

Mark B. Bezilla  
Vice President - Nuclear419-321-7676  
Fax: 419-321-7582

Docket Number 50-346

License Number NPF-3

Serial Number 3163

June 15, 2005

Mr. Michael R. Johnson  
Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Reaffirmation of Commitments and Agreements Made During Mediation at the Davis-Besse Nuclear Power Station, Unit 1 (EA-04-224)

Dear Mr. Johnson:

The purpose of this letter is to reaffirm the commitments and agreements made between FirstEnergy Nuclear Operating Company (FENOC) and the Nuclear Regulatory Commission (NRC) during a mediation session held on May 11, 2005. The purpose of that mediation session was to resolve issues described in your February 25, 2005 letter regarding an Apparent Violation of Employee Protection Requirements at the Davis-Besse Nuclear Power Station (EA-04-224).

During the mediation session, FENOC and NRC representatives discussed the underlying facts and reviewed actions already taken by FENOC to promote a Safety Conscious Work Environment (SCWE) at Davis-Besse and the other FENOC nuclear sites. In addition, FENOC committed to the following actions:

1. FENOC will provide contractors who are granted unescorted access to FENOC nuclear plants with SCWE training that is equivalent to the SCWE training provided to FENOC employees as part of Plant Access Training.
2. FENOC will review the SCWE training module included in Plant Access Training and make any changes necessary to ensure that the module clearly reinforces that FENOC SCWE policies and NRC employee protection requirements (10 CFR 50.7) apply to all personnel working on behalf of FENOC, specifically including contractor employees, supervision, and management.
3. FENOC will provide specific training to the Davis-Besse food services contractor management and supervision involved in the provision of services to FENOC on SCWE principles, FENOC SCWE policies, and NRC employee protection requirements

Docket Number 50-346  
License Number NPF-3  
Serial Number 3163  
Page 2 of 2

(10 CFR 50.7). This training will be comparable to the SCWE training that has been provided to FENOC management and supervision.

4. FENOC will include surveys of contractor personnel as part of the quarterly FENOC performance monitoring of SCWE at its nuclear facilities. These surveys are performed annually. Other data relied upon in the quarterly performance monitoring already includes the activities of contractor personnel in the calculation of the applicable performance measures.

FENOC will implement these actions by August 31, 2005.

Based upon these commitments and the facts discussed during the mediation session, FENOC understands that the NRC will close EA-04-224 and that the NRC will not consider the matters included in EA-04-224 in determining penalties, fines, or severity levels of any other NRC enforcement action.

I would like to reiterate that FENOC is committed to a strong SCWE at Davis-Besse and at all of our nuclear facilities, and is vigorously pursuing this goal.

Sincerely yours,



GMW/s

Attachment:

- 1) Commitment List

cc: J. L. Caldwell, Regional Administrator, NRC Region III  
W. A. Macon, DB-1 NRC/NRR Project Manager  
C. S. Thomas, DB-1 Senior Resident Inspector  
USNRC Document Control Desk  
Utility Radiological Safety Board

### COMMITMENT LIST

The following list identifies those actions committed to by the FirstEnergy Nuclear Operating Company (FENOC) in this document. Any other actions discussed in the submittal represent intended or planned actions by FENOC. They are described only as information and are not regulatory commitments. Please notify the Manager – Regulatory Compliance (419) 321-8585 at Davis-Besse of any questions regarding this document or associated regulatory commitments.

<u>COMMITMENTS</u>	<u>DUE DATE</u>
1. FENOC will provide contractors who are granted unescorted access to FENOC nuclear plants with Safety Conscious Work Environment (SCWE) training that is equivalent to the SCWE training provided to FENOC employees as part of Plant Access Training.	1. August 31, 2005
2. FENOC will review the SCWE training module included in Plant Access Training and make any changes necessary to ensure that the module clearly reinforces that FENOC SCWE policies and NRC employee protection requirements (10 CFR 50.7) apply to all personnel working on behalf of FENOC, specifically including contractor employees, supervision, and management.	2. August 31, 2005
3. FENOC will provide specific training to the Davis-Besse food services contractor management and supervision involved in the provision of services to FENOC on SCWE principles, FENOC SCWE policies, and NRC employee protection requirements (10 CFR 50.7). This training will be comparable to the SCWE training that has been provided to FENOC management and supervision.	3. August 31, 2005
4. FENOC will include surveys of contractor personnel as part of the quarterly FENOC performance monitoring of SCWE at its nuclear facilities. These surveys are performed annually. Other data relied upon in the quarterly performance monitoring already includes the activities of contractor personnel in the calculation of the applicable performance measures.	4. August 31, 2005