

June 24, 2002

EA-02-041

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

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND  
NOTICE OF VIOLATION AT THE BEAVER VALLEY POWER STATION  
(NRC Inspection Report 50-334/02-03, 50-412/02-03)

Dear Mr. Myers:

The purpose of this letter is to provide you with the final results of our significance determination of the preliminary Yellow finding identified in the subject inspection report that was discussed during an inspection exit meeting via telephone on March 15, 2002, with yourself, and other members of your staff. The inspection finding was assessed using the Emergency Preparedness Significance Determination Process (EP SDP), and was preliminarily characterized as Yellow, a finding with substantial importance to safety that will result in additional NRC inspection and potentially other NRC action.

As noted in the NRC letter dated April 12, 2002, forwarding the inspection report, this preliminary Yellow finding involved personal home alerting devices (PHADs), which comprise a small portion of the public alert and notification system (ANS) for the Beaver Valley Power Station (BVPS). The remainder of the ANS is comprised of pole-mounted sirens. Specifically, the PHADs were not being adequately tested and maintained to fulfill their design function of alerting members of the public in the BVPS Emergency Planning Zone (EPZ) who may not hear the pole-mounted sirens. As a result, you apparently did not meet a risk significant planning standard (RSPS) set forth in 10 CFR 50.47(b)(5), which requires that means have been established to provide early notification to the populace within the plume exposure EPZ.

At your request, a Regulatory Conference was held on May 15, 2002, at the Region I Office in King of Prussia, PA, with you and members of your staff, to further discuss your views on this issue. A copy of the handout you provided at the conference has been entered in the NRC's document system (ADAMS) and is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> under accession number ML021500424. During the conference, you did not agree with the NRC's preliminary Yellow assessment of this issue, and you described your assessment of the significance of the finding. You contended that essentially 100% of the ANS was functional and the impact on public health and safety was very low. Specifically, you indicated, based on subsequent siren tests in areas near PHAD locations, that the sirens would in fact provide the means for early notification in 75 percent of the areas where PHADs were located. As a result, you contended that the test results demonstrated that less than 1 percent of the population was potentially affected by the PHAD deficiencies, rather than the approximate 3 percent of the population served by the PHADs. After considering the information developed during the inspection and the information you provided at the conference, the NRC has concluded that the inspection finding is more

appropriately characterized as White, an issue with low to moderate safety significance, which may require additional NRC inspections. The EP SDP recognizes that a finding placed in context through the SDP can result in a color that exceeds the actual impact on public health and safety. You did not meet the requirements of the risk significant planning standard (RSPS) set forth in 10 CFR 50.47(b)(5) because a majority of the PHADs were degraded or removed, which constituted a degradation of the means for early notification of the public. However, in the event of a radiological emergency, the majority of the public would be notified directly by the ANS, which includes the sirens and the functional PHADs. The populace not covered by the sirens and functional PHADs would likely be informed via "informal alerting" by such means as television, radio, or "word-of-mouth." We concluded that the condition of the ANS due to degraded and removed PHADs did not have a substantial impact on the EP Cornerstone Performance Expectation, and therefore, the finding does not rise to the level of substantial safety significance (Yellow) and is more appropriately characterized as low to moderate safety significance (White).

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that a violation of 10 CFR 50.47(b)(5) occurred, as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation are also described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a White finding.

During the conference, your staff discussed your root cause evaluation and corrective actions to address the violation. Specifically, your evaluation found that a formal testing and maintenance program was not implemented to ensure satisfactory performance of the PHADs. As a part of your corrective actions, you: (1) implemented interim measures by September 1, 2001, to assure that the affected population was notified in the event of an emergency at the BVPS; (2) trained your Emergency Preparedness Section on the design basis document; (3) installed and tested additional sirens to eliminate the need for PHADs; and (4) submitted a revised design report that removed the PHADs from the BVPS ANS. In addition, you stated that you will perform a self-assessment of this area in September 2002.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket as summarized herein, in NRC Inspection Report 50-334/02-03, 50-412/02-03 dated April 12, 2002, and in your slides (ADAMS accession number ML021500424) used during the Regulatory Conference held in the Region I office on May 15, 2002. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix to determine the most appropriate NRC response for this event. We will notify you by separate correspondence of that determination.

Mr. L. W. Myers

-3-

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

***/RA/ James T. Wiggins Acting For***

Hubert J. Miller  
Regional Administrator

Docket Nos. 50-334, 50-412  
License Nos. DPR-66, NPF-73

Enclosure: Notice of Violation

cc w/encl : L. W. Pearce, Plant General Manager  
R. Fast, Director, Plant Maintenance  
F. von Ahn, Director, Plant Engineering  
R. Donnellon, Director, Maintenance  
M. Pearson, Director, Services and Projects  
J. Lash, Personnel Development  
L. Freeland, Manager, Nuclear Regulatory Affairs & Corrective Actions  
M. Clancy, Mayor, Shippingport, PA  
Commonwealth of Pennsylvania  
State of Ohio  
State of West Virginia  
P. Cote, Acting Regional Director, FEMA Region III

Mr. L. W. Myers

-4-

DISTRIBUTION:

ADAMS (PARS)

SECY

CA

OEMAIL

OEWEB

WTravers, EDO

WKane, DEDR

FCongel, OE

DDambly, OGC

LChandler, OGC

SCollins, NRR

JJohnson, NRR

Enforcement Coordinators RII, RIII, RIV

BBeecher, OPA

HBell, OIG

PLohaus, OSTP

GCaputo, OI

LTremper, OC

TBergman, OEDO

SRichards, NRR

LDudes, NRR

DCollins, PM, NRR

RClark, PM, NRR (Backup)

DBarss, NRR

HMiller, RA/JWiggins, DRA

WLanning, DRS

RBlough, DRP

JRogge, DRP

RConte, DRS

DKern, SRI - Beaver Valley

DScrenci/NSheehan, PAO-RI

NPerry, DRP

DHolody/RUrban, RI

BFewell, RI

GMatakas, RI

BPlatchek, DRP

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML021760594.wpd

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/ORA	RI/ORA	RI/DRS	RI/DRS	RI/DRS
NAME	Rurban (RJU)	Dholody (DJH)	Rconte (RJC)	Wlanning (RVC for)	Rblough (BEH for)
DATE	06/05/02	06/11/02	06/11/02	06/04/02	06/06/02
OFFICE	RI/ORA	HQ/OE	RI/RA		
NAME	Bfewell (JBF)	Fcongell (RJU for)	Hmiller (JTW for)		
DATE	06/06/02	06/19/02	06/11/02		

OFFICIAL RECORD COPY

\* Per Dave Nelson via e-mail

## NOTICE OF VIOLATION

First Energy  
Beaver Valley Units 1 and 2

Docket No. 50-334; 50-412  
License No. DPR-66; NPF-73  
EA No. 02-041

During an inspection conducted between September 1, 2001, and March 15, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.54(q) specifies that a licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b).

10 CFR 50.47(b)(5) requires, in part, that the licensee establish a means to provide early notification to the populace within the plume exposure pathway Emergency Planning Zone (EPZ).

The Beaver Valley Emergency Plan, Appendix F, Revision 12, states, in part, that the siren notification system consists of two types of sirens: (1) Large, pole-mounted sirens; and (2) Personal Home Alerting Devices (PHADs).

Contrary to the above, prior to September 1, 2001, the licensee could not provide early notification to the entire populace within the plume exposure pathway EPZ because a majority of the PHADs were degraded or removed.

This violation is associated with a WHITE significance determination process finding.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 50-334/02-03, 50-412/02-03 dated April 12, 2002, and in your slides (ADAMS accession number ML021500424) used during the Regulatory Conference held in the Region I office on May 15, 2002. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 24<sup>th</sup> day of June, 2002