

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
Tennessee Valley Authority) Docket No. 50-259
(Browns Ferry Nuclear Plant Unit 1))

EXEMPTION

I.

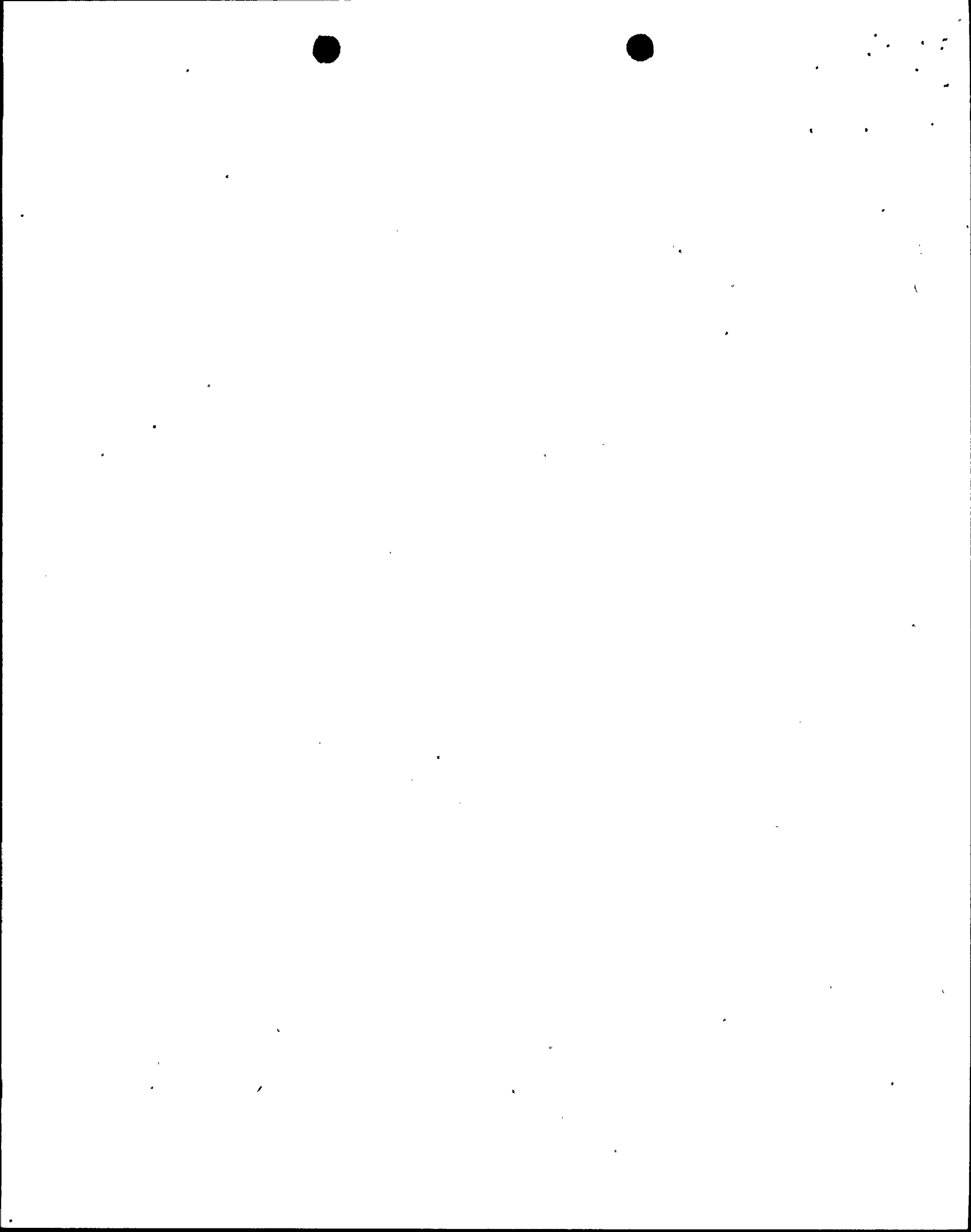
The Tennessee Valley Authority (TVA or the licensee) is the holder of Facility Operating License No. DPR-33 for operation of the Browns Ferry Nuclear Plant (BFN) Unit 1. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (Commission or NRC) now or hereafter in effect.

BFN is a boiling-water reactor located in Limestone County, Alabama.

II.

By letter dated February 2, 1999, TVA submitted a request for exemption from certain requirements in Title 10 of the Code of Federal Regulations (10 CFR). 10 CFR 50.65(a)(1) requires, in part, that holders of operating licenses granted under 10 CFR 50.21(b) or 10 CFR 50.22 shall monitor the performance or condition of structures, systems, or components (SSCs) against licensee-established goals to provide reasonable assurance that such SSCs as defined in paragraph (b) are capable of fulfilling their intended functions. Such goals shall be established commensurate with safety and, where practical, take into account industry-wide operating experience. When the performance or condition of a structure, system, or component does not meet established goals, appropriate corrective action shall be taken.

Additionally, paragraph (b) of the rule, states that, "The scope of the monitoring program



specified in paragraph (a)(1) of this section shall include safety related and non-safety related structures, systems, and components as follows:

(1) Safety related structures, systems, and components that are relied upon to remain functional during and following design basis events to ensure the integrity of the reactor coolant pressure boundary, the capability to shut down the reactor and maintain it in a safe shutdown condition, or the capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposure comparable to the guidelines in [subsection] 50.34(a)(1) or [subsection] 100. 11 of this chapter, as applicable.

(2) Non-safety related structures, systems, or components: (i) that are relied upon to mitigate accidents or transients or are used in plant emergency operating procedures (EOPs); or (ii) Whose failure could prevent safety related structures, systems, or components from fulfilling their safety related function; or (iii) Whose failure could cause a reactor scram or actuation of a safety related system."

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...." The licensee's request for exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) was found to be appropriate. Application of the regulation is not necessary to achieve the

underlying purpose of the rule for the reasons stated in the staff Safety Evaluation, dated August 9, 1999.

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 (64 FR 43228).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:
Suzanne C. Black, Deputy Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 9th day of August 1999

DISTRIBUTION: See transmittal letter to J. Scalice

DOCUMENT NAME:G:\PDII-2\BFNA5033EXM.wpd

*See previous concurrence

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	PDII-2\PM	PDII-2\LA	PDII-2\SC	e PDII-2\N	*OGC	DLPM:D	
NAME	WLong <i>W</i>	BClayton <i>BC</i>	SPeterson <i>SP</i>	HBerkow <i>H</i>	AHodgdon	JZwolinski <i>JZ</i>	
DATE	08/8/99	08/5/99	08/5/99	08/5/99	07/27/99	08/5/99	

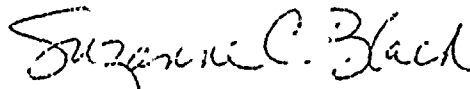
OFFICIAL RECORD COPY

underlying purpose of the rule for the reasons stated in the staff Safety Evaluation, dated August 9, 1999.

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 (64 FR 43228).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Suzanne C. Black, Deputy Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 9th day of August 1999