

March 4, 2004

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

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR
DOCKETING AND OPPORTUNITY FOR A HEARING REGARDING THE
APPLICATION FROM TENNESSEE VALLEY AUTHORITY FOR RENEWAL OF
THE OPERATING LICENSES FOR THE BROWNS FERRY NUCLEAR PLANT,
UNITS 1, 2, AND 3 (TAC NOS. MC1704, MC1705 AND MC1706)

Dear Mr. Scalice:

On January 6, 2004, the staff of the U.S. Nuclear Regulatory Commission (NRC) received the Tennessee Valley Authority application for renewal of Operating Licenses DPR-33, DPR-52, and DPR-68 for the Browns Ferry Nuclear Plant, Units 1, 2 and 3, respectively. Notice of receipt of this application was published in the *Federal Register* on January 13, 2004 (69 FR 2012). On February 19, 2004, the staff received supplemental information to the application regarding the evaluation of Browns Ferry Unit 1 Lay-up and Preservation Program (ADAMS Accession number ML0405102410).

The NRC staff has determined that the Tennessee Valley Authority has submitted sufficient information and that your application is acceptable for docketing, in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c). However, the staff's determination does not preclude requests for additional information as the review proceeds. In addition, note that the acceptance is based on the current licensing basis for Browns Ferry Units 1, 2 and 3 and your commitment in the license renewal application that the Unit 1 current licensing basis at restart will be the same as Units 2 and 3.

As was indicated in the supplement to the application, you expect to submit a licensing amendment request for extended power uprate at some point while the staff's review of the application for license renewal is ongoing. Based on this, the license renewal review schedule is being developed to accommodate the additional time the staff will need to review changes to the bases of the evaluations in the license renewal application resulting from the uprated power level application.

The staff's safety and environmental review schedule for the subject application will be forwarded to you by March 19, 2004. The NRC staff will follow established review procedures and the schedule to complete the safety and environmental reviews required by 10 CFR Parts 54 and 51, respectively.

We have also enclosed, for your information, a copy of the notice relating to your application that is being sent to the Office of the *Federal Register* for publication (Enclosure 1). This notice provides the opportunity to request a hearing and to file a petition for leave to intervene.

If you have any questions on this matter, please contact Mr. Jimi Yerokun, License Renewal Sr. Project Manager for the Browns Ferry Nuclear Plant, Units 1, 2 and 3 by telephone at 301-415-2292 or via electronic mail at jty@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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

Enclosure: As stated

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

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Accession no.: ML040650206

Document Name: C:\MyFiles\Checkout\BrownsFerry LRA Acceptance.wpd

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UNITED STATES NUCLEAR REGULATORY COMMISSION
TENNESSEE VALLEY AUTHORITY
BROWNS FERRY NUCLEAR PLANT, UNITS 1, 2 AND 3
NOTICE OF ACCEPTANCE FOR DOCKETING OF THE APPLICATION
AND NOTICE OF OPPORTUNITY FOR HEARING REGARDING RENEWAL OF
FACILITY OPERATING LICENSE NOS. DPR-33, DPR-52, AND DPR-68
FOR AN ADDITIONAL 20-YEAR PERIOD
DOCKET NOS. 50-259, 50-260, AND 50-296

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering application for the renewal of Operating License Nos. DPR-33, DPR-52, and DPR-68, which authorize the Tennessee Valley Authority (TVA) to operate the Browns Ferry Nuclear Plant at 3293 megawatts thermal for Unit 1, 3458 megawatts thermal for Unit 2, and 3458 megawatts thermal for Unit 3. The renewed licenses would authorize the applicant to operate Browns Ferry Nuclear Plant, Units 1, 2 and 3 for an additional 20 years beyond the period specified in the current licenses. The current operating license for the Browns Ferry Nuclear Plant Unit 1 expires on December 20, 2013 the current operating license for Browns Ferry Nuclear Plant Unit 2 expires on June 28, 2014 and the current operating license for Browns Ferry Nuclear Plant Unit 3 expires on July 2, 2016.

On January 6, 2004, the Commission's staff received an application from TVA filed pursuant to 10 CFR Part 54, to renew the Operating License Nos. DPR-33, DPR-52, and DPR-68 for Browns Ferry Nuclear Plant, Units 1, 2 and 3, respectively. A Notice of Receipt and Availability of the license renewal application, "TVA; Notice of Receipt and Availability of Application for Renewal of Browns Ferry Nuclear Plant, Units 1, 2 and 3, Facility Operating

License Nos. DPR-33, DPR-52, and DPR-68 for Additional 20-Year Period,” was published in the *Federal Register* on January 13, 2004 (69 FR 2012).

The Commission’s staff has determined that TVA has submitted sufficient information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is acceptable for docketing. The current Docket Nos. 50-259, 50-260, and 50-296 for Operating License Nos. DPR-33, DPR-52, and DPR-68, respectively, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed licenses will continue to be conducted in accordance with the current licensing basis (CLB), and that any changes made to the plant’s CLB comply with the Act and the Commission’s regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission’s NUREG-1437, “Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants,” dated May 1996. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the

staff intends to hold a public scoping meeting. Detailed information regarding this meeting is included in a *Federal Register* notice also published today.

Within 60 days after the date of publication of this *Federal Register* Notice, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852 and is accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff at 1-800-397-4209, or by email at pdrr@nrc.gov. If a request for a hearing or a petition for leave to intervene is filed within the 60-day period, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed within the 60-day period, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 51 and 54, renew the licenses without further notice.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 51 and 54. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the requestor/petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.¹ Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these

¹To the extent that the application contains attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel to discuss the need for a protective order.

requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical - - primarily concerns/issues relating to technical health and safety matters discussed or referenced in the Browns Ferry Nuclear Plants Units 1, 2 and 3 license renewal application.
2. Environmental - - primarily concerns/issues relating to matters discussed or referenced in the Environmental Report for the license renewal application.
3. Miscellaneous - - does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a contention, the requestors/petitioners shall jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention. If a requestor/petitioner seeks to adopt the contention of another sponsoring requestor/petitioner, the requestor/petitioner who seeks to adopt the contention must either agree that the sponsoring requestor/petitioner shall act as the representative with respect to that contention, or jointly designate with the sponsoring requestor/petitioner a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to participate fully in the conduct of the hearing. A request for a hearing or a petition for leave to intervene must be filed by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemaking and Adjudications Staff;

(2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) Email addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at 301-415-1101, verification number is 301-415-1966. A copy of the request for hearing and petition for leave to intervene must also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by email to OGCMailCenter@nrc.gov. A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition, request and/ or contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii).

Detailed information about the license renewal process can be found under the Nuclear Reactors icon at <http://www.nrc.gov/reactors/operating/licensing/renewal.html> on the NRC's Web page. Copies of the application to renew the operating licenses for Browns Ferry Nuclear Plant, Units 1, 2 and 3, are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855-2738, and at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/brownsferry.html> the NRC's Web page while the application is under review. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of

NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS accession number ML040060355. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, may contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

The staff has verified that a copy of the license renewal application is also available to local residents near the Browns Ferry Nuclear Plant at the Athens-Limestone Public Library, at 405 E. South Street, Athens, Alabama, 35611.

Dated at Rockville, Maryland, this the 4th day of March 2004

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

BROWNS FERRY NUCLEAR PLANT

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