

**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>)	July 7, 2012
(Davis-Besse Nuclear Power Station, Unit 1))	

* * * * *

**INTERVENORS' 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 Intervenors 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). On February 26, 2012, counsel contacted opposing counsel for FENOC and the NRC staff via email and outlined Intervenors' 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 Intervenors' counsel, stating that the Staff reserved the right to oppose the motion, once filed.

Intervenors received no response from counsel for FENOC, and proceeded to file on February 27, 2012 "Intervenors' Motion to Amend 'Motion for Admission of Contention No. 5'" in the NRC's EIE system.

/s/ Terry J. Lodge
Terry J. Lodge (Ohio Bar #0029271)
316 N. Michigan St., Ste. 520
Toledo, OH 43604-5627
Phone/fax (419) 255-7552
tjlodge50@yahoo.com
Counsel for Intervenors

**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 7, 2012
.)	

* * * * *

CERTIFICATE OF SERVICE

I hereby certify that a copy of the INTERVENORS' 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 us to the following persons via electronic deposit filing with the Commission's EIE system on the 7th day of July, 2012:

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. William E. Kastenber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: wekl@nrc.gov

Administrative Judge
Nicholas G. Trikouros
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ngt@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 the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O-15D21
Washington, DC 20555-0001
Catherine Kanatas
catherine.kanatas@nrc.gov
Brian G. Harris
E-mail: Brian.Harris@nrc.gov
Lloyd B. Subin
lloyd.subin@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

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

Stephen J. Burdick
Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: 202-739-5059
Fax: 202-739-3001
E-mail: sburdick@morganlewis.com

Timothy Matthews, Esq.

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Phone: (202) 739-5830
Fax: (202) 739-3001
E-mail: tmatthews@morganlewis.com

Respectfully submitted,

/s/ Terry J. Lodge

Terry J. Lodge (Ohio Bar #0029271)
316 N. Michigan St., Ste. 520
Toledo, OH 43604-5627
Phone/fax (419) 255-7552
tjlodge50@yahoo.com
Counsel for Intervenors