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COMSECY-06-0052

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

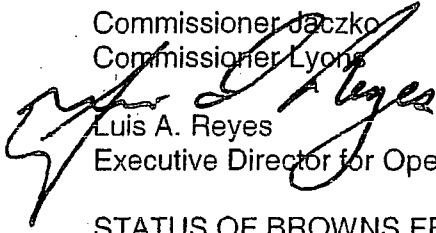
Approved/ Disapproved. See
attached comment.

October 20, 2006

Dale E. Klein

11/09/06

MEMORANDUM TO: Chairman Klein
 Commissioner McGaffigan
 Commissioner Merrifield
 Commissioner Jaczko
 Commissioner Lyons

FROM: 
 Luis A. Reyes
 Executive Director for Operations

SUBJECT: STATUS OF BROWNS FERRY UNIT 1 RECOVERY PROJECT

The purpose of this memorandum is to provide the Commission with the status of the staff's regulatory oversight of the recovery and restart of Browns Ferry Nuclear Plant (BFN) Unit 1 and request that the Commission authorize the Region II Administrator to allow restart of BNF Unit 1. This memorandum also provides an overview of the regulatory oversight process that the staff is employing during the recovery and restart project and identifies certain issues of potential significance.

Browns Ferry is a three unit boiling water reactor facility near Decatur, AL. The licensee (Tennessee Valley Authority or TVA) has maintained BFN Unit 1 shut down and in a layup condition since 1985 when it voluntarily shut down and maintained shutdown of all three BFN units due to poor performance (i.e., significant enforcement actions, several operational events, equipment failures, and management's inability to identify and correct problems). BFN Units 2 and 3 were restarted in the 1990's as described in SECY-95-264 (Unit 3) and SECY-91-101 (Unit 2).

In 2002, the TVA Board of Directors authorized recovery and restart of Unit 1. The licensee outlined a 5-year restart and recovery plan, with restart scheduled for mid-2007. TVA described its plan for recovery and restart of Unit 1 in a meeting on April 24, 2003, and in letters dated December 13, 2002, February 28, 2003, and June 11, 2003. The NRC staff accepted TVA's proposed regulatory framework in a letter dated August 14, 2003. The regulatory framework identifies the generic communication responses, special programs, technical specification changes, and other licensing and regulatory issue responses that TVA agreed to submit to the NRC for review prior to the restart of Unit 1.

CONTACT: Joseph W. Shea, Region II/DRS
404-562-4600

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Chairman Klein's Comment on COMSECY-06-0052

Approved/Disapproved. I approve the concept of authorizing the Region II Administrator to allow the restart of Browns Ferry Nuclear Plant, Unit 1 at the appropriate time. Now, however, is not the appropriate time. The staff should ensure completion of all necessary actions and brief the Commission on the restart of Browns Ferry Nuclear Plant, Unit 1 prior to making a determination regarding restart.



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October 20, 2006

Disapproval
See attached
Comments
E. Mc Guffey Jr.
10/31/06

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: *Luis A. Reyes*
Luis A. Reyes
Executive Director for Operations

SUBJECT: STATUS OF BROWNS FERRY UNIT 1 RECOVERY PROJECT

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Commissioner McGaffigan's Comments on COMSECY-06-0052

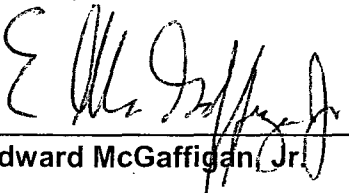
I disapprove the staff request that the Commission authorize the Region II Administrator, after consultation with the Director of Nuclear Reactor Regulation, to allow restart of Browns Ferry Nuclear (BFN) Unit 1. Approval at this time is premature and can wait until after the Commission briefing which the staff plans to schedule early next year before restart.

The staff is to be congratulated on its development and implementation of a cohesive restart oversight program. The fact that the staff felt compelled to create an entire manual chapter (Inspection Manual Chapter 2509) is indicative of the scope and extent of the recovery process and that of the associated regulatory oversight effort. It should thus come as no surprise that a great many novel technical issues, programmatic concerns, and policy questions need to be assessed by the Commission itself prior to gaining confidence that BFN Unit 1 is again ready to operate.

The shutdown duration (about 22 years) is without precedent, as is the number of regulatory changes that occurred during that same period. Staff must confirm that appropriate responses to those changes are in place. The magnitude of the recovery program rendered BFN Unit 1 a *de facto* construction site, with significant piping and component replacement, electrical re-cabling, and overall refurbishment. As noted in the COMSECY, plant systems have long been out of the hands of the licensee's operating staff necessitating the establishment of a process for the turnover of systems from essentially a construction organization back to the operations department - - a process with which the staff raised concerns that had to be corrected.

Also among the items that the Commission may wish to consider is that the licensee has requested to return BFN Unit 1 to operation at 105 percent of the licensed power at the time the Tennessee Valley Authority (TVA) shut down Unit 1 (March 1985) due to equipment and programmatic concerns. ACRS has asked the staff to clarify when the staff will be analyzing the licensee's requested uprate to 120 percent of licensed power. If the staff plans to conduct those analyses and largely sign off on TVA's plans prior to restart at 105 percent power, then ACRS should be involved before restart.

Commission approval - - if merited - - for the restart of BFN Unit 1 should be in a Staff Requirements Memorandum following the public meeting early next year during which the Commission is briefed by the NRC staff and, if appropriate, the licensee.


Edward McGaffigan, Jr. 10/31/06
(Date)

REQUEST REPLY BY: 11/7

COMSECY-06-0052



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 20, 2006

*Disapproved.
See attached comments.*

[Signature]
11/8/06

MEMORANDUM TO:

Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM:

[Signature]
Luis A. Reyes
Executive Director for Operations

SUBJECT:

STATUS OF BROWNS FERRY UNIT 1 RECOVERY PROJECT

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404-562-4600

**Commissioner Merrifield's Comments on
COMSECY-06-0052, "Status of Browns Ferry Unit 1 Recovery Project"**

The staff should be commended for putting together a comprehensive restart readiness plan (Inspection Manual Chapter 2509) to assure that key licensing requirements are met and that necessary systems are operable. The staff process is an effective management tool to oversee the resolution of technical and inspection issues and to reach an overall recommendation about the readiness to restart the plant.

For the previous restart decisions at Browns Ferry Units 2 and 3, the Commission received Commission papers and briefings on the actions taken by the licensee, the staff assessment of the licensee's readiness to restart, and the nature of actions remaining to be completed before any Commission action was taken to delegate the restart decision to the Regional Administrator. The staff has not provided any new information that would support a change in the process previously used by the Commission to establish the readiness of a plant to restart.

Therefore, until the Commission has been briefed on the actions taken by the licensee, the staff assessments performed, and any outstanding actions that remain to be completed, I believe that it is premature to authorize or delegate any decision to the Regional Administrator related to the restart of Browns Ferry Unit 1. I disapprove the staff's request to delegate the restart decision to the Regional Administrator at this time. The Commission will determine whether to authorize restart after the briefing scheduled in January 2007, and to delegate the restart decision authority to the Regional Administrator, if appropriate, through the associated staff requirement memorandum.

REQUEST REPLY BY: 11/7

COMSECY-06-0052




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October 20, 2006

Approve/Disapprove. See attached comments.

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons


Gregory B. Jaczko Date 10/31/06

FROM: 
Luis A. Reyes
Executive Director for Operations

SUBJECT: STATUS OF BROWNS FERRY UNIT 1 RECOVERY PROJECT

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404-562-4600

**Commissioner Jaczko's Comments on COMSECY-06-0052
Status of Browns Ferry Unit 1 Recovery Project**

I approve in part and disapprove in part the staff's request that the Commission authorize the Region II Administrator to allow restart of Browns Ferry Nuclear Plant Unit 1 at this time. I believe two things must occur before I can make an informed decision regarding the restart.

First, the Commission should hold a public meeting prior to a decision regarding the restart. This restart is a significant agency activity which involves not only a variety of technical issues, but also important policy issues. I believe the Commission should have the opportunity to discuss these issues with the staff, the licensee and other appropriate stakeholders, prior to rendering a final judgment.

Regarding the fire protection issue referenced by the staff, I understand that the manual actions are being addressed through the licensee's corrective action program. I continue to believe that manual actions are not the optimal way to address non-compliance with fire protection regulations. Licensees, including TVA, should consider a comprehensive solution by implementing the risk-informed fire protection regulations. Additionally, it is not clear how the circuit issue will be addressed. I believe it is imperative that the circuit issue be addressed in a manner consistent with the staff's expectations as outlined in SECY-06-0196, Issuance of Generic Letter 2006-XX, "Post-Fire Safe-Shutdown Circuits Analysis Spurious Actuations".

I also have concerns with the current planned review of the extended power uprate application. It appears that while the applicant is requesting a twenty percent power uprate, initially they will limit their uprate to five percent. The staff explains that they do not believe a full Advisory Committee on Reactor Safeguards (ACRS) review is needed for Unit 1 to restart at 105 percent power, but that the ACRS will review the staff's safety evaluation for the 120 percent power level in its entirety before the applicant proceeds to increase power to that level. As Dr. Bonaca explained at the recent Commission meeting with the ACRS, however, it is not clear whether the staff's anticipated review of the uprate to 105 percent power will involve reviewing the same evaluation that later provides the basis for the full 120 percent power uprate request. If the staff's review is in fact a review of the analysis that supports a 20 percent power uprate, but simply restricts Unit 1 to a five percent power uprate, the ACRS should review the uprate analysis prior to a decision on the issue.


Gregory B. Jaczko


Date

REQUEST REPLY BY: 4/7

COMSECY-06-0052



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

Approved in part/disapproved in part per attached comments.

October 20, 2006

Peter B. Lyons 11/9/06
Peter B. Lyons Date

MEMORANDUM TO:

Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM:

Luis A. Reyes
Luis A. Reyes
Executive Director for Operations

SUBJECT:

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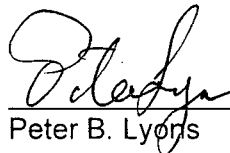
Commissioner Lyons' Comments on COMSECY-06-0052

The staff's plan for Browns Ferry Unit 1 restart as stated in this memorandum includes "Consistent with Commission direction for BNF Unit 3 restart in SECY 95-264, IMC 2509, and following a Commission briefing, the Regional Administrator, with the concurrence of the Director of NRR, will authorize the restart." I approve this approach as stated.

I agree with Commissioners Jaczko, McGaffigan, and Merrifield that any staff decision to allow restart of Unit 1 should only be made subsequent to the planned Commission briefing and should account for any Commission direction in the resultant Staff Requirements Memorandum, but I believe this has always been the staff's intent as indicated in NRC Inspection Manual Chapter 2509. Therefore, I disapprove any interpretation that would permit restart of Unit 1 prior to the planned Commission briefing.

I join Commissioners McGaffigan and Merrifield in commending the staff's progress and implementation of a cohesive oversight program in this unique circumstance, and further believe it will provide valuable learning opportunities for our future inspection and oversight of new construction.

With regard to the matters of concern or interest raised by my fellow Commissioners, I believe the planned Commission briefing will provide an appropriate opportunity for the staff to present the results of its oversight and the remaining activities necessary to provide an adequate regulatory basis for authorizing restart and to address Commissioner questions on matters of particular interest. The Commission may then provide direction if deemed necessary.

 11/9/06
Peter B. Lyons Date