

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

December 19, 2006
EN-06-062

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: FirstEnergy Nuclear Operating Company (EA-06-152)
Beaver Valley Power Station Unit 1
Docket No. 05000033

Subject: ISSUANCE OF NOTICE OF VIOLATION AND CONFIRMATORY ORDER
(EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Notice of Violation and a Confirmatory Order (Effective Immediately) will be issued on or about December 19, 2006, to FirstEnergy Nuclear Operating Company as a result of an investigation of deliberate wrongdoing by a former contract mechanical engineer working at the Beaver Valley Power Station. The Notice of Violation includes two violations (categorized as one Severity Level III problem) which are cited against 10 CFR Part 50, Appendix B, Criterion III, "Design Control," and the licensee's procedures for engineering changes and design interface reviews and evaluations. Specifically, on June 1, 2005, the former contract engineer, who was responsible for preparation of the replacement reactor vessel closure head engineering change package (ECP), deliberately failed to adhere to a procedural requirement when he signed the ECP even though the majority of design interface evaluations were neither performed nor included in the ECP. Additionally, the engineer's supervisor did not review the ECP for completeness, technical quality, and procedural compliance and failed to identify that the former contract engineer did not develop the ECP in accordance with licensee procedures.

An alternative dispute resolution mediation session was held between the licensee and the NRC on September 28, 2006. Both parties agreed, among other things, that (1) the former contract engineer deliberately failed to adhere to procedural requirements; (2) the licensee took multiple corrective actions to prevent recurrence; (3) there was a need for additional corrective actions at the licensee's facilities as well as an opportunity for other licensees in the industry to learn from this incident; (4) in light of the corrective actions the licensee has taken and has committed to take, the NRC would issue a Severity Level III violation with no civil penalty; and (5) the NRC would issue a Confirmatory Order confirming this agreement. The licensee's agreement was confirmed on December 14, 2006, when it signed the Consent and Hearing Waiver Form.

It should also be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice of Violation and Confirmatory Order	December 19, 2006
Telephone notification of licensee	December 19, 2006

The States of Pennsylvania, Ohio, and West Virginia will be notified.

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The licensee is not required to respond to the letter and Notice of Violation unless the description therein does not accurately reflect the licensee's corrective actions or position. However, the licensee is required by the Confirmatory Order to provide the NRC a final written report within 30 days of completion of all actions.

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