

January 14, 2004

Mr. L. William Pearce  
Site Vice President  
FirstEnergy Nuclear Operating Company  
Beaver Valley Power Station, Unit 1  
Route 168  
P.O. Box 4  
Shippingport, PA 15077-0004

SUBJECT: BEAVER VALLEY POWER STATION, UNIT 1,  
FITNESS FOR DUTY REPORT (ENS. 40080)

Dear Mr. Pearce:

The U.S. Nuclear Regulatory Commission (NRC) has received your letter dated October 7, 2003, in response to our letter dated September 9, 2003. Your response adequately addressed our questions. Based on the fact that the individual's blood alcohol level was below that which would constitute a positive test, the individual was not performing licensed duties, and FENOC's response to this issue, we plan no further actions in this matter.

Also, we have reviewed your request and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains personal information, the disclosure of which would be a clearly unwarranted invasion of privacy. Therefore, the enclosure of your letter will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(6) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Your letter without the enclosure will be placed in the NRC's public document room.

Withholding the document from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling such information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure. If you have any questions, regarding the disclosure of the information, please contact Mr. Karl Farrar, Regional Counsel, at 610-337-5301.

L. W. Pearce

2

Thank you for your cooperation in this matter.

Sincerely,

***/RA/***

Richard J. Conte, Chief  
Operational Safety Branch  
Division of Reactor Safety

Docket No: 50-334  
License No. DPR-66

cc:

J. Lash, Plant General Manager  
V. Kaminskis, Director, Nuclear Maintenance  
R. Mende, Director, Nuclear Work Management  
T. Cosgrove, Director, Nuclear Engineering/Projects  
L. Freeland, Manager, Nuclear Regulatory Affairs & Corrective Actions  
M. Clancy, Mayor, Shippingport, PA  
R. Janati, Chief, Division of Nuclear Safety  
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State of Ohio  
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C. Hynes, Director, Operations Training

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