



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

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Chief Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, D.C. 20555-0001

Gentlemen:

TENNESSEE VALLEY AUTHORITY (TVA) - COMMENTS ON BEST PRACTICES TO ESTABLISH AND MAINTAIN A SAFETY-CONSCIOUS WORK ENVIRONMENT (VOL. 69 FEDERAL REGISTER 7025; DATED FEBRUARY 12, 2004)

TVA appreciates the opportunity to offer the following comments for NRC consideration regarding its decision whether to develop a "Best Practices" document in the area of Safety-Conscious Work Environment (SCWE).

TVA does not support the agency's development of a best practices document. The 1996 NRC Policy Statement, "Freedom of Employees in the Nuclear Industry to Raise Safety and Compliance Concerns Without Fear of Retaliation," clearly sets out NRC's expectations for development of a SCWE. TVA notes that it appropriately leaves the implementation of SCWE programs to each licensee.

TVA believes that it is unnecessary for the NRC to produce a best practices document. This responsibility is best left within the purview of the nuclear industry with input from individual utilities because, whether it is documented as a NUREG or Regulatory Guide (or simply listed on the agency's website), it will inevitably be interpreted as a regulatory standard to be applied to licensees. In addition, NRC sponsorship of a best practices document will create a false impression in the mind of the public that there is a "right way" to achieve well functioning SCWE programs. TVA notes that the Commission specifically chose not to pursue this avenue last year.

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Call = L. Jarriel (125)

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As an alternative, TVA believes the industry should be responsible for developing a best practices document and supports the Nuclear Energy Institute's efforts in this regard.

Once again, TVA appreciates the opportunity to comment on this matter. If you have any questions or would like to discuss these comments further, please feel free to contact me at (423) 751-2508.

Sincerely,


Mark J. Burzynski
Manager
Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001