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June 9, 2005

Mr. Michael R. Johnson  
Office of Enforcement  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

RE: Alternate Dispute Resolution

Dear Mr. Johnson:

On May 11, 2005, representatives of AVI Food Systems, Inc. (AVI) attended an Alternate Dispute Resolution (ADR) session between FirstEnergy Nuclear Operating Company and the NRC to explore a voluntary resolution for its employees involved with the NRC licensees regarding an apparent violation of 10 CFR 50.7, "Employee protection," safety conscious work environment, and safety requirements regarding the potential employment discrimination of former AVI Food Systems, Inc. (AVI) employees at the Davis-Besse facility. As part of this session, AVI discussed their involvement in this matter.

Good faith confidential discussion between the NRC and AVI culminated in a mutually agreeable resolution. To ensure that AVI employees are aware of their rights and responsibilities to raise safety concerns and to emphasize the importance of a safety conscious work environment that is free of discriminatory employment actions AVI will:

Include in its policy/programs information necessary to ensure that its future activities with NRC licensees will incorporate training, initial and recurring, for its employees involved with the NRC licensees regarding safety conscious work environment and safety culture within six (6) months from the date of issuance of the Confirmatory Order.

Thank you for your cooperation.

Very truly yours,



Lee J. Hutton  
Counsel for AVI FoodSystems, Inc.

LJH:vs

cc: AVI FoodSystems, Inc.  
4067-2104/268373