



FirstEnergy Nuclear Operating Company

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L-01-030

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

**Subject: Beaver Valley Power Station, Unit No. 2**  
**Docket No. 50-412, License No. NPF-73**  
**Request for Exemption from 10 CFR 50.71**  
**Maintenance of Records, Making of Reports**

In accordance with the provisions of 10 CFR 50.12, FirstEnergy Nuclear Operating Company (FENOC) requests exemption from the requirements of 10 CFR 50.71 for Beaver Valley Power Station Unit No. 2. Specifically, FENOC requests a one-time schedular exemption from 10 CFR 50.71(e)(4) which requires power reactor licensees to provide the NRC with updates to the FSAR annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The revisions must reflect all changes up to a maximum of 6 months prior to the date of filing.

When granted, this exemption would provide a one-time schedular exemption from these requirements that would extend the BVPS-2 filing date up to 120 days beyond the normal filing date of April 25, 2001. The requirement to reflect all changes up to a maximum of 6 months prior to the date of filing would likewise be extended to 10 months. Exemption is requested to allow additional time to prepare an electronic submittal in lieu of the normal hardcopy. Due to the extensive nature of the planned update, FENOC believes that a hardcopy submittal would not be in the best interest of the public or the NRC because the update package would consist of replacement pages that would need to be inserted in the overall document in order to be fully useful to the NRC. In addition, a complete UFSAR is not easily accessible by the public in integrated form. Extension of the filing date would permit a complete UFSAR to be submitted in electronic form that can be readily made available to the public and NRC staff.

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Any questions concerning this topic may be directed to Mr. Thomas S. Cosgrove, Manager, Regulatory Affairs at 724-682-5203.

Sincerely,



Lew W. Myers

c: Mr. L. J. Burkhart, Project Manager  
Mr. D. M. Kern, Sr. Resident Inspector  
Mr. H. J. Miller, NRC Region I Administrator

## **ATTACHMENT NO. 1**

### **Request for Exemption From 10 CFR 50.71**

#### **PROPOSED EXEMPTION**

FirstEnergy Nuclear Operating Company (FENOC) hereby requests a one-time schedular exemption from the requirements of 10 CFR 50.71(e)(4) for Beaver Valley Power Station Unit No. 2. The regulation requires power reactor licensees to provide the NRC with updates to the FSAR annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The revisions must reflect all changes up to a maximum of 6 months prior to the date of filing.

As required by the rule, FENOC would be obliged to submit replacement pages for the BVPS-2 UFSAR to the NRC by April 25, 2001. This submittal would be required to reflect all changes up to a maximum of 6 months prior to the date of filing (i.e., the end of the BVPS-2 refueling outage, October 25, 2000). The requested exemption would permit up to an additional 120 days to file the required information. The exemption would also preclude the need to supplement the required submittal to reflect additional changes made during the 120 day period following the end of the BVPS-2 refueling outage.

Exemption is requested because the planned UFSAR revision is extensive (expected to exceed 1000 changed pages) and because use of resources to update outstanding hardcopy UFSARs can be substantially reduced by providing an electronic version of the UFSAR in its entirety, with all changes already incorporated. An additional 120 days reflects the estimated time required for production of an electronic version in lieu of hardcopy, as recently permitted by NRC Regulatory Issue Summary 2001-05. FENOC believes the benefit of providing a complete UFSAR containing integrated changes rather than providing replacement pages is sufficient justification for the requested exemption. Availability of a complete electronic version of the UFSAR provides additional benefits to the public, NRC and FENOC.

#### **BASIS FOR EXEMPTION**

The specific requirements for granting exemptions from Part 50 regulations are set forth in 10 CFR 50.12(a). Therein, the Commission is permitted to grant exemption from Part 50 regulations provided that the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Submittal of updated FSAR pages is only intended to provide information. As such, it is a reflection of changes reported to the NRC through other change processes defined in

regulation that serve as the primary means of screening, evaluating and notifying the NRC when necessary with respect to facility, procedure or program changes. These processes (such as 10 CFR 50.59 evaluation and reporting) are the means for achieving conformance with the Atomic Energy Act by ensuring that proposed changes will not present an undue risk to the public health and safety and are consistent with the common defense and security. Because the UFSAR simply reflects such changes after they are implemented, extending the required UFSAR submittal date would not present an undue risk to the public health and safety, is consistent with the common defense and security and is authorized by law.

The requirements for granting exemption set forth in 10 CFR 50.12(a) exclude consideration of exemption requests unless certain special circumstances are present. The following special circumstances described in the regulation apply to the requested exemption:

**The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. (50.12(a)(2)(v))**

The 120 day extension would be applied one time only for the UFSAR revision currently planned for April 25, 2001. Schedules for subsequent revisions would be in no way affected by the requested exemption. FENOC is currently preparing to submit a hardcopy update of the UFSAR and can satisfy the existing regulatory requirement by doing so. However, the recent issuance of Regulatory Issue Summary 2001-05 has provided for a more beneficial alternative that would require additional production time. Therefore, FENOC has been making a good faith effort to comply with the regulation.

**Material circumstance is present that was not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. (50.12(a)(2)(vi))**

At the time the rule was adopted, the possibility of providing submittals in electronic form was not considered. Since that time technology has progressed and the NRC has formally provided guidelines by which electronic submittals may be accomplished. Technology now provides a cost effective alternative to providing a submittal that contains only pages that are actually changed. The electronic version of the BVPS-2 UFSAR would benefit the public directly because changes would already be incorporated, thus providing a complete document that can be made

available by the NRC. The public would benefit indirectly through increased efficiency of NRC handling of the information and simpler distribution within the NRC.

Having satisfied the provisions of 10 CFR 50.12, FENOC requests exemption as stated above. Informal notification by the NRC that approval is imminent should be provided by April 20, 2001, to obviate the need to prepare hardcopy material by the current submittal date.