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Dominion

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Mr. Michael T. Lesar
Chief, Rules and Directives Branch
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

GL04-025

PROPOSED GENERIC COMMUNICATION; ESTABLISHING AND MAINTAINING A SAFETY CONSCIOUS WORK ENVIRONMENT (69 FEDERAL REGISTER 61049; OCTOBER 14, 2004)

Dear Mr. Lesar:

Virginia Electric and Power Company (Dominion) and Dominion Nuclear Connecticut, Inc. (DNC) appreciate the opportunity to comment on the Nuclear Regulatory Commission's intent to issue a Regulatory Issue Summary (RIS) to provide guidance to licensees on establishing and maintaining a Safety Conscious Work Environment (SCWE). Dominion/DNC understands the importance and is fully committed to maintaining a SCWE at our nuclear facilities. This commitment is evident in the attributes of our "Principles of Professionalism" and fundamental to implementing our "Nuclear Safety Policy." Nonetheless, we remain unconvinced of the necessity and appropriateness of providing SCWE guidance through the issuance of a Regulatory Information Summary (RIS).

Of particular concern is the potential for this guidance becoming viewed as required elements in future inspections involving a determination of SCWE adequacy. Although the summary of the draft Federal Register Notice (FRN) states, "The scope of the guidance document remains broad and the NRC staff continues to believe that not all practices outlined in the guidance document will be practical or effective for all licensees...", use of a RIS to convey these examples seems an inappropriate vehicle for generic communication of this information.

In the FRN, one of the staff responses to comments states, "The purpose of the document is to provide guidance to the industry, rather than to dictate regulatory requirements or to serve as a required standard for use during NRC inspections." While this response positively addresses our concern, use of a RIS as the generic method to convey the information would appear to be contrary to the above-mentioned response.

In forming the RIS as a regulatory method of generic communication, the NRC defined the functions of the RIS as: (1) to "document NRC endorsement of industry sponsored initiatives", (2) "solicit voluntary licensee participation...", (3) "inform licensees of opportunities for regulatory relief", (4) "announce staff technical or policy positions not previously communicated ... or not broadly understood", and (5) "address all matters previously reserved for administrative letters". In assessing the draft RIS, none of the identified functions of a RIS would appear to apply if the purpose of the document is to merely provide information. Item (4) of defined RIS functions would be the closest application, but conveying a "staff technical or policy position" would be inconsistent with statements precluding the document as "dictating regulatory requirements or to serve as a required standard for use during NRC inspections". Furthermore, NRC policy on this issue already exists in the 1996 policy statement, "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation".

Accordingly, we remain unconvinced of the necessity and appropriateness of providing SCWE guidance through the issuance of a Regulatory Information Summary.

In addition, we have reviewed and concur with the comments submitted by the Nuclear Energy Institute (NEI) on November 15, 2004.

If you would like further information, please contact Mr. David Sommers at either (804) 273-2823 or David_Sommers@dom.com.

Respectfully,

David A. Christian