



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
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