



OFFICE OF THE  
GENERAL COUNSEL

UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

June 23, 2006

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

E. Roy Hawkens  
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 Matter of  
DAVID GEISEN  
Docket No. IA-05-052; ASLBP No. 06-845-01-EA

Dear Administrative Judges:

In accordance with the 10 C.F.R. § 2.336(d) duty to supplement disclosures, please find attached an index of the Staff's supplemental disclosures. A hard copy of the documents were sent to counsel to Mr. Geisen today. The Staff has also enclosed an updated attorney-client privilege log, deliberative process privilege log, and personal privacy privilege log. 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,

A handwritten signature in cursive script, appearing to read "Sara E. Brock", is written above the typed name.

Sara E. Brock  
Michael Spencer  
Counsel for the NRC Staff

Attachments: As stated.

cc: Richard Hibey  
Matthew Reinhard  
Andrew Wise

## 10 C.F.R. 2.336(b)(5) PERSONAL PRIVACY LOG 2<sup>ND</sup> SUPPLEMENT

Date	Bates - Begin	Bates - End	Full Name	Author(s)	Description
09/09/2003	32489	32490	NRC Investigation of Davis-Besse Reactor Vessel Head Degradation	Office of Investigations	Redactions include identification of former First Energy Nuclear Operating Company employees
??/??/2005	32505	32505	Partial Organization Chart for Kewaunee Plant (Unredacted)		

June 23, 2006

## 10 C.F.R. 2.336(b)(5) DELIBERATIVE PROCESS PRIVILEGE LOG 2<sup>ND</sup> SUPPLEMENT

Date	Bates - Begin	Bates - End	Full Name	Author(s)
03/17/1994 to 12/04/2001	32506	32535	Davis Besse Time Line 03/17/1994 to 12/04/2001	Michele Janicki

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## 10 C.F.R. 2.336(b)(5) ATTORNEY CLIENT PRIVILEGE LOG 2<sup>ND</sup> SUPPLEMENT

Date	Bates - Begin	Bates - End	Full Name	Author(s)	Description
11/??/2005	32469	32472	ATTORNEY CLIENT PRIVILEGED COMMUNICATION- NOT FOR RELEASE	Sara Brock	Legal Review of Evidence.

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## 10 C.F.R. 2.336(b)(5) MANDATORY DISCLOSURES 2<sup>ND</sup> SUPPLEMENT

Date	Bates - Begin	Bates - End	Hearing File	Full Name	Author(s)
09/09/2003	32476	32504	Yes	NRC Investigation of Davis-Besse Reactor Vessel Head Degradation (Redacted)	Office of Investigations
??/??/2005	32505	32505	Yes	Partial Organization Chart for Kewaunee Plant (Redacted)	
11/04/2005	32466	32466	Yes	Email: Status of Review	
11/08/2005	32467	32468	Yes	Potentially Relevant Documents Regarding Davis-Besse Individual Actions	
11/17/2005	32473	32475	Yes	Potentially Relevant Documents Regarding Davis-Besse Individual Actions -- Revised	

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
  
DAVID GEISEN

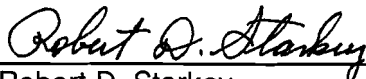
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Docket No. IA-05-052  
  
ASLBP No. 06-845-01-EA

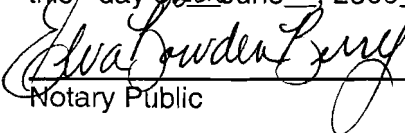
CERTIFICATION OF THE NRC STAFF'S SECOND SUPPLEMENTAL  
DISCLOSURES AFFIDAVIT OF ROBERT D. STARKEY

I, Robert D. Starkey, being first duly sworn, do hereby state as follows:

1. I am employed as Senior Enforcement Specialist in the NRC Office of Enforcement (OE). I serve as the Senior Enforcement Specialist for 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 proceeding 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.

  
Robert D. Starkey

Subscribed and sworn to before me  
this 23rd day of June, 2006\_

  
Notary Public

My Commission Expires:

**Elva Bowden Berry**  
**NOTARY PUBLIC**  
Montgomery County, Maryland  
My Commission Expires 12/1/07

June 22, 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. 05-8457-03-EA
	)	
DAVID GEISEN	)	Docket No. IA-05-052
	)	
	)	ASLBP No. 06-845-01-EA
	)	

AFFIDAVIT OF GUY P. CAPUTO

I, Guy P. Caputo, being first duly sworn, do hereby state as follows:

1. I am employed as Director of the Office of Investigations (OI) of the Office of the Executive Director for Operations (EDO). My supervisory responsibilities include oversight of the NRC staff's investigation of allegations of wrongdoing by employees of FirstEnergy Nuclear Operating Company (FENOC) at the Davis-Besse Nuclear Power Plant.

2. I am aware that the Staff is required by 10 C.F.R. § 2.336(d) to supplement its disclosures in the above captioned proceeding when new information or new documents are developed or obtained.

3. Among the documents subject to disclosure under 10 C.F.R. § 2.336(d) is:  
"Davis-Besse Time Line 03/17/1994 to 12/04/2001."

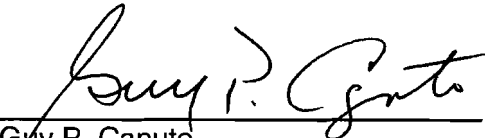
4. I have personally reviewed the "Davis-Besse Time Line 03/17/1994 to 12/04/2001" and have determined, in accordance with the guidance in Management Directive 3.4, that it contains pre-decisional information concerning the Staff's investigation of

wrongdoing by FENOC employees at the Davis-Besse Nuclear Power Plant. The "Davis-Besse Time Line 03/17/1994 to 12/04/2001" contains the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to matters discussed therein.


5. Further, I have determined that disclosure of the "Davis-Besse Time Line 03/17/1994 to 12/04/2001" could result in harm to the agency, in that it would (a) disclose the preliminary views of individual Staff members and/ or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC staff; (b) hinder the efficiency of the Staff, in that forced disclosure of their internal discussion could serve to chill future deliberations and could interfere with its ability to engage in free exchange of opinions and analyses prior to publishing our final decisions; and (c) imply or suggest incorrectly that the opinions of Staff members involved in these communications were actually final decisions of the agency.

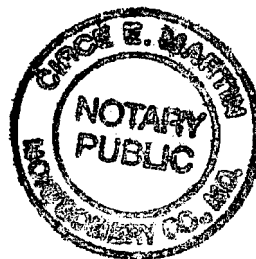
6. Accordingly, I formally invoke the deliberative process privilege with respect to the "Davis-Besse Time Line 03/17/1994 to 12/04/2001."

7. I hereby certify that the foregoing is true and complete to the best of my knowledge, information, and belief.

  
Guy P. Caputo

Subscribed and sworn to before me  
this 22 day of June, 2006

  
Notary Public



My Commission Expires:

CIRCE E. MARTIN  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 1, 2007