

*close*UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 31, 1999

MEMORANDUM TO: Loren R. Plisco, Director  
Division of Reactor Projects  
Region II

FROM: Cecil O. Thomas, Director *[Signature]*  
Project Directorate II-3  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: RESPONSE TO TECHNICAL ASSISTANCE (TIA 97-015) REGARDING  
THE IMPLEMENTATION OF 10 CFR 50.65 – BROWNS FERRY  
NUCLEAR PLANT UNIT 1 (TAC NO. M98931)

By memorandum dated June 4, 1997, the Division of Reactor Projects, Region II requested the assistance of the Office of Nuclear Reactor Regulation (NRR) in determining the acceptability of the Tennessee Valley Authority's (TVA) actions with respect to the implementation of 10 CFR 50.65 at Browns Ferry Unit 1. The issue arose as a result of an inspection conducted at the Browns Ferry Nuclear Plant on April 4-18, 1997. The results of that inspection are documented in NRC combined Inspection Reports 50-259/97-04, 50-260/97-04, and 50-297/97-04 (IR 97-04) issued on May 21, 1997.

IR 97-04 documents that the NRC inspectors determined that TVA's actions to implement the rule at Unit 1 are technically adequate, however the report raised the question as to whether or not the approach taken is, in fact, legal under the maintenance rule.

The inspection team determined that TVA's implementation of 10 CFR 50.65 for Unit 1 is for a facility that is shutdown and defueled. As such, the Unit 1 program does not encompass all systems and components that would be covered for an operating unit. The team did not have any specific safety concerns with the program, and concluded that TVA's actions to implement the regulation were adequate technically. However, a question arose, as to whether or not the program meets the requirements of the regulation. At issue is whether TVA's approach to scoping Unit 1 structures, systems, and components by considering the defueled and indefinite shutdown condition of Unit 1 satisfies the requirements of the rule.

Region II requested NRR's assistance (with OGC participation) to develop a list of actions necessary for TVA to comply legally with §50.65 for Unit 1. The Region requested that the list of actions should be provided directly to TVA.

By letter dated July 30, 1997, NRC informed TVA that the limitation of applicability stated in §50.65(a)(1) does not apply to Browns Ferry Unit 1 in the absence of certification per §50.82(a)(1). The letter identified three alternatives available to TVA to resolve the issue. The three options identified were:

**PREDECISIONAL INFORMATION - LIMITED DISTRIBUTION**

Loren Plisco

- 2 -

1. Revise the scope of the monitoring program for Unit 1 to include structures, systems, and components as specified in §50.65(b), or
2. Submit written certification per §50.82(a)(1) that operations have ceased permanently, or
3. Request an exemption from the requirements of §50.65 that are not now being met.

TVA responded by letter on September 29, 1997, asserting that it believes that the Browns Ferry Unit 1 program is in compliance with §50.65 and presenting its rationale for this assertion. The NRC did not respond to TVA's September 29th letter and, instead met with TVA representatives on January 26, 1998, to discuss the issue further. The meeting was documented in a summary issued February 6, 1998.

TVA proposed an alternative program to resolve the issue by letter dated April 3, 1998. Subsequent to this submittal, the staff had several discussions by telephone with TVA representatives to obtain clarification and to explore possible program modifications. The staff did not issue an evaluation of TVA's proposed alternate, but instead referred back to the staff's position identified in the July 30, 1997, letter.

On February 4, 1999, TVA submitted a request for a temporary partial exemption from the requirements of §50.65. The staff review of the proposed exemption will be tracked under TAC No. MA5033.

Action on TIA 97-005 is complete.

Docket No. 50-296

cc: A. R. Blough, RI  
G. E. Grant, RIII  
K. E. Brockman, RIV

CONTACT: A. De Agazio, NRR  
(301) 415-1443

**PREDECISIONAL INFORMATION - LIMITED DISTRIBUTION**