October 13, 2010

Christopher Serago, Pd.D., FAAPM, FACMP, FACR
American College of Medical Physics
One Physics Ellipse
College Park, MD 20740-3846

SUBJECT: RESPONSE TO REQUESTS FOR EXTENSION OF COMMENT PERIOD

We appreciate your willingness to provide feedback on the various activities we have undertaken in the development of the draft safety culture policy statement. Your input has contributed significantly to the development of the products we are working with now. We will not be extending the comment period for the revised draft safety culture policy statement and want to provide some background for our current course of action in response to your request to extend the 30-day comment period. Our decision is based primary on (1) the prior (and extensive) opportunities to provide input and (2) the limited nature of the changes in the statement of policy.

1) The November 6, 2009 draft policy statement was published in the *Federal Register* (FRN) with a 90-day comment period and a subsequent extension until March 1, 2010. We extended this comment period largely in reaction to feedback concerning giving stakeholders more time after the February public meeting to express their views. This lengthy comment period allowed results of the February, 2010 workshop to be addressed in the comments, and provided substantial time for review of the FRN.

2) The results of the February public workshop were also posted on our safety culture public website (and in the official agency record keeping system, ADAMS). The workshop products have been on the website now for nearly six months and haven't generated any informal feedback from external stakeholders on that material. In prior *Federal Register* notices and public meetings we have pointed out to stakeholders that we maintain this website with information on the safety culture policy initiative; therefore, we believe we have made every attempt to make stakeholders aware of this resource.

3) In addition to the comment period that ended in March of this year, we have provided the public with a number of opportunities to review and comment on the safety culture initiative, including the proposed changes to the safety culture definition and traits. For example, we held public meetings/teleconferences in July and August and provided information for the July public teleconference which focused on the definition and traits. These were made available on our public safety culture website right before the meeting and are still there. At these meetings we didn't receive material stakeholder feedback that the February workshop traits or the revised traits needed enhancement. In addition, we shared the results of the February workshop on the draft policy statement at numerous professional meetings and conferences throughout the spring and summer. Many of these were conferences attended by employees of Agreement State and NRC material licensees, e.g., the Annual Health Physics Society (HPS) Meeting in June in Utah and the Organization of Agreement States annual meeting in late August. The feedback we received from these outreach efforts was generally positive and supportive

of the February workshop results, and confirmed that we could continue to develop a revised policy that incorporated them.

4) We held an additional public meeting to provide another opportunity for our stakeholders to provide comments on September 28, 2010, at our Hearing Facility in Las Vegas, which many external stakeholders attended. At this meeting we did not receive material input that suggested the definition and/or traits needed further revision other than request for more time to comment. In addition, information from the INPO validation study was presented at that public meeting and the study results with respect to traits was included in the FRN for public comment.

5) Although the information that INPO has just provided is new, it was not used in the development or revision of the revised draft statement of policy. One important aspect of the validation study is that it seems to have largely supported the traits developed by the panelists in February.

For these reasons, the staff views a 30-day comment period as providing sufficient time. The staff concluded that a large number of opportunities have been provided for external stakeholders to offer their views on this initiative. The staff will, however, do its best to consider any comments received after the conclusion of the comment period on October 18th. In addition, a briefing for the Commission is scheduled for January 24, 2011. A number of our stakeholders will be invited to attend creating an additional opportunity to provide comments.

Respectfully,

/RA/

Roy P. Zimmerman, Director
Office of Enforcement

cc: M. Weber, DEDMRT
A. Vietti-Cook, SECY

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