



FirstEnergy Nuclear Operating Company

## SAFEGUARDS INFORMATION

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Docket Number 50-346  
License Number NPF-3  
Serial Number 3157

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

May 31, 2005

United States Nuclear Regulatory Commission  
Document Control Desk  
11555 Rockville Pike  
Rockville, Maryland 20852

Subject: Response to NRC Guidance Regarding Mitigation Strategies for the Davis-Besse Nuclear Power Station, Unit 1

Ladies and Gentlemen:

The NRC issued Orders For Interim Safeguards and Security Compensatory Measures ("Order EA-02-026" or "ICM Order") dated February 25, 2002 for the Davis-Besse Nuclear Power Station (DBNPS), Unit 1.

Order EA-02-026 imposed requirements on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order required licensees to implement certain changes in physical security plans and safeguards contingency plans on an interim basis until final requirements were established. Among other requirements, FirstEnergy Nuclear Operating Company (FENOC) was required to complete implementation of the requirements of Section II.B.5.b. of Order EA-02-026 at the DBNPS by August 31, 2002.

Subsequently, the NRC issued Orders, dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors ("Order EA-03-086" or "DBT Order") and other security related Orders (collectively "Orders") for the DBNPS. In many ways, Order EA-03-086 complemented or superseded requirements the interim measures imposed by Order EA-02-026.

As required by Order EA-03-086, the plans for the above-mentioned licensed facility have been implemented. Subsequently, FENOC was requested to respond to the letter from J. E. Dyer, Director, Office of Nuclear Reactor Regulation, dated February 25, 2005, *NRC Staff Guidance*

**NOTE: ATTACHMENT 1 TO THIS LETTER CONTAINS SAFEGUARDS INFORMATION AND MUST BE PROTECTED ACCORDINGLY. UPON REMOVAL OF ATTACHMENT 1, THIS LETTER IS "DECONTROLLED."**

SAFEGUARDS INFORMATION

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11

## SAFEGUARDS INFORMATION

Docket Number 50-346  
License Number NPF-3  
Serial Number 3157  
Page 2 of 3

*for Use in Achieving Satisfactory Compliance with February 25, 2002, Order Section B.5.b, ("NRC B.5.b. Guidance") by May 31, 2005, and to implement appropriate enhancement to current mitigation strategies by August 31, 2005. Specifically, nuclear power plant licensees were requested by Enclosure 2, Developing Mitigating Strategies / Guidance for Nuclear Power Plants to Respond to Loss of Large Areas of the Plant in Accordance with B.5.b of the February 25, 2002, Order (dated February 24, 2005) ("NRC B.5.b. Guidance"), to the February 25, 2005 letter to review the Areas of Consideration delineated in Attachment A to that Enclosure and evaluate additional considerations for potential inclusion in the licensees' mitigating strategies that licensees deemed appropriate in accordance to Attachment B to that Enclosure.*

Subsequently, the Nuclear Energy Institute ("NEI"), in conjunction with the NEI Security Working Group, developed and issued guidance for licensee use ("NEI Guidance") to assist licensees in responding to the February 25, 2005 letter.

As requested in the February 25, 2005 letter, FENOC has reviewed the information in Attachments A and B in accordance with the NEI Guidance and is hereby submitting, as a Safeguards Information attachment to this letter (Attachment 1), FENOC's evaluation of the information the NRC provided. Attachment 1 reflects the results of a comprehensive and thorough review of the guidance and describes the considerations that FENOC either has already or intends to implement at the DBNPS by August 31, 2005.

The primary guiding principles used in the conduct of this evaluation were (1) whether or not equipment and resources were "readily available," and (2) if equipment is readily available, can it be effectively utilized in a licensee's mitigating strategy. FENOC considered "readily available" to mean that the equipment or resources was already licensee owned, under contract, or part of an existing Memorandum of Understanding. Further, even if equipment and resources are readily available, the second criterion is to ensure that the equipment can be used in a mitigating strategy in an effective manner. Even if the equipment is readily available, it is of no value if it cannot be effective in implementing the mitigating strategy.

In accordance with these principles, mitigative strategies are being implemented to address the NRC B.5.b. Guidance. These actions are considered to be commitments for that purpose and will be managed in accordance with FENOC's commitment management system. These actions, as documented in Attachment 1, are scheduled to be completed no later than August 31, 2005.

If there are any questions concerning this matter, please contact Mr. Robert W. Schrauder, Director, Site Performance Improvement, at 419-321-7181.

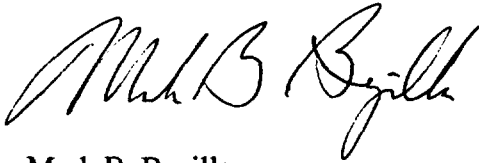
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## SAFEGUARDS INFORMATION

Docket Number 50-346  
License Number NPF-3  
Serial Number 3157  
Page 3 of 3

Very truly yours,



Mark B. Bezilla  
Vice President, Nuclear

GMW/s

Attachments:

- 1) Evaluation of NRC B.5.b Guidance for the DBNPS (contains Safeguards Information)
- 2) 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  
Utility Radiological Safety Board (w/o Attachment 1)

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