



FirstEnergy Nuclear Operating Company

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November 12, 2008

L-08-329

10 CFR 2.202

ATTN: Ms. Cynthia A. Carpenter
Director, Office of Enforcement
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT:

Beaver Valley Power Station, Unit Nos. 1 and 2
Docket Nos. 50-334 and 50-412, License Nos. DPR-66 and NPF-73

Davis-Besse Nuclear Power Station
Docket No. 50-346, License No. NPF-3

Perry Nuclear Power Plant, Unit No. 1
Docket No. 50-440, License No. NPF-58
Actions Required by Confirmatory Order EA-07-199

By letter dated August 15, 2007, the Nuclear Regulatory Commission (NRC) issued a Confirmatory Order (Order) to the FirstEnergy Nuclear Operating Company (FENOC) to formalize commitments made by FENOC following the NRC issuance of a Demand for Information (DFI) on May 14, 2007. In addition to the commitments made by FENOC in response to the DFI in letters dated June 13, 2007 and July 16, 2007, the Order contains requirements to provide letters to the Director, NRC Office of Enforcement, prior to implementation and following completion of selected commitments.

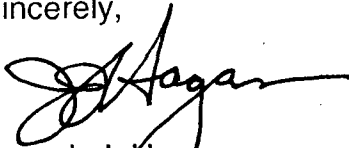
The attachment to this letter includes a discussion of the effectiveness review that will be conducted in January 2009. It provides the identity of the external consultant leading the assessment, his qualifications, and the scope and depth of the plan for assessing effectiveness as required by item 2 of the Order.

Beaver Valley Power Station, Unit Nos. 1 and 2
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There are no regulatory commitments contained in this letter. If there are any questions, or if additional information is required, please contact Mr. Gregory H. Halnon, Director – Fleet Regulatory Affairs at 330-384-5638.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 13, 2008.

Sincerely,



Joseph J. Hagan

Attachment:
2009 External Effectiveness Review Plan

cc: Document Control Desk
Assistant General Counsel for Materials Litigation and Enforcement
NRC Region I Administrator
NRC Region III Administrator
NRC Resident Inspector – Beaver Valley
NRC Resident Inspector – Davis-Besse
NRC Resident Inspector – Perry
NRC Project Manager – Davis-Besse and Perry
NRC Project Manager – Beaver Valley
Mr. D. J. Allard, PA BRP/DEP Director
Mr. L. E. Ryan, PA BRP/DEP
Utility Radiological Safety Board
Executive Director, Ohio Emergency Management Agency, State of Ohio
Director, Pennsylvania Bureau of Radiation Protection, Department of
Environmental Protection

2009 External Effectiveness Review Plan Overview
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The 2009 External Effectiveness Review will be conducted by a team led by John M. Griffin, President of The Kestrel Group, Inc. Two industry peers will participate in the evaluation.

Mr. Griffin has over thirty years of experience which includes: senior executive management of an electric utility, responsibility for the operation of a nuclear power station, executive consulting, and management of a large consulting company. For the past ten years, Mr. Griffin has worked with clients in the government, utility and energy sectors to establish and maintain healthy Safety Conscious Work Environments. Mr. Griffin has a Bachelors of Science degree from the United States Naval Academy.

The team will evaluate the following areas:

1. Population of new employees trained*
2. Conduct of training
3. Understanding of enabling objectives of regulatory sensitivity training
4. Status of actions taken from the recommendations of the 2008 Regulatory Sensitivity Training Effectiveness Review
5. Documentation of items processed in accordance with the FENOC Regulatory Impact Assessment Process

The review will consist of an assessment within each of these areas through structured interviews of FirstEnergy and FirstEnergy Nuclear Operating Company employees at Beaver Valley Power Station, Davis-Besse Nuclear Power Station, Perry Nuclear Power Plant, and at the Akron General office; and a review of documentation. The team leader conducted the 2008 External Effectiveness Review of the FirstEnergy/FENOC Regulatory Sensitivity Training.

Specifically, within the areas identified above, the following aspects will be reviewed:

1. Population of new employees trained
 - a. Attendance of refresher and initial training during 2008
2. Conduct of training*
 - a. Qualifications of instructors conducting the training
 - b. Use of training materials
 - c. Measurement of participant understanding
 - d. Participation feedback

* Although the Confirmatory Order did not require FENOC to conduct any training in 2008, FENOC did so as a prudent and conservative measure.

3. Understanding of enabling objectives of regulatory sensitivity training
 - a. Mission of the Nuclear Regulatory Commission (NRC)
 - b. How the NRC fulfills their mission
 - c. Define Nuclear Safety Culture and Safety Conscious Work Environment
 - d. Four Pillars of a Safety Conscious Work Environment
 - e. Organizational factors leading to the Davis-Besse reactor head event
 - f. Basis for Davis-Besse restart approval
 - g. Cost of Davis-Besse reactor head event in monetary and political terms
 - h. Lessons learned from Exponent Report case study
 - i. Process to prevent recurrence of events leading to the NRC Demand for Information
 - j. Regulatory consequences of issues with participant's organization
4. The status of actions taken from the recommendations resulting from the 2008 Regulatory Sensitivity Training Effectiveness review will be reviewed.
5. A review of the documentation of items processed in accordance with FENOC business practice, "Regulatory Impact Assessment Process" will be conducted.