



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

February 22, 2010

EA-10-013

Mr. Barry Allen
Site Vice President
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2, Mail Stop A-DB-3080
Oak Harbor, OH 43449-9760

**SUBJECT: ACKNOWLEDGMENT OF DISPUTED VIOLATION - DAVIS-BESSE NUCLEAR
POWER STATION NRC INSPECTION REPORT 05000346/2009503(DRS)**

Dear Mr. Allen:

This letter acknowledges your letter to the U. S. Nuclear Regulatory Commission (NRC) dated January 27, 2010, which provided a response to our inspection report issued on December 28, 2009, concerning activities conducted at your Davis-Besse Nuclear Power Station facility. The letter contested one of the Non-Cited Violations (NCVs) contained in the inspection report, namely NCV 05000346/2009503-02, associated with the "Inadequate Procedures for State and Local Notifications."

We are currently reviewing your basis for contesting the NCV. The NRC seeks to be thorough and timely in the review of licensee responses to NCVs. Accordingly, we will inform you as soon as we complete our evaluation.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Hironori Peterson, Chief
Operations Branch
Division of Reactor Safety

Docket No. 50-346
License No. NPF-3

cc: Distribution via ListServ

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Site Vice President
FirstEnergy Nuclear Operating Company
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Letter to Mr. Barry Allen from Mr. Hironori Peterson dated February 22, 2010.

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STATION NRC INSPECTION REPORT 05000346/2009503(DRS)

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