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March 24, 2005

DOCKETED
USNRC

March 24, 2005 (5:00pm)

Rulemakings and Adjudications Staff
Secretary, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

RE: RIN 3150-AH57, Proposed Rules: Protection of Safeguards Information

Dear Staff Member:

Wisconsin Public Service (WPS) wishes to submit commentary on the proposed rules governing the Protection of Safeguards Information. WPS is a natural gas and electric utility serving northeastern and central Wisconsin and an adjacent portion of Upper Michigan. WPS is the majority owner of the Kewaunee Nuclear Plant located in Kewaunee, Wisconsin. This facility is operated by the Nuclear Management Company (NMC), which has been contracted by WPS to provide these services. The NMC is the holder of the NRC Operating License for the KNPP.

There are approximately 148 represented employees located at the Kewaunee facility who are employees of WPS. We have found it difficult to address and manage labor issues that arise out of safeguarded information that has been reserved for access by specific members of the licensee who have been determined by NMC to have a need to know. The difficulty arises from the circumstance that while NMC has sole responsibility for access authorization determinations, WPS maintains responsibility for negotiating with the bargaining unit and for disciplinary issues up to and including termination of employment. For example, if the NRC issues an order affecting working conditions that is safeguarded, WPS's ability to effectively determine what if any of the changes will affect represented employees and would require impact bargaining with the labor union prior to implementation is severely hampered without access to the safeguarded information. In addition, when there is a dispute over the application of a safeguarded adjudication table and action is taken upon an employee, because neither the employer nor the union has access to the information, there is not an effective means to respond to the union and resolve the concerns.

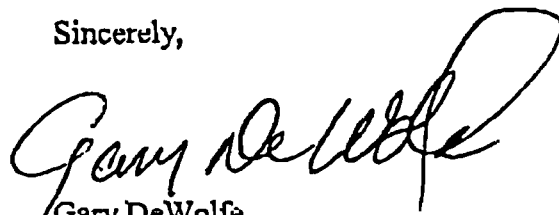
WPS would fully support changes in the regulations on safeguarded information that would grant appropriate persons at a parent or affiliate company access to pertinent safeguarded information when needed. We would also support changes in the regulations that would allow union leadership access to applicable safeguarded information. This would more fully allow both the union and employer to exercise procedural rights granted under labor law.

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We fully appreciate the importance of balancing the safety and security of the public with the rights of represented employees. We believe that an appropriate balance between these two can be achieved, and respectfully request that this commentary be given careful consideration. Should you have any questions, you may contact me at (920) 433-1086.

Sincerely,



Gary DeWolfe
Director, Labor Relations & Safety

CC: Charlie Schrock

Greg Veith