

June 4, 2002

Mr. Terry Lodge, Convenor and Chair
Toledo Coalition for Safe Energy
316 N. Michigan Street, Suite 520
Toledo, OH 43624-1627

Dear Mr. Lodge:

Your petition dated April 24, 2002, addressed to Dr. William D. Travers has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. You requested the U.S. Nuclear Regulatory Commission (NRC) issue an order to FirstEnergy Nuclear Operating Company, the owner of the Davis-Besse Nuclear Power Station, requiring a verification by an independent party (VIP) for issues related to the reactor vessel head problem. As the basis for your request, you stated that the order issued by the NRC on August 14, 1996, to Northeast Nuclear Energy Company, the owner of the Millstone Nuclear Power Station in Connecticut, is a recent and relevant precedent for the action that David Lochbaum requested on behalf of the organizations that constitute the petitioners. I would like to express my appreciation for your effort in bringing your concerns to the attention of the NRC.

You addressed our Petition Review Board (PRB) via teleconference on May 9, 2002, to discuss your petition. The PRB has thoroughly considered the results of that discussion in its determination regarding our acceptance of your petition for review under 10 CFR 2.206. A copy of your petition and teleconference transcript are publicly available on the NRC's Web site via the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room under Accession Numbers ML021260444 and ML021490065, respectively.

Ongoing efforts by an NRC Inspection Manual Chapter 0350 Panel and a Lessons-Learned Task Force will provide information to support granting or denying your petition. The objective of the 0350 Panel is to provide the required oversight throughout the shutdown and restart of Davis-Besse to ensure the NRC's four strategic performance goals are met. The objective of the Lessons-Learned Task Force is to conduct an independent evaluation of the NRC's regulatory processes related to assuring reactor vessel head integrity in order to identify and recommend areas for improvement applicable to the NRC and/or the industry. Information about these efforts is publicly available on the NRC's Web site under ADAMS Accession Numbers ML021230683 and ML021370684, respectively. Additionally, the licensee is taking action to provide for independent oversight of actions related to the reactor vessel head degradation and to address the issues raised in your petition. A copy of FirstEnergy's response dated May 16, 2002, to your petition is publicly available under ADAMS Accession Number ML021410451.

Mr. T. Lodge

- 2 -

As provided in Section 2.206, we will take action on your request within a reasonable time. I have assigned Mr. Bill Macon to be the petition manager for your petition. Mr. Macon can be reached at 301-415-3965. Your petition is being reviewed within the NRC's Office of Nuclear Reactor Regulation.

I have enclosed for your information a copy of the notice that is being filed with the Office of the *Federal Register* for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC's Office of Public Affairs.

Sincerely,

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosures: 1. *Federal Register* Notice
2. Management Directive 8.11
3. NUREG/BR-0200

cc w/enclosure 1 only: See next page

U.S. NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-346

LICENSE NO. NPF-3

FIRSTENERGY NUCLEAR OPERATING COMPANY

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated April 24, 2002, David Lochbaum (petitioner) has requested on behalf of multiple organizations that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to FirstEnergy Nuclear Operating Company, the owner of the Davis-Besse Nuclear Power Station. Specifically, the petitioners request that the NRC issue an order to FirstEnergy, requiring a verification by an independent party (VIP) for issues related to the reactor vessel head problem at Davis-Besse, Unit 1.

As the basis for this request, the petitioner states that the order issued by the NRC on August 14, 1996, to Northeast Nuclear Energy Company, the owner of the Millstone Nuclear Power Station in Connecticut, is a recent and relevant precedent for the action requested by the petitioners.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the NRC's Office of Nuclear Reactor Regulation (NRR). As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioners addressed the NRR Petition Review Board (PRB) on May 9, 2002, to discuss the petition. The results of that discussion were transcribed, considered in the PRB's determination regarding the petitioners' request and in establishing the schedule for the review of the petition, and are treated as a supplement to the petition. A copy

of the petition and the supplements (Accession Numbers ML021260444 and ML021490065, respectively) are available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. A copy of FirstEnergy's response dated May 16, 2002, to the petition is also publicly available under Accession Number ML021410451. Publicly available records will be accessible from the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 4th day of June, 2002

Mr. T. Lodge

- 2 -

As provided in Section 2.206, we will take action on your request within a reasonable time. I have assigned Mr. Bill Macon to be the petition manager for your petition. Mr. Macon can be reached at 301-415-3965. Your petition is being reviewed within the NRC's Office of Nuclear Reactor Regulation.

I have enclosed for your information a copy of the notice that is being filed with the Office of the *Federal Register* for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC's Office of Public Affairs.

Sincerely,
/RA/
Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Docket No. 50-346

- Enclosures: 1. *Federal Register* Notice
- 2. Management Directive 8.11
- 3. NUREG/BR-0200

cc w/enclosure 1 only: See next page

Docket No. 50-346

Distribution w/o encls:

PUBLIC	WBeckner	LCox	
PD3-2 r/f	OGC	JGoldberg	
ACRS	GGrant, RIII	JZwolinski	
EDO #G20020246	EDORreading	WTravers	
SCollins/JJohnson	SBajwa	CPaperiello	
BSheron	AMendiola	WKane	
THarris	KCyr, OGC	PNorry	
JDyer, RIII	WMacon	JCraig	
DPickett	RSubbaratnam	SBurns	
DSkay	OPA	OCA	NRRMailroom

Incoming: ML021260444 Transcript: ML021490065 FirstEnergy Resp: ML021410451
Accession No: ML021370030 Pkg.: ML021500178 Encl. 2: ML011380727
***See previous concurrence Encl. 3: ML021090560**

OFFICE	PM:PD3-2	LA:PD3-2	SC:PD3-2	PD:PD3	TECH ED
NAME	BMAcon	THarris	AMendiola*	SBajwa*	PGarrity*
DATE	06/04 /02	06/04/02	05/29/02	05/29/02	05/23/02

OFFICE	D:DLPM	ADPT	D:NRR
NAME	SRichards for JZwolinski*	BSheron	SCollins
DATE	05/31/02	06/04/02	05/04/02

OFFICIAL RECORD COPY

Toledo Coalition for Safe Energy

cc:

Mr. Howard Bergendahl
Vice President-Nuclear, Davis-Besse
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

Mary E. O'Reilly
FirstEnergy Corporation
76 South Main St.
Akron, OH 44308

Manager-Regulatory Affairs
First Energy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Oak Harbor, OH 43449-9760

Director
Ohio Department of Commerce
Division of Industrial Compliance
Bureau of Operations & Maintenance
6606 Tussing Road
P.O. Box 4009
Reynoldsburg, OH 43068-9009

Regional Administrator
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60523-4351

Michael A. Schoppman
Framatome ANP
1911 N. Ft. Myer Drive
Rosslyn, VA 22209

Resident Inspector
U.S. Nuclear Regulatory Commission
5503 North State Route 2
Oak Harbor, OH 43449-9760

Plant Manager, Randel J. Fast
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State - Route 2
Oak Harbor, OH 43449-9760

Dennis Clum
Radiological Assistance Section Supervisor
Bureau of Radiation Protection
Ohio Department of Health
P.O. Box 118
Columbus, OH 43266-0118

Carol O'Claire, Chief, Radiological Branch
Ohio Emergency Management Agency
2855 West Dublin Granville Road
Columbus, OH 43235-2206

Zack A. Clayton
DERR
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43266-0149

State of Ohio
Public Utilities Commission
180 East Broad Street
Columbus, OH 43266-0573

Attorney General
30 East Broad Street
Columbus, OH 43216

President, Board of County
Commissioners of Ottawa County
Port Clinton, OH 43252

President, Board of County
Commissioners of Lucas County
One Government Center, Suite 800
Toledo, OH 43604-6506

David Hughes, Executive Director
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217

Harvey Wasserman
Citizens Protecting Ohio
735 Euclair Avenue
Bexley, OH 43209

Keith Gunter
Citizens' Resistance at Fermi Two (CRAFT)
P.O. Box 463
Monroe, MI 48161

Michael J. Keegan
Coalition for a Nuclear Free Great Lakes
P.O. Box 331
Monroe, MI 48161

cc:

Christine Patronik-Holder, Ohio Coordinator
Safe Energy Communication Council
660 Crackel Road
Aurora, OH 44202

David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW, Suite 600
Washington, DC 20006

Vina Colley
Portsmouth/Piketon Residents for
Environmental Safety and Security
3706 McDermott Pond
McDermott, OH 45652

Alice Hirt
Don't Waste Michigan
6677 Summitview
Holland, MI 49423

Chris Trepal, Executive Director
Earth Day Coalition
3606 Bridge Avenue
Cleveland, OH 44113-3314

Stuart Greenberg, Executive Director
Environmental Health Watch
4115 Bridge Ave., #104
Cleveland, OH 44113

Jim Riccio
Greenpeace
702 H Street, NW
Washington, DC 20001

Paul Gunter
Director-Reactor Watchdog Project
Nuclear Information and Resource Service
1424 16th Street, NW, #404
Washington, DC 20036

Shari Weir, Consumer Issues Director
Ohio Citizen Action
614 W. Superior Ave., #1200
Cleveland, OH 44113

Kurt Waltzer
Ohio Environmental Council
1207 Grandview, Suite 201
Columbus, OH 43212-3449