

December 16, 1998

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

SUBJECT: ISSUANCE OF EXEMPTION FROM 10 CFR 50.71(e)(4) - BROWNS FERRY
PLANT UNITS 1, 2 AND 3 (TAC NOS. MA1154, MA1156 AND MA1158)

Dear Mr. Scalice:

The Commission has issued the enclosed exemption from certain requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) for facility changes made under 10 CFR 50.59 for the Browns Ferry Nuclear Plant Units 1, 2 and 3. This exemption is related to your application dated February 20, 1998, to schedule updates to unified UFSAR for the three units within 6 months following Unit 2 refueling outages but not to exceed 24 months from the last submittal.

A copy of the Exemption and the supporting Safety Evaluation by the staff are enclosed. The Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/s/

L. Raghavan, Senior Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-259, 50-260 and 50-296

Enclosures: 1. Exemption
2. Safety Evaluation

cc w/enclosures: See next page

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BClayton LRaghavan OGC MTschiltz, EDO LPlisco, RII

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OFFICE	PDII-3/PM	PDII-3/LA	PDII-2/D	OGC *	DRPE/D	ADR	DNRR/D
NAME	LRaghavan	BClayton	FHebdon	Ann Hodedon	JZwolinski	BBoger	SCollins
DATE	12/7/98	12/7/98	12/8/98	12/10/98	12/10/98	12/10/98	12/11/98

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Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63FR69311).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this day of December 1998

OFFICE	PDII-3/PM	PDII-3/LA	PDII-3/D	DRPE/D	OGC
NAME	LRaghavan	BOlson	FHebdon	JZwolinski	
DATE	11/18/98	11/13/97	11/18/98	12/10/98	12/1/98
OFFICE	NRR/AD	NRR/D			
NAME	BBoger	SCollins			
DATE	12/10/98	12/14/98			

DOCUMENT NAME: G:\BFN\MT1154.EX C:\bfn\MA1154\exemption
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* See Previous

OFFICE	PDII-3/PM	PDII-3/LA	PDII-2/D	OGC *	DRPE/D	ADR/B	DNFR/D
NAME	LRaghavan	BClayton	FHebdon	Ann Hodedon	JZwolinski	BBoger	SCollins
DATE	12/17/98	12/17/98	12/18/98	12/10/98	12/10/98	12/10/98	12/10/98

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NAME	LRaghavan	BClayton	FHebdon	JZwolinski	
DATE	11/18/98	11/13/97	11/12/98	12/1/98	12/1/98
OFFICE	NRR/AD	NRR/D			
NAME	BBoger	SCollins			
DATE	12/1/98	12/1/98			

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**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

December 16, 1998

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

**SUBJECT: ISSUANCE OF EXEMPTION FROM 10 CFR 50.71(e)(4) - BROWNS FERRY
PLANT UNITS 1, 2 AND 3 (TAC NOS. MA1154, MA1156 AND MA1158)**

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Sincerely,

A handwritten signature in black ink, appearing to read "L. Raghavan", with a long horizontal line extending to the right.

L. Raghavan, Senior Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-259, 50-260 and 50-296

Enclosures: 1. Exemption
2. Safety Evaluation

cc w/enclosures: See next page

Mr. J. A. Scalice
Tennessee Valley Authority

BROWNS FERRY NUCLEAR PLANT

cc:

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Decatur, AL 35609

Chairman
Limestone County Commission
310 West Washington Street
Athens, AL 35611

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Tennessee Valley Authority)	Docket Nos. 50-259, 50-260
)	50-296
(Browns Ferry Nuclear Plants)	
Units 1, 2, and 3))	

EXEMPTION

I.

Tennessee Valley Authority (TVA or the licensee) is the holder of Facility Operating License Nos. DPR-33, DPR-52 and DPR-68, for operation of the Browns Ferry Nuclear Plant (BFN) Units 1, 2 and 3. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (Commission or NRC) now or hereafter in effect.

These facilities consist of three boiling water reactors located in Limestone County, Alabama.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The three BFN units share a common UFSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for each unit.

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states that


The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule...." As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for UFSAR updates will ensure that the BFN UFSAR will be maintained current within 24 months of the last revision. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months after a refueling outage for each unit, a more burdensome requirement than intended. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the BFN UFSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the BFN UFSAR within 6 months after Unit 2 refueling outages, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63FR 69311).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 16th day of December 1998



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM UPDATED FINAL SAFETY ANALYSIS REPORT

UPDATE REQUIREMENTS OF 10 CFR 50.71(e)(4)

TENNESSEE VALLEY AUTHORITY

BROWNS FERRY NUCLEAR PLANT, UNITS 1, 2 AND 3

DOCKET NOS. 50-259, 50-260 AND 50-296

1.0 INTRODUCTION

By letter dated February 20, 1998, Tennessee Valley Authority (TVA or the licensee) submitted a request for an exemption from the requirements of 10 CFR 50.71(e)(4), "Maintenance of records, making reports." Section 50.71(e)(4) requires, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The Browns Ferry Nuclear Plant (BFN) Units 1, 2 and 3 share a common UFSAR; therefore, this rule requires, literally, the licensee to update the station's UFSAR within 6 months after a refueling outage for each unit.

2.0 EVALUATION

Section 50.71(e)(4) ensures that all licensees update their UFSARs at least every refueling outage and no less frequently than every 2 years. When two units share a common FSAR, the rule has the effect of making the licensee update the FSAR roughly every 12 to 18 months. The current rule, as revised in August 31, 1992 (57 FR 39358), was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. The burden reduction, however, can only be realized by single-unit facilities or multiple-unit facilities that maintain separate UFSARs for each unit. For multiple-unit facilities with a common UFSAR, the "each refueling outage" phrase increases rather than decreases the regulatory burden. To address this concern for multi-unit plants, the authors of the revised rule stated, in response to a comment on the draft revision, that "[w]ith respect to [the] concern about multiple facilities sharing a common [U]FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis."

The licensee's requested exemption would permit periodic UFSAR updates within 6 months of Unit 2 refueling outage, but not to exceed 24 months from the last revision. Thus the requirement that an update be submitted within 6 months of an outage of each unit is no longer retained. With the exemption, the BFN UFSAR will be updated and maintained current within 24 months of the last revision.

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3.0 CONCLUSION

The staff finds that the proposed alternative meets the intent of the existing regulations, requiring the UFSAR of each station be revised at least once per 24 months; therefore, the proposed exemption from 10 CFR 50.71(e)(4) for BFN Units 1, 2, and 3, is acceptable.

Principal Contributor: L. Raghavan

Date: December 16 , 1998