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November 8, 2004  
PY-CEI/NRR-2840L

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Perry Nuclear Power Plant  
Docket No: 50-440

Subject: Confirmation of Implementation of April 29, 2003 Orders to the Perry Nuclear Power Plant (TAC NO. MC2955)

The Nuclear Regulatory Commission (NRC) issued three 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* (collectively referred to as "Orders") for the Perry Nuclear Power Plant (PNPP). 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.

On April 28, 2004 (PY-CEI/NRR-2797L), 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 PNPP. Several subsequent letters were submitted to respond to NRC requests for additional information. By letter dated October 28, 2004, the NRC issued a Safety Evaluation Report 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 physical security plans, safeguards contingency plans, and guard training and qualification plans has been accomplished. Section 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 those conditions have been met for PNPP, and the exercise of enforcement discretion pursuant to the Orders during the transition period will no longer be necessary.

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A review is being conducted of the Safety Evaluation provided in the NRC letter dated October 28, 2004, and any comments resulting from this review will be provided under separate cover.

There are no regulatory commitments contained in this letter. If there are any questions concerning this matter, please contact Mr. Ronald V. Rose, acting Director – FENOC Fleet Security, at 440-280-5314.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on November 8, 2004.



cc: NRC Region III  
NRC Resident Inspector  
NRC Project Manager