

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202-739-3000
Fax: 202-739-3001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Timothy P. Matthews
202.739.5527
tmatthews@morganlewis.com

June 29, 2012

Via Electronic Information Exchange

Terry J. Lodge, Esq.
316 N. Michigan St., Suite 520
Toledo, OH 43604

Brian G. Harris, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Seventh Update to Mandatory Disclosures Pursuant to 10 C.F.R. § 2.336; FirstEnergy Nuclear Operating Co., License Renewal for Davis-Besse Nuclear Power Station, Docket No. 50-346

Dear Counsel:

Pursuant to 10 C.F.R. § 2.336, the Board's Initial Scheduling Order dated June 15, 2011, and the Board's Order modifying the Initial Scheduling Order dated November 2, 2011, FirstEnergy Nuclear Operating Company (FENOC) is providing the enclosed disclosures for Intervenors' Contention 4 as affirmed by the Commission on March 27, 2012 (CLI-12-18).

FENOC's disclosures consist of the following:

- Enclosure 1 is reserved for the names, addresses, and telephone numbers of the persons upon whose opinion FENOC will base its positions on the contention and upon whom FENOC may rely as witnesses, and a copy of the analyses and authorities upon which they base their opinions. FENOC has not yet identified witnesses for any hearing on the contention, and will update Enclosure 1 when it has identified its witnesses.
- Enclosure 2 provides a description, by category and location, of the documents, data compilations, and tangible things in the possession, custody, or control of FENOC that may be relevant to the admitted contention. Per the Scheduling Order and our agreement, these

Terry J. Lodge, Esq.
Brian G. Harris, Esq.
June 29, 2012
Page Two

disclosures do not include privileged documents, or publicly-available documents unless FirstEnergy expects to rely on them at hearing. If you determine that you would like a copy of any of these documents, please inform me of which documents you would like, and I will provide a copy to you.

- Enclosure 3 provides an index of documents, data compilations, or tangible things that may be relevant to the contention but that contain proprietary information, Sensitive Unclassified Non-Safeguards Information (SUNSI), or otherwise protected information. Upon request, FENOC will provide a copy under the terms of a Protective Order issued by the Board.

In order to compile Enclosures 2 and 3, a search was conducted of documents in FENOC's possession, custody, or control. The attached affidavit attests that all relevant materials identified by this search that are required to be disclosed under the Scheduling Order have been disclosed.

When FENOC identifies additional relevant documents or the witnesses for any hearing on the contention, FENOC will update these disclosures as required by the Board's Scheduling Order.

FENOC has been conservative in identifying documents for inclusion in Enclosures 2 and 3. By identifying documents in those Enclosures, FENOC does not necessarily concede that the documents are in fact relevant or material to the admitted contention.

Sincerely,

Executed in Accord with 10 C.F.R. § 2.304(d)

Signed (electronically) by Timothy P. Matthews

Timothy P. Matthews
1111 Pennsylvania Ave. NW
Washington, DC 20004
(202) 739-5527
tmatthews@morganlewis.com

Counsel for FirstEnergy Nuclear Operating Co.

Enclosures

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

FIRSTENERGY NUCLEAR OPERATING COMPANY)

(Davis-Besse Nuclear Power Station, Unit 1))

Docket No. 50-346-LR

AFFIDAVIT OF DAVID W. JENKINS

1. My name is David W. Jenkins. I am a Senior Corporate Counsel II at the FirstEnergy Service Company. Working with the FirstEnergy Nuclear Operating Company (FENOC) Project Manager of License Renewal, I manage the collection of documents, data compilations, and tangible things to comply with the mandatory disclosure requirements in 10 C.F.R. § 2.336 and the Atomic Safety and Licensing Board's Initial Scheduling Order dated June 15, 2011 ("Scheduling Order") in this proceeding, and the Licensing Board's Order Granting Motion for Modification of Initial Scheduling Order dated November 2, 2011 in this proceeding.
2. FENOC conducted a search of documents, data compilations, and tangible things in its possession, custody, and control for information relevant to the admitted contention as modified by the Commission (CLI-12-08), and in the possession, custody, and control of its affiliated companies, as specified in 10 C.F.R. § 2.336(a). As provided in 10 C.F.R. § 2.336(c), this search encompassed information and documents reasonably available to FENOC and its affiliated companies, including:
 - a. Both electronic and paper documents;

- b. Corporate records, Davis-Besse license renewal project files, and documents in the possession and control of individuals who have worked on the Davis-Besse license renewal project or on matters potentially relevant to the admitted contention; and
 - c. Documents, data compilations, and tangible things in the possession and control of AREVA, Inc. (“AREVA”), which assisted FENOC in preparing portions of the Davis-Besse Environmental Report.
- 3. Consistent with the Board’s Scheduling Order, Enclosure 2 to this Affidavit provides an index of relevant, non-privileged, non-protected documents, data compilations, and tangible things that were located as a result of this search.
- 4. Consistent with the Board’s Scheduling Order, Enclosure 3 to this Affidavit provides the index of relevant documents, data compilations, and tangible things containing information that FENOC believes are proprietary to FENOC or its affiliated companies or third parties, or falls within the category of Sensitive Unclassified, Non-Safeguards Information (“SUNSI”).
- 5. FENOC has been conservative in identifying documents for inclusion in the Enclosures. Accordingly, FENOC is not suggesting that just because a document is listed on the Enclosure that it is indeed relevant to the admitted contention.
- 6. These disclosures are reasonably accurate and complete as of May 31, 2012.

The statements made above are true to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Accord with 10 C.F.R. § 2.304(d)

Signed (electronically) by David W. Jenkins

David W. Jenkins

FirstEnergy Service Company

76 South Main Street

Akron, OH 44308

Phone: (330) 384-5037

E-mail: djenkins@firstenergycorp.com

Executed this 29th day of June 2012.

Enclosure 1
(Reserved)

Enclosure 2

**First Energy-Davis-Besse License Renewal Proceeding
Mandatory Disclosure Log
Seventh Update, June 29, 2012**

Log No.	Category	Location*	Document Title	Date	Contentions
FEDB-00000831	eMail:eMail without attachment	Morgan, Lewis & Bockius	SAMA Documents	5/4/2012	Contention 4
FEDB-00000832	eMail:eMail with attachment	Morgan, Lewis & Bockius	Transmittal of SAMA Basis Documents	5/10/2012	Contention 4
FEDB-00000833	Attachment	Morgan, Lewis & Bockius	AREVA-12-01245.pdf	5/10/2012	Contention 4
FEDB-00000834	eMail:eMail with attachment	Morgan, Lewis & Bockius	updated SAMA Table 3.6	5/18/2012	Contention 4
FEDB-00000835	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	Copy of BaseRelease Cindy.xls	5/7/2012	Contention 4

*Morgan Lewis is located at 1111 Pennsylvania Avenue, NW Washington, DC 20004

Enclosure 3

First Energy-Davis-Besse License Renewal Proceeding

Proprietary Log

Seventh Update, June 29, 2012

Log No.	Category	Location*	Document Title	Date	Confidentiality	Contentions
FEDBPROP-00003712	eMail;eMail without attachment	Morgan, Lewis & Bockius	*Confidential: RE: "Privileged & Confidential" RE: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003713	eMail;eMail with attachment	Morgan, Lewis & Bockius	"Privileged & Confidential" RE: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003714	eMail;eMail without attachment	Morgan, Lewis & Bockius	Davis-Besse Level 3 Comment #18 Question	5/2/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003715	eMail;eMail without attachment	Morgan, Lewis & Bockius	Re: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003716	eMail;eMail without attachment	Morgan, Lewis & Bockius	Fw: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003717	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	32-9125650-004 (DB Level 3 PRA).pdf	5/4/2012	SUNSI - 10 C.F.R. § 2.390(d)(1); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003718	eMail;eMail without attachment	Morgan, Lewis & Bockius	RE: "Privileged & Confidential" RE: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003719	eMail;eMail without attachment	Morgan, Lewis & Bockius	*Confidential: Fw: RE: "Privileged & Confidential" RE: Davis-Besse Level 3 Comment #18 Question	5/4/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003720	eMail;eMail without attachment	Morgan, Lewis & Bockius	RE: *Confidential: RE: "Privileged & Confidential" RE: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4

First Energy-Davis-Besse License Renewal Proceeding

Proprietary Log

Seventh Update, June 29, 2012

Log No.	Category	Location*	Document Title	Date	Confidentiality	Contentions
FEDBPROP-00003721	eMail;eMail with attachment	Morgan, Lewis & Bockius	RE: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003722	Attachment	Morgan, Lewis & Bockius	image003.png	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003723	Attachment	Morgan, Lewis & Bockius	image006.png	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003724	eMail;eMail without attachment	Morgan, Lewis & Bockius	Fw: Davis-Besse Level 3 Comment #18 Question	5/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4

*Morgan Lewis is located at 1111 Pennsylvania Avenue, NW Washington, DC 20004

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of

FIRSTENERGY NUCLEAR OPERATING COMPANY

(Davis-Besse Nuclear Power Station, Unit 1)

Docket No. 50-346-LR

June 29, 2012

CERTIFICATE OF SERVICE

I hereby certify that, on this date, a copy of FENOC's Seventh Update to Mandatory Disclosures Pursuant to 10 C.F.R. § 2.336 was filed with the Electronic Information Exchange in the above-captioned proceeding on the following recipients:

Administrative Judge
William J. Froehlich, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: wjfl@nrc.gov

Administrative Judge
Dr. Nicholas G. Trikouros
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: nicholas.trikouros@nrc.gov

Administrative Judge
Dr. William E. Kastenberg
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: wek1@nrc.gov

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O-15D21
Washington, DC 20555-0001
Edward L. Williamson
Lloyd B. Subin
Brian G. Harris
Brian P. Newell
Catherine E. Kanatas
edward.williamson@nrc.gov;
lloyd.subin@nrc.gov;
brian.harris@nrc.gov;
brian.newell@nrc.gov;
catherine.kanatas@nrc.gov

Office of the Secretary
U.S. Nuclear Regulatory Commission
Rulemakings and Adjudications Staff
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Kevin Kamps
Paul Gunter
Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912
E-mail: kevin@beyondnuclear.org;
paul@beyondnuclear.org

Michael Keegan
Don't Waste Michigan
811 Harrison Street
Monroe, MI 48161
E-mail: mkeeganj@comcast.net

Terry J. Lodge
316 N. Michigan St., Ste. 520
Toledo, OH 43604
E-mail: tjlodge50@yahoo.com

Signed (electronically) by Stephen J. Burdick

Stephen J. Burdick
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Phone: 202-739-3000
Fax: 202-739-3001
E-mail: sburdick@morganlewis.com

Counsel for FENOC