

Harris, Brian

From: Harris, Brian
Sent: Monday, February 27, 2012 11:11 AM
To: 'Terry Lodge'; Timothy P. Matthews
Cc: Kanatas, Catherine; Subin, Lloyd
Subject: RE: Davis-Besse Contention 5 (proposed motion to amend/consultation)

Terry,

Based on the timing of your request for consultation and its short deadline for response, the NRC Staff reserves the right to oppose the motion to amend the proposed Contention 5 once it is filed.

Best regards,
Brian G. Harris
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Nuclear Regulatory Commission
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-----Original Message-----

From: Terry Lodge [<mailto:tjlodge50@yahoo.com>]
Sent: Sunday, February 26, 2012 11:53 AM
To: Timothy P. Matthews
Cc: Kanatas, Catherine; Harris, Brian; Subin, Lloyd
Subject: Davis-Besse Contention 5 (proposed motion to amend/consultation)

Counsel, by this email I'm requesting FENOC's and the NRC Staff's nonopposition to a motion to amend our proposed Contention 5 by alleging the following additional facts:

1) That the Davis-Besse shield building cracking was deemed in December 2011 by the NRC staff to be so extensive that the NRC required FirstEnergy to assume, in its calculations of the strength of the wall, that the vertical outer rebar mat did not even exist and that FENOC knew in October 2011 that the cracking was in the area of the main outer rebar and not solely, or primarily, in the architectural regions of the structure.

2) The NRC staff's January 31, 2012 inspection report shows that FENOC discovered on October 31, 2011 that the areas of cracking included cracking towards the top of the SB wall, approximately between the 780 ft and 800 ft elevations.

We intend to file a motion on February 27, 2012. Kindly indicate your consent or opposition by noon tomorrow, February 27.

Thank you.

Terry Lodge