



DOCKET NUMBER  
PETITION RULE PRM 2-12  
(64FR59669)

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Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

January 19, 2000

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

Gentlemen:

NUCLEAR REGULATORY COMMISSION (NRC) - PETITION FOR RULEMAKING:  
ENFORCEMENT PROCESS FOR ALLEGED VIOLATIONS OF THE DELIBERATE  
MISCONDUCT AND EMPLOYEE PROTECTION RULES (VOLUME 64 *FEDERAL  
REGISTER* 59669, NOVEMBER 3, 1999)

TVA appreciates the opportunity to review and comment on the  
subject petition for rulemaking published in the November 3, 1999  
*Federal Register*. TVA participated in an industry effort with  
the Nuclear Energy Institute (NEI) to review the subject petition  
and endorses the comments transmitted to the NRC by NEI.

TVA believes that due process considerations weigh heavily in  
favor of granting the protections described in the subject  
petition. TVA supports the revisions to the NRC regulations  
recommended in the petition, and also believes that this  
rulemaking opportunity should be used to reconsider certain  
agency enforcement policies regarding, in particular, the policy  
not to release Office of Investigations (OI) Reports prior to the  
predecisional enforcement conference. Both NEI, and more  
recently TVA by letter dated October 12, 1999, have already  
addressed this matter. TVA strongly believes that NRC's policy  
of withholding OI reports is unfair and abusive of a process  
which the NRC, itself, describes as one aimed at arriving at a  
common understanding of the facts.

Fundamental fairness considerations are raised by both the  
subject petition and in providing the subject(s) of enforcement a  
full and fair opportunity to review all of the facts associated  
with any proposed violation. We urge the NRC to give serious  
consideration to the important issues raised by the petition and  
its OI report policy. To that end, we offer our assistance,  
along with NEI, to work with NRC and any other stakeholders in  
addressing these matters.

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If you have questions regarding this response, please contact me  
at (423) 751-2508.

Sincerely,



Mark J. Burzynski  
Manager  
Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555-0001