June 26, 2013

EA-13-112

Mr. Eric A. Larson, Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Mail Stop A-BV-SEB1
Route 168
Shippingport, PA 15077

SUBJECT: ISSUANCE OF ORDER FOR IMPLEMENTATION OF ADDITIONAL SECURITY MEASURES AND FINGERPRINTING FOR UNESCORTED ACCESS FOR BEAVER VALLEY POWER STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. Harden:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued the enclosed Order (Enclosure 1), which modifies the general license for your proposed independent spent fuel storage installation (ISFSI). The Order requires compliance with two sets of requirements: (a) "Additional Security Measures for Physical Protection of Dry Independent Spent Fuel Storage Installations" (Enclosure 1, Attachment 1), and (b) "Additional Security Measures for Access Authorization and Fingerprinting at Independent Spent Fuel Storage Installations" (Enclosure 1, Attachment 2). You will also find in Enclosures 2 through 4 the supporting documents related to this Order.

The Commission, following the terrorist events of September 11, 2001, determined that the additional security measures (ASMs) included in this Order are required to ensure national safety and security.

Before placing spent fuel in the ISFSI, FirstEnergy Nuclear Operating Company, Inc. (FENOC), must meet the following conditions:

- Demonstrate the ability to comply with the required ASMs as outlined in these documents no later than 365 days from the date of this Order or 90 days before the first day that spent fuel is initially placed in the ISFSI, whichever occurs first.

- Implement the ASM requirements.

- Receive written verification from the NRC that FENOC has adequately demonstrated compliance with the ASM requirements.

WARNING: Violation of Section 147 of the Atomic Energy Act, "Safeguards Information," is subject to Civil and Criminal penalties.	NOTICE: Upon removal of Attachment 1 to Enclosure 1 and Enclosure 4 to the letter, this document and the enclosed Order (Enclosure 1) are DECONTROLLED.

The Order does not obviate the need for licensees to continue to meet and maintain the effectiveness of existing security measures taken in response to the events of September 11, 2001. The requirements will remain in effect until the Commission determines otherwise.

The enclosed Order calls for responses and actions within specified timeframes. With respect to the notices and submission mandated by Sections III.B and III.C of the Order, for any requirement of the ASMs that necessitates an analysis or is contingent on the completion of another requirement of the ASMs, the licensee's response will be sufficient if its 20-day submission meets the following conditions:

- The licensee states that the completion of the requirement depends on the completion of an analysis or other requirement.
- The licensee includes the expected date of completion of the analysis or other requirement.
- The licensee states that, upon such completion, it will promptly submit the results of such analysis or will inform the NRC of the completion of the other requirement and the actions thereafter proposed with respect to the requirement at issue and of the projected date of completion.

If FENOC wishes to preserve its right to request a hearing on any requirement that is contingent on the completion of an analysis or other requirement, it must file a request for an extension of time to ask for a hearing within 20 days of the Order publication date in the *Federal Register*, in accordance with Section IV of the Order. Such a request may seek a reasonable period of time to request a hearing beyond the date when the staff informs the licensee whether the actions proposed and the completion date for the requirement(s), contingent on an analysis or other requirement, are satisfactory.

Please note that letters of response to Sections III.B and III.C of the Order should be addressed to ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Answers to the Order, as stated in Section IV of the Order, should be addressed to the Secretary, Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Please contact Douglas L. Garner in the Office of Nuclear Security and Incident Response at 301-415-6786 for questions related to the ASMs. Contact L. Raynard Wharton of my staff at 301-287-9196 regarding issues related to compliance with the requirements in the enclosed Order or to answer any other questions you may have. The enclosed Order has been forwarded to the Office of the *Federal Register* for publication.

The material in Attachment 1 to Enclosure 1 contains Safeguards Information (SGI), as defined by Title 10 of the *Code of Federal Regulations* (10 CFR) 73.22, "Protection of Safeguards Information: Specific Requirements," and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. The material in Enclosure 4 is designated as Official Use Only Security-Related Information (OUO-SRI) in accordance with agency requirements for sensitive, unclassified, non-safeguards information (SUNSI). Therefore, these documents will not be made available for public inspection. However, Enclosure 1, without Attachment 1, will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System, which is accessible from the NRC's Web site at http://www.nrc.gov/reading-rm/adams.html.

Sincerely,

/RA/

Scott W. Moore, Acting Director
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1043

Enclosures:
1. "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to the Beaver Valley Power Station Independent Spent Fuel Storage Installation" (with Attachment 1 [**SGI**] and Attachment 2)
2. "Guidance for Licensee's Evaluation of Access Authorization to Spent Fuel Storage Facilities with the Inclusion of Criminal History (Fingerprint) Records Checks"
3. "Process To Challenge NRC Denials or Revocations of Unescorted Access to Independent Spent Fuel Storage Installations"
4. "Regulatory Information Summary 2002-12D," Revision 1 (**OUO-SRI**)

cc: Distribution via ListServ (without **SGI** and **OUO-SRI**)
Daniel L. Craine, Site Security Manager
(with **SGI** and **OUO-SRI**)

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