

April 23, 2001

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

SUBJECT: BEAVER VALLEY POWER STATION UNIT NO. 2 (BVPS-2), EXEMPTION
FROM REQUIREMENTS RELATED TO THE FILING OF REVISIONS TO THE
FINAL SAFETY ANALYSIS REPORT (FSAR)

Dear Mr. Myers:

The Commission has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 50.71(e)(4), for BVPS-2 regarding the filing of revisions to the FSAR. This action is in response to your letter of March 13, 2001. This exemption extends the required filing date for the next revision to the FSAR from April 25, 2001 (6 months after the most recent refueling outage), to August 23, 2001. The revision is required to reflect all changes made from the date the last revision was filed on April 30, 1999, through, at least, October 25, 2000 (6 months prior to the originally-required filing date of April 25, 2000).

A copy of the exemption is enclosed. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Lawrence J. Burkhart, Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-412

Enclosure: Exemption

cc w/encl: See next page

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Beaver Valley Power Station, Units 1 and 2

Mary O'Reilly, Attorney
FirstEnergy Nuclear Operating Company
FirstEnergy Corporation
76 South Main Street
Akron, OH 44308

FirstEnergy Nuclear Operating Company
Licensing Section
Thomas S. Cosgrove, Manager (2 Copies)
Beaver Valley Power Station
Post Office Box 4, BV-A
Shippingport, PA 15077

Commissioner Roy M. Smith
West Virginia Department of Labor
Building 3, Room 319
Capitol Complex
Charleston, WV 25305

Director, Utilities Department
Public Utilities Commission
180 East Broad Street
Columbus, OH 43266-0573

Director, Pennsylvania Emergency
Management Agency
Post Office Box 3321
Harrisburg, PA 17105-3321

Ohio EPA-DERR
ATTN: Zack A. Clayton
Post Office Box 1049
Columbus, OH 43266-0149

Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803

FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Mr. B. F. Sepelack
Post Office Box 4, BV-A
Shippingport, PA 15077

FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
ATTN: L. W. Pearce, Plant Manager
(BV-SOSB-7)
Post Office Box 4
Shippingport, PA 15077

Bureau of Radiation Protection
Pennsylvania Department of
Environmental Protection
ATTN: Larry Ryan
Post Office Box 2063
Harrisburg, PA 17120

Mayor of the Borough of
Shippingport
Post Office Box 3
Shippingport, PA 15077

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
Post Office Box 298
Shippingport, PA 15077

FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
ATTN: M. P. Pearson, Director Plant
Services (BV-NCD-3)
Post Office Box 4
Shippingport, PA 15077

Mr. J. A. Hultz, Manager
Projects & Support Services
FirstEnergy
76 South Main Street
Akron, OH 44308

UNITED STATES NUCLEAR REGULATORY COMMISSION
PENNSYLVANIA POWER COMPANY
OHIO EDISON COMPANY
FIRSTENERGY NUCLEAR OPERATING COMPANY
BEAVER VALLEY POWER STATION, UNIT NO. 2 (BVPS-2)
DOCKET NO. 50-412
EXEMPTION

1.0 BACKGROUND

The FirstEnergy Nuclear Operating Company, (FENOC, et al., the licensee) is the holder of Facility Operating License No. NPF-73 which authorizes operation of BVPS-2. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor located in Shippingport, Pennsylvania.

2.0 PURPOSE

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 50.71, "Maintenance of Records, Making of Reports," paragraph (e)(4) states, in part, "Subsequent revisions must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The revisions must reflect all changes up to a maximum of 6 months prior to the date of filing." The most recent outage for BVPS-2 was completed on October 25, 2000, and the latest revision to the BVPS-2 Final Safety

Analysis Report (FSAR) was filed on April 30, 1999. The licensee would be required to submit the next revision to the BVPS-2 FSAR by April 25, 2001, and that revision would be required to reflect all changes up to a maximum of 6 months prior to the date of filing. The need for the proposed exemption is based on taking advantage of the efficiencies of the NRC's recently commissioned electronic information exchange (EIE) process which allows licensees to voluntarily submit documents to the NRC over the internet or on a CD-ROM. The NRC issued Regulatory Issue Summary (RIS) 2001-05, "Guidance on Submitting Documents to the NRC by Electronic Information Exchange or on CD-ROM," on January 25, 2001 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML003768343).

3.0 DISCUSSION

Section 50.12(a) of 10 CFR, "Specific exemption," 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)(v) of 10 CFR states that special circumstances are present when "The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation...." The NRC staff finds that the exemption provides temporary relief from the regulatory requirements of 10 CFR 50.71(e)(4) by extending the filing deadline from April 25, 2001, to August 23, 2001 (the requirement to reflect all changes up to a maximum of 6 months prior to the date of filing is revised to reflect all changes through, at least, October 25, 2000). In addition, prior to the issuance of RIS 2001-05 on January 25, 2001 (ADAMS Accession No. ML003768343), the licensee was preparing to issue the numerous hard copies of the FSAR revision in accordance

with 10 CFR 50.71(e)(4) and 50.4, "Written Communications." An additional 120 days reflects the estimated time required for production of an electronic version in lieu of a hardcopy. With the issuance of RIS 2001-05 on January 25, 2001, the NRC informed licensees that they may submit documents to the NRC over the internet by the EIE process or on a CD-ROM if they follow certain procedures. The guidance is applicable to the submission of FSAR revisions. It also waives requirements that multiple copies of documents be submitted to the NRC. The licensee requested this exemption to take advantage of the efficiencies of this new process. Due to the efforts the licensee has indicated it has undertaken with regard to the preparation of the FSAR revision and to the participation in the recently commissioned EIE process, the NRC staff finds that the licensee has made good faith efforts to comply with the regulation.

Therefore, the staff concludes that granting an exemption under the special circumstances of 10 CFR 50.12(a)(2)(v) is appropriate and that the requirement for filing the next revision to the BVPS-2 FSAR may be extended to no later than August 23, 2001. This revision should include all changes through, at least, October 25, 2000.

4.0 CONCLUSION

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants FENOC an exemption from the requirements of 10 CFR 50.71(e)(4) for BVPS-2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 20489).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 23rd day of April 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation