

December 27, 2005

Mr. Mark B. Bezilla
Vice President-Nuclear, Davis-Besse
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2004-027

Dear Mr. Bezilla:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) at the Davis-Besse Nuclear Power Station to determine if a radiation protection supervisor (RPS) was discriminated against as a result of providing testimony before a U.S. Grand Jury and providing concerns to the NRC. Based on the evidence developed during the investigation and NRC review, we did not substantiate the concern. The synopsis from the OI report of investigation is enclosed.

If you have any questions or comments regarding this matter, please contact James Heller or Paul Pelke of the NRC Region III staff at telephone number (630) 829-9500.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, "Request for Records." The instructions for making a request for information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-request.html>.

Sincerely,

/RA/

Cynthia D. Pederson, Director
Division of Reactor Safety

Docket No. 50-346
License No. NPF-3

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-2004-A-0104

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*For permission to release OI synopsis.
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SYNOPSIS

This investigation was initiated on September 22, 2004, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine whether a Radiation Protection Supervisor (RPS) at the Davis-Besse Nuclear Plant was discriminated against by the Plant Manager and Radiation Protection Manager for testifying before a U.S. Grand Jury and for raising safety concerns.

Based on the evidence developed, this investigation did not substantiate the allegations that the RPS was discriminated against for testifying before a U.S. Grand Jury and for raising safety concerns.