

July 26, 2005

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

SUBJECT: BROWNS FERRY INDEPENDENT SPENT FUEL STORAGE INSTALLATION -  
WITHDRAWAL OF REQUEST FOR CREDIT FOR PERFORMANCE OF  
CERTAIN PRE-OPERATIONAL TEST REQUIREMENTS RELATED TO THE  
HI-STORM 100 CASK SYSTEM (TAC NO. L23872)

Dear Mr. Singer:

By letter dated June 15, 2005, the Tennessee Valley Authority (TVA) submitted a request for NRC approval for relief from certain requirements related to the use of the Holtec International Inc., HI-STORM 100 dry cask storage system at the Browns Ferry Independent Spent Fuel Storage Installation (ISFSI). TVA, as the holder of the nuclear power reactor licenses for Browns Ferry Units 1, 2 and 3, under Title 10 to the *Code of Federal Regulations* (10 CFR) Part 50, is permitted to store spent nuclear fuel in an ISFSI under the general license provision of 10 CFR 72.210. This general license authorizes TVA to use the HI-STORM 100 cask system under the conditions specified in the NRC Certificate of Compliance (CoC) for the system, CoC 1014, subject to the applicable requirements of 10 CFR Part 72.

In your June 15, 2005, letter, you proposed that TVA had met certain pre-operational testing requirements of CoC 1014 for the Brown's Ferry ISFSI through their successful performance at the Sequoyah Nuclear Plant, where TVA is also using the HI-STORM 100 dry cask storage system. You requested that the NRC approve your proposal to relieve you from performing these activities prior to the initial loading of spent fuel casks at Browns Ferry. The requirements from which you sought relief include demonstrations of canister welding, nondestructive examination inspections, and cask unloading operations. Your letter sought NRC review and approval of the request by July 1, 2005. In discussions with your staff on June 28 and July 8, 2005, the NRC staff indicated that there was insufficient time to evaluate your request, in light of your schedule for conducting the Browns Ferry ISFSI pre-operational activities. By letter dated July 13, 2005, TVA withdrew the June 15 request. With your withdrawal of the request, we will terminate any further review of this action.

The action TVA requested was significant, involving technical, policy and licensing issues, and the NRC staff had conveyed some of these challenges to your staff in a conference call in May 2005. Our initial review of your request suggested that additional technical justification and an exemption to NRC regulations may have been needed. The NRC staff encourages applicants to engage in pre-licensing discussions as a means to ensure high quality submittals and timely reviews. If you contemplate any future licensing actions related to activities

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governed by 10 CFR Part 72, the guidance provided in NRC Regulatory Information Summary (RIS) 2004-20, "Lessons Learned from Review of 10 CFR Parts 71 and 72 Applications," dated December 16, 2004, may be helpful. Although this guidance is generally focused on initial license applications, several items, including the emphasis on early and frequent communications with the appropriate NRC staff, are also applicable to licensing actions of lesser scope.

Please reference Docket No. 72-52 in any future correspondence related to the Browns Ferry ISFSI. If you or your staff have any questions regarding this matter, you may contact me at (301) 415-8500.

Sincerely,

**/RA/ by Michael Markley for**

James R. Hall, Senior Project Manager  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-52  
TAC No. L23872

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**/RA/ by Michael Markley for**

James R. Hall, Senior Project Manager  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-52  
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