



FirstEnergy Nuclear Operating Company

76 South Main Street
Akron, Ohio 44308

Gary R. Leidich
President and Chief Nuclear Officer

330-384-5770
Fax: 330-384-5669

Docket Number 50-346
License Number NPF-3
Serial Number 3167

July 8, 2005

Michael R. Johnson
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Subject: Request for an Extension of the Reply to the Notice of Violation and Proposed Imposition of Civil Penalties: EA-03-025; EA-05-066; EA-05-067; EA-05-68; EA-05-069; EA-05-070; EA-05-071; EA-05-072

Dear Mr. Johnson:

On April 21, 2005, the U.S. Nuclear Regulatory Commission ("NRC") issued a Notice of Violation and Proposed Imposition of Civil Penalties, dated April 21, 2005 ("NOV/CP"), for violations stemming from the reactor pressure vessel head degradation at the Davis-Besse Nuclear Power Station. That NOV/CP required a response within 90 days and suggested NRC consideration of extending that response time for good cause shown.

The FENOC has acknowledged and accepted full responsibility for the significant performance deficiencies that led to the underlying technical violations cited in the NOV/CP. The NRC has acknowledged that a Department of Justice ("DOJ") investigation related to this matter is ongoing. Recently, the NRC Staff informed an Atomic Safety and Licensing Board Panel that the DOJ expects to complete its investigation by November 2005. The NRC Staff also noted that, in its view, NRC enforcement proceedings during the grand jury investigation could interfere with an important government interest and requested a continuance for 120 days, subject to a possible further request for an extension. Similarly, FENOC requests that the NRC extend the time for response to the NOV/CP for an additional 120 days, subject to a possible further request for an extension.

Docket Number 50-346
License Number NPF-3
Serial Number 3167
Page 2 of 2

I appreciate this opportunity to respond, and am available to answer any questions you may have regarding this request for an extension. Should you wish to contact me, I can be reached at (330) 384-5770.

Sincerely,



DWJ:AWB/s

Attachment

cc: J. E. Dyer, Deputy Executive Director for Reactor Programs
J. L. Caldwell, NRC Regional Administrator, Region III
K. G. O'Brien, NRC Enforcement Officer, Region III
C. S. Thomas, DB-1 NRC Senior Resident Inspector
W. A. Macon, DB-1 NRC/NRR Project Manager
S. A. Reynolds, NRC Deputy Director of Division of Reactor Projects, Region III
USNRC Document Control Desk

Docket Number 50-346
License Number NPF-3
Serial Number 3167
Attachment
Page 1 of 1

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 Manager – Regulatory Compliance (419) 321-8585 at Davis-Besse of any questions regarding this document or associated regulatory commitments.

Commitments

Due Date

None

N/A