

From: James Caldwell *23*
To: Anne Boland; Anthony Hsia; Cynthia Pederson; Jared Heck; Kenneth O'Brien; Mark Satorius; Steven West
Date: Wed, Aug 15, 2007 10:27 AM
Subject: Fwd: Resend-PR-NRC Issues Order to FirstEnergy Regarding Information Relevant to Regulatory Activities

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CC: Jan Strasma; Roland Lickus; Sheri Minnick; Viktoria Mitlyng

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NRC ISSUES ORDER TO FIRSTENERGY REGARDING INFORMATION RELEVANT TO REGULATORY ACTIVITIES

The Nuclear Regulatory Commission has issued a Confirmatory Order to FirstEnergy Nuclear Operating Company (FENOC), regarding the company's actions to ensure the prompt sharing of information of potential regulatory interest to the agency.

The Order is based on commitments FENOC made following the NRC's Demand for Information earlier this year. The demand dealt with documents and analyses the company commissioned for non-regulatory purposes, along with delays between FENOC's receipt of the information and its subsequent submittal to the agency. The analyses include the "Exponent Report," which discussed corrosion that severely weakened the Davis-Besse reactor vessel's head in 2002. The report provided conclusions that could have affected NRC-required activities at U.S. commercial reactors.

The Order requires FENOC to take several actions, including:

- Train selected employees by Nov. 30 to recognize and communicate information that could have a regulatory impact;
- Use an outside consultant to review FENOC staff's sensitivity to potentially important information in January 2008 and 2009, reporting the results and any follow-on actions to the NRC, and;
- Develop a formal review procedure for technical reports created for non-regulatory uses, to ensure recognition of the reports' possible regulatory impacts.

The Order will be published shortly in the *Federal Register* and will be available on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/reactors/>. Anyone adversely affected by the Order, other than FENOC, may request a hearing within 20 days of publication. Any request for a hearing must be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC, 20555. Copies of the hearing request must also be sent to the Director, Office of Enforcement and the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator for NRC Region III, 801 Warrenville Road, Lisle, IL, 60532-4351, and to FENOC. Hearing requests may also be faxed to 301-415-1101 or e-mailed to hearingdocket@nrc.gov and to OGCMailCenter@nrc.gov.

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