

February 10, 2003

The Honorable Dennis J. Kucinich  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Kucinich:

I am responding to your petition dated February 3, 2003, in which you requested that the U.S. Nuclear Regulatory Commission (NRC) revoke FirstEnergy Nuclear Operating Company's (FirstEnergy's) license to operate the Davis-Besse Nuclear Power Station in Oak Harbor, Ohio. As the basis for your request, you stated that FirstEnergy "has operated outside the parameters of their operating license for several years, has violated numerous federal laws, rules and regulations, and has hidden information from the NRC and lied to the NRC to justify the continuing operation of the Davis-Besse Nuclear Power Station." I would like to express my appreciation for your continued interest in Davis-Besse.

A copy of your petition will be made publicly available on the NRC's Web site via the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room under the Accession No. ML030370067.

The NRC's Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," establishes the process and framework for evaluating and reviewing petitions under 10 CFR 2.206. I have enclosed for your information, a copy of the Management Directive and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC's Office of Public Affairs. (You may also visit our Web site <http://www.nrc.gov/what-we-do/regulatory/enforcement/petition.html> for further information.)

In accordance with MD 8.11, we have established a Petition Review Board (PRB). The NRC staff has determined that your request meets the criteria of MD 8.11 and will be treated as a 10 CFR 2.206 petition. Please note that our process affords an opportunity for you to address the PRB by telephone or by meeting at our headquarter's offices in Rockville, Maryland, and provide any relevant additional details in support of your request. Our Office of Congressional Affairs will contact you to discuss this opportunity.

In your petition, you asked that the NRC, "immediately revoke FirstEnergy's operating license for the Davis-Besse Nuclear Power Station." As I am sure you are aware, the NRC has been investigating whether and to what extent FirstEnergy may have violated NRC's requirements, including whether it may have withheld information material to the NRC's decisionmaking process. Until that investigative process allows the agency to reach a determination on the issues you cite in your petition, we do not have a basis to revoke the Davis-Besse operating license. However, we will consider the issues you have raised and evaluate your request in a timely manner under our existing 2.206 process. I wish to emphasize that the Davis-Besse plant is currently shut down, and will remain so, until the NRC is fully satisfied that there is reasonable assurance of adequate protection of the public health and safety and that all issues associated with management of the facility and potential wrongdoing have been satisfactorily addressed.

Congressman Kucinich

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I have assigned Mr. Dan Collins to be the petition manager for your petition. If you have any questions regarding this matter, please call Ms. Laura Gerke, in our Office of Congressional Affairs, at (301) 415-1692, or Mr. Dan Collins, in our Office of Nuclear Reactor Regulation, at (301) 415-1427.

I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,

*/RA/*

William D. Travers  
Executive Director  
for Operations

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

cc w/enclosure 1 only: See next page

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OFFICIAL RECORD COPY

Davis-Besse Nuclear Power Station, Unit 1

cc w/enclosure 1:

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Oak Harbor, OH 43449-9760

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 February 3, 2003, Congressman Dennis J. Kucinich (petitioner) of the United States House of Representatives has requested that the U.S. Nuclear Regulatory Commission (NRC) revoke the FirstEnergy Nuclear Operating Company's (FirstEnergy's) license to operate the Davis-Besse Nuclear Power Station in Oak Harbor, Ohio.

As the basis for this request, the petitioner states that FirstEnergy "has operated outside the parameters of their operating license for several years, has violated numerous federal laws, rules and regulations, and has hidden information from the NRC and lied to the NRC to justify the continuing operation of the Davis-Besse Nuclear Power Station."

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.

A copy of the petition is available in the Agencywide Documents Access and Management System (ADAMS) for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site,

<http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room) using the Accession No. ML030370067. 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](mailto:pdr@nrc.gov).

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
This 10th day of February 2003