FENOC
FirstEnergy Nuclear Operating Company

Beaver Valley Power Station
Route 168
P.O. Box 4
Shippingport, PA 15077-0004

L. William Pearce
Site Vice President

SAFEGUARDS INFORMATION

724-682-5234
Fax: 724-643-8069

April 28, 2004
L-04-043

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

Subject: Beaver Valley Power Station (BVPS), Unit No. 1 and No. 2
BV-1 Docket No. 50-334, License No. DPR-66
BV-2 Docket No. 50-412, License No. NPF-73
Supplemental Response to the April 29, 2003 Orders to BVPS

The NRC issued an Order dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat ("Order EA-03-086" or "Order") and other security related Orders (collectively "Orders") for Beaver Valley Power Station (BVPS), Units 1 and 2. This Supplemental Response of the FirstEnergy Nuclear Operating Company (FENOC) to Order EA-03-086 supplements the previous response dated June 2, 2003 (L-03-089) that FENOC filed for BVPS pursuant to 10 CFR § 50.4 and Section III, Conditions A.1, B.1 and B.2.

Order EA-03-086 imposes license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order requires licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also requires licensees to revise the security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

In accordance with the Order and 10 CFR § 50.4, FENOC is submitting this Supplemental Response for BVPS. This submittal includes, as Attachment A, revisions to the BVPS Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan as required by Order EA-03-086. These plans contain the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, January 7, 2003, and April 29, 2003. As a result, these plans supersede previous submittals of FENOC for BVPS in these areas, including those

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NOTE: ATTACHMENTS 'A', 'B', AND 'E' TO THIS LETTER CONTAIN "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON SEPARATION OF ATTACHMENTS 'A', 'B', AND 'E', THIS PAGE IS DECONTROLLED.

related to the February 25, 2002, January 7, 2003, and April 29, 2003, Orders. FENOC will continue to implement the provisions of those previous BVPS submittals except to the extent that they are superseded by these plans. All changes that have been or will be made have been evaluated to ensure that they do not compromise plant safety.

FENOC has developed these plans to be consistent with NEI-03-01 (Revision 1), *Nuclear Power Plant Access Authorization Program* (April 2004); NEI-03-09 (Revision 2 (draft)), *Security Officer Training Program* (April 2004); and NEI-03-12 (Revision 2 (draft)), *Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, [and Independent Spent Fuel Storage Installation Security Program]* (April 2004). The schedule for completing those actions, which includes the identification of major transitional activities, is provided in Attachment B to this submittal. Attachment C, *Deviations from NEI-03-12*, notes that BVPS is not deviating from the provisions of NEI-03-12. Attachment D, *Previous Exemptions to 10 CFR Part 73*, notes that BVPS does not have any previously granted exemptions to 10 CFR Part 73 that would currently be needed for the BVPS Plans. Attachment E, *Justification for Alternatives*, includes the justification for the alternatives provided in NEI-03-12 that FENOC has adopted. Attachment F, *Justification for Vehicle Search Criteria*, notes that Option 1 of Section 9.4.1.2. of NEI-03-12 is not being implemented.

When the final revision of NEI-03-12 is approved by the NRC, FENOC will supplement this response, if necessary, to conform with NEI-03-12 as finally approved. However, with the filing of these plans, FENOC will be implementing its revised protection strategy and completing plant modifications and security personnel training pursuant to these plans to ensure that implementation will be completed by October 29, 2004, as required by the Orders. Upon completion of the implementation of these plans, BVPS will be in compliance with all applicable security requirements. For the purpose of complying with the requirements of 10 CFR Part 73 to conduct an annual audit, the date of the letter that will be submitted to the NRC pursuant to Order EA-03-086 certifying that implementation of the plans is complete will be the effective date for determining commencement of the annual audit requirement period.

Because of the requirement for these plans to be fully implemented by October 29, 2004; the need to integrate the requirement of the revised DBT Order with the Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; and the Commission's determination that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, FENOC

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requests that enforcement discretion be exercised during the transition period until full implementation of the plans is accomplished and the physical plant modifications and security force training are complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 28, 2004.

Sincerely,

L. William Pearce

Attachments:

A. Proposed Beaver Valley Power Station Physical Security Plan, Contingency Plan, and Training and Qualification Plan (contains Safeguards Information)
B. Schedule for Completion of Actions (contains Safeguards Information)
C. Deviations from NEI-03-12
D. Previous Exemptions to 10 CFR Part 73
E. Justification for Alternatives (contains Safeguards Information)
F. Justification for Vehicle Search Criteria
G. Commitment List

c: Mr. T. G. Colburn, NRR Senior Project Manager (w/o Attachments A, B and E)
Mr. P. C. Cataldo, NRC Sr. Resident Inspector (w/o Attachments A, B and E)
Mr. H. J. Miller, NRC Region I Administrator