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Rules and Directives  
Branch  
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69FR 7025

Chief, Rules and Directives Branch  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

(11)

Subject: Comments on "Best Practices to Establish and Maintain a Safety-Conscious Work Environment," (69 Fed. Reg. 7025; February 12, 2004)

Dear Sir or Madam:

Southern California Edison (SCE) is committed to establishing and maintaining a strong and effective Safety Conscious Work Environment (SCWE) at San Onofre Nuclear Generating Station (SONGS). At SONGS that commitment includes training to the site population on our SCWE expectations and the NRC's policy statement,<sup>1</sup> providing an alternate path for the raising of concerns (an Employee Concerns Program), investigating allegations of retaliation or of chilled work environments and taking action, if needed, periodically having its SCWE independently assessed, and other measures.

To help meet these commitments, SCE participates in benchmarking and in the Nuclear Energy Institute's sharing of industry best practices<sup>2</sup> concerning a SCWE. SCE has adopted many of these best practices if they fit our culture and organization and benefit our SCWE. SCE has also found that some of these best practices do not fit our organization and culture, has determined that they would not improve the SCWE at SONGS, and does not plan to implement them.

SCE has monitored with concern the NRC's efforts to establish SCWE best practices and believes that such action ought not to be taken for at least two significant reasons:

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<sup>1</sup> 61 Fed. Reg. 24336 (May 14, 1996).

<sup>2</sup> NEI 97-05, "Nuclear Power Plant Personnel-Employee Concerns Program-Process Tools in a Safety-Conscious Work Environment," Revisions 0, 1 and 2 (draft).

- First, however the NRC might choose to express its SCWE best practices, SCE believes they will become a *de facto* regulatory standard – a standard the Commission has specifically chosen not to develop. The fact that the NRC publishes such a document provides it with the imprimatur of the regulator. The NRC's imprimatur invites the Commission's staff and the public to treat the best practices as a check-list and creates the expectation that every licensee must adopt every best practice.

To the contrary, not every best practice is beneficial or needed by every licensee, to every licensee's culture, or to every licensees's SCWE. To meet the *de facto* regulatory standard, a licensee would effectively be required to expend effort on every "best" practice, even those that are unneeded for its culture and some which might be counter-productive to its particular SCWE, and thus dissipate its resources.

- Second, the NRC has not developed NRC best practices in other areas and has rightfully left the development of organizational tools, such as best practices, self-assessments, operating experience, and benchmarking, to the licensees and the licensee's organizations, such as the Nuclear Energy Institute (NEI) or Institute of Nuclear Power Operations. SCE sees no reason why best practices for establishing and maintaining the SCWE should be different.

SCE, therefore, recommends that the NRC should not create a SCWE best practices document and agrees with the NEI's position on this matter.

A handwritten signature in black ink, appearing to be 'S. J. [unclear]', with a long horizontal line extending to the right.