



NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-259, 50-260, and 50-296; NRC-2024-0030]

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3;

Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption from the regulation that would otherwise require the application for subsequent renewal of Facility Operating License Nos. DPR-33, DPR-52, and DPR-68 for Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3, respectively, to be referred to the Advisory Committee on Reactor Safeguards (ACRS) for a review and report, with any report being made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure. The NRC finds that the required criteria are met due to the special circumstance presented by Executive Order (EO) 14300, "Ordering the Reform of the Nuclear Regulatory Commission," section 4(b) (stating that "[r]eview by ACRS of permitting and licensing issues shall focus on issues that are truly novel or noteworthy").

DATE: The exemption was issued on July 25, 2025.

ADDRESSES: Please refer to Docket ID **NRC-2024-0030** when contacting the NRC staff about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID **NRC-2024-0030**. Address questions about Docket IDs in Regulations.gov to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the "For Further Information Contact" section of this document.

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(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov.

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FOR FURTHER INFORMATION CONTACT: Jessica Hammock, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0740; email: Jessica.Hammock@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: July 28, 2025.

For the Nuclear Regulatory Commission.

Jessica Hammock,
Project Manager,
Division of New and Renewed Licenses,
Office of Nuclear Reactor Regulation.

Attachment – Exemption.

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Tennessee Valley Authority;

Browns Ferry Nuclear Plant, Units 1, 2, and 3;

Exemption

I. Background.

The Tennessee Valley Authority (TVA) is the holder of Facility Operating License Nos. DPR-33, DPR-52, and DPR-68 for Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect. The U.S. Nuclear Regulatory Commission (NRC) issued the initial operating licenses for BFN, Units 1, 2, and 3 on December 20, 1973, June 28, 1974, and July 2, 1976, respectively. BFN Units 1, 2, and 3 are General Electric boiling-water reactors designated BWR/4 with Mark I containments and each have a licensed thermal power of 3,952 megawatts thermal (MWt). BFN Units 1, 2, and 3 are located in Athens, Alabama along the Tennessee River.

On January 19, 2024, TVA submitted to the NRC an application for subsequent renewal of Facility Operating License Nos. DPR-33, DPR-52, and DPR-68 for BFN, pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) Part 54, “Requirements for Renewal of Operating Licenses for Nuclear Power Plants” requesting renewal for a period of 20 years beyond the current facility operating license expirations of December 20, 2033, June 28, 2034, and July 2, 2036, for BFN Units 1, 2, and 3, respectively. A final decision on the application is expected on October 15, 2025.

Under 10 CFR 54.25, “[e]ach renewal application will be referred to the Advisory Committee on Reactor Safeguards for a review and report. Any report will be made part of the record of the application and made available to the public, except to the extent

that security classification prevents disclosure.” The December 31, 1991 rulemaking that promulgated 10 CFR 54.25 (Nuclear Power Plant License Renewal, (56 FR 64943, 64966)) noted that review by the ACRS was desirable but such review was not required by statute.

On May 23, 2025, the President issued Executive Order (EO) 14300 (90 FR 22587), “Ordering the Reform of the Nuclear Regulatory Commission,” and section 4(b) of EO 14300 states that “[r]eview by ACRS of permitting and licensing issues shall focus on issues that are truly novel or noteworthy.”

On July 18, 2025, the NRC staff issued a Safety Evaluation (SE) (ML25195A021) documenting the NRC staff’s review of TVA’s subsequent license renewal application for BFN. Section 5 of the SE described the plan to meet 10 CFR 54.25 by referring the application to the ACRS, and the plan for the NRC staff and the applicant to attend a meeting of the full committee of the ACRS to discuss the renewal application. Because the NRC staff identified no issues in this license renewal application review that are “truly novel or noteworthy,” and the NRC is now granting an exemption to the requirement in 10 CFR 54.25 to send the application to the ACRS for review, the planned actions in Section 5 of the SE will not occur.

II. Action.

In light of EO 14300, the status of the review of the subsequent license renewal application for BFN, Units 1, 2 and 3, and the fact that the NRC staff found no “truly novel or noteworthy” issues in the application that would benefit from an ACRS review, the NRC staff determined that a staff-initiated exemption to 10 CFR 54.25 was warranted and should be granted. Pursuant to 10 CFR 54.15, “Specific exemptions,” exemptions from the requirements of 10 CFR Part 54 may be granted by the Commission in accordance with 10 CFR 50.12. Per 10 CFR 50.12(a), “[t]he Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part,” when certain conditions are met. Further, per 10 CFR 50.12(a)(2), the Commission will not consider

granting an exemption unless special circumstances are present. Under 10 CFR 50.12(b)(vi), special circumstances are present whenever there is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption, but if such condition is relied on exclusively for satisfying paragraph (a)(2), then the exemption may not be granted until the Executive Director for Operations (EDO) has consulted with the Commission. The NRC staff has determined that those criteria are met and an exemption from 10 CFR 54.25 may be granted for the reasons explained below.

III. Discussion.

As described in 10 CFR 1.13, the ACRS was established by the Atomic Energy Act of 1954 (AEA), as amended. Among other things, the ACRS reviews and reports on safety studies and applications for construction permits as well as facility operating licenses. The ACRS also reviews any generic issues or other matters referred to it by the Commission for advice.

In addition, 10 CFR 54.25, as originally promulgated in 1991, requires that “[e]ach renewal application will be referred to the Advisory Committee on Reactor Safeguards for a review and report. Any report will be made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure.” The December 31, 1991 rulemaking notice explained (56 FR 64966) the background of the requirement thusly:

Section 182.b of the AEA states:

The ACRS shall review each application under section 103 or section 104b. for a construction permit or an operating license for a facility, any application under section 104c. for a construction permit or an operating license for a testing facility, any application under section 104a. or c. specifically referred to it by the Commission, and any application for an amendment to a construction permit or an amendment to an operating license under section 103 or 104a., b., or c. specifically referred to it by the Commission * * *

Section 182.b does not explicitly refer to applications for renewal of an operating license as requiring ACRS review. However, The Commission

believes that review by the ACRS is desirable. Accordingly, § 54.25 of the final rule requires ACRS review of a license renewal application.

The Commission has not changed 10 CFR 54.25 since its initial issuance in 1991. Further, no subsequent amendments of the AEA have set forth a requirement for the ACRS to review an application for a renewed license.

10 CFR 54.15, "Specific exemptions," states that "[e]xemptions from the requirements of this part may be granted by the Commission in accordance with 10 CFR 50.12." Pursuant to 10 CFR 50.12(a)(1), "Specific exemptions," 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 authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security."

Exemptions Are Authorized by Law

For an exemption to be authorized by law the item to be exempted cannot be required by statute. The requirement in 10 CFR 54.25 is not required by the AEA, nor required by any other law. As noted by the Commission in 1991 (56 FR 64966), the AEA does not explicitly refer to applications for renewal of an operating license as requiring ACRS review. This remains true today. Accordingly, the NRC finds that the exemption is authorized by law.

Exemption Will Not Present an Undue Risk to the Public Health and Safety

The standards and criteria that must be met before the Commission issues a renewed or subsequent renewed license are not affected by an exemption to 10 CFR 54.25. After an exemption to 54.25, the regulation at 10 CFR 54.29 will continue to set forth the safety criteria that must be met before a renewed or subsequent renewed license may be issued by the Commission. The NRC staff, which has a robust process for reviewing applications for renewed licenses, has completed its detailed review of how the BFN, Units 1, 2 and 3 subsequent license renewal application addressed the standards of 10 CFR 54.29 (and other relevant regulations). The result of the safety review is documented in a safety evaluation report. The already-completed reviews by

the NRC staff confirmed that the application did not contain anything “truly novel or noteworthy,” thereby assuring that an exemption from 10 CFR 54.25’s requirement to refer the application to the ACRS will not present an undue risk to public health and safety.

Exemption is Consistent with the Common Defense and Security

The NRC staff has determined that the exemption from an ACRS review of the subsequent license renewal application does not impact common defense and security in large part because the common defense and security are not within the scope of subsequent license renewal review that is concerned with aging effects. When promulgating revisions to the license renewal rules (60 FR 22461, 22463-64) in 1995, the Commission re-affirmed its philosophy that the existing regulatory process is adequate to ensure that the licensing bases of all currently operating plants provides and maintains an acceptable level of safety so that operation will not be inimical to public health and safety or common defense and security. The exemption from an ACRS review, otherwise required by 10 CFR 54.25, does not alter any common defense or security matter or regulation. Thus, the exemption is consistent with common defense and security.

Special Circumstances are Present

Pursuant to 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption unless special circumstances are present. 10 CFR 50.12(a)(2)(vi) states that special circumstances are present when, “[t]here is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. If such condition is relied on exclusively for satisfying paragraph (a)(2) of this section, the exemption may not be granted until the Executive Director for Operations has consulted with the Commission.”

The 2025 EO 14300 did not, of course, exist when 10 CFR 54.25 was promulgated in 1991. Thus EO 14300 was not, and could not, be considered when 10 CFR 54.25 was issued with a blanket requirement that all renewal applications be

referred to ACRS. Section 4(b) of EO 14300 states that “[r]eview by ACRS of permitting and licensing issues shall focus on issues that are truly novel or noteworthy.” The NRC staff determined that there were no “truly novel or noteworthy” issues in the BFN, Units 1, 2, and 3 subsequent license renewal application. To make a determination that the subsequent license renewal application for BFN, Units 1, 2, and 3 contained no novel or noteworthy issues, the NRC staff drew upon its demonstrated past experience with a total of 90 approved license renewal applications and 13 approved subsequent license renewal applications. When those past reviews identified a novel or noteworthy issues (e.g., issues related to buried gray cast iron piping), the NRC staff took appropriate action. However, no such issues are present in the subsequent license renewal application for BFN, Units 1, 2, and 3. Accordingly, because the Commission did not specifically refer this application for an ACRS review, there are no “truly novel or noteworthy” issues in the subsequent license renewal application for BFN, Units 1, 2, and 3. Furthermore, since EO 14300 was recently issued, the NRC staff finds that special circumstances are present under 10 CFR 50.12(a)(2). Thus, given that following EO 14300 is in the public interest, the EO represents the special circumstance under 10 CFR 50.12(a)(2)(vi) and an exemption from 10 CFR 54.25 is warranted. In fulfillment of 10 CFR 50.12(a)(2)(vi), the EDO consulted with the Commission.

Environmental Consideration

This exemption removes the requirement in 10 CFR 54.25 to refer the subsequent license renewal application to the ACRS for a review and report, with any report being made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure. The NRC staff has determined that this exemption does not have an effect on the human environment and, therefore, a categorical exclusion under 10 CFR 51.22 is appropriate.

Under 10 CFR 51.22(c), licensing, regulatory, and administrative actions eligible for categorical exclusion shall meet the following criterion, namely that “[t]he action belongs to a category of actions which the Commission, by rule or regulation, has

declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment.” Under 10 CFR 51.22(c)(25), categories of actions that are categorical exclusions include granting of an exemption from the requirements of any regulation of 10 CFR Chapter I, provided that: (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involving an item listed in 10 CFR 51.22(c)(25)(vi)(A)-(I); 10 CFR 51.22(c)(25)(vi)(A), (B), and (I) are “recordkeeping requirements,” “reporting requirements,” or “other requirements of an administrative, managerial, or organizational nature,” respectively. As explained below, these criteria are satisfied.

An exemption involves no significant hazards consideration if, as provided in 10 CFR 50.92(c), operation of the facility in accordance with the proposed exemption would not: “(1) [i]nvolve a significant increase in the probability or consequences of an accident previously evaluated; or (2) [c]reate the possibility of a new or different kind of accident from any accident previously evaluated; or (3) [i]nvolve a significant reduction in a margin of safety.” This exemption has no bearing on the operation of BFN and the NRC staff identified no “truly novel or noteworthy” issues for an ACRS review. Referring (or declining to refer) the application to the ACRS does not change any manner in which the facility would operate and, accordingly, the factors above are met. The requirement in 10 CFR 54.25 for the application to be referred to the ACRS for review and report, with any report being made part of the record of the application fits within 10 CFR 51.22(c)(25)(vi)(A), (B), and (I) in that they involve “recordkeeping requirements,” “reporting requirements,” or “other requirements of an administrative, managerial, or organizational nature.” Accordingly, an exemption from 10 CFR 54.25

meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the exemption.

IV. Conclusions.

Accordingly, the Commission has determined that, pursuant to 10 CFR 54.15, “Specific exemptions,” (stating that exemptions from the requirements of 10 CFR Part 54 may be granted by the Commission in accordance with 10 CFR 50.12), an exemption from the 10 CFR 54.25 requirement to send the BFN, Units 1, 2, and 3 subsequent license renewal application to the ACRS for review is granted. The standards of 10 CFR 50.12(a) are met in that the exemption from 10 CFR 54.25 is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, special circumstances are present, and the EDO has consulted with the Commission. Therefore, the subsequent license renewal application is no longer required to be referred to the ACRS for a review and report. The planned steps to meet 10 CFR 54.25 described in Section 5 of the July 18, 2025 SE (ML25195A021) are no longer needed and will not be taken.

The exemption is effective upon issuance.

Dated at Rockville, Maryland, this 25th day of July 2025

For the Nuclear Regulatory Commission.

/RA/

Michele Sampson, Director,
Division of New and Renewed Licenses,
Office of Nuclear Reactor Regulation.