affairs Hospital and Johns Hopkins University were cited by the State of Maryland.

The nuclear fuel cycle representative indicated that there should be a sizeable investment in addressing the issues of implementation. He indicated that there needs to be a consideration of priorities for the regulated community and alluded to 20 generic issues that the fuel cycle industry is working on that he feels would have a greater affect on improving safety than the focus on safety culture.

The representative for the Non-Destructive Testing Management Association (NDTMA) stated that the NRC needs to define the expectations for implementation and should consider holding additional workshops.

The Director for the Office of Enforcement indicated that the Commission paper would address implementation by the different licenses at some level.

Information about the Las Vegas Public Meeting can be obtained at:

<http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html#meetings>

This information among other documents includes the meeting agenda and the presentations.

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