

November 24, 2008

EA-04-225

AVI Food Systems, Inc.
Ms. Sandy Gray, Director of Human Resources
2590 Elme Road, N.E.
Warren, Ohio 44483

SUBJECT: VERIFICATION OF ACTIONS TAKEN IN RESPONSE TO CONFIRMATORY
ORDER DATED JULY 15, 2005

Dear Ms. Gray:

On July 15, 2005, the U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order (EA-04-225) to AVI Food Systems, Inc (AVI). The Confirmatory Order actions were agreed upon by AVI and the NRC during an alternative dispute resolution (ADR) session held on May 11, 2004, to resolve NRC concerns regarding whether a violation of employee protection requirements occurred at the Davis-Besse Nuclear Power Plant (Davis-Besse). The actions focused on providing safety conscious work environment (SCWE) training to its employees who work in, or have been granted unescorted access to: (1) nuclear power plant or fuel cycle facility protected areas, or (2) those portions of an NRC licensed facility that manufactures, receives, possesses, uses, or transfers material licensed by the NRC.

The Office of Enforcement reviewed the actions that your company has taken to verify that they satisfy the conditions specified in the Order. Specifically, we reviewed your company's policy for employees who work in nuclear facilities to verify that it specifies that AVI employees who work in or have been granted unescorted access to NRC licensee facilities will be trained on employee protection, SCWE, and safety culture. In addition, a review of the FirstEnergy Nuclear Operating Company (FENOC) contractor training module (CON-PWE-I002), that was provided to AVI contractor personnel, was performed to verify it adequately addressed SCWE and 10 CFR 50.7, "Employee protection," requirements. Lastly, we reviewed the records from the FENOC Integrated Training data base to verify that all AVI personnel stationed at Davis-Besse attended the contractor training.

Based on our review, we concluded that: 1) AVI revised its company's policy to require that their employees who work at NRC licensed facilities receive employee protection, SCWE, and safety culture training, 2) AVI employees who work at Davis Besse attended the contractor training, and 3) the Confirmatory Order is properly being implemented.

You are not required to provided a response to this letter; however, if you choose to provide one, your response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>.

Sincerely,

/RA/

Cynthia A. Carpenter, Director
Office of Enforcement

cc:

Lee Hutton, Counsel for
AVI Food Systems Inc.
Barry Allen, Vice President
Nuclear Davis-Besse

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