

August 9, 2006

Michael C. Farrar, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

E. Roy Hawken  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Nicholas G. Trikouros  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matters of  
DALE L MILLER  
Docket No. IA-05-053, ASLBP No. 06-846-02-EA  
STEVEN P. MOFFITT  
Docket No. IA-05-054, ASLBP No. 06-847-03-EA

Dear Administrative Judges:

In accordance with the 10 C.F.R. § 2.336(d) duty to supplement disclosures, please find attached an updated index of the Staff's supplemental disclosures and proprietary document list. Compact Discs containing Bates-stamped electronic versions of the documents were sent to counsel to Messrs. Moffitt and Miller today. In the event that the Staff acquires additional documents, it will supplement its disclosures within two weeks of receipt, as required by 10 C.F.R. § 2.336(d).

Sincerely,

***/RA by Michael A. Spencer/***

Michael A. Spencer  
Sara E. Brock  
Mary C. Baty  
Counsel for the NRC Staff

Attachments: As stated.

cc: Jane G. Penny  
Thomas W. Scott

August 8, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

|                   |   |                        |
|-------------------|---|------------------------|
| In the Matters of | ) |                        |
|                   | ) |                        |
| DALE L. MILLER    | ) | Docket No. IA-05-053   |
|                   | ) |                        |
|                   | ) | ASLBP No. 06-846-02-EA |
|                   | ) |                        |
| STEVEN MOFFITT    | ) | Docket No. IA-05-054   |
|                   | ) |                        |
|                   | ) | ASLBP No. 05-847-03-EA |

CERTIFICATION OF THE NRC STAFF'S SIXTH SUPPLEMENTAL  
DISCLOSURES AFFIDAVIT OF JAMES G. LUEHMAN

I, James G. Luehman, being first duly sworn, do hereby state as follows:

1. I am employed as Deputy Director in the NRC Office of Enforcement (OE) and have knowledge of the NRC staff's enforcement actions against employees of FirstEnergy Nuclear Operating Company (FENOC) at the Davis-Besse Nuclear Power Plant.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336(d) in the captioned proceedings have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.
3. I hereby certify that the foregoing is true and complete to the best of my knowledge, information, and belief.

/RA/  
James G. Luehman

Subscribed and sworn to before me  
this 8 day of August, 2006\_

/RA/  
Notary Public – Tommy Le

My Commission Expires: July 1, 2010

**10 C.F.R. 2.336(b)(5) Mandatory Disclosures (6th Supplement) In the Matters of Dale Miller and Steven Moffitt**

| <b>Date</b>              | <b>Bates - Begin</b> | <b>Bates - End</b> | <b>Full Name</b>   | <b>Stamp Number - Begin</b> | <b>Stamp Number - End</b> |
|--------------------------|----------------------|--------------------|--|-----------------------------|---------------------------|
| To Be Determined         | NRC035-0139          | NRC035-0142        | Handwritten Notes  | FE706-0140                  | FE706-0143                |
| To Be Determined         | NRC035-0143          | NRC035-0144        | Options for Addressing NRC Questions on Root Cause and Email:10/30/01 on Serial 2741   | FE706-0144                  | FE706-0145                |
| To Be Determined         | NRC035-0145          | NRC035-0162        | 2747 Draft with Handwritten Comments   | FE706-0146                  | FE706-0163                |
| To Be Determined         | NRC035-0163          | NRC035-0168        | Inspection and PRA Timeline  | FE706-0164                  | FE706-0169                |
| To Be Determined         | NRC035-0326          | NRC035-0329        | Email (8/22/01): MRP-44 -48 and Email (8/23/01): Comment on Recent FTI Response to 3.a | FE706-0327                  | FE706-0330                |
| To Be Determined         | NRC035-0429          | NRC035-0438        | List of Persons Responsible for Serials  | FE706-0430                  | FE706-0439                |
| To Be Determined         | NRC035-1513          | NRC035-1634        | Pictures of Davis-Besse Air Containment Cooling System                                 |                             |                           |
| To Be Determined         | NRC035-1651          | NRC035-1665        | Pictures of Davis-Besse Air Containment Cooling System -- Motor Pics                   |                             |                           |
| To Be Determined         | NRC035-1666          | NRC035-1695        | Pictures of Davis-Besse Air Containment Cooling System -- Post Clean                   |                             |                           |
| 10/28/2000               | NRC035-1635          | NRC035-1650        | Pictures of Davis-Besse Air Containment Cooling System -- 10/28/00 Cleaning            |                             |                           |
| ??/??/2001               | NRC035-0498          | NRC035-0506        | Serial 2731 and NRC RAI's with Responses   | FE706-0499                  | FE706-0507                |
| 04/??/2001               | NRC035-0169          | NRC035-0207        | B&WOG RV Head Nozzle and Weld Safety Assessment  | FE706-0170                  | FE706-0208                |
| 08/??/2001 to 09/??/2001 | NRC035-0041          | NRC035-0059        | Serial 2731 Draft -- Contains Handwritten Notes  | FE706-0042                  | FE706-0060                |

| <b>Date</b>              | <b>Bates - Begin</b> | <b>Bates - End</b> | <b>Full Name</b>  | <b>Stamp Number - Begin</b> | <b>Stamp Number - End</b> |
|--------------------------|----------------------|--------------------|---|-----------------------------|---------------------------|
| 08/??/2001 to 09/04/2001 | NRC035-0124          | NRC035-0138        | Partial Draft of Serial 2731 With Comments  | FE706-0125                  | FE706-0139                |
| 08/??/2001 to 09/04/2001 | NRC035-0300          | NRC035-0323        | Serial 2731 Draft with Typed Comments   | FE706-0301                  | FE706-0324                |
| 08/??/2001 to 09/04/2001 | NRC035-0356          | NRC035-0378        | Serial 2731   | FE706-0357                  | FE706-0379                |
| 08/??/2001 to 09/04/2001 | NRC035-0406          | NRC035-0421        | Serial 2731   | FE706-0407                  | FE706-0422                |
| 08/??/2001 to 09/04/2001 | NRC035-0422          | NRC035-0428        | Serial 2731   | FE706-0423                  | FE706-0429                |
| 08/??/2001 to 09/04/2001 | NRC035-0448          | NRC035-0472        | Serial 2731   | FE706-0449                  | FE706-0473                |
| 08/??/2001 to 09/04/2001 | NRC035-0473          | NRC035-0497        | Serial 2731   | FE706-0474                  | FE706-0498                |
| 08/09/2001               | NRC035-0632          | NRC035-0635        | Serial 2731 Draft   | FE706-0633                  | FE706-0636                |
| 08/15/2001               | NRC035-0060          | NRC035-0086        | Agenda for 8-15-01 Meeting With NRC (With Handwritten Comments) As Well As Serial 2731 Draft. | FE706-0061                  | FE706-0087                |
| 08/15/2001               | NRC035-0208          | NRC035-0224        | Meeting with NRC: Agenda and Slides with Handwritten Comments                                 | FE706-0209                  | FE706-0225                |
| 08/16/2001               | NRC035-0120          | NRC035-0123        | Forms Listing Past Head Inspection and Cleaning Data for Various Plants                       | FE706-0121                  | FE706-0124                |
| 08/21/2001               | NRC035-0281          | NRC035-0297        | Serial 2731 Draft With Comments   | FE706-0282                  | FE706-0298                |
| 08/22/2001               | NRC035-0324          | NRC035-0325        | Email: Serial 2731 Draft  | FE706-0325                  | FE706-0326                |
| 08/22/2001               | NRC035-0330          | NRC035-0330        | Email: Comment on Recent FTI Response to 3.a  | FE706-0331                  | FE706-0331                |
| 08/22/2001               | NRC035-0331          | NRC035-0355        | Serial 2731 Draft   | FE706-0332                  | FE706-0356                |
| 08/22/2001               | NRC035-0379          | NRC035-0405        | Serial 2731 Draft   | FE706-0380                  | FE706-0406                |

| <b>Date</b> | <b>Bates - Begin</b> | <b>Bates - End</b> | <b>Full Name</b>                                   | <b>Stamp Number - Begin</b> | <b>Stamp Number - End</b> |
|-------------|----------------------|--------------------|--|-----------------------------|---------------------------|
| 08/23/2001  | NRC035-0298          | NRC035-0299        | Email: Comment on Recent FTI Response to 3.a       | FE706-0299                  | FE706-0300                |
| 08/23/2001  | NRC035-0767          | NRC035-0785        | Email: Serial 2731 Draft                           | FE706-0768                  | FE706-0786                |
| 08/23/2001  | NRC035-0786          | NRC035-0811        | Serial 2731 Draft with Comments                    | FE706-0787                  | FE706-0812                |
| 08/23/2001  | NRC035-0812          | NRC035-0812        | Email: Comment on Recent FTI Response to 3.a       | FE706-0813                  | FE706-0813                |
| 08/23/2001  | NRC035-0813          | NRC035-0818        | Serial 2731 Draft Partial                          | FE706-0813                  | FE706-0818                |
| 08/23/2001  | NRC035-0819          | NRC035-0840        | Serial 2731 Draft                                  | FE706-0819                  | FE706-0840                |
| 08/25/2001  | NRC035-0000          | NRC035-0024        | Serial 2731 Draft -- contains Handwritten comments | FE706-0001                  | FE706-0025                |
| 08/27/2001  | NRC035-0747          | NRC035-0766        | Email: Serial 2731 Draft                           | FE706-0748                  | FE706-0767                |
| 08/28/2001  | NRC035-0605          | NRC035-0631        | Davis-Besse Bulletin Response for Beaver Valley    | FE706-0606                  | FE706-0632                |
| 08/28/2001  | NRC035-0726          | NRC035-0746        | Email: Serial 2731 Draft                           | FE706-0727                  | FE706-0747                |
| 08/29/2001  | NRC035-0583          | NRC035-0604        | Email: Serial 2731 Draft                           | FE706-0584                  | FE706-0605                |
| 08/29/2001  | NRC035-0682          | NRC035-0702        | Email: Serial 2731 Draft                           | FE706-0683                  | FE706-0703                |
| 08/29/2001  | NRC035-0703          | NRC035-0725        | Emails Concerning and Including Serial 2731 Draft  | FE706-0704                  | FE706-0726                |
| 08/30/2001  | NRC035-0680          | NRC035-0681        | Table Comparing Bulleting Responses From Plants    | FE706-0681                  | FE706-0682                |
| 09/04/2001  | NRC035-0638          | NRC035-0658        | Email: Serial 2731 Draft                           | FE706-0639                  | FE706-0659                |
| 09/04/2001  | NRC035-0659          | NRC035-0679        | Email: Serial 2731 Draft                           | FE706-0660                  | FE706-0680                |
| 09/05/2001  | NRC035-0636          | NRC035-0637        | Email concerning Serial 2731                       | FE706-0637                  | FE706-0638                |
| 09/28/2001  | NRC035-0225          | NRC035-0280        | RV Head Nozzle and Weld Safety Assessment          | FE706-0226                  | FE706-0281                |
| 10/??/2001  | NRC035-0025          | NRC035-0034        | Serial 2735 Draft -- contains Handwritten comments | FE706-0026                  | FE706-0035                |
| 10/??/2001  | NRC035-0555          | NRC035-0568        | Serial 2741 Draft -- Partial                       | FE706-0556                  | FE706-0569                |
| 10/??/2001  | NRC035-0914          | NRC035-0946        | Serial 2741  | FE706-0914                  | FE706-0946                |
| 10/??/2001  | NRC035-0947          | NRC035-0979        | Serial 2741  | FE706-0947                  | FE706-0979                |
| 10/01/2001  | NRC035-1505          | NRC035-1506        | Email: Reactor Head Meeting--Revised Time          | FE706-2502                  | FE706-2503                |

| <b>Date</b>              | <b>Bates - Begin</b> | <b>Bates - End</b> | <b>Full Name</b>  | <b>Stamp Number - Begin</b> | <b>Stamp Number - End</b> |
|--------------------------|----------------------|--------------------|---|-----------------------------|---------------------------|
| 10/03/2001               | NRC035-0581          | NRC035-0582        | Agenda for Conference Call with NRC   | FE706-0582                  | FE706-0583                |
| 10/11/2001 to 12/??/2001 | NRC035-0087          | NRC035-0090        | Procedure Development Form (On-Line Risk Management) and Questions on Probabilistic Analysis for Compensatory Actions | FE706-0088                  | FE706-0091                |
| 10/15/2001               | NRC035-1507          | NRC035-1512        | Letter: Fracture Mechanics Evaluation of CRDM Nozzles   | FE706-2504                  | FE706-2509                |
| 10/16/2001               | NRC035-0569          | NRC035-0580        | Email: Risk Assessment of CRDM Nozzle Cracks  | FE706-0570                  | FE706-0581                |
| 10/18/2001               | NRC035-0093          | NRC035-0098        | NRC Staff RAI's on Davis-Besse CRDM Nozzle Submittals   | FE706-0094                  | FE706-0099                |
| 10/22/2001               | NRC035-0099          | NRC035-0118        | Letter: Framatome Affidavit and SIA Calculation   | FE706-0100                  | FE706-0119                |
| 10/24/2001 to 10/31/2001 | NRC035-0507          | NRC035-0526        | Serial 2741 Draft   | FE706-0508                  | FE706-0527                |
| 10/24/2001 to 10/31/2001 | NRC035-0527          | NRC035-0554        | Serial 2741 Draft -- Partial  | FE706-0528                  | FE706-0555                |
| 10/30/2001               | NRC035-0091          | NRC035-0092        | Fax of Affidavit from Framatome to R. Cook and RAI Draft  | FE706-0092                  | FE706-0093                |
| 11/??/2001               | NRC035-0841          | NRC035-0848        | Serial 2747 Draft with Handwritten Notes  | FE706-0841                  | FE706-0848                |
| 11/08/2001               | NRC035-0849          | NRC035-0913        | Slides Detailing Crack Analysis by Argonne National Laboratory  | FE706-0849                  | FE706-0913                |
| 11/09/2001 to ??/??/???? | NRC035-0439          | NRC035-0447        | Timeline of Events with Handwritten Comments  | FE706-0440                  | FE706-0448                |
| 11/10/2001               | NRC035-0037          | NRC035-0040        | Email: Letter to the NRC  | FE706-0038                  | FE706-0041                |
| 11/26/2001               | NRC035-0035          | NRC035-0036        | Serial ???? Draft --Contains Handwritten Comments   | FE706-0036                  | FE706-0037                |
| 11/30/2001               | NRC035-0980          | NRC035-1067        | Serial 2747 Drafts with Handwritten Comments  | FE706-0980                  | FE706-1067                |
| 02/01/2002               | NRC035-1503          | NRC035-1503        | Email: Two Items  | FE706-2500                  | FE706-2500                |
| 02/04/2002               | NRC035-1504          | NRC035-1504        | Email: CRDM nozzle inspection observations  | FE706-2501                  | FE706-2501                |

| <b>Date</b> | <b>Bates - Begin</b> | <b>Bates - End</b> | <b>Full Name</b>  | <b>Stamp Number -<br/>Begin</b> | <b>Stamp Number -<br/>End</b> |
|-------------|----------------------|--------------------|---|---------------------------------|-------------------------------|
| 02/07/2002  | NRC035-0119          | NRC035-0119        | Email: A.Hiser B.Gallagher Visit Re: CRDM Nozzle<br>Inspections | FE706-0120                      | FE706-0120                    |

**10 C.F.R. 2.336(b)(5) Proprietary Document List (6th Supplement) In the Matters of Dale Miller and Steven Moffitt**

| <b>Date</b>         | <b>Bates - Begin</b> | <b>Bates - End</b> | <b>Full Name</b>   | <b>Stamp Number<br/>- Begin</b> | <b>Stamp Number -<br/>End</b> | <b>Author(s)</b>                                 |
|---------------------|----------------------|--------------------|--|---------------------------------|-------------------------------|--|
| To Be<br>Determined | NRC035-1138          | NRC035-1138        | Crack Growth Rate Curve  | FE706-2070                      | FE706-2070                    | EPRI   |
| To Be<br>Determined | NRC035-1139          | NRC035-1146        | Serial Draft and (10/30/01) Fax of<br>Serial 2741 Draft  | FE706-2071                      | FE706-2078                    | Framatome  |
| 05/??/2001          | NRC035-1201          | NRC035-1266        | MRP-44 Interim   | FE706-2133                      | FE706-2198                    | EPRI   |
| 07/24/2001          | NRC035-1068          | NRC035-1081        | CRDM Nozzle/Bore Dimensional<br>Analysis   | FE706-2000                      | FE706-2013                    | Framatome  |
| 07/24/2001          | NRC035-1343          | NRC035-1357        | CRDM Nozzle/Bore Dimensional<br>Analysis   | FE706-2275                      | FE706-2289                    | Framatome  |
| 10/08/2001          | NRC035-1267          | NRC035-1304        | SIA Calculation Package  | FE706-2199                      | FE706-2236                    | Structural Integrity<br>Associates,<br>Framatome |
| 10/08/2001          | NRC035-1305          | NRC035-1342        | SIA Calculation Package  | FE706-2237                      | FE706-2274                    | Structural Integrity<br>Associates,<br>Framatome |
| 10/12/2001          | NRC035-1358          | NRC035-1459        | Telephone Call Documentation/SIA<br>Calculation Package (Proprietary)/<br>CRDM Nozzle/Bore Dimensional<br>Analysis (Non-Proprietary) | FE706-2290                      | FE706-2391                    | Structural Integrity<br>Associates,<br>Framatome |
| 10/22/2001          | NRC035-1460          | NRC035-1502        | Letter: SIA Calculation Package  | FE706-2392                      | FE706-2434                    | Structural Integrity<br>Associates,<br>Framatome |
| 10/30/2001          | NRC035-1082          | NRC035-1137        | Serial 2744 (with Proprietary Info)<br>and Chronology of Events  | FE706-2014                      | FE706-2069                    | FirstEnergy                                      |
| 10/30/2001          | NRC035-1147          | NRC035-1200        | Serial 2744 (with Proprietary Info)  | FE706-2079                      | FE706-2132                    | FirstEnergy                                      |