



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001**

March 5, 2003

EA-01-315
EA-02-266

Tennessee Valley Authority
ATTN: Mr. J. A. Scalice
Chief Nuclear Officer and
Executive Vice President
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

**SUBJECT: STATUTE OF LIMITATIONS RELATED TO OFFICE OF INVESTIGATIONS
REPORT NO. 2-2000-035**

Dear Mr. Scalice:

By letter dated January 13, 2003, the NRC requested that Tennessee Valley Authority (TVA) waive the Statute of Limitations regarding the issue raised in the subject Office of Investigations (OI) report. By letter dated February 3, 2003, you agreed to a limited waiver of the Statute of Limitations. Specifically, you agreed that the time from NRC's request for waiver (January 13, 2003) to 90 days after the Atomic Safety and Licensing Board's decision in Case No. 01-791-01-CivP should not count against the running of the Statute of Limitations regarding the subject OI report.

As we noted in our January 13, 2003, letter, it is the NRC's desire to examine all relevant information before making an enforcement decision. Therefore, the NRC considers it appropriate to defer any decision to initiate enforcement action on the subject OI report until a decision has been reached by the Board and that decision is published.

In order for the NRC to issue a decision regarding this case within 90 days of the Board's published decision, the NRC will establish a date for and conduct a Predecisional Enforcement Conference (PEC) within 3 weeks of the date the Board's decision is published. Due to the limited timeframe available to the NRC, flexibility in establishing a PEC date and the time for submittal of additional information after the PEC will be limited. Additional information regarding these issues will be provided with confirmation of the PEC date.

Should you have any questions regarding this matter, please contact Nick Hilton, Senior Enforcement Specialist, at (301) 415-3055.

TVA

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Frank Congel, Director
Office of Enforcement

Docket Nos. 50-390, 50-327, 50-328,
50-269, 50-260, 50-296
License Nos. NPF-90, DPR-77, DPR-79,
DPR-33, DPR-52, DPR-68

cc: (see page 3)

TVA

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cc:

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