

August 23, 2000

Mr. L. W. Myers  
Senior Vice President  
Beaver Valley Power Station  
Post Office Box 4  
Shippingport, PA 15077

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY OPERATING LICENSES, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR A HEARING (TAC NOS. MA6758 AND MA6759)

Dear Mr. Myers:

Enclosed is a copy of the subject notice that relates to FirstEnergy Nuclear Operating Company's application for amendment dated May 12, 2000, which superseded your September 20, 1999, application for changes to the Technical Specifications of Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2). The proposed amendments would revise the standard to which the control room ventilation charcoal and Supplementary Leak Collection and Release System (SLCRS) charcoal must be tested, to follow American Society for Testing and Materials D3803-1989, "Standard Test Method for Nuclear-Grade Activated Carbon," for each BVPS Unit. The requested changes would also: (1) revise the minimum amount of output in kilowatts needed for the control room emergency ventilation system heaters at each BVPS Unit; (2) revise BVPS-1 SLCRS surveillance testing criteria to be consistent with American Nuclear Standards Institute/American Society of Mechanical Engineers N510-1980, the BVPS-1 control room ventilation testing, and the BVPS-2 SLCRS control room ventilation testing; and (3) make minor typographical corrections and editorial changes.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

*/RA/*

Daniel S. Collins, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

Enclosure: Notice

cc w/encl: See next page

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Beaver Valley Power Station, Units 1 and 2

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UNITED STATES NUCLEAR REGULATORY COMMISSION

PENNSYLVANIA POWER COMPANY

OHIO EDISON COMPANY

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

THE TOLEDO EDISON COMPANY

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NOS. 50-334 AND 50-412

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-66 and NPF-73 issued to FirstEnergy Nuclear Operating Company (the licensee) for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2), located in Beaver County, Pennsylvania.

This notice supersedes the notice published on November 17, 1999 (64 FR 62710) in its entirety.

The proposed amendment would revise the standard to which the control room ventilation charcoal and Supplementary Leak Collection and Release System (SLCRS) charcoal must be laboratory tested as specified in: BVPS-1 Technical Specification (TS) 4.7.7.1.1.c.2 for the Control Room Emergency Habitability Systems; BVPS-1 TS 4.7.8.1.b.3 for the SLCRS; BVPS-2 TS 4.7.7.1.d for the Control Room Emergency Air Cleanup and Pressurization System;

and BVPS-2 TS 4.7.8.1.b.3 for the SLCRS. NRC Generic Letter 99-02, "Laboratory Testing of Nuclear-Grade Activated Charcoal," dated June 3, 1999, requested licensees to revise their TS criteria associated with laboratory testing of ventilation charcoal to a valid test protocol, which included American Society for Testing and Materials (ASTM) D3803-1989. This license amendment request revises the charcoal laboratory standard to follow ASTM D3803-1989 for each BVPS Unit. This license amendment request also: (1) revises the minimum amount of output in kilowatts needed for the control room emergency ventilation system heaters at each BVPS unit; (2) revises BVPS-1 SLCRS surveillance testing criteria to be consistent with American Nuclear Standards Institute/American Society of Mechanical Engineers N510-1980, the BVPS-1 control room ventilation testing, and BVPS-2 SLCRS/ control room ventilation testing; and (3) makes minor typographical corrections and editorial changes.

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 amendment request 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes to the surveillance requirements for the laboratory testing of ventilation system charcoal are consistent with Generic Letter 99-02. The proposed

change will adopt ASTM D3803-1989 ["Standard Test Method for Nuclear-Grade Activated Carbon,"] as the laboratory testing standard for performing the surveillance associated with the Control Room emergency ventilation and the SLCRS charcoal filters at each BVPS Unit. Thus this proposed change will not involve a significant increase in the probability or consequences of a previously evaluated accident since this standard provides the assurance for continuing to comply with the BVPS Unit 1 and Unit 2 licensing basis for ventilation filter testing.

The change in the control room emergency ventilation system heater minimum output at both BVPS Units does not change the system ability to meet its design bases. The change in the BVPS Unit 1 SLCRS testing frequency for adsorber/filter in-place testing and the adsorber laboratory testing does not change the SLCRS system's ability to meet its design bases. The change in the BVPS Unit 1 SLCRS testing frequency for SLCRS air flow distribution testing does not change the SLCRS system's ability to meet its design bases.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed license amendment to the control room emergency ventilation system and SLCRS at both BVPS Units does not change the way the system is operated. The proposed changes only involve changes to the surveillance testing. These testing modifications do not alter these systems' ability to perform their design bases. Therefore, these proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated accident since the control room emergency ventilation system and SLCRS will continue to operate in accordance with their design bases.

3. Does the change involve a significant reduction in a margin of safety?

The proposed amendment does not involve revisions to any safety limits or safety system setting that would adversely impact plant safety. The proposed amendment does not affect the ability of system, structures or components important to the mitigation and control of design bases accident conditions within the facility. In addition, the proposed amendment does not affect the ability of safety systems to ensure that the facility can be maintained in a shutdown or refueling condition for extended periods of time.

The proposed license amendment to the control room emergency ventilation system and SLCRS at both BVPS Units does not change the way the system is operated. The proposed changes only involve changes to the surveillance testing. These testing modifications do not alter these systems' ability to perform their design bases.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine 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.

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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 28, 2000, 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 request for a hearing and a petition for leave to intervene.

Requests for a hearing and a petition 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, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). 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 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 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 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 amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

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

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, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mary O'Reilly, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308, 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 presiding 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 May 12, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 23<sup>rd</sup> day of August, 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA/***

Daniel S. Collins, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation