



NUCLEAR ENERGY INSTITUTE

**Marvin S. Fertel**  
SENIOR VICE PRESIDENT  
AND CHIEF NUCLEAR OFFICER

September 26, 2005

Mr. Michael R. Johnson  
Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT:** Comments on Proposed NRC Safety Culture Action Plan

Dear Mr. Johnson:

During a public meeting held August 17, 2005, on NRC staff safety culture initiatives, stakeholders were offered an opportunity to provide comments on the NRC staff's Safety Culture Response Plan, as well as the attributes, elements, inspection criteria, and metrics identified in the Safety Culture Attributes Table. The NRC requested that stakeholders submit comments by August 31, 2005. By letter dated August 31, 2005, the Nuclear Energy Institute (NEI) notified the NRC that we would provide our initial comments on the documents at a later date. This letter provides comments on both the plan and the attributes table.

The nuclear industry fully endorses the concept that a healthy safety culture is essential for overall nuclear safety at its facilities and has taken significant measures to incorporate safety culture initiatives into plant management actions since the Davis Besse event. The industry appreciates the agency's efforts to notify stakeholders about the various issues under consideration as part of the staff's response plan. We look forward to working more closely with NRC staff and other stakeholders to develop a meaningful approach to safety culture oversight.

The industry believes that the NRC should begin this initiative by developing a policy statement expressing the agency's view on the importance of a safety culture on nuclear safety and its expectations for licensees to establish and maintain a healthy safety culture. The industry further believes that the NRC staff should then more thoroughly assess how existing information from the Reactor Oversight Process (ROP) and current licensee activities satisfy the regulatory intent of the policy.

After further interactions with stakeholders, if NRC staff determines there is a need for additional oversight of safety culture, then the NRC staff and stakeholders should collaboratively develop an appropriate framework for oversight of licensee safety culture.

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We do not believe that it is either effective or feasible for the NRC staff to translate the attributes and characteristics of safety culture into a specific set of metrics for all plants, as identified in the draft Attributes Table. Rather, the NRC staff should work to develop a process-based oversight framework that is guided by the following objectives:

- Ensuring licensees take responsibility for evaluating and managing their safety culture.
- Crediting current licensee and NRC oversight processes to the extent relevant.
- Ensuring the predictable, objective, understandable, and risk-informed principles of the existing Reactor Oversight Process (ROP) are met.

We believe an approach that allows the NRC staff to evaluate various licensee processes which promote, maintain, and assess safety culture can be achieved within the existing oversight framework. This type of flexible approach is necessary to account for the complexity of assessing safety culture and the uniqueness of safety culture at each plant. In contrast, the industry is concerned that the details of a prescriptive safety culture matrix, as currently proposed by the NRC staff in the attributes table, would not be compatible with the regulatory principles of the ROP.

We believe the insights gained from the industry's recent experiences in the area of safety culture assessment will be of considerable value as we work with NRC staff and other stakeholders in further refining the Nuclear Safety Culture Action Plan to develop a suitable oversight strategy consistent with existing Commission direction and the ROP principles. We look forward to further dialogue with you and members of the NRC staff, as well as other stakeholders regarding this important matter. If you have any questions, please contact Michael Coyle, NEI vice president of operations, at 202.739.8112, Tony Harris, NEI Senior Project Manager at 202.739.8058, or me at 202.739.8125.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marvin S. Fertel". The signature is fluid and cursive, with the first name "Marvin" being more prominent than the last name "Fertel".

Marvin S. Fertel