

December 19, 2006

EA-06-152

Mr. James H. Lash
Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Post Office Box 4
Shippingport, Pennsylvania 15077

SUBJECT: NOTICE OF VIOLATION AND CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY) (NRC Office of Investigations Report No. 1-2005-036)

Dear Mr. Lash:

In a letter dated July 31, 2006, the NRC provided you with the results of an investigation conducted by the NRC Office of Investigations (OI), Region I Field Office, between August 31, 2005 and May 9, 2006. The OI investigation was initiated after you had informed the NRC that a former contract mechanical engineer, working at the Beaver Valley Power Station (BVPS), had not completed required work for an Engineering Change Package (ECP). Specifically, he did not attach all of the required Design Interface Evaluations (DIEs) for the design change, yet he signed the ECP indicating that the required work had been completed. The OI investigation confirmed that information and also found that the contract engineer's actions were deliberate. A Factual Summary of the OI investigation was enclosed with our July 31, 2006 letter.

In our July 31, 2006 letter, we also informed you that as a result of the OI investigation, an apparent violation was identified and was being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. Our letter offered you a choice to (1) provide a written response to the apparent violation, (2) attend a Predecisional Enforcement Conference, or (3) request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve any disagreement on whether a violation occurred, the appropriate enforcement action, and the appropriate corrective actions. ADR is a general term encompassing various techniques for resolving conflict outside of court using a neutral third party, and the NRC currently has a pilot program for using ADR. The technique that the NRC decided to employ during the pilot program, which is now in effect, is mediation.

At your request, an ADR mediation session was held between FENOC and the NRC in King of Prussia, PA on September 28, 2006, and a settlement agreement was reached regarding this matter. The elements of the settlement agreement are as follows:

1. The NRC and FENOC agree that on June 1, 2005, a former contractor engineer, responsible for preparation of the Reactor Vessel Head Replacement ECP at the FENOC Beaver Valley, Unit 1 facility, deliberately failed to adhere to a procedural requirement when he signed the ECP (No. 03-0541-01) even though it was not complete. Specifically, the ECP was not complete in that the majority of design interface evaluations (DIEs), required to be included in the package pursuant to 10 CFR

50, Appendix B, Criterion III and associated FENOC design control implementing procedures, were not included. FENOC Procedure NOP-CC-2004, Revision 2, April 26, 2004, "Design Interface Reviews and Evaluations," was not adhered to in that the responsible engineer did not assemble the final package and did not file the DIs. FENOC Procedure NOP-CC-2003, Revision 6, April 11, 2005, "Engineering Changes," was not adhered to in that the engineering supervisor did not review the ECP for completeness, technical quality, and procedural compliance, and the responsible engineer did not develop the ECP in accordance with this procedure. The NRC and FENOC also agree that while other regulatory requirements may be applicable in this case, 10 CFR 50, Appendix B, Criterion III is the most applicable requirement violated.

2. The NRC also maintains, based on the OI investigation, that the contractor engineer knew that the DIs were required documents by FENOC's procedures, and also knew that they were not all included in the ECP. Accordingly, the NRC finds that the contractor engineer actions were deliberate, and therefore, the NRC also finds that the violation set forth in Item 1 above was, in part, deliberate. While several other FENOC individuals signed the ECP cover sheet, even though it was not complete, the NRC did not find evidence that any other individuals, other than the contract engineer, were responsible for deliberately violating requirements.
3. The NRC and FENOC agree that the severity level of the violation, based on its technical merits, most closely fits a Severity Level IV violation, in that it was not considered significant based on risk because FENOC identified this issue early in the design change review process, and the design change modification had not been installed. However, given the deliberate nature of the violation by the contractor engineer, the NRC maintains that the severity level of the violation should be increased to Severity Level III. FENOC agrees with this NRC determination.
4. The NRC acknowledges that within two weeks of the occurrence, FENOC identified that the ECP package was not complete, which was very early in the design change process, and this was approximately eight months before the start of the outage during which the replacement work occurred. The NRC also recognizes that the design change process included several other reviews of this modification prior to official operational acceptance of the work, that FENOC completed a new ECP for the reactor vessel head replacement after its identification of the incomplete ECP, and that the new ECP satisfied the station design procedures.
5. Subsequent to identification of the violation, FENOC also took corrective actions to prevent recurrence, which included: (a) entering this issue into its corrective action program following its identification; (b) terminating the processing of the subject ECP, and reissuing the ECP following completion of a proper review by its engineering organization, which was done several months prior to implementation of the replacement reactor vessel closure head modification; (c) conducting a thorough review of the work previously performed by the contractor; (d) conducting a stand down in the steam generator replacement project (which also included work on the reactor vessel head) for engineering personnel to re-enforce expectations regarding completeness of engineering work; (e) retraining of engineering personnel at BVPS in 2005 regarding requirements for documents to be complete and accurate; and, (f) taking disciplinary

actions against responsible individuals, which included removal, in 2005, of the contract engineer's access to FENOC's facilities, and counseling of the responsible supervisor.

6. As part of this ADR mediation session, FENOC recognized the need for additional corrective actions at its facilities, as well as an opportunity for other licensees in the industry to learn from this incident. Therefore, FENOC agreed to take additional corrective actions, which will include: (a) submittal of an operating experience report to the rest of the industry, via the Institute of Nuclear Power Operations (INPO), conveying the lessons learned from this occurrence; (b) using a case-study format, providing a lessons learned training to engineers at all its nuclear facilities; and (c) modifying NOP-CC-2003 to further clarify the intent of the responsible engineer's signature.
7. FENOC agreed to complete the additional actions in Item 6 by June 30, 2007, and will provide the NRC a final written report within 30 days of completion of all actions informing the NRC that these actions are complete.
8. In light of the actions that FENOC has taken as described in Item 5, and actions that FENOC has committed to take as described in Items 6 and 7, the NRC agreed to issue a Notice of Violation at Severity Level III, with no Civil Penalty. This action will be publically available in ADAMS and on the NRC "Significant Enforcement Actions" website, and the NRC will issue a press release announcing this action, as well as the actions FENOC has taken and committed to take to address the violation.
9. FENOC also agreed to issuance of an Confirmatory Order confirming this agreement.

FENOC's agreement, in principle, at the September 28, 2006, ADR session was confirmed on December 14, 2006, when it signed the Consent and Hearing Waiver Form, a copy of which is enclosed. Also enclosed with this letter is the Notice of Violation (Notice), and the Confirmatory Order (Order) referenced above.

You are not required to respond to the Notice because the NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter.

In accordance with the settlement agreement, you are required to respond to the Order. Your written response to the Order, and your response to the Notice, if you choose to provide one, should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 475 Allendale Road, King of Prussia, PA 19406, and marked "Open by Addressee Only," within 30 days of the date of this letter. Your response should be clearly marked as a "Response to Confirmatory Order; EA-06-152."

A copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC will also include this letter on its website at www.nrc.gov; select **What We Do, Enforcement, Significant Enforcement Actions**. To the extent possible, your response

should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions or comments concerning this letter, please contact Mr. Karl Farrar of my staff at 610-337-5301.

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

Docket Nos. 50-334, 50-412
License Nos. DPR-66, NPF-73

Enclosures: As Stated

cc w/encl:

G. Leidich, President and Chief Nuclear Officer
J. Hagan, Senior Vice President of Operations and Chief Operating Officer
D. Pace, Senior Vice President, Fleet Engineering
J. Rinckel, Vice President, Fleet Oversight
L. Myers, Executive Vice President, Special Projects
R. Anderson, Vice President, FirstEnergy Nuclear Operating Company
Manager, Fleet Licensing, FirstEnergy Nuclear Operating Company
R. Mende, Director, Site Operations
T. Cosgrove, Director, Maintenance
P. Sena, Director, Engineering
L. Freeland, Director, Site Performance Improvement and Manager, Regulatory Compliance
D. Jenkins, Attorney, FENOC
B. Sepelak, Supervisor, Nuclear Compliance
M. Clancy, Mayor, Shippingport, PA
D. Allard, PADEP
C. O'Claire, State Liaison to the NRC, State of Ohio
Z. Clayton, EPA-DERR, State of Ohio
Director, Utilities Department, Public Utilities Commission, State of Ohio
D. Hill, Chief, Radiological Health Program, State of West Virginia
J. Lewis, Commissioner, Division of Labor, State of West Virginia
W. Hill, Beaver County Emergency Management Agency
J. Johnsrud, National Energy Committee, Sierra Club

DISTRIBUTION w/encl:

ADAMS (PARS) RPascarelli, NRR
SECY JDyer, NRR
CA MWeber, NRR
OEMAIL BBoger, NRR
OEWEB RLaufer, NRR
LReyes,EDO TColburn, NRR
WKane, DEDR BSosa, OEDO
SCollins, RA Enforcement Coordinators RII, RIII, RIV
MDapas, DRA BHaydon, OPA
CCarpenter, OE HBell, OIG
MJohnson, OE GCaputo, OI
Llopez,OE LTremper, OC
OSamuel, OE DScreenci/NSheehan, RI
SMerchant, OE PCataldo, NRC Resident Inspector
LSreenwas, OE RBellamy, RI
LChandler, OGC KFarrar, RI
LTrocine, OE DHolody, RI
BJones, OGC RSummers, RI
MElwood, OGC CO'Daniell, RI
MBaty, OGC R1DRPMail
Region I OE Files (with concurrences)
Region I Docket Room (with concurrences)

SISP Review Complete: RJS (Reviewer's Initials)

DOCUMENT NAME: C:\FileNet\ML063530460.wpd After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/ORA	RI/DRP	RI/DRP	RI/OI	RI/RC
NAME	RSummers*	RBellamy*	BHolian*	JTeator*	KFarrar*
DATE	10/30/06	11/ 02 /06	11/ 06 /06	11/ 07 /06	11/ 08 /06
OFFICE	RI/ORA	HQ/OE	HQ/NRR	HQ/OGC	RI/RA
NAME	DHolody*	DSolorio**	RPascarelli**	NLO by BJones**	SCollins
DATE	11/ 09 /06	12/ 01 /06	11/ 15 /06	12/ 07 /06	12/08/06

OFFICIAL RECORD COPY

* see prior concurrence sheet

** email concurrence from L. Trocine on 12/07/2006

Enclosure 1

CONSENT AND HEARING WAIVER FORM

ATTACH THE SIGNED CONSENT AND HEARING WAIVER FORM

Enclosure 1

CONSENT AND HEARING WAIVER FORM

FirstEnergy Nuclear Operating Company (FENOC) hereby agrees with the attached draft Notice of Violation and Confirmatory Order that will be immediately effective upon issuance. I recognize that by signing below, FENOC consents to the issuance of the Notice of Violation and Confirmatory Order, effective immediately, containing commitments agreed to at the Alternative Dispute Resolution (ADR) mediation session held in the NRC Region I Office in King of Prussia, PA, on September 28, 2006, as incorporated into the draft Confirmatory Order. By doing so, pursuant to 10 CFR 2.202(a)(3) and (d), FENOC waives the right to request a hearing on all or any part of the Confirmatory Order.

Original Signed by:

Mr. James H. Lash,
Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station

12/14/06

Date

Enclosure 2

NOTICE OF VIOLATION

FirstEnergy Nuclear Operating Company
Beaver Valley Nuclear Power Station

Docket No. 50-33
License No. DPR-66
EA-06-152

During an investigation conducted at the FirstEnergy Nuclear Operating Company (FENOC) Beaver Valley Power Station (BVPS) by the NRC Office of Investigations between August 31, 2005, and May 9, 2006, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50 Appendix B Criterion III, "Design Control," requires, in part, that measures shall be established for the identification and control of design interfaces and for the coordination among participating design organizations for the review, approval, release, distribution, and revision of documents involving design interfaces. The verifying or checking process shall be performed by individuals or groups other than those who performed the original design.

FENOC Procedure NOP-CC-2004, Revision 2, April 26, 2004, "Design Interface Reviews and Evaluations," in part, requires that Design Interface Evaluations be performed and retained as quality documents.

FENOC Procedure NOP-CC-2003, Revision 6, April 11, 2005, "Engineering Changes," in part, requires that Design Interface Evaluations be included in the Engineering Change Package; the Engineering Change Package shall be retained as a quality document; that the responsible engineer sign the Engineering Change Package cover sheet after assembly of the final package including interface with appropriate disciplines to ensure that comments were incorporated correctly, and process the Engineering Change Package for review and approval; and, that the supervisor shall review the Engineering Change Package for completeness, technical quality, and procedural compliance.

Contrary to the above, licensee individuals failed to adhere to FENOC procedures implementing design control measures of 10 CFR 50 Appendix B, Criterion III, as follows:

1. On June 1, 2005, a former contractor engineer, responsible for preparation of the Replacement Reactor Vessel Closure Head Engineering Change Package (ECP), at the FENOC Beaver Valley, Unit 1 facility, deliberately failed to adhere to a procedural requirement when he signed the ECP (No. 03-0541-01) even though it was not complete. Specifically, the ECP was not complete in that the majority of design interface evaluations (DIEs), required to be included in the package pursuant to FENOC Procedures NOP-CC-2004 and NOP-CC-2003 were neither performed nor included in the Engineering Change Package.
2. On June 1, 2005, the engineering supervisor for the Replacement Reactor Vessel Closure Head Engineering Change Package did not review the ECP for

completeness, technical quality, and procedural compliance, and failed to identify that the responsible engineer did not develop the ECP in accordance with FENOC procedures.

This is a Severity Level III problem (Supplement I and Supplement VII).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in the letter forwarding this Notice. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, your written response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 475 Allendale Road, King of Prussia, PA 19406, and marked "Open by Addressee Only" within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation, EA-06-152."

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 19th day of December 2006

Enclosure 3

**CONFIRMATORY ORDER
(EFFECTIVE IMMEDIATELY)**

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

FirstEnergy Nuclear Operating Company)	Docket Nos. 50-334, 50-412
Beaver Valley Power Station)	License Nos. DPR-66, NPF-73
)	EA-06-152

CONFIRMATORY ORDER
(EFFECTIVE IMMEDIATELY)

I

FirstEnergy Nuclear Operating Company (FENOC or licensee) is the holder of Facility Operating License Nos. DPR-66 and NPF-73 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50. The license authorizes the operation of Beaver Valley Power Station, Units 1 and 2 (Beaver Valley), in accordance with conditions specified therein. The facility is located on the Licensee's site in Shippingport, PA.

II

On June 16, 2005, the NRC, Region I, received information from the licensee that a contract mechanical engineer, working at the Beaver Valley Power Station had not completed required work for an Engineering Change Package (ECP). Specifically, he did not complete or attach all of the required Design Interface Evaluations (DIEs) for the design change, yet he signed the ECP indicating that the required work had been completed. The ECP was prepared for the replacement of the reactor vessel closure head, a safety-related component, subject to the requirements of 10 CFR Part 50, Appendix B, including design control measures and record retention. As a result, an investigation by the NRC Office of Investigations (OI) was conducted between August 31, 2005 and

May 9, 2005, which confirmed the information provided by the licensee and also found that the contract mechanical engineer's actions were deliberate.

In a letter dated July 31, 2006, transmitting the Factual Summary of Investigation Report No. 1-2005-036, the NRC provided FENOC an opportunity to address the apparent violation. On August 8, 2006, FENOC informed the NRC of its request to use the Alternative Dispute Resolution (ADR) process as a means to obtain resolution.

ADR is a general term encompassing various techniques for resolving conflict outside of court using a neutral third party, and the NRC currently has a pilot program for using ADR. The technique that the NRC decided to employ during the pilot program, which is now in effect, is mediation.

III

On September 28, 2006, the NRC and FENOC met at the NRC Region I Office in King of Prussia, PA, at an ADR session mediated by a professional mediator and arranged through Cornell University's Institute on Conflict Resolution. As a result of this ADR session, all parties reached a settlement agreement, which was signed by both NRC and FENOC representatives on September 28, 2006. This elements of the settlement agreement consist of the following:

1. The NRC and FENOC agreed that on June 1, 2005, a former contract engineer, responsible for preparation of the Reactor Vessel Head Replacement Engineering Change Package (ECP) at the FENOC Beaver Valley, Unit 1 facility, deliberately failed to adhere to a procedural requirement when he signed the ECP (No. 03-0541-01) even though it was

not complete. Specifically, the ECP was not complete in that the majority of design interface evaluations (DIEs), required to be included in the package pursuant to 10 CFR 50, Appendix B, Criterion III and associated FENOC design control implementing procedures, were not included. FENOC Procedure NOP-CC-2004, Revision 2, April 26, 2004, "Design Interface Reviews and Evaluations," was not adhered to in that the responsible engineer did not assemble the final package and did not file the DIEs. FENOC Procedure NOP-CC-2003, Revision 6, April 11, 2005, "Engineering Changes", was not adhered to in that the engineering supervisor did not review the ECP for completeness, technical quality, and procedural compliance, and the responsible engineer did not develop the ECP in accordance with this procedure. The NRC and FENOC also agreed that while other regulatory requirements may be applicable in this case, 10 CFR 50, Appendix B, Criterion III is the most applicable requirement violated in this case.

2. The NRC also maintains, based on an investigation by its Office of Investigation, that the contractor engineer knew that the DIEs were required documents by FENOC's procedures, and also knew that they were not all included in the ECP. Accordingly, the NRC finds that the contract engineer actions were deliberate, and therefore, the NRC also finds that the violation set forth in Item 1 above was, in part, deliberate. While several other FENOC individuals signed the ECP cover sheet, even though it was not complete, the NRC did not find evidence that any other individuals, other than the contract engineer, were responsible for deliberately violating requirements.
3. The NRC and FENOC agreed that the severity level of the violation, based on its technical merits, most closely fits a Severity Level IV violation in that it was not considered significant based on risk because FENOC identified this issue early in the design change review

process, and the design change modification had not been installed. However, given the deliberate nature of the violation by the contract engineer, the NRC maintains that the severity level of the violation should be increased to Severity Level III. FENOC agreed with this NRC determination.

4. The NRC acknowledges that within two weeks of the occurrence, FENOC identified that the ECP package was not complete, which was very early in the design change process, and this was approximately eight months before the start of the outage during which the replacement work occurred. The NRC also recognizes that the Design Change Process included several other reviews of the modification prior to official operational acceptance, that FENOC completed a new ECP for the reactor vessel head replacement, after its identification of the incomplete ECP, and that the new ECP satisfied the design procedures.
5. Subsequent to identification of the violation, FENOC also took corrective actions to prevent recurrence, which included: (a) entering this issue into its corrective action program following its identification; (b) terminating the processing of the subject ECP, and reissuing the ECP following completion of a proper review by a FENOC engineer, which was done several months prior to implementation of the Reactor Vessel Head Modification; (c) conducting a thorough review of the work previously performed by the contractor; (d) conducting a stand down in the steam generator replacement project (which also included work on the reactor vessel head) for engineering personnel to reinforce expectations regarding completeness of engineering work; (e) retraining of engineering personnel at Beaver Valley in 2005 regarding requirements for documents to be complete and accurate; and (f) taking disciplinary actions against responsible individuals, which included removal,

in 2005, of the contract engineer's access to FENOC's facilities, and counseling of the responsible supervisor.

6. As part of the ADR mediation session, FENOC recognized the need for additional corrective actions at its facilities, as well as an opportunity for other licensees in the industry to learn from this incident. Therefore, FENOC agreed to take additional corrective actions, which will include: (a) submittal of an operating experience report to the rest of the industry, via the Institute of Nuclear Power Operations (INPO), conveying the lessons learned from this occurrence; (b) using a case-study format, provide lessons learned training to engineers at all FENOC nuclear facilities; and (c) modifying NOP-CC-2003 to further clarify the intent of the responsible engineer's signature.
7. FENOC agreed to complete the additional actions in Item 6 by June 30, 2007, and will send a letter to the NRC informing the NRC that these actions are complete. FENOC agreed to send this letter to the NRC within 30 days of completion of all actions.
8. In light of the actions that FENOC has taken as described in Item 5, and actions that FENOC has committed to take as described in Items 6 and 7, the NRC agreed to issue a Severity Level III Notice of Violation to FENOC, but to not issue a civil penalty for this violation. This action will be publically available in ADAMS and on the NRC "Significant Enforcement Actions" website, and the NRC will issue a press release announcing this action, as well as the actions FENOC has taken and committed to take to address the violation.

On December 14, 2006, FENOC consented to the issuance of the Notice of Violation and this Confirmatory Order with the commitments, as described in Section IV. FENOC also agreed that this Order is to be effective upon issuance and that it has waived its right to a hearing.

I find that FENOC's commitments as set forth in Section IV are acceptable and necessary, and that the NRC concerns can be resolved by confirming FENOC's commitments as outlined in this Confirmatory Order. I conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that the Licensee's commitments be confirmed by this Order. Based on the above and FENOC's consent, this Confirmatory Order is immediately effective upon issuance.

IV

Accordingly, pursuant to Sections 103, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE NOS. DPR-66 AND NPF-73 ARE MODIFIED AS FOLLOWS:

1. FENOC will submit an operating experience report to the rest of the industry, via the Institute of Nuclear Power Operations (INPO), conveying the lessons learned from the occurrence detailed in Section I of this Order.
2. FENOC, using a case-study format, will provide lessons learned training to engineers at all FENOC nuclear facilities.

3. FENOC will modify NOP-CC-2003 to further clarify the intent of the responsible engineer's signature.
4. FENOC will complete the actions in Items IV.1 - IV.3 by June 30, 2007, and will send a letter to the NRC informing the NRC that these actions are complete. FENOC agreed to send this letter to the NRC within 30 days of completion of all actions.

The Regional Administrator, Region I, may relax or rescind, in writing, any of the above conditions upon demonstration by FENOC of good cause.

V

Any person adversely affected by this Confirmatory Order, other than FENOC, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and must include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington DC 20555; to the Assistant General Counsel for Materials Litigation and Enforcement at the same address; to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406; and, to FENOC. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of e-mail to hearingdocket@nrc.gov or

by facsimile transmission to 301-415-1101 and also to the Office of the General Counsel by means of e-mail to OGCMailCenter@nrc.gov or facsimile transmission to 301-415-3725. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR § 2.309(d) and (f).

If a hearing is requested by a person, other than the licensee, whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. AN ANSWER OR A REQUEST FOR A HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Samuel J. Collins
Regional Administrator

Dated this 19th day of December 2006