

UNITED STATES NUCLEAR REGULATORY COMMISSIONTENNESSEE VALLEY AUTHORITYDOCKET NO. 50-260NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee) for operation of Browns Ferry Nuclear Plant, Unit 2 (BFN2) located in Limestone County, Alabama.

The licensee submitted a request for an amendment by letter April 14, 1989 as supplemented by letters dated April 14, 1989, January 30, 1990, and December 11, 1990.

The amendment request proposed changes to add License Condition 2.C.5(a), as well as revise BFN2 Technical Specifications (TS) Sections 6.5.1.6, 6.5.2.8 and 6.8.1). The changes would allow the licensee to implement an Appendix R Safe Shutdown as approved by the NRC, under controls of the BFN2 TS. Generic letter 86-10 provided guidance for the changes.

On April 14, 1989, when the licensee submitted the request for amendment, a concurrent submittal of the Appendix R Safe Shutdown Program (the Program) was made by separate letter. The Program submittal was necessary to support the license condition, which would be based on a Safe Shutdown Program approved by the NRC. During the course of the NRC's review, concerns were raised pertaining to fire watch requirements for rooms not protected by automatic detection, and documented in a Safety Evaluation (SE) dated November 3, 1989.

An additional submittal addressing the concerns was made by the licensee on January 30, 1990, however, the charges did not resolve all of the NRC's concerns. Finally, a submittal of the revised version of the Program was made by the licensee, which superseded the initial Program submittal. The NRC determined that a renote in the FEDERAL REGISTER would be needed. However, the No Significant Hazards Consideration Determination is not changed from the finding published previously on July 12, 1989 (54 FR 29413) as repeated below.

- (1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. Implementation of these technical specifications (TS) provide consistency between the operating license, the Appendix R Safe Shutdown Program, and the BFN Appendix R Safe Shutdown Analysis. These proposed changes are administrative in nature and do not alter the intended function or design basis of any safety-related equipment as addressed in the BFN Final Safety Analysis Report (FSAR). Implementation of these changes ensures that the Appendix R Safe Shutdown Program is maintained in a manner consistent with NRC guidance. By maintaining this Program in accordance with the proposed TS, BFN will ensure the equipment needed to perform safe shutdown in accordance with the BFN Appendix R Safe Shutdown Analysis is properly maintained and is functional to meet the requirements of 10 CFR 50 Appendix R.
- (2) The proposed amendment does not create the possibility of a new or different kind of accident from an accident previously evaluated. This is an administrative change which places controls on an approved NRC Program. These changes will not eliminate or modify any protective functions or equipment that are required for BFN to achieve and maintain reactor shutdown capabilities as required by 10 CFR 50 Appendix R. Implementation of these proposed changes will not result in an additional release pathway to the environment. In developing the BFN Appendix R Safe Shutdown Program an analysis was performed in order to identify that equipment needed to comply with 10 CFR 50 Appendix R. Implementing this Program and the proposed TS does not negate the other safety analyses or accident scenarios in which BFN was licensed for.
- (3) The proposed change does not involve a significant reduction in the margin of safety. This proposed amendment is administrative and places various administrative controls on an NRC approved BFN Appendix R Safe Shutdown Program. Implementing these changes enhances the overall safety of BFN. The program identifies that equipment required by the Appendix R Safe Shutdown Analysis to shutdown the reactor in accordance with 10 CFR 50 Appendix R. In addition, it also provides testing and monitoring requirements along with compensatory measures if the subject equipment cannot fulfill its function. The proposed TS allows BFN to change the Program under

the guidelines of 10 CFR 50.59 which is an approved industry practice and consistent with NRC Generic Letter 86-10. Any changes made under 10 CFR 50.59 are required to be submitted to NRC in an annual report. This process will enable NRC to independently keep abreast with any changes that may be made.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed determination was published on July 12, 1989 (54 FR 29413)

Therefore, based on the considerations as published, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555,

and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 13, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 petition for leave to intervene. Request for a hearing and petitions 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 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Athens Public Library, South Street, Athens, Alabama. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR Section 2.714, 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. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.

Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

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 present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and

State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

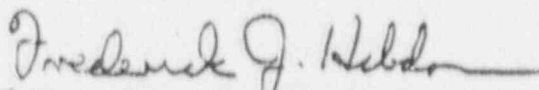
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Frederick J. Hebdon, (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to General Counsel, Tennessee Valley Authority, 400 West Summit Hall Drive, E11833, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 14, 1989 as supplemented by letters April 14, 1989, January 30, 1990, and December 11, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Athens Public Library, South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland, this 3rd day of January 1991.

FOR THE NUCLEAR REGULATORY COMMISSION



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