



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

May 16, 2007

Tennessee Valley Authority  
ATTN: Mr. Preston D. Swafford, Interim  
Chief Nuclear Officer and  
Senior Vice President  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

SUBJECT: FULL TRANSITION TO THE REACTOR OVERSIGHT PROCESS - BROWNS  
FERRY NUCLEAR PLANT UNIT 1

Dear Mr. Swafford:

On September 23, 2003, the NRC issued Inspection Manual Chapter (IMC) 2509, "Browns Ferry Unit 1 Restart Project Inspection Program." Included in this IMC were the guidelines and provisions the NRC used for regulatory oversight of Browns Ferry Unit 1 (BF1) during its five year recovery. However, after successful completion of the BF1 recovery project and subsequent startup, this letter documents the NRC's decision to transfer Unit 1 to the full regulatory oversight provided by the Reactor Oversight Process (ROP) for all safety cornerstones as delineated by IMC 2515, "Light-Water Reactor Inspection Program - Operations Phase," and IMC 0305, "Operating Reactor Assessment Program."

The transition of BF1 to the full oversight provided by the ROP has been a gradual-phased approach on an individual cornerstone basis pursuant to the guidance of IMC 2509 until all safety cornerstones were deemed monitorable by the ROP. This phased in approach was necessary because the NRC's standard process for regulatory oversight (i.e., ROP) was only applicable for operating reactors, and not for a plant in an extended shutdown condition due to corrective action and performance based deficiencies that were outside the scope of IMC 2515.

By letter dated December 29, 2004, the NRC did transition the Occupational Radiation Safety, Public Radiation Safety, Emergency Preparedness, and Physical Protection safety cornerstones to the ROP. These cornerstones involved site-wide functions and responsibilities that were deemed ready to be monitored by the ROP. The other three remaining safety cornerstones (i.e., Initiating Events (IE), Mitigating Systems (MS), and Barrier Integrity(BI)) could not be transitioned at that time due to the numerous and complex BF1 specific issues that directly affected the capability of associated safety significant systems and components. The transition of these remaining cornerstones was not possible until all BF1 restart-related modifications and testing were completed and verified pursuant to IMC 2509.

During the BF1 Restart Project, the NRC dispositioned Unit 1 inspection findings in accordance with the traditional enforcement process for determining the significance of violations and any resultant enforcement actions. The BF1 Restart Project was not considered to fall within the

scope of the Commission's current Enforcement Policy. However, for each of the aforementioned BF1 safety cornerstones transitioned into the ROP, the NRC utilized the IMC 0609, "Significance Determination Process" (SDP), to characterize the significance of findings resulting from the routine inspection effort of IMC 2515 for that cornerstone. Additionally, the enforcement for any findings from NRC inspections of these cornerstones was administered in accordance with the Commission's current Enforcement Policy. Furthermore, for the BF1 cornerstones under the ROP, the IMC 0608, "Performance Indicator Program," was also utilized to evaluate and process the Performance Indicator (PI) data submitted for that BF1 cornerstone.

After extensive reviews and inspections over the past several years, and completion of BF1 regulatory framework issues, the NRC authorized restart of BF1 on May 15, 2007. Furthermore, based on these reviews and inspections, the NRC also concluded that the remaining three safety cornerstones (i.e., IE, MS, BI) would be monitorable by the ROP once all outstanding BF1 restart issues were completed (see Enclosures 1, 2, and 3). Consequently, following the successful startup of BF1, the NRC oversight of BF1 for all cornerstones will now be conducted in accordance with the ROP. Effective at startup, BF1 is to now be considered fully transitioned to the ROP. All future oversight of BF1 will be conducted according to applicable IMCs (e.g., 0305, 0608, 0609, 2515) instead of IMC 2509, and all future enforcement will be administered using the Commission's current Enforcement Policy.

Our ROP baseline inspection plans for this calendar year (CY) 2007, will be updated to reflect Browns Ferry as a site with three operating units. However, due to the lack of valid historical BF1 specific PI data for the IE, MS, and BI cornerstones, additional ROP baseline inspections will be necessary specifically for BF1. These inspections will augment the normal ROP baseline inspections for a three unit site, in order to compensate for the lack of valid PI data for the BF1 IE, MS, and BI cornerstones. Additional ROP baseline inspections of this nature are only an interim substitute for the applicable PIs. They will be conducted only until the NRC has determined that sufficiently accurate PI data exists to enable us to arrive at objective conclusions about the performance of BF1 in accordance with IMC 0305. In the mean time, even with these additional inspections, the PI data for the three BF1 cornerstones (i.e., IE, MS, and BI) should be submitted, according to IMC 0608 and industry guidance, commencing with the third quarter of CY 2007.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

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Please contact me at 404-562-4550 or Thierry Ross, Senior Resident Inspector, at 256-729-6196, if you have any questions regarding full transition of BF1 safety cornerstones to the ROP.

Sincerely,  
**/RA/**

Malcolm Widmann, Chief  
Reactor Projects Branch 6  
Division of Reactor Projects

Docket No.: 50-259  
License No.: DPR-33

Enclosure:    1. IP&S Report Transition Matrix- Mitigating Systems Cornerstone  
                  2. IP&S Report Transition Matrix- Initiating Events Cornerstone  
                  3. IP&S Report Transition Matrix- Barrier Integrity Cornerstone

cc w/encl: (See page 4)

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Distribution w/encl: (See page 5)

Letter to Preston D. Swafford from Malcolm Widmann dated May 16, 2007.

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NUCLEAR PLANT UNIT 1

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