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February 2, 2000

Charles A. Casto  
U.S. Nuclear Regulatory Commission  
Region II  
Sam Nunn Atlanta Federal Center  
61 Forsyth St., SW, Suite 23T85  
Atlanta, Georgia 30303

**PREDECISIONAL ENFORCEMENT CONFERENCE ARRANGEMENTS (NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-98-023 AND INSPECTION REPORT NOS. 50-390, 391/99-06)**

Dear Mr. Casto:

I have recently been informed that the NRC will conduct a predecisional enforcement conference with TVA to be held as a result of the subject NRC Office of Investigations (OI) report. I cooperated fully with the NRC OI investigator during his investigation and spoke with him on two separate occasions; during an initial interview session in which a court reporter was present, as well as, a follow-up interview session which was recorded by the OI investigator on a cassette recorder. Though I have not been asked by the NRC to attend the upcoming enforcement conference, I have been asked to participate in the conference by TVA due to my close association with the Central Laboratories Services (CLS) metallurgical analysis reports referred to in the "Summary of Office of Investigations Report 2-98-023." This summary was attached to NRC's letter to TVA dated January 31, 2000. In order for me to be able to fully prepare for the enforcement conference, I request copies of the transcripts of both of my OI interview sessions.

For the same reasons, it is important for me to review my own interview results. It is essential that I also review any other transcribed interviews conducted as part of the OI investigation which address me or my involvement in the subject matter of the investigation or this enforcement. I understand that it may be necessary to redact portions of those interviews in order to protect personal information. However, given the subject matter of the enforcement and the importance of my being able to participate meaningfully in the enforcement process, it is absolutely essential that I review all of the facts and circumstances being considered by NRC which involve me, and that I be able to do so before the conference takes place.

It would also be of great assistance to me to be able to review the full contents of the OI report prior to the enforcement conference. I understand from TVA's licensing staff that such a request has already been made in connection with this and previous enforcement actions, and that these requests have been denied by NRC. Nonetheless, if it is at all possible to obtain a copy of that report at this time, I respectfully ask NRC to reconsider its decision and provide a copy of that report to me as well.

Thank you for considering my requests.

Sincerely,

Daryl A. Smith