

June 4, 2002

Mr. Terry Lodge, Convenor and Chair  
Toledo Coalition for Safe Energy  
316 N. Michigan Street, Suite 520  
Toledo, OH 43624-1627

Dear Mr. Lodge:

Your petition dated April 24, 2002, addressed to Dr. William D. Travers has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. You requested the U.S. Nuclear Regulatory Commission (NRC) issue an order to FirstEnergy Nuclear Operating Company, the owner of the Davis-Besse Nuclear Power Station, requiring a verification by an independent party (VIP) for issues related to the reactor vessel head problem. As the basis for your request, you stated that the order issued by the NRC on August 14, 1996, to Northeast Nuclear Energy Company, the owner of the Millstone Nuclear Power Station in Connecticut, is a recent and relevant precedent for the action that David Lochbaum requested on behalf of the organizations that constitute the petitioners. I would like to express my appreciation for your effort in bringing your concerns to the attention of the NRC.

You addressed our Petition Review Board (PRB) via teleconference on May 9, 2002, to discuss your petition. The PRB has thoroughly considered the results of that discussion in its determination regarding our acceptance of your petition for review under 10 CFR 2.206. A copy of your petition and teleconference transcript are publicly available on the NRC's Web site via the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room under Accession Numbers ML021260444 and ML021490065, respectively.

Ongoing efforts by an NRC Inspection Manual Chapter 0350 Panel and a Lessons-Learned Task Force will provide information to support granting or denying your petition. The objective of the 0350 Panel is to provide the required oversight throughout the shutdown and restart of Davis-Besse to ensure the NRC's four strategic performance goals are met. The objective of the Lessons-Learned Task Force is to conduct an independent evaluation of the NRC's regulatory processes related to assuring reactor vessel head integrity in order to identify and recommend areas for improvement applicable to the NRC and/or the industry. Information about these efforts is publicly available on the NRC's Web site under ADAMS Accession Numbers ML021230683 and ML021370684, respectively. Additionally, the licensee is taking action to provide for independent oversight of actions related to the reactor vessel head degradation and to address the issues raised in your petition. A copy of FirstEnergy's response dated May 16, 2002, to your petition is publicly available under ADAMS Accession Number ML021410451.

Mr. T. Lodge

- 2 -

As provided in Section 2.206, we will take action on your request within a reasonable time. I have assigned Mr. Bill Macon to be the petition manager for your petition. Mr. Macon can be reached at 301-415-3965. Your petition is being reviewed within the NRC's Office of Nuclear Reactor Regulation.

I have enclosed for your information a copy of the notice that is being filed with the Office of the *Federal Register* for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC's Office of Public Affairs.

Sincerely,

*/RA/*

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosures: 1. *Federal Register* Notice  
2. Management Directive 8.11  
3. NUREG/BR-0200

cc w/enclosure 1 only: See next page

U.S. NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-346

LICENSE NO. NPF-3

FIRSTENERGY NUCLEAR OPERATING COMPANY

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated April 24, 2002, David Lochbaum (petitioner) has requested on behalf of multiple organizations that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to FirstEnergy Nuclear Operating Company, the owner of the Davis-Besse Nuclear Power Station. Specifically, the petitioners request that the NRC issue an order to FirstEnergy, requiring a verification by an independent party (VIP) for issues related to the reactor vessel head problem at Davis-Besse, Unit 1.

As the basis for this request, the petitioner states that the order issued by the NRC on August 14, 1996, to Northeast Nuclear Energy Company, the owner of the Millstone Nuclear Power Station in Connecticut, is a recent and relevant precedent for the action requested by the petitioners.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the NRC's Office of Nuclear Reactor Regulation (NRR). As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioners addressed the NRR Petition Review Board (PRB) on May 9, 2002, to discuss the petition. The results of that discussion were transcribed, considered in the PRB's determination regarding the petitioners' request and in establishing the schedule for the review of the petition, and are treated as a supplement to the petition. A copy

of the petition and the supplements (Accession Numbers ML021260444 and ML021490065, respectively) are available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. A copy of FirstEnergy's response dated May 16, 2002, to the petition is also publicly available under Accession Number ML021410451. Publicly available records will be accessible from the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 4th day of June, 2002

Mr. T. Lodge

- 2 -

As provided in Section 2.206, we will take action on your request within a reasonable time. I have assigned Mr. Bill Macon to be the petition manager for your petition. Mr. Macon can be reached at 301-415-3965. Your petition is being reviewed within the NRC's Office of Nuclear Reactor Regulation.

I have enclosed for your information a copy of the notice that is being filed with the Office of the *Federal Register* for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, "Public Petition Process," prepared by the NRC's Office of Public Affairs.

Sincerely,  
**/RA/**  
Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-346

- Enclosures: 1. *Federal Register* Notice
- 2. Management Directive 8.11
- 3. NUREG/BR-0200

cc w/enclosure 1 only: See next page

Docket No. 50-346

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**Incoming: ML021260444 Transcript: ML021490065 FirstEnergy Resp: ML021410451**  
**Accession No: ML021370030 Pkg.: ML021500178 Encl. 2: ML011380727**  
**\*See previous concurrence Encl. 3: ML021090560**

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OFFICE	D:DLPM	ADPT	D:NRR
NAME	SRichards for JZwolinski*	BSheron	SCollins
DATE	05/31/02	06/04/02	05/04/02

**OFFICIAL RECORD COPY**

## Toledo Coalition for Safe Energy

cc:

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