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L-08-352

10 CFR 40.48

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

Beaver Valley Power Station, Unit Nos. 1 and 2  
BV-1 Docket No. 50-334, License No. DPR-66  
BV-2 Docket No. 50-412, License No. NPF-73  
Request for Extension of Enforcement Discretion for Noncompliances Related to Fire Protection Programs

By Interim Enforcement Policy published in the *Federal Register* (69 FR 33684) on June 16, 2004, the Nuclear Regulatory Commission (NRC) established terms and conditions regarding enforcement discretion for certain noncompliances related to fire protection programs. As outlined in the Enforcement Policy, a two-year period of enforcement discretion would begin with a licensee's letter of intent to transition a plant's fire protection program to NFPA 805 (Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants, 2001 Edition) in accordance with Section 50.48(c) of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.48(c)).

By letter dated December 22, 2005 (ML0600402590) FirstEnergy Nuclear Operating Company (FENOC) indicated the intent to adopt NFPA Standard 805, in accordance with 10 CFR 50.48 (c), at the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2), thereby initiating the initial two-year period of enforcement discretion.

The NRC published in the *Federal Register* on April 18, 2006, (71 FR 19905) a revision to its enforcement policy extending the NFPA 805 transition discretion period from two to three years. In accordance with the policy, the enforcement discretion period would continue through the NRC review and approval of the license amendment request required by 10 CFR 50.48(c). By *Federal Register* notice dated September 4, 2008 (73 FR 52705), the NRC further revised the enforcement policy to allow licensees the option to request an extended enforcement discretion period, to be granted by the NRC on a case-by-case basis, if a licensee has made substantial progress in the transition effort.

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The additional period of discretion would expire six months after NRC issuance of a safety evaluation approving the second pilot plant license amendment.

As stated in the enforcement policy, licensees that request enforcement discretion beyond the three years currently available should compile or submit the following information to the NRC.

- Compile, for on-site NRC audit/inspection, a list of all fire protection-related non-compliances and the related compensatory measures for those non-compliances.
- Document, for onsite NRC audit/inspection, that each Operator Manual Action put in place as compensatory measures are feasible and reliable, in accordance with staff provided guidance in Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements."
- Submit a description of the physical modifications performed, if any, to address existing risk-significant fire protection issues.
- Submit a status report of the transition, including a schedule of milestones for completing the fire PRA (Probabilistic Risk Analysis). The status report should be broken down into the following major areas:
  - Classical fire protection transition (in accordance with NFPA 805 Chapter 3).
  - Nuclear Safety Performance Criteria transition (in accordance with NFPA 805 chapters 1, 2 and 4).
  - Nonpower operational transitions.
  - NFPA 805 monitoring program.

To address the above-stated NRC informational needs for BVPS, the following information is provided.

- For BVPS -1 and 2, fire protection-related non-compliances and the related compensatory measures for those non-compliances are documented in the FENOC Corrective Action Program. A list has been compiled, and is available for on-site NRC audit/inspection.
- Evaluations have been completed to demonstrate feasibility of existing manual actions, and are available for NRC audit/inspection. Upon completion of the NFPA 805 change evaluations, the existing feasibility evaluations will require revision to reflect actions credited for compliance under the new licensing basis.
- No physical modifications have been performed at BVPS to address existing risk-significant fire protection issues. Identification of potential modifications to resolve identified variances from deterministic requirements is pending completion of transition review and completion of change evaluations.
- A summary of the status of BVPS-1 transition activities and progress in completion of the transition to NFPA 805 is provided in Attachment 1, Status Report - NFPA 805 Transition Progress for BVPS-1. Attachment 2, Fire PRA Milestone Schedule for BVPS-1 provides the major milestones for completion of the BVPS-1 Fire Probabilistic Risk Analysis (FPRA).

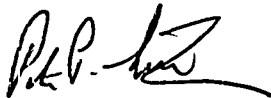
As discussed in a telephone conference between FENOC and NRC Staff members on August 29, 2007, progress has been made on the transition efforts for BVPS. However,

specific transition efforts for BVPS-2 were initiated in September 2006 and temporarily put on hold in 2007, pending completion of BVPS-1 Fire PRA efforts. The BVPS-1 transition is serving as a pilot for the BVPS-2 transition, and the activities completed for the BVPS-1 transition will be directly applicable to BVPS-2. As part of the transition to NFPA 805, FENOC continues to maintain fire safety at BVPS-1 and 2 in accordance with the Facility Operating Licenses (License Conditions 2.C.5 and 2.F for BVPS Unit Nos. 1 and 2, respectively).

Because the necessary application for the amendment of the Beaver Valley Operating Licenses has not been submitted for NRC review, the current period of enforcement discretion for BVPS-1 and 2 will expire on December 22, 2008. In accordance with existing enforcement policy, FENOC hereby requests NRC extension of the current three-year enforcement discretion period for BVPS-1 and 2, to six months after the date of the safety evaluation approving the second pilot plant LAR review.

There are no regulatory commitments contained in this letter. If there are any questions or if additional information is required, please contact Mr. Thomas A. Lentz, Manager – Fleet Licensing, at 330-761-6071.

Sincerely,



Peter P. Sena III

Attachments:

1. Status Report - NFPA 805 Transition Progress for BVPS-1
2. Fire PRA Milestone Schedule for BVPS-1

cc: NRC Region I Administrator  
NRC Senior Resident Inspector  
Director, NRC Office of Enforcement  
DORL Project Manager  
Mr. D. J. Allard, Director BRP/DEP  
Mr. L. E. Ryan (BRP/DEP)

**Status Report - NFPA 805 Transition Progress for BVPS-1**

Transition Activity/ Tasks	Status	Est. % Complete
<b>Classical Fire Protection Transition</b> (in accordance with NFPA 805 Chapter 3)		
<ul style="list-style-type: none"> <li>Fundamental Fire Protection Program and Design Elements Review - Completion of NEI 04-02, Table B-1 (Topical Report (TR) Sec 4.1 and License Amendment Request (LAR) Attachment A)</li> </ul>	The NFPA 805 Chapter 3 requirements were organized into "non-fire compartment specific requirements" and "fire compartment specific requirements." The non-fire compartment specific records (typically programmatic or global type requirements) have been completed and reviewed. The fire compartment specific records (typically fire protection feature requirements) credited to meet the NFPA 805 Chapter 4 requirements are discussed below.	<b>97%</b>
<ul style="list-style-type: none"> <li>Radioactive Release Transition - Completion of NEI 04-02, Table G-1 (TR Sec 4.4 and LAR Attachment E)</li> </ul>	29 of 33 compartments have been reviewed against the NEI 04-02, rev.1 Implementing Guidance. This review included a review of fire pre-plans and fire brigade training materials for locations that have the potential for contamination to ensure that specific steps are included for containment and monitoring of potentially contaminated fire suppression water.	<b>70%</b>

Transition Activity/ Tasks	Status	Est. % Complete
<b>Nuclear Safety Performance Criteria Transition Review</b> (in accordance with NFPA 805 Chapters 1, 2 and 4)		
<ul style="list-style-type: none"> <li>Validation of Nuclear Safety Capability Assessment Methodology</li> </ul>	Task Instruction for methodology has been prepared and reviewed.	100%
<ul style="list-style-type: none"> <li>Completion of NEI 04-02, Table B-2 (TR Sec 4.2.1 and LAR Attachment B)</li> </ul>	Benchmarking of the post-fire safe shutdown methodology against the NEI 00-01 methodology has been performed, documented in NEI 04-02, Table B-2 format, and review is in progress.	95%
<ul style="list-style-type: none"> <li>Safe Shutdown Analysis Update (pre-requisite task)</li> </ul>	As part of the re-baselining of the safe shutdown (SSD) analysis, the Beaver Valley SSD analysis was incorporated into and checked by EPM's SAFE software. For this living document, additional revision will be required to add new fire PRA and multiple spurious operations (MSO) components.	100%
<ul style="list-style-type: none"> <li>Existing Engineering Equivalency Evaluations Transition (TR Sec 4.2.2.2.1 and LAR Attachment J)</li> </ul>	Of the sixty-four evaluations, all have been reviewed against the NEI 04-02 and Frequently Asked Question (FAQ) 07-0033 criteria. Final reviews are in progress.	89%
<ul style="list-style-type: none"> <li>Licensing Actions Transition (TR Sec 4.2.2.2.2 and LAR Attachment K)</li> </ul>	Twenty-five existing licensing actions (exemption requests) which are credited for compliance with NFPA 805 Chapter 4 requirements have been identified and documented in WebTRAN for review.	20%
<ul style="list-style-type: none"> <li>Completion of fire area by fire area safe shutdown analysis and NEI 04-02, Table B-3 (TR Sec 4.2.2 and LAR Attachment C)</li> </ul>	The fire area by fire area review records to demonstrate compliance with the performance goals of NFPA 805 Section 1.5 have been performed and documented in WebTRAN and are in review. The final report will be provided in a format similar to Table B-3 of NEI 04-02.	93%

Transition Activity/ Tasks	Status	Est. % Complete
	Updates may be required to document results of multiple spurious operation reviews and NFPA 805 change evaluations.	
<ul style="list-style-type: none"> <li>Review of fire protection features (FPFs) required for Chapter 4 per the requirements of Chapter 3.</li> </ul>	The fire compartment specific records (typically, fire protection feature requirements) have been associated with each applicable fire compartment, where they are credited to meet NFPA 805 Chapter 4 requirements. Detailed reviews were then performed and reviewed for each applicable fire compartment.	100%
<b>Non-power Operational Transitions</b>		
<ul style="list-style-type: none"> <li>Completion of NEI 04-02, Table F-1 (TR Sec 4.3 and LAR Attachment D)</li> </ul>	<p>Further action is awaiting resolution of FAQ 07-0040 and results of NRC review of pilot LARs to the requirements of NFPA 805. Final results will be documented in the LAR/TR and NEI 04-02, Table F-1.</p> <p><i>Note that this is a new requirement and enforcement discretion for variances to the requirements of NFPA 805 is not required.</i></p>	In progress
<b>NFPA 805 Monitoring Program</b>		
(TR Sec 4.5)	<p>Awaiting NRC review of pilot plant methodology. Identification of assumptions from Licensing Actions, EEEEs is ongoing.</p> <p>Identification of assumptions from FPRA is pending completion of Fire PRA and change evaluations.</p>	0%

**Fire PRA Milestone Schedule for BVPS-1**

<b>Task</b>	<b>Description</b>	<b>Status</b>	<b>Schedule Completion Date</b>	<b>Estimated Percent Complete</b>
TR Sec 4.5.1	Probabilistic Risk Assessment (PRA) Development			
	Plant Boundary Definition and Partitioning		-	100%
	Fire PRA Component Selection		-	100%
	Fire PRA Cable		-	100%
	Qualitative Screening		-	100%
	Fire-Induced Risk Model		-	100%
	Fire Ignition Frequencies	In revision based on FAQs	11/2008	90%
	Fire-Risk Scoping Model		01/2009	70 %
	Detailed Circuit Failure Analysis		12/2008	90 %
	Circuit Failure Mode Likelihood Analysis		12/2008	90 %
	Detailed Fire Modeling		03/2009	20 %
	Post-Fire Human Reliability Analysis		02/2009	50 %
	Seismic Fire Interactions Assessment		02/2009	25 %
	Uncertainty and Sensitivity Analysis		09/2009	
	Fire PRA Documentation	Updates will be performed following Peer Review	01/2009	
	Peer Review		01/2009	
TR Sec 4.8.2.1 Attachment F	Fire Induced Multiple Spurious Operations Resolution Methodology	Attachment F has been prepared and is in review. Waiting resolution of FAQ 38 to finalize.		
TR Sec 4.8.2.2 Attachment G	Operator Manual Actions – Transition to Recovery Actions	Pending completion of fire PRA and change evaluations		
TR Sec 4.5	Change Evaluations			
	<ul style="list-style-type: none"> <li>Development of methodology, content, and format</li> </ul>	Draft format and content established. Awaiting NRC review of pilot plant methodology.		