

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

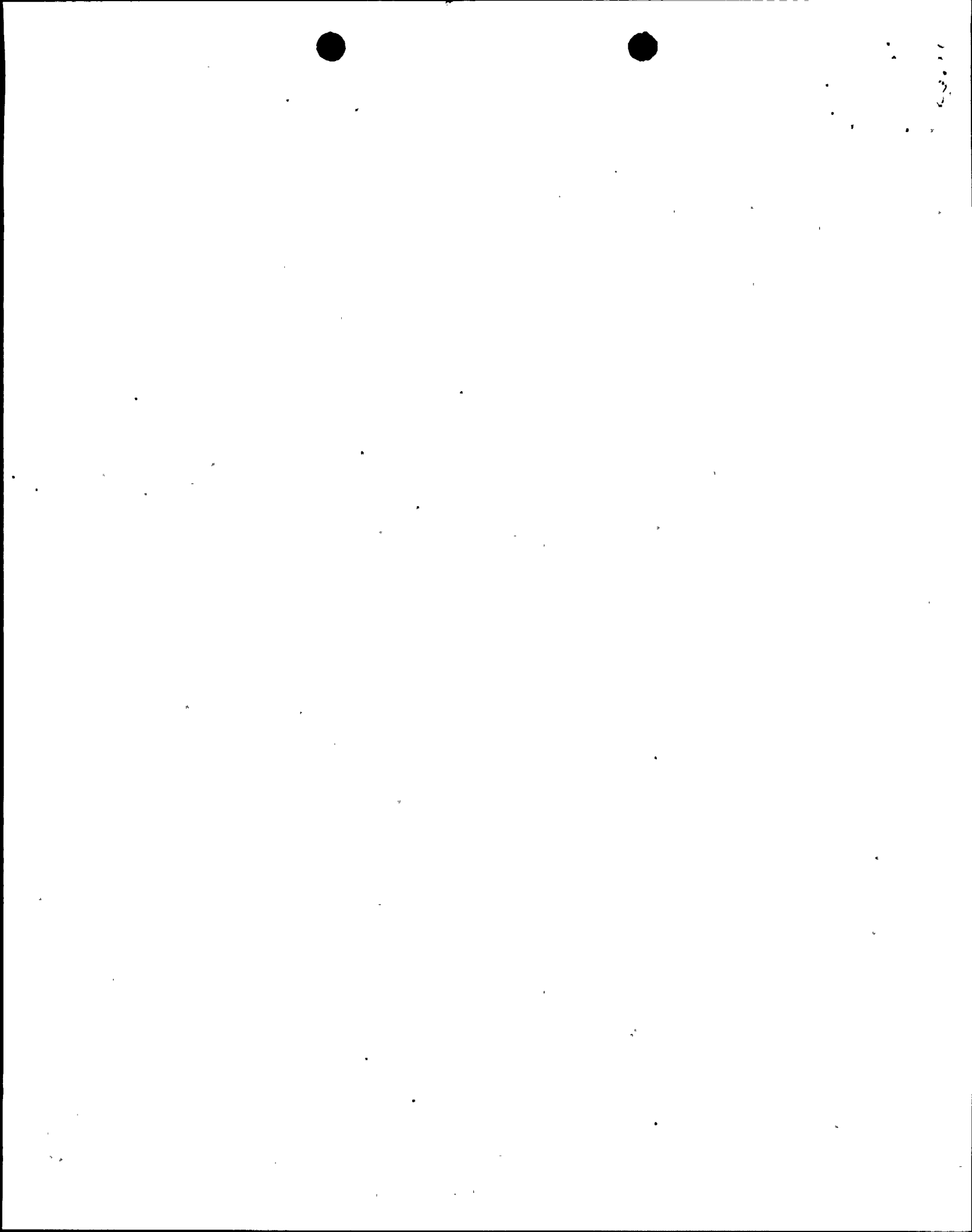
I.

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.

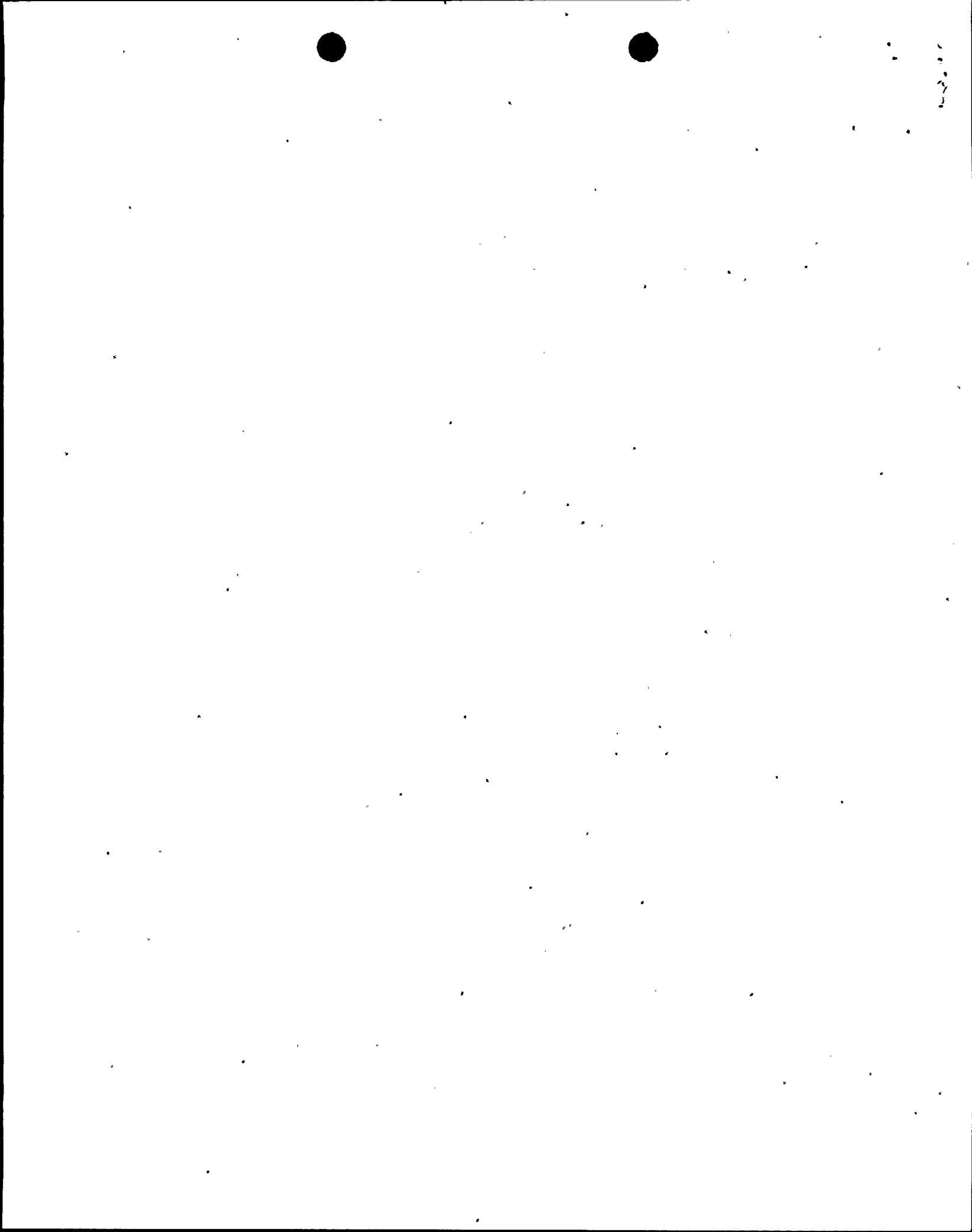


III.

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

