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July 31, 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: Eighth 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.  
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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

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*Counsel for FirstEnergy Nuclear Operating Co.*

Enclosures

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

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In the Matter of )

FIRSTENERGY NUCLEAR OPERATING COMPANY )

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

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Docket No. 50-346-LR

**AFFIDAVIT OF CLIFF CUSTER**

1. My name is Cliff Custer. I am the Project Manager, License Renewal, at FirstEnergy Nuclear Operating Company (“FENOC”). Working with the attorneys for FENOC, I have been responsible for managing 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 June 30, 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 Cliff Custer

Cliff Custer

License Renewal Project Manager

FirstEnergy Nuclear Operating Company

Beaver Valley Nuclear Power Station

Route 168

Shippingport, PA 15077

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E-mail: [custercl@firstenergycorp.com](mailto:custercl@firstenergycorp.com)

Executed this 30th day of July 2012.

**Enclosure 1**  
**(Reserved)**

## **Enclosure 2**

First Energy-Davis-Besse License Renewal Proceeding  
Mandatory Disclosure Log  
Eighth Update, July 31, 2012

Log No.	Category	Location*	Document Title	Date	Contentions
FEDB-000008336	Standard file-Standard file without attachment	Morgan, Lewis & Bockius	PRA-DB1-11-017-R00 wo cover.doc	6/5/2012	Contention 4
FEDB-000008337	eMail:eMail with attachment	Morgan, Lewis & Bockius	MAAP FLAASH #68	1/3/2012	Contention 4
FEDB-000008338	eMail:eMail with attachment	Morgan, Lewis & Bockius	Transmittal of AREVA Doc ID 51 9182897-000 and 51-9124603-008	6/11/2012	Contention 4
FEDB-000008339	eMail:eMail with attachment	Morgan, Lewis & Bockius	DB quantification notebook	6/7/2012	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**  
**Eighth Update, July 31, 2012**

Log No.	Category	Location*	Document Title	Date	Confidentiality	Contentions
FEDBPROP-00003725	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	86-9126346-001 DB Core Inventory (Mass)_2012-01-10 FINAL.pdf	7/25/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003726	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	15 1020236.pdf	6/25/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003727	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	32-9125650-005 L3.pdf	6/12/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003728	eMail;eMail with attachment	Morgan, Lewis & Bockius	FW: 25 MAAP elements	1/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003729	Attachment	Morgan, Lewis & Bockius	Element Sort for Client.xls	1/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003730	eMail;eMail without attachment	Morgan, Lewis & Bockius	Jan 26 MAAP update	1/26/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003731	eMail;eMail without attachment	Morgan, Lewis & Bockius	Re: Jan 31 MAAP update	1/31/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003732	eMail;eMail with attachment	Morgan, Lewis & Bockius	TH NB R2 mass input	1/6/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4

**First Energy-Davis-Besse License Renewal Proceeding**  
**Proprietary Log**  
**Eighth Update, July 31, 2012**

Log No.	Category	Location*	Document Title	Date	Confidentiality	Contentions
FEDBPROP-00003733	Attachment	Morgan, Lewis & Bockius	MAAP Fission Produce mass.xls	1/6/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003734	Attachment	Morgan, Lewis & Bockius	_MAAP FLAASH 68.doc	1/3/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003735	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	25 MAAP kg.xls	1/11/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003736	Standard file;Standard file with attachment	Morgan, Lewis & Bockius	Expert Panel Charter.doc	12/22/2011	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003737	Embedding	Morgan, Lewis & Bockius	SAMA/ NRC RAIs/Expert Panel Charter.doc_embedding0	12/22/2011	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003738	eMail;eMail without attachment	Morgan, Lewis & Bockius	Work Scope to Prepare DB TH Notebook, Rev. 2 for SAMA Support	12/19/2011	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003739	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	32-9125650-005 DB L3 PRA_2012-05-25 FINAL.pdf	7/25/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003740	eMail;eMail with attachment	Morgan, Lewis & Bockius	Jun 2012 presentation on MAAP-FLASH#68 issue	6/27/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003741	Attachment	Morgan, Lewis & Bockius	FREL.pptx	6/27/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003742	Attachment	Morgan, Lewis & Bockius	51-9182807-000_060612.doc	6/11/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003743	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	Assembled.pdf	6/5/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003744	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	PRA-DB1-11-017-R00.pdf	6/5/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4

**First Energy-Davis-Besse License Renewal Proceeding**  
**Proprietary Log**  
**Eighth Update, July 31, 2012**

Log No.	Category	Location*	Document Title	Date	Confidentiality	Contentions
FEDBPROP-00003745	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	PRA-DB1-11-017-R00 wo cvr.doc	6/5/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003746	Attachment	Morgan, Lewis & Bockius	16_NB(Quant).signed.pdf	6/7/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003747	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	51-9124603-008 CBA.pdf	6/12/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003748	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	51-9182807-000.pdf	6/12/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003749	eMail;eMail without attachment	Morgan, Lewis & Bockius	Davis-Besse SAMA	1/18/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003750	eMail;eMail without attachment	Morgan, Lewis & Bockius	RE: 25 MAAP elements	1/10/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003751	eMail;eMail with attachment	Morgan, Lewis & Bockius	Fw: Task Plan for the Update of Davis-Besse SAMA Basis Documents	2/2/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003752	Attachment	Morgan, Lewis & Bockius	108-9176280-000.pdf	2/2/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003753	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	P0390110002-4161 DB M406 TH Notebook_MainReport R2.pdf	2/6/2012	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4

**First Energy-Davis-Besse License Renewal Proceeding**  
**Proprietary Log**  
**Eighth Update, July 31, 2012**

Log No.	Category	Location*	Document Title	Date	Confidentiality	Contentions
FEDBPROP-00003754	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	PRS-12-00003.pdf	2/7/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003755	eMail;eMail without attachment	Morgan, Lewis & Bockius	Jan 31 MAAP update	1/31/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003756	eMail;eMail without attachment	Morgan, Lewis & Bockius	Jan 31 MAAP update	1/31/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003757	eMail;eMail without attachment	Morgan, Lewis & Bockius	Jan 31 MAAP update	1/31/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003758	eMail;eMail with attachment	Morgan, Lewis & Bockius	fyi - MAAP inputs for MACCS2	1/16/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003759	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	D-B Source Term zip.doc	1/13/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003760	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	MAAP 25 Elements.pdf	12/30/2011	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003761	Standard file;Standard file without attachment	Morgan, Lewis & Bockius	86-9126346-001.pdf	1/11/2012	FE Proprietary - 10 C.F.R. § 2.390(a)(4); Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003762	Attachment	Morgan, Lewis & Bockius	AREVA Transmittal Letter & Calc - DB Core Inventory_11-9-09.pdf	12/21/2011	Third-Party Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4

First Energy-Davis-Besse License Renewal Proceeding

Proprietary Log

Eighth Update, July 31, 2012

Log No.	Category	Location*	Document Title	Date	Confidentiality	Contentions
FEDBPROP-00003763	eMail;eMail without attachment	Morgan, Lewis & Bockius	RE:	10/18/2011	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4
FEDBPROP-00003764	eMail;eMail without attachment	Morgan, Lewis & Bockius	RE:	10/18/2011	FE Proprietary - 10 C.F.R. § 2.390(a)(4)	Contention 4

**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

July 31, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that, on this date, a copy of FENOC's Eighth 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:

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