

July 20, 2001

Mr. L. W. Myers
Senior Vice President
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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 DETERMINATION, AND OPPORTUNITY FOR A HEARING (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, Proposed No Significant Hazards Consideration Determination, 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 on June 26, 2001, regarding proposed changes to Facility Operating License Nos. DPR-66 and NPF-73, and to the Technical Specifications (TSs) for the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2). This amendment request proposes changes to TSs including revisions to BVPS-2 TS 3/4.4.9, "Pressure/Temperature Limits," heatup/cooldown curves and revisions to BVPS-1 and 2 TS 3.7.1.1, "Main Steam Safety Valves (MSSVs)."

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 (FENOC), ET AL.
DOCKET NOS. 50-334 AND 50-412
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 FENOC (the licensee) for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2), located in Shippingport, PA.

The proposed amendment would revise the applicability of the current BVPS-2 heatup/cooldown curves contained in Technical Specification (TS) 3/4.4.9, "Pressure/Temperature Limits," from 15 Effective Full-Power Years (EFPY) to 14 EFPY. Proposed changes to TS 3.7.1.1, "Main Steam Safety Valves (MSSVs)," include revisions of the limiting condition for operation and to the title and content of Table 3.7-1 to provide consistency with the NUREG-1431 improved standard TS, creation of new Actions to address inoperable MSSVs, reduction of the Power Range Neutron Flux - High reactor trip setpoint to be consistent with

Technical Specification Traveler Form - 235, Revision 1, and changes to the maximum power levels permissible with inoperable MSSVs. TS Bases changes are also proposed for consistency.

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 proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change to the Effective Full Power Years (EFPY) for the Unit 2 reactor coolant system heatup/cooldown curves are being made to impose a conservative projection of the increase in neutron fluence associated with a proposed 1.4% power uprate. This projection will ensure that the requirements of 10 CFR 50, Appendix G, "Fracture Toughness Requirements," will continue to be met following the proposed uprate. Thus, there is no significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Main Steam Safety Valve (MSSV) Technical Specifications will not reduce the valve's capability to provide pressure relief when required. The design basis events that were protected against by the heatup/cooldown curves and the MSSV's have not changed; therefore, the probability of an accident previously evaluated is not increased by these proposed changes. These proposed changes also do not alter any assumptions previously made in the radiological consequence evaluations, nor affect mitigation of the consequences of an accident previously evaluated.

Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

- (2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No new accident scenarios, failure mechanisms or single failures are introduced as a result of the proposed changes. All systems, structures, and components previously required for the mitigation of an event remain capable of fulfilling their intended design function. The proposed changes have no adverse effects on any safety-related system or component and do not challenge the performance or integrity of any safety related system.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

- (3) Does the proposed amendment involve a significant reduction in a margin of safety?

The proposed change to the EFPYs for the Unit 2 reactor coolant system heatup/cooldown curves preserves the margin of safety by imposing a conservative projection of the increase in neutron fluence associated with the proposed 1.4% power uprate.

The design basis for the MSSVs is to limit the secondary system pressure to \leq 110% of design pressure for any anticipated operational occurrence (AOO) or accident considered in the Design Basis Accident and transient analysis. All cases analyzed demonstrate that the MSSVs maintain Main Steam System integrity by limiting the maximum steam pressure to less than 110% of system design pressure. Since the design basis of the MSSVs is maintained, there is no significant reduction in the margin of safety.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

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. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

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

By August 27, 2001, 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site <http://www.nrc.gov/NRC/CFR/index.html>. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@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, 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 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 January 18, 2001 (Agencywide Documents Access and Management Systems [ADAMS] Accession No. ML010230096) as supplemented on June 26, 2001 (ADAMS Accession No. ML011840215), which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 20th day of July 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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

Mr. L. W. Myers
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