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

June 15, 2000

Mr. David L. Meyer, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration  
Mail Stop: T6D59  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. Meyers:

NUCLEAR REGULATORY COMMISSION (NRC) - REQUEST FOR COMMENTS ON  
REVISION OF THE NRC'S GENERAL STATEMENT OF POLICY AND PROCEDURE  
FOR NRC ENFORCEMENT ACTIONS (Volume 65 Federal Register 25368)

The Tennessee Valley Authority (TVA) appreciates the opportunity to review and comment on the subject Revised General Statement of Policy and Procedure for NRC Enforcement Actions, NUREG-1600, published in the *Federal Register* on May 1, 2000. TVA has reviewed the Enforcement Policy revision and believes that, overall, it represents a substantial step forward in achieving a more understandable, risk-informed and performance-based regulatory approach. In addition to the substantive improvements, TVA appreciates the manner in which the revision was developed. To its credit, NRC took into account the full range of stakeholder views and tested many of the revised Enforcement Policy features through the oversight process pilot study, a pilot study in which TVA participated. The path to success achieved in this venture can, and should, be duplicated in future regulatory reform efforts.

Beyond the improvements incorporated within the current Enforcement Policy revision, we believe there are significant additional improvements that may still be achieved in several critical areas of enforcement. The specific areas requiring improvement, as well as the suggested remedies, are fully described in the Nuclear Energy Institute's (NEI) comments to NRC provided by letter dated June 15, 2000. TVA reviewed and participated in the development of NEI's comments, and TVA endorses NEI's views.

Template: ADM-013

E-RIDS = ADM-03  
Add: Renee Pedersen (RMP)

Mr. David L. Meyer  
Page 2  
June 15, 2000

In particular, TVA strongly supports NEI's comments regarding improvements related to enforcement actions for violations of 10 CFR 50.7 (see NEI's enumerated comment number 3). TVA believes that all parties would be better served by having more precise guidance on enforcement action related to discrimination violations. In developing such guidance, TVA suggests that NRC institute a constructive dialogue on this topic in the same manner as that which was instituted among stakeholders in developing a number of the subject Enforcement Policy changes. We are aware that there are a number of varied views and interests pertaining to this topic; however, we are concerned that NRC has not adequately taken into account the negative health and safety impacts associated with the current application of the Enforcement Policy. Most notably, we are concerned about the potential loss of a utility's ability to effectively and safely manage its facilities under NRC's current approach to handling discrimination violations.

Once again, thank you for the opportunity to comment on the subject Enforcement Policy revision. If you have any questions, please contact Rob Brown at (423) 751-7228.

Sincerely,

*Ralph H. Shell*

Mark J. Burzynski  
Manager  
Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission  
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