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Docket Number 50-346

10 CFR 50.4(b)(4)
10 CFR 73.4

License Number NPF-3

Serial Number 3103

November 8, 2004

United States Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555-0001

Subject: Confirmation of Implementation of April 29, 2003 Orders for the Davis-Besse Nuclear Power Station, Unit 1

Ladies and Gentlemen:

The NRC issued Orders dated April 29, 2003: EA-03-038, *Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel*; EA-03-039, *Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel*; and EA-03-086, *Order Requiring Compliance with Revised Design Basis Threat* for the Davis-Besse Nuclear Power Station (DBNPS) (Letter Log Numbers 6083, 6082, and 6081, respectively; collectively referred to as "Orders"). In addition to other requirements, the Orders required nuclear power plant licensees to revise their physical security plans, safeguards contingency plans, and security force training and qualification plans; submit those plans to the NRC for approval by April 29, 2004; and complete implementation of those plans by October 29, 2004, unless a request for a schedule extension for one or more elements of those plans was approved by the NRC.

By letter dated April 29, 2004 (DBNPS Serial Number 3051), the FirstEnergy Nuclear Operating Company (FENOC) filed a Supplemental Response to Order EA-03-086 that contained the Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan as required by Order EA-03-086 for the DBNPS. Subsequent FENOC submittals (DBNPS Serial Number 3091 dated September 10, 2004 and letter Serial Number 3094 dated September 30, 2004) modified that proposed revision to incorporate the resolution of several Requests for Additional Information that had been issued by the NRC. By letter dated October 28, 2004 (DBNPS Letter Log Number 6249), the NRC issued a Safety Evaluation documenting the NRC's review and acceptance of those plans. Section III.C. of Order EA-03-086 required FENOC to advise the NRC when implementation of the NRC approved plans physical security plans, safeguards contingency plans, and guard training and qualification plans has been accomplished. Section

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III.C.2. of Order EA-03-39 required FENOC to advise the NRC when full compliance with the requirements in Attachment 2 to that Order has been achieved.

FENOC hereby reports that as of October 29, 2004, those conditions were met for the DBNPS and the exercise of enforcement discretion pursuant to the Orders during the transition period will no longer be necessary.

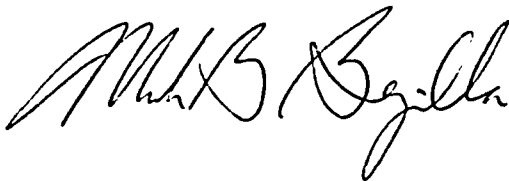
FENOC is reviewing Enclosure 2 to the NRC's letter dated October 28, 2004, "Safety Evaluation Regarding the Security Plans," and will notify the NRC under separate cover of any discrepancies identified.

If there are any questions concerning this matter, please contact Mr. David R. Kline, Manager, Site Protection, at 419-249-2322.

The statements contained in this submittal, including its associated attachments, are true and correct to the best of my knowledge and belief. I am authorized by the FirstEnergy Nuclear Operating Company to make this submittal. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 8, 2004.

Very truly yours,



Mark B. Bezilla
Vice President, Nuclear

GMW/MSH

Attachment:

1) Commitment List

cc: J. L. Caldwell, Regional Administrator, NRC Region III
J. B. Hopkins, DB-1 NRC/NRR Senior Project Manager
C. S. Thomas, DB-1 Senior Resident Inspector
D. W. Spaulding, Project Manager, Security Plan Review Team
Utility Radiological Safety Board

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COMMITMENT LIST

The following list identifies those actions committed to by the Davis-Besse Nuclear Power Station in this document. Any other actions discussed in the submittal represent intended or planned actions by Davis-Besse. They are described only as information and are not regulatory commitments. Please notify the FENOC Supervisor – Fleet Licensing at (330) 315-6944 of any questions regarding this document or associated regulatory commitments.

COMMITMENTS

DUE DATE

FENOC is reviewing Enclosure 2 to the NRC's letter dated October 28, 2004, "Safety Evaluation Regarding the Security Plans," and will notify the NRC under separate cover of any discrepancies identified.

Upon completion of the review.