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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

April 29, 2004 (4:37PM)

Before Administrative Judges:
G. Paul Bollwerk, III, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

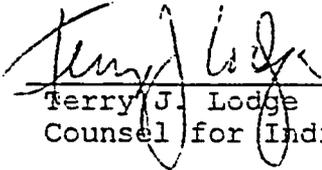
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of) Docket No. 50-346-CO
FirstEnergy Nuclear Operating Co.) ASLB No. 04-825-01-CO
Davis-Besse Nuclear Power Station, Unit 1) April 29, 2004

NOTICE OF FILING OF DECLARATIONS
IN SUPPORT OF PETITIONERS' STANDING TO SUE

Now the Donna Lueke, Joanne DiRando, and Nuclear Information and Resource Service (by Paul Gunter), and as proof of their standing to proceed upon their March 29, 2004 petition, submit herewith the Declarations of Joanne DiRando, Donna Lueke, and on behalf of Nuclear Information and Resource Service, Charlene Johnston, a NIRS member.

In its "Establishment of Atomic Safety and Licensing Board" determination dated April 15, 2004, the NRC incorrectly characterized Paul Gunter as an "individual petitioner," when in fact he had petitioned in his capacity as a corporate official: Director of the Reactor Watchdog Project of the Nuclear Information and Resource Service, a grassroots membership organization headquartered in Washington, D.C. See "Objections to Confirmatory Order Modifying License," ¶ 3. The Declaration of Charlene Johnston is proffered in support of NIRS' standing, not Paul Gunter's as an individual person.



Terry J. Lodge
Counsel for Individual Petitioners

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
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In the Matter of) Docket No. 50-346-CO
FirstEnergy Nuclear Operating Co.) ASLB No. 04-825-01-CO
Davis-Besse Nuclear Power Station, Unit 1) April 26, 2004

DECLARATION OF JOANNE DIRANDO

The following statements are true under the penalty of perjury.

1. My name is Joanne DiRando.

2. I live at 6747 Garden Road, Maumee, OH 43537. My home lies within 28 miles of the Davis-Besse Unit 1 Nuclear Power Station site located in Ottawa County, Ohio and owned by FirstEnergy Nuclear Operating Company. In March 2004, the Nuclear Regulatory Commission (NRC) approved the restart of the Davis-Besse reactor under confirmatory order following a two-year repair outage to replace the reactor pressure vessel head which had been allowed to corrode over a period of years to within less than $3/8^{\text{th}}$ of an inch of rupturing the pressure vessel due to the company's willful neglect of required surveillance, inspection, maintenance programs and the NRC's lack of safety oversight.

3. Based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. FirstEnergy's operation of the Davis-Besse nuclear power station prior to its shutdown in February 2002 demonstrated a willful neglect of public health and safety. Therefore, the restart of this nuclear power station so close to my home poses a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.

4. Therefore, I oppose the restart of the Davis-Besse Nuclear Power Station.

Joanne M. DiRando
(signature)

DATE: 4/29/04

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

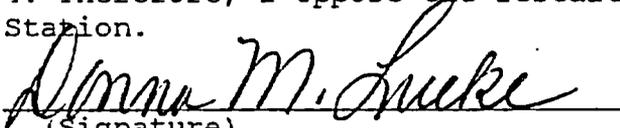
Before Administrative Judges:
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In the Matter of) Docket No. 50-346-CO
FirstEnergy Nuclear Operating Co.) ASLB No. 04-825-01-CO
Davis-Besse Nuclear Power Station, Unit 1) April 26, 2004

DECLARATION OF DONNA LUEKE

The following statements are true under the penalty of perjury.

1. My name is Donna Lueke.
2. I live at 909 Elliott St., Marblehead, OH 43440-2108. My home lies within ~~2.5~~ 1.9 miles of the Davis-Besse Unit 1 Nuclear Power Station site located in Ottawa County, Ohio and owned by FirstEnergy Nuclear Operating Company. In March 2004, the Nuclear Regulatory Commission (NRC) approved the restart of the Davis-Besse reactor under confirmatory order following a two-year repair outage to replace the reactor pressure vessel head which had been allowed to corrode over a period of years to within less than 3/8th of an inch of rupturing the pressure vessel due to the company's willful neglect of required surveillance, inspection, maintenance programs and the NRC's lack of safety oversight.
3. Based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. FirstEnergy's operation of the Davis-Besse nuclear power station prior to its shutdown in February 2002 demonstrated a willful neglect of public health and safety. Therefore, the restart of this nuclear power station so close to my home poses a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.
4. Therefore, I oppose the restart of the Davis-Besse Nuclear Power Station.


(Signature)

DATE: 4/26/04

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

In the Matter of) Docket No. 50-346-CO
FirstEnergy Nuclear Operating Co.) ASLB No. 04-825-01-CO
Davis-Besse Nuclear Power Station, Unit 1)

DECLARATION OF CHARLENE JOHNSTON

The following statements are true under the penalty of perjury.

1. My name is Charlene Johnston. I am a member of Nuclear Information and Resource Service.
2. I live at 3417 Darlington Road, Toledo, Ohio. My home lies within 25 miles of the Davis-Besse Unit 1 nuclear power station site located in Ottawa County, Ohio and owned by FirstEnergy Nuclear Operating Company. In March 2004, the Nuclear Regulatory Commission (NRC) approved the restart of the Davis-Besse reactor under confirmatory order following a two-year repair outage to replace the reactor pressure vessel head which had been allowed to corrode over a period of years to within less than 3/8th of an inch of rupturing the pressure vessel due to the company's willful neglect of required surveillance, inspection, maintenance programs and the NRC's lack of safety oversight.
3. Based on the historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. FirstEnergy's operation of the Davis-Besse nuclear power station prior to its shutdown in February 2002 demonstrated a willful neglect of public health and safety. Therefore, the restart of this nuclear power station so close to my home poses a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Nuclear Information and Resource Service to represent my interests in this proceeding by opposing the restart of the Davis-Besse nuclear power station.

Charlene Johnston
(Signature)

DATE: April 21, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

In the Matter of)
FirstEnergy Nuclear Operating Co.) Docket No. 50-346-CO
Davis-Besse Nuclear Power Station, Unit 1) April 29, 2004

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing NOTICE OF FILING OF DECLARATIONS IN SUPPORT OF PETITIONERS' STANDING TO SUE have been served upon the following persons via deposit of paper copies in the U.S. first-class mail as indicated by an asterisk (*), and via electronic mail as indicated by a double asterisk (**):

Office of Commission Appellate
Adjudication* **
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chair* **
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: gpb@nrc.gov

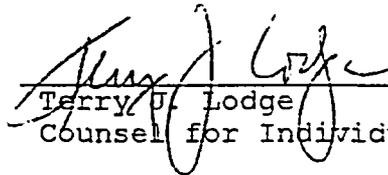
Administrative Judge Charles N. Kelber* **
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Terry J. Lodge
Counsel for Individual Petitioners