



FirstEnergy Nuclear Operating Company

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Lew W. Myers  
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Docket Number 50-346

License Number NPF-3

Serial Number 2806

August 30, 2002

Mr. John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Comments on Proposed Director's Decision under 10 CFR 2.206  
regarding Petition by David Lochbaum, dated April 24, 2002

Dear Mr. Zwolinski:

On August 16, 2002, the staff of the Nuclear Regulatory Commission Office of Nuclear Reactor Regulation issued a proposed Director's decision (proposed decision) on the Petition filed by David Lochbaum of the Union of Concerned Scientists (UCS) on behalf of multiple organizations pursuant to 10 CFR 2.206 (the Petition). In the letter transmitting the proposed decision to FirstEnergy Nuclear Operating Company (FENOC), you requested comments on any portion of the proposed decision believed to be erroneous or any issues in the Petition which have not been fully addressed by the staff.

The enclosure attachment identifies FENOC's specific comments on the proposed decision and includes brief general comments on the issues raised by the Petition. Overall, FENOC supports the proposed decision denying the Petition on the grounds that Petitioner's request has already been addressed by NRC or licensee inspection and oversight processes established after the date of the filing of the Petition. FENOC believes that all issues raised in the Petition have been fully addressed in the proposed decision. Furthermore, FENOC endorses and accepts the staff's conclusion that, should the NRC Inspection Manual Chapter (IMC) 0350 Oversight Panel identify a potential need for additional independent oversight, the Petitioner's request would again be considered at that time.

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FENOC appreciates the opportunity to comment on the proposed decision and requests that the staff consider the attached comments for inclusion in the final Director's decision.

Very truly yours,

  
for Lew W. Myers

MEO:DRW/laj

Enclosures

cc: J. E. Dyer, Regional Administrator, NRC Region III  
J. B. Hopkins, DB-1 NRC/NRR Senior Project Manager  
C. S. Thomas, DB-1 NRC Senior Resident Inspector  
USNRC Document Control Desk  
Utility Radiological Safety Board

FIRSTENERGY NUCLEAR OPERATING COMPANY'S COMMENTS ON  
Proposed Director's Decision Under 10 CFR 2.206  
To "Petition Pursuant to 10 CFR 2.206 Regarding  
Safety at Davis-Besse Nuclear Power Plant",  
Filed by David Lochbaum on April 24, 2002

The comments of FirstEnergy Nuclear Operating Company (FENOC) on the proposed Director's decision dated August 16, 2002 are provided below and organized as follows: A. Specific Comments on Proposed Decision Text; and B. General Comments on Issues Addressed in Proposed Decision.

A. Specific Comments on Proposed Decision Text

Page 4, paragraph 1, sentences 2 and 3 (starting on line 10 on page 4):

FENOC recommends revising this sentence to reflect the content of the Davis-Besse Return to Service Plan, Revision 2, dated August 6, 2002, at Paragraph II, page 4. The suggested rewording is as follows:

***The licensee has established a Restart Organization, which includes not only reorganized, realigned internal senior leadership, but also four separate and distinct oversight review and verification teams, three of which include independent industry experts.***

***These three teams include the Restart Overview Panel consisting of FENOC and non-FENOC executives and the local Ottawa County Administrator to provide overall oversight of implementation of the Return to Service Plan and its components; the Engineering Assessment Board consisting of independent experts from outside of FENOC and members from the FENOC engineering organization charged with reviewing engineering products and programs; and the Restart Station Review Board consisting of site managers and independent oversight to provide initial decisions regarding restart required actions.***

Page 4, paragraph 1, sentence 5 (starting on line 16 on page 4):

Delete "and" between "service" and "revision"  
Change "revision" to "revisions"  
Change "was" to "were"  
Add "and August 21, 2002" after "July 12, 2002".

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Page 4, paragraph 1, sentence 6 (starting on line 19 on page 4):

Add the ADAMS Accession Number for the aforementioned August 21, 2002 submittal of Revision 2 of the Return to Service Plan.

Page 4, paragraph 1, sentence 7 (starting on line 19 on page 4):

As a result of incorporation of the above comments, delete entire sentence.

B. General Comments on Issues Adressed in Proposed Decision

FENOC supports the proposed decision denying the Petitioner's request for the NRC to issue an Order to FENOC requiring the establishment of an additional independent verification program associated with the restart of Davis-Besse. Additionally, FENOC agrees with the staff's overall rationale for denying the instant Petition based on the concern that the establishment of yet another independent oversight program in addition to those created by the licensee and the NRC "would create another layer of oversight, representing unnecessary regulatory burden without additional value to be gained."

FENOC further agrees that the six tasks requested by the Petitioner for verification by an Independent Party (VIP) are now being addressed by the NRC either through the Augmented Inspection Team (AIT) follow-up inspection process; the IMC 0350 Oversight Panel process which includes team inspections of the elements of the Davis-Besse Return to Service Plan; and the Lessons-Learned Task Force (LLTF).

The proposed decision leaves open the possibility that, should the IMC 0350 Panel identify a potential need for an additional independent program, the Petitioner's request would be considered at that time. FENOC endorses and accepts this conclusion that the petitioner's request would again be considered at that time.

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**COMMITMENT LIST**

The following list identifies those actions committed to by the Davis-Besse Nuclear Power Station (DBNPS) in this document. Any other actions discussed in the submittal represent intended or planned actions by the DBNPS. They are described only for information and are not regulatory commitments. Please notify the Manager - Regulatory Affairs (419-321-8450) at the DBNPS of any questions regarding this document or associated regulatory commitments.

**COMMITMENTS**

**DUE DATE**

None

**FirstEnergy**<sup>®</sup>

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