

May 13, 2002

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

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 - REPLY TO  
RESPONSE TO ORDER FOR INTERIM SAFEGUARDS AND SECURITY  
COMPENSATORY MEASURES (TAC NO. MB4120)

Dear Mr. Bergendahl:

On February 25, 2002, the U.S. Nuclear Regulatory Commission (NRC) issued an Order modifying the operating license for the Davis-Besse Nuclear Power Station (DBNPS) to require compliance with the specified interim safeguards and security compensatory measures. The interim compensatory measures (ICMs) were listed in Attachment 2 to the Order. When issuing the Order, the Commission recognized that you have voluntarily and responsibly implemented additional security measures following the events of September 11, 2001, but in light of the continuing generalized high-level threat environment, the Commission concluded that the security measures should be embodied in an Order consistent with the established regulatory framework.

The Order required responses and actions within specified timeframes. Section III.A of the Order required licensees to immediately start implementation of the requirements listed in Attachment 2 to the Order and to complete implementation no later than August 31, 2002. Section III.B of the Order required licensees to notify the Commission: (1) if they are unable to comply with the requirements described in Attachment 2, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, (3) if implementation of any of the requirements would cause the licensee to be in violation of the provisions of any Commission regulation or the facility license, or (4) if implementation of any of the requirements described in Attachment 2 would adversely impact the safe operation of the facility. Section III.C.1 of the Order required licensees to submit to the Commission, within 20 days of the date of the Order, a schedule for achieving compliance with each requirement described in Attachment 2 to the Order. Section IV of the Order noted that in accordance with 10 C.F.R. § 2.202, the licensee must submit an answer to the Order and may request a hearing on the Order within 20 days of the date of the Order and, where good cause is shown, consideration would be given to extend the time to request a hearing.

In letters dated March 18, 2002 (FirstEnergy Nuclear Operating Company, serial numbers 2769 and 2773), you submitted a response to the Order for DBNPS. You requested an extension of time until June 6, 2002, to respond to ICM B.2.a and requested a comparable extension of time to file a request for hearing for those matters.

H. Bergendahl

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The NRC staff has reviewed your responses to each of the ICMs and finds that you have satisfied the 20-day reporting requirements of the Order with the exception of ICM B.2.a. An extension of time is hereby granted until June 6, 2002, for your submission of the required response for ICM B.2.a. An extension of time is also granted until June 6, 2002, for your filing of a request for a hearing related to ICM B.2.a.

The NRC will determine the effectiveness of your implementation of the ICMs through on-site inspections. I would like to remind you that, pursuant to Section III.C.2 of the Order, you are to report to the Commission when you have achieved full compliance with the requirements described in Attachment 2 to the Order.

If you have any other questions on these issues, please contact Douglas Pickett at 301-415-1364.

Sincerely,

*/RA/*

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-346

cc: See next page

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If you have any other questions on these issues, please contact Douglas Pickett at 301-415-1364.

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*/RA/*

John A. Zwolinski, Director  
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 Office of Nuclear Reactor Regulation

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