

December 11, 2008

David Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
1707 H Street, NW Suite 600
Washington, DC 20006-3919

Dear Mr. Lochbaum:

I am writing in response to your letter to me, dated November 13, 2008, regarding FENOC's response to NRC Generic Letter 2008-01 signed by the Site Vice President for Beaver Valley. Specifically, in the April 11, 2008, three month response letter to NRC Generic Letter 2008-01, the Site Vice President stated that a follow-on nine month response would be submitted by October 13, 2008. In your letter, you questioned the veracity of the licensee's April 11, 2008, and October 14, 2008, letters, since the October response was submitted one day later than was committed to in the April 11, 2008, letter.

The provisions of 10 CFR 50.4(a) state that if a submission date falls on a Saturday, Sunday, or Federal holiday, the next Federal working day becomes the official due date. October 13, 2008, was Columbus Day, a Federal holiday. Therefore, October 14, 2008, was the official due date for the submittal.

Notwithstanding the above, I appreciate your concern that complete and accurate information is provided to the NRC as we rely on that information to ensure compliance with NRC safety regulations. 10 CFR 50.9, "Completeness and Accuracy of Information," codifies our requirements in this area. The emphasis placed by the NRC on this regulation is reflected in the issuance of enforcement actions to NRC licensees in the past for the submittal of information that was not complete and accurate in all material respects. We have no indication that the referenced October 14, 2008, FENOC submittal in question contains any incomplete or inaccurate information.

If you have any further questions regarding my response to your letter, please contact Richard S. Barkley of my staff at (610) 337-5065.

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

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Sincerely,
/RA/
Samuel J. Collins
Regional Administrator

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RA Action Item 08-191

SUNSI Review Complete: RSB

(Reviewer's Initials)

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