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TENNESSEE VALLEY AUTHORITY

CHATTANOOGA, TENNESSEE 37401

400 Chestnut Street Tower II

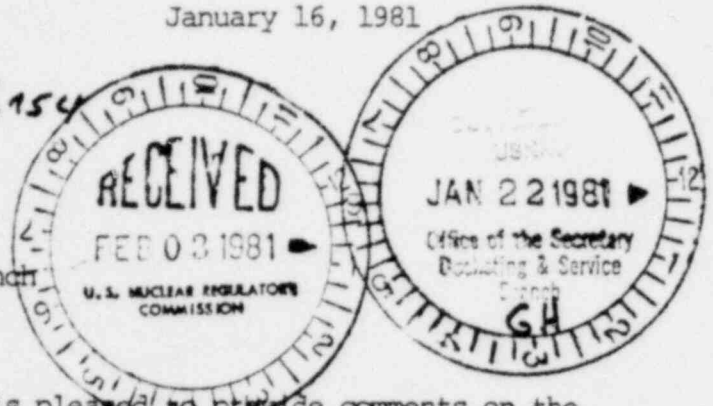
SUBJECT NUMBER  
PROPOSED RULE PR 2  
45 FR 66154

January 16, 1981

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Dear Sir:



The Tennessee Valley Authority (TVA) is pleased to provide comments on the Nuclear Regulatory Commission's (NRC) notice of proposed general statement of policy and procedure for enforcement actions as noticed in the October 7, 1980, Federal Register notice (45 FR 66754-66761).

TVA believes that both the NRC and the individual licensee should take aggressive action to encourage and ensure improved licensee performance. The establishment of severity levels and other provisions to dictate penalties based on the actual situation and the licensee's performance are both considered appropriate steps to recognize the difference between isolated and repetitive events and to give recognition to overall licensee performance. However, TVA has several reservations on the proposed policy.

First, TVA believes that in establishing severity levels, insufficient emphasis is given to the actual, as opposed to theoretical or potential, public health and safety consequences of particular violations. Secondly, and very importantly, the proposed program is not limited solely to establishing penalties when the licensee has performed in an inadequate manner and contrary to regulations. For the higher severity levels, the program also establishes penalties when the licensee identifies a problem, reports it, and takes appropriate action. In this latter case, we believe such a program element is not consistent with the historic NRC goals of being tough but fair. In fact, penalizing a licensee for careful and complete reporting of noncompliance items could actually be detrimental to safety since a licensee could choose to not report questionable items rather than report and risk a fine or possible plant shutdown.

In the discussion of several penalties in the procedure policy, it is stated that NRC considers various factors in making its determinations. These properly include the duration of the noncompliance, the good faith of the licensee, and other factors. TVA fully agrees that all of the listed factors should be considered, but for the reasons stated above TVA believes that, in addition, all other relevant factors should be considered, including the actual health and safety consequences of an event and whether the licensee, through past policies and practices, has demonstrated an actual commitment to safety.

Acknowledged by card... 1/22/81

*L-4-12-2*

Secretary of the Commission

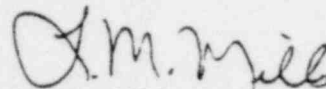
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Finally, the term "requirements" is used extensively through the document in various ways (i.e., regulatory requirements, NRC requirements, existing requirements, any requirements, requirements, etc.). When used in this varied manner, it cannot with specificity be determined what is or is not meant by the term "requirements." TVA recommends that more precise terms, such as "codified regulations," be used. Unless this is done, the term will be subject to differing interpretations by the licensee and NRC.

We appreciate the opportunity to comment on this notice of proposed general policy statement.

Very truly yours,

TENNESSEE VALLEY AUTHORITY



L. M. Mills, Manager  
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