

April 20, 2006

Mr. James H. Lash  
Site Vice President  
FirstEnergy Nuclear Operating Company  
Beaver Valley Power Station  
Post Office Box 4  
Shippingport, PA 15077

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR FIRST ENERGY NUCLEAR OPERATING COMPANY REGARDING BEAVER VALLEY POWER STATION UNIT 2 (NOED NO. 06-1-01)

Dear Mr. Lash:

By letter dated April 13, 2006, you requested that the NRC exercise discretion to not enforce compliance with the actions required in the Technical Specifications (TS) for Beaver Valley Power Station Unit 2 (BVPS-2). Specifically, you requested that NRC not enforce the requirements of your plant Technical Specification 3.0.3. Your letter documented information previously discussed with the NRC in a telephone conference on April 11, 2006, at 2:00 p.m. The principal NRC staff members who participated in that telephone conference included:

NRC Region I Staff

- Brian E. Holian, Director, Division of Reactor Projects
- Lawrence T. Doerflein, Acting Director, Division of Reactor Safety (DRS)
- Christopher G. Cahill, Senior Reactor Analyst, DRS
- Roy L. Fuhrmeister, Senior Projects Engineer, DRP
- Paul C. Cataldo, Senior Resident Inspector, Beaver Valley Power Station
- Galen D. Smith, Resident Inspector, Beaver Valley Power Station

NRC Headquarters Staff

- Cornelius F. Holden, Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation (NRR)
- Richard J. Laufer, Chief, Plant Licensing Branch I-1, NRR
- Mike Franovich, Chief, PRA Operational Support and Maintenance Branch, Division of Risk Assessment, NRR
- Margaret A. Kotzalas, Chief, Accident Dose Branch, Division of Risk Assessment, NRR
- Jay Y. Lee, Technical Reviewer, Division of Risk Assessment, NRR
- Harold Walker, Technical Reviewer, Division of Risk Assessment, NRR
- Harold Chernoff, Senior Project Manager, Generic Communications and Power Upgrades Branch, Division of Policy and Rulemaking, NRR
- Tim Colburn, Project Manager for Beaver Valley, Division of Operating Reactor Licensing, NRR
- See-Meng Wong, Senior Reactor Analyst, Division of Risk Assessment, NRR

You stated that on April 10, 2006, at 4:36 a.m., you entered TS Limiting Condition for Operation (LCO) 3.7.8.1, when the "A" train of the Supplemental Leak Collection and Release System (SLCRS) was removed from service for routine maintenance and testing. An inadvertent actuation of fire protection deluge systems at 9:24 a.m. on April 11, 2006, caused wetting of the charcoal adsorbers in both trains of SLCRS, rendering both trains of the system inoperable. On April 11, 2006, at 9:24 a.m., you entered TS LCO 3.0.3 due to non-compliance with LCO 3.7.8.1. LCO 3.0.3 would have required bringing the plant to Hot Standby by 4:24 p.m. that afternoon. You requested that a Notice of Enforcement Discretion (NOED) be granted pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set forth in Section VII.C, of the "General Statement of Policy and Procedures for the NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, and be effective for a period of 48 hours. This letter documents our telephone conversations on April 11, 2006, which culminated when we orally issued this NOED at 3:20 p.m. We understand that the condition causing the need for this NOED was corrected by you on April 13, 2006, at 9:45 a.m. (approximately 42 hours into the 48 hour extension), and you re-entered LCO 3.7.8.1 at that time.

Your staff requested this NOED after the inadvertent discharge of multiple fire protection deluge systems at 9:24 a.m. on April 11, 2006. The inadvertent discharges caused wetting of both trains of charcoal filters in the SLCRS system, causing a loss of filtration capability, and resulting in both trains of SLCRS being declared inoperable (the "A" train had previously been declared inoperable and removed from service for maintenance and testing). Having both trains of SLCRS out of service caused a non-compliance with LCO 3.7.8.1, necessitating entry into LCO 3.0.3, and taking action (within one hour) to place the unit in Hot Standby within the next six hours (by 4:24 p.m.), and in Hot Shutdown within the following six hours (by 10:24 p.m.), and Cold Shutdown within the subsequent 24 hours.

During the NOED discussion, you referenced that the SLCRS system was originally credited in the Final Safety Analysis Report (FSAR) accident analysis for iodine removal after a Loss of Coolant Accident (LOCA). License Amendment 139, issued September 10, 2003, adopted alternate control room habitability criteria and selected alternate source term criteria. As a result, SLCRS is no longer credited in the accident analysis for LOCA, and is now only credited for fuel handling accidents with recently irradiated fuel. This change will be reflected in the adoption of Improved Technical Specifications (ITS) for Beaver Valley Unit 2, pending approval by the NRC. The ITS amendment was submitted by FENOC in a letter dated February 25, 2005, and completion of the review of the ITS amendment request is scheduled for late 2006. You further stated that sufficient cooling was available for the Emergency Core Cooling System pumps in the Primary Auxiliary Building through use of the alternate auxiliary building exhaust fans, which are powered from the Class 1E distribution system. The 48 hour NOED extension was requested to allow for replacing the high efficiency particulate filters and charcoal adsorbers in one train of SLCRS to restore compliance with the Technical Specifications. Your staff determined that, based upon prior experience, 48 hours provided sufficient time to complete the replacement and post-maintenance testing.

Regarding the root cause that necessitated the NOED, you stated that the fire protection deluge valves were isolated to prevent recurrence of wetting the filters, and compensatory measures had been implemented in accordance with your fire protection program. Regarding a discussion of equipment availability, you stated that all TS equipment necessary for plant shutdown was available; and further, you would not deliberately remove any safety-related equipment from service, or perform any work which would challenge off-site power during the period of the NOED.

During the NOED discussion on April 11, 2006, your staff provided a qualitative assessment that the criteria of Section D.4 of the NOED guidance were met. The BVPS-2 SLCRS is not credited in the Probabilistic Risk Assessment (PRA) for either its ventilation or filtration functions and therefore did not impact your risk calculations. The small risk increase was due to the swing charging/high head safety injection pump (2CHS-P21C) and the "A" containment instrument air compressor (2IAC-C21A) being out-of-service. In order to provide additional assurance that other critical systems would not be impacted and to enhance the availability of selected systems, you proposed compensatory measures. These compensatory measures included: (1) no other safety related Technical Specification or PRA/safety monitor modeled equipment will be intentionally removed from service for surveillances or maintenance activities during the discretionary period; (2) no discretionary switchyard activities will be allowed during the NOED time period; and (3) the fire protection deluge system water supply to the affected plant areas would be isolated and fire watch tours would be in place during the NOED time frame. Therefore, after review by your Station Operating Review Committee, you concluded that this NOED involved no net increase in radiological risk. The NRC reviewed your assessment and determined it provided an adequate technical basis for your conclusion. Additionally, your April 13, 2006, evaluation concluded that the Incremental Conditional Core Damage Probability (ICCDP) for the equipment out-of-service over a 48-hour duration was  $5.5E-10$ , and the Incremental Conditional Large Early Release Probability (ICLERP) for this duration was below NRC guidance thresholds.

You determined that Section B.2.1, Criterion 1.a and all applicable criteria in Section D to the NRC Inspection Manual, Part 9900: Technical Guidance, "Operations - Notices Of Enforcement Discretion," dated February 7, 2005, have been met. You stated that this NOED is intended to avoid an unnecessary transient which would result from compliance with the Technical Specification Limiting Condition for Operation, in order to minimize potential safety consequences and operational risks. In addition, you determined that a license amendment request to remove the SLCRS requirements during normal power operation had previously been submitted on February 25, 2005, and was currently under review by NRC.

On the basis of the staff's evaluation of your request, we have concluded that granting this NOED is consistent with the Enforcement Policy and staff guidance, and has no adverse impact on the public health and safety or the environment. Therefore it is our intention to not enforce compliance with Technical Specification Limiting Condition for Operation 3.0.3 for the period from 3:20 p.m. on April 11, 2006, until 3:20 p.m. on April 13, 2006. Additionally, the NRC resident inspectors assigned to the Beaver Valley Power Station independently verified that the compensatory actions described above were implemented.

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

J. Lash

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If you have any questions about this matter, please contact Dr. Ronald R. Bellamy, Projects Branch Chief for Beaver Valley, at 610-337-5200.

Sincerely,

**/RA/**

Brian E. Holian, Director  
Division of Reactor Projects

Enclosure: Request for Regional Enforcement Discretion dated April 13, 2006

Docket No. 50-412  
license No. NPF-73

cc:

R. Mende, Director - Work Management  
T. Cosgrove, Director, Maintenance  
P. Sena, Director, Engineering  
L. Freeland, Director, Site Performance Improvement and Manager, Regulatory Compliance  
D. Jenkins, Attorney, FENOC  
B. Sepelak, Supervisor, Nuclear Compliance  
M. Clancy, Mayor, Shippingport, PA  
D. Allard, PADEP  
C. O'Claire, State Liaison to the NRC, State of Ohio  
Z. Clayton, EPA-DERR, State of Ohio  
Director, Utilities Department, Public Utilities Commission, State of Ohio  
D. Hill, Chief, Radiological Health Program, State of West Virginia  
J. Lewis, Commissioner, Division of Labor, State of West Virginia  
W. Hill, Beaver County Emergency Management Agency  
J. Johnsrud, National Energy Committee, Sierra Club

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*/RA/*

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| B. Holian, DRP       | B. Sosa, RI OEDO    | S. Wong, NRR               |
| A. Blough, DRS       | C. Holden, NRR      | Region I Docket Room (with |
| D. Lew, DRP          | R. Laufer, NRR      | concurrences)              |
| R. Bellamy, DRP      | T. Colburn, NRR, PM |                            |
| R. Fuhrmeister, DRP  | J. Lee, NRR         |                            |
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NAME	BHolian	
DATE	04/20/06	

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