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Chief, Rules and Directives Branch
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Office of Administration
U.S. Nuclear Regulatory Commission
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- References:
1. Docket No. 50-285
 2. 69 FR 61049, Proposed Generic Communication; Establishing and Maintaining a Safety Conscious Work Environment, dated October 14, 2004
 3. Letter from NEI (Charles M. Dugger) to NRC (Michael T. Lesar), Re: Proposed Generic Communication; Establishing and Maintaining a Safety Conscious Work Environment (69 Fed Reg. 61049; October 14, 2004), dated November 15, 2004

SUBJECT: Comments on 69 FR 61049, Proposed Generic Communication; Establishing and Maintaining a Safety Conscious Work Environment, dated October 14, 2004

In Reference 2, the NRC requested public comment on Proposed Generic Communication; Establishing and Maintaining a Safety Conscious Work Environment. This letter forwards the Omaha Public Power District (OPPDD) comments on this subject.

OPPDD endorses the comments made by the Nuclear Energy Institute (NEI) on this subject in their comment letter to the NRC (Reference 3). In summary, OPPDD provides the following comments on this subject:

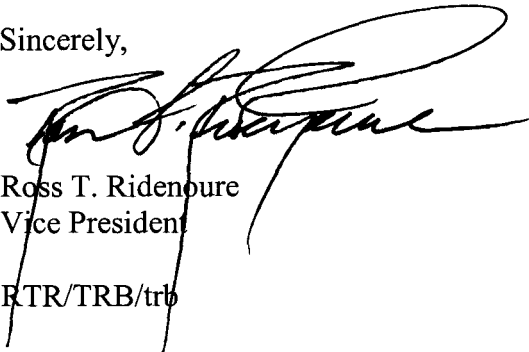
- OPPDD continues to believe that the NRC should not expend its limited resources on development of what is now styled as a guidance document. As such, OPPDD encourages the Staff to revisit with the Commission the predicate decision to issue the Safety Conscious Work Environment (SCWE) Regulatory Issue Summary (RIS).
- OPPDD believes that the statements in the RIS that it is not a regulation are not sufficient to prevent NRC staff from applying the RIS as a de-facto standard or

template in inspections of Problem Identification and Resolution processes or in conjunction with discrimination allegations. The RIS must include language that much more clearly prohibits the use of the RIS as a de facto standard or template for inspections.

- OPPD believes that the RIS is extremely prescriptive, and effectively requires licensees to take certain actions despite the fact that the RIS is not a regulation and cannot be used to require particular actions by licensees.
- OPPD believes that the RIS employs subjective terms as part of its "guidance."
- OPPD believes that although the RIS states that it requires no action or written response, it encourages all NRC addressees "to review and consider the contents of this RIS when *evaluating whether a SCWE exists at their facility*." As is manifest from this statement, the RIS implies that the implementation of the features and practices contained in the RIS will establish a SCWE. To address this defect the RIS should clearly explain that the identified features and practices *do not assure* establishment or maintenance of a SCWE, but rather *may have* some positive effect in this regard.
- OPPD believes that the RIS includes several suggestions that would take from management the option to apply various management and human resources techniques found to be most suitable to the particular facility and workforce.

No commitments are made to the NRC in this letter. If you have any questions or require additional information, please contact Mr. Thomas R. Byrne of my staff at 402-533-7368.

Sincerely,



Ross T. Ridenoure
Vice President

RTR/TRB/trb