

L. William Pearce
Site Vice President

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

November 9, 2004
L-04-142

U.S. Nuclear Regulatory Commission
Attn: 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
Confirmation of Implementation of April 29, 2003 Orders to BVPS**

The NRC issued Orders dated April 29, 2003: EA-03-038, *Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel*; EA-03-039, *Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel*; and EA-03-086, *Order Requiring Compliance with Revised Design Basis Threat* (collectively referred to as "Orders") for the Beaver Valley Power Station (BVPS) Units No. 1 and 2. In addition to other requirements, the Orders required nuclear power plant licensees to revise their physical security plans, safeguards contingency plans, and security force training and qualification plans; submit those plans to the NRC for approval by April 29, 2004; and complete implementation of those plans by October 29, 2004, unless a request for a schedule extension for one or more elements of those plans was approved by the NRC.

On April 28, 2004, the FirstEnergy Nuclear Operating Company (FENOC) filed a Supplemental Response to Order EA-03-086 that contained the Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan as required by Order EA-03-086 for BVPS. By letter dated October 28, 2004, the NRC issued a Safety Evaluation Report (SER) documenting the NRC's review and acceptance of those plans. Section III.C. of Order EA-03-086 required FENOC to advise the NRC when implementation of the NRC approved physical security plans, safeguards contingency plans, and guard training and qualification plans has been accomplished. Section III.C.2. of Order EA-03-39 required FENOC to advise the NRC when full compliance with the requirements in Attachment 2 to that Order has been achieved.

FENOC hereby certifies that those conditions have been met for BVPS and the exercise of enforcement discretion pursuant to the Orders during the transition period will no longer be necessary.

NS1R05


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During our review of the NRC October 28, 2004 SER, discrepancies were identified; however, none have an impact on the conclusions reached in the SER. Attachment 1 to this submittal lists the noted discrepancies and editorial comments.

There are no new regulatory commitments contained in this letter. If there are any questions concerning this matter, please contact Mr. Kenneth E. Halliday, Manager, Site Protection at 724-682-5702.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 9, 2004.

Sincerely,


L. William Pearce

Attachment

c: Mr. T. G. Colburn, NRR Senior Project Manager
Mr. P. C. Cataldo, NRC Sr. Resident Inspector
Mr. S. J. Collins, NRC Region I Administrator

Attachment 1

The following items were identified during the Beaver Valley Power Station (BVPS) review of the NRC Safety Evaluation related to the BVPS Physical Security Plan submittal

- 1.) Page 5, Paragraph one (1), line one (1), regarding PSP Section 1.1: The word 'structures' is misspelled as "strictures."
- 2.) Page 5, Paragraph four (4), line two (2), regarding PSP Section 1.1: The line should read as follows "...site to the industrial complexes along..."
- 3.) Page 5, Paragraph five (5), line six (6), regarding PSP Section 1.1: The word "made" should follow the first word of the line, "been".
- 4.) Page 5, Paragraph five (5), line ten (10), regarding PSP Section 1.1: The word "Shipping" should read "Shippingport."
- 5.) Page 11, Paragraph three (3), regarding PSP Section 4: Section 4 of the PSP regarding "Security Organization Management" does not describe where appropriate written agreements are retained nor the duration of those agreements, as is referenced within this paragraph.
- 6.) Page 16, Paragraph one (1), regarding PSP Section 6.1.1: The last sentence of the paragraph is missing language from the PSP. The word 'supply' should be followed with a period, as opposed to a comma, and a new final sentence should begin with "In the event of a loss of power supply to the system..."(See page 18 paragraph 3)
- 7.) Page 19, Paragraph eight (8), regarding PSP Section 6.2: The word 'fence' is misspelled.
- 8.) Page 20, Paragraph one (1), regarding PSP Section 6.2: The word 'turnstiles' is misspelled.
- 9.) Page 20, Paragraph two (2), line nine (9), regarding PSP Section 6.2: The first word of the line should be changed from 'are' to 'and' in regard to 'emergency exits.' This word change affects the meaning of the sentence and should be considered relevant.
- 10.) Page 21, Paragraph five (5), last sentence, regarding PSP Section 6.2: Paragraph five misrepresents the intended reference to Section 6.2 of the PSP. The word 'are' that follows the word 'portals' should be replaced with the word 'and.' Additionally, remove the word 'and' that follows the word 'structure.' These corrections affect the meaning of the sentence, accurately depict the PSP and should be considered relevant.

- 11.) Page 23, Paragraph five (5), regarding PSP Section 6.3: This paragraph describes the NRC review of section 6.3 of the PSP. Access control measures regarding continuously manned areas are not described in Section 6.3 of the PSP, as referenced.
- 12.) Page 27, Paragraph six (6), line three (3), regarding PSP Section 9.1: The words "...are intended to..." are added verbiage and not depicted in Section 9.1.
- 13.) Page 28, Paragraph three (3), regarding PSP Section 9.2: In line one (1) the acronym BVPS is misspelled. In line five (5) the words 'has been' follow the word 'tampering.' Those words were removed and replaced with the words 'will be' as per guidance provided by the Security Working Group Disposition of Physical Security Plan Generic RAIs received on 08/16/04 and submitted by BVPS to the NRC on 8/30/04. In line six (6) the words 'events are' should be replaced with the word 'is' per BVPS 08/30/04 submittal. In line 12 the word 'equipment' should be replaced with the word 'elements' per BVPS 08/30/04 submittal.
- 14.) Page 30, last paragraph, regarding PSP Section 9.4: The reference to FENOC response to RAI 1A(1) dated August 16, 2004 is incorrect in that the FENOC response to RAI 1A(1) was an informational response to the NRC and was not to be captured as a PSP revision. Additionally, Section 9.4 of the PSP makes no reference to the depiction of vehicle barrier details as described in the final sentence of the paragraph.
- 15.) Page 33, Paragraph four (4) regarding PSP Section 9.4.2: In line three (3), the words 'escorted by' should be immediately followed with 'an Armed Officer.' Additionally, the word 'or' should be removed and the reference to 'under the observation' in the PSP is in regards to packages and material, not the vehicle. These changes impact the intent of the paragraph and should be considered relevant.
- 16.) Page 35, first paragraph, regarding PSP Section 9.4.3: Line three (3) is missing the words '...to exit the Protected Area and reenter without a search provided that the vehicles and personnel...' Those words should be inserted immediately following the word 'personnel.' Without the correction, the sentence will remain incomplete.
- 17.) Page 38, last paragraph, regarding PSP Section 9.5: In line eight (8), a closing of the parenthetical should follow the word 'mode.' Within line nine (9) the verbiage representing item '(1)' is in error and should be deleted beginning with the word 'personnel' and ending with the word 'and.' The correct words 'Positive ID verification' as identified in the PSP should be inserted in that location.
- 18.) Page 45, Paragraph four (4), line seven (7), regarding PSP Section 10.1: The word 'and' should be inserted to follow the word 'Feeder.'

- 19.) Page 45, Paragraph five (5), line 5, regarding PSP Section 10.1: This paragraph wrongly implies that .2 foot candle criteria and 10 CFR 73.55(c)(5) will continue to be a consideration by the licensee. The Licensee submitted an Alternative Approach to the NRC regarding this matter that accompanied the PSP April 28 2004 submittal. The Alternative Approach specifically addresses disregarding the .2 foot candle criteria and 10 CFR 73.55(c)(5). The Alternative Approach requires adherence to 10 CFR 73.55(c)(3), (c)(4), and (h)(4) by means of performance objective evaluation. The suggestion is to remove the wording 'Where the illumination system does not provide the required 0.2 footcandles of illumination' and replace it with 'Where the illumination system does not provide adequate intrusion assessment capabilities or meet the performance objectives of the Security Plan or Response Strategy '. Additionally, the reference to 10 CFR 73.55(c)(5) should be deleted from the final line of the paragraph.
- 20.) Page 46, regarding PSP Section 10.5.1: After identifying the options available for monitoring the OCA in paragraphs three (3) through six (6), the statement identifying the option (or combination thereof) used by BVPS as identified in Section 10.5.1 of the PSP was omitted.
- 21.) Page 51, Paragraph one (1), line 10, regarding PSP Section 11.2: The word 'CAS' should be replaced with 'alarm stations' as identified in the PSP. The same should be applied to Paragraph three (3) line nine (9).
- 22.) Page 52, Paragraph four (4), line five (5), regarding PSP Section 13: The sentence in line five (5) should end after the word 'respond' and the remaining wording of that sentence deleted as they were not part of PSP Section 13.
- 23.) Page 54, Paragraph seven (7), line eight (8): The word 'radiological' is misspelled.
- 24.) Page 56, Paragraph two (2), line five (5), regarding PSP Section 19.1.2: the word 'sole' should be removed as it was not part of the PSP Section 19.1.2 language.
- 25.) Page 57, first paragraph, line four (4) regarding PSP Section 19.2.1: The words 'the security measures' should be removed and replaced with 'the BVPS license conditions and technical specifications' as provided in PSP Section 19.2.1.
- 26.) Page 57, Paragraph three (3), line three (3) regarding PSP Section 19.2: The wording 'PSP identifies the security measures that may be suspended' is incorrect as Section 19 of the PSP does not identify any specific 'security measures' that may be suspended other than stating 'affected security measures.' If 'affected' security measures are those measures identified by the plan then changes may not be necessary.

- 27.) Page 58, last paragraph, lines 11 and 12: The reference to 'Perimeter Intrusion Alarm Systems, Revision 3' is repeated and should be deleted.
- 28.) Page 58, last paragraph, line 14: The word 'or' preceding the word 'prior' should be replaced with the word 'and' as reflected in PSP Section 15.2
- 29.) Page 60, Paragraph three (3), line one (1): This first sentence is a repeat of the last sentence of the preceding paragraph and should be deleted.
- 30.) Page 60, Paragraph three (3), line four (4) regarding PSP Section 16: The title 'Site Security Supervisor' should be replaced with 'Security Shift Supervisor' as reflected by PSP Section 16.
- 31.) Page 60, Paragraph three (3), line 13, regarding PSP Section 16: The words 'at the first opportunity or' should follow the word 'intruder' as reflected by PSP Section 16. This change significantly impacts the intent of the paragraph.
- 32.) Page 63, Paragraph five (5), line three (3): The word 'of' that follows the word 'licensee' should be replaced by the word 'or' as identified in Section I.F of Appendix B to 10 CFR Part 73.
- 33.) Page 75, Paragraph two (2), last line, regarding T&Q Section 2.6: This reference to 'annual re-qualification' is only required of Armed and Alarm Station Operators, not 'other members of the security organization' as identified in this line.
- 34.) Page 76, Paragraph three (3), line 11, regarding T&Q Section 3.1: The word 'of' preceding the word 'defensive' should be replaced with the word 'or' as identified in T&Q Section 3.1.
- 35.) Page 80, Paragraph two (2), line eight (8), regarding T&Q Section 4: The words '...and force-on-force tactical exercises for each shift shall be conducted annually..' were omitted and should be inserted after the word 'quarterly' as per Section 4 of the T&Q.
- 36.) Page 84, Paragraph five (5), line three (3), regarding SCP Section 1.3: The wording 'as defined in the DBT Order dated April 29, 2003, and the DBT Implementing Guidance,' is not identified in Section 1.3 of the SCP and should be deleted.
- 37.) Page 86, Paragraph two (2), line 5, regarding SCP Section 2.1: The word 'that' preceding the words 'the EPs' should be deleted.
- 38.) Page 98, Paragraph four (4), line 3, regarding SCP Section 4.5: It appears as if a word is missing that was to follow the word 'licensee's.' Perhaps the word 'response' would be appropriate.

- 39.) Page 98, Paragraph eight (8), lines three (3) and five (5): The word 'Shippingport' is misspelled in both locations.
- 40.) Page 101, Paragraph two (2), line three (3), regarding SCP Section 6: The words '... and industry experts...' are miss-positioned and should be relocated to follow the word '... facilities..' in line four (4).
- 41.) Page 101, Paragraph two (2), last sentence, regarding SCP Section 6: The words '... and target set locations are maintained at the facility...' are repeated and should be deleted.
- 42.) Page 101, Paragraph three (3), line five (5), regarding SCP Section 6: The title 'Security Shift Supervisor' should be replaced with 'Security Manager' as identified in SCP Section 6.
- 43.) Page 101, Paragraph five (5), line three (3): The word 'oh' preceding 'target set' should be replaced with the word 'the.'
- 44.) Page 101, last paragraph, first sentence: The sentence appears incomplete and difficult to read.
- 45.) Page 103, Paragraph four (4), last sentence, regarding SCP Section 7: The words 'routes' and 'beyond' are misspelled.
- 46.) Page 104, first paragraph, line three (3), regarding SCP Section 7: The words ' ... armed with a contingency weapon and supplemented by monitored surveillance...' should follow the last word of the line, 'officers.'
- 47.) Page 104, Paragraph two (2), line three (3), regarding SCP Section 7: The word 'structures' is misspelled.