

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Atomic Safety and Licensing Board**

In the Matter of	)	
	)	Docket No. 50-346-LR
<i>First Energy Nuclear Operating Company</i>	)	
(Davis-Besse Nuclear Power Station, Unit 1)	)	July 11, 2012
	)	

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**INTERVENORS' REVISED REPORT OF 10 C.F.R. § 2.323(b) CONSULTATION PRIOR  
TO FILING OF FEBRUARY 2012 'INTERVENORS' MOTION  
TO AMEND MOTION FOR ADMISSION OF CONTENTION NO. 5'**

Now comes Terry Lodge, counsel for Intervenor Beyond Nuclear, Citizens Environment Alliance of Southwestern Ontario (CEA), Don't Waste Michigan, and the Green Party of Ohio (collectively, "Intervenors"), and certifies as follows respecting the requirement of consultation prior to the filing of motions contained in 10 C.F.R. § 2.323(b). This report comprises a revised version of the report of consultation which was submitted by Intervenor on July 7, 2012, adding new facts. During a phone conference on July 9, 2012, counsel for FENOC reminded counsel for Intervenor that he had responded in February 2012 to Intervenor's email consulting on an anticipated motion filing. Counsel for Intervenor has previously apologized to the parties for his inadvertent error in stating in the July 7, 2012 filing that FENOC did not respond to that email, and now apologizes to the Licensing Board for any inconvenience.

The revised report of the February 2012 consultation follows:

On February 26, 2012, counsel contacted opposing counsel for FENOC and the NRC staff via email and outlined Intervenor's intentions of filing a motion to amend their pending Motion for Admission of Contention 5 by February 27, 2012.

On February 27, 2012, counsel for the NRC Staff responded with an email to Intervenor's

counsel, stating that the Staff reserved the right to oppose the motion, once filed. Counsel for FENOC contacted counsel for Intervenor by phone and left a voicemail on the morning of February 27, 2012, indicating that FENOC would oppose the anticipated motion to amend the basis for Contention 5.

Later on February 27, 2012, counsel for Intervenor filed “Intervenor’s Motion to Amend ‘Motion for Admission of Contention No. 5’” in the NRC’s EIE system.

/s/ Terry J. Lodge  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the INTERVENORS' *REVISED* REPORT OF 10 C.F.R. § 2.323(b) CONSULTATION PRIOR TO FILING OF FEBRUARY 2012 'INTERVENORS' MOTION TO AMEND MOTION FOR ADMISSION OF CONTENTION NO. 5' was sent by me to the following persons via electronic deposit filing with the Commission's EIE system on the 11th day of July, 2012:

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