

May 31, 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 NOS. 1 AND 2 - NOTICE OF
CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY
OPERATING LICENSES AND OPPORTUNITY FOR A HEARING REGARDING
INCREASE IN LICENSED POWER LEVEL (TAC NOS. MB0996 AND MB0997)

Dear Mr. Myers:

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing" with the Office of the Federal Register for publication. The notice relates to your amendment request dated January 18, 2001, as supplemented by letters dated February 20 and April 12, 2001, regarding proposed changes to Facility Operating License Nos. DPR-66 and NPF-73, and to the technical specifications for the Beaver Valley Power Station, Unit Nos. 1 and 2, to reflect an increase in the licensed core power level to 2689 megawatts (thermal), approximately 1.4 percent greater than the current level.

Sincerely,

/RA/

Lawrence J. Burkhart, 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 of Consideration

cc w/encl: See next page

UNITED STATES NUCLEAR REGULATORY COMMISSION

FIRSTENERGY NUCLEAR OPERATING COMPANY, ET AL.

DOCKET NOS. 50-334 AND 50-412

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND OPPORTUNITY FOR A HEARING

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

The proposed amendments would change the OLs and technical specifications for BVPS-1 and 2 to reflect an increase in the licensed core power level for each unit to 2689 megawatts (thermal), approximately 1.4 percent greater than the current level.

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

By [insert date 30 days from date of publication], 2001, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 petitions 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is accessible electronically through the Agencywide Documents Access and Management System (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 (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 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 must 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 a 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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. 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 that 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. The 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 amendments under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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.

Requests for a hearing and petitions 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 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, Attorney, FirstEnergy Legal Department, FirstEnergy Corporation, 76 S. 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 a 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).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated January 18, 2001 (ADAMS Accession No. ML010230096), as supplemented by letters dated February 20 (ADAMS Accession No. ML010540305) and April 12, 2001 (ADAMS Accession No. ML011130105), which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). If there are problems accessing the document located in ADAMS, contact the PDB Reference staff at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 31 day of May 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Lawrence J. Burkhart, Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management

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

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Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

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L. Burkhart	M. O'Brien	OGC	ACRS
DFlorek, RGN-I			

ACCESSION NO. ML011090347

*See previous concurrence

OFFICE	PDI-1/PM	PDI-2/LA	OGC *	PDI-1/SC
NAME	LBurkhart	MO'Brien	RWeisman	RCorreia
DATE	5/23/01	5/23/01	5/22/01	5/25/01

OFFICIAL RECORD COPY

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
2605 Interstate Dr.
Harrisburg, PA 17110-9364

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