

EA 99-234



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

February 8, 2000

Mr. Loren R. Plisco, Director  
Division of Reactor Projects  
U.S. Nuclear Regulatory Commission  
Region II  
Atlanta Federal Center  
61 Forsyth Street, SW, Suite 23T85  
Atlanta, Georgia 30303-3415

Dear Mr. Plisco:

**RENEWED REQUEST FOR OFFICE OF INVESTIGATION (OI) REPORT NO. 2-98-013  
AND REQUEST FOR ENFORCEMENT CONFERENCE TRANSCRIPTS**

The purpose of this letter is to renew my request for a copy of the subject OI report and all of its related exhibits and transcripts. In addition, I request that NRC provide copies of the transcripts of the three predecisional enforcement conferences held in connection with NRC OI's findings. It is essential that TVA be able to review this material in order to be able to fully respond to the Notice of Violation and Proposed Imposition of Civil Penalty described in NRC's letter of February 7, 2000.

With regard to the OI report and its related exhibits and transcripts, you will recall that I submitted letters on September 21 and October 12, 1999, on behalf of TVA requesting this documentation in order to allow TVA to adequately prepare for the then upcoming predecisional enforcement conference. Both of my requests were denied by the NRC, which cited its policy not to release such material prior to reaching an enforcement decision. Now that an enforcement decision has been rendered, there should no longer be any impediment to releasing this material to TVA.

Among the many points I made in my letter of October 12, 1999 regarding the importance of having the OI report prior to the enforcement conference, was a point I also raised in a related conversation I had with NRC's Director of Enforcement; that is, the investigative findings contained in the OI report would be very useful in making informed

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management decisions about its policies and practices, and in considering any corrective actions prior to enforcement. However, given NRC's policy of not releasing the OI report, not only did we not have the benefit of considering its findings, the NRC chose to escalate the civil penalty amount for denying the occurrence of a violation and not taking any specific corrective actions. The unfairness of this policy is manifest, and it reinforces our belief that it serves, first and foremost, as a mere investigative tool.

With regard to the enforcement conference transcripts, such transcripts were made in connection with the two individual enforcement conferences which were held on November 22, 1999, in which representatives of TVA management also participated. My request for these transcripts is made with the permission and on behalf of the individuals involved. Also, a transcript was made in connection with TVA's enforcement conference held on December 10, 1999. TVA requires this information to adequately respond to the Notice of Violation and Proposed Imposition of Civil Penalty.

In order to accord TVA adequate time to formulate its response, we request that the 30-day response time imposed by NRC in its letter of February 7, 2000 be extended to 45 days after the date TVA receives all of the requested information. Given the amount of investigative material associated with the subject matter and the additional time it will take to carefully review it, we believe there is good cause for extending the response time normally accorded for responding to such enforcement matters.

I appreciate your prompt consideration of this request.

Sincerely,



Mark J. Burzynski  
Manager  
Nuclear Licensing