



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

October 18, 2010

Mr. Barry S. Allen
Site Vice President,
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Mail Stop A-DB-3080
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR
DOCKETING, AND OPPORTUNITY FOR A HEARING REGARDING THE
APPLICATION FROM FIRSTENERGY NUCLEAR OPERATING COMPANY,
FOR RENEWAL OF THE OPERATING LICENSE FOR THE DAVIS-BESSE
NUCLEAR POWER STATION, UNIT 1

Dear Mr. Allen:

By letter dated August 27, 2010, the U.S. Nuclear Regulatory Commission (NRC) received FirstEnergy Nuclear Operating Company's application for renewal of operating license NPF-003 for the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS). Notice of receipt of this application was published in the *Federal Register* on September 20, 2010, (75 FR 57299). The purpose of this letter is to provide the results of the NRC staff's acceptance review of the license renewal application (LRA) for DBNPS. The acceptance review determines whether the application contains sufficient information to allow the NRC staff to proceed with the safety and environmental review.

The NRC staff has reviewed your application following the guidance in NUREG-1800, Revision 1, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants," and NUREG-1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants." As a result, the NRC staff has determined that the application is complete and acceptable for docketing, in accordance with Title 10 of the *Code of Federal Regulations* (CFR) Sections 2.101, 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c). However, the staff's determination does not preclude requests for additional information (RAIs) as the review proceeds. A safety and environmental review schedule for the DBNPS application will be forthcoming.

B. Allen

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The enclosure is a copy of the notice related to your application that is being sent to the Office of the Federal Register for publication. This notice announces the opportunity to request a hearing and to file a petition for leave to intervene.

If you have any questions on this matter, please contact Mr. Brian Harris, Project Manager, for the review of the DBNPS LRA, by telephone at 301-415-2277 or via e-mail at Brian.Harris2@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. E. Holian". The signature is written in a cursive style with a large, looped "H".

Brian E. Holian, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosure:
As stated

cc w/encl: Distribution via Listserv

UNITED STATES NUCLEAR REGULATORY COMMISSION
NOTICE OF ACCEPTANCE FOR DOCKETING OF THE APPLICATION,
NOTICE OF OPPORTUNITY FOR HEARING FOR
FACILITY OPERATING LICENSE NO. NPF-003
FOR AN ADDITIONAL 20-YEAR PERIOD
FIRSTENERGY NUCLEAR OPERATING COMPANY
DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1
DOCKET NO. 50-346

The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the renewal of operating licenses NPF-003, which authorizes FirstEnergy Nuclear Power Operating Company (FENOC), to operate the Davis-Besse Nuclear Power Station (DBNPS), Unit 1, at 2817 megawatts thermal. The renewed license would authorize the applicant to operate the DBNPS, for an additional 20 years beyond the period specified in the current license. DBNPS, is located near Toledo, OH. The current operating license expires on April 22, 2017.

FENOC submitted the application dated August 27, 2010, pursuant to Title 10 of the *Code of Federal Regulations*, Part 54 (10 CFR Part 54) to renew operating license NPF-003. A notice of receipt and availability of the license renewal application (LRA) was published in the *Federal Register* on September 20, 2010 (75 FR 57299).

The Commission has determined that FENOC has submitted sufficient information in accordance with 10 CFR Sections 54.19, 54.21, 54.22, 54.23, and 51.53(c), to enable the staff to undertake a review of the application, and the application is therefore acceptable for

docketing. The Commission will retain the current Docket No. 50-346, for operating license No. NPF-003. The determination to accept the LRA for docketing does not constitute a determination that a renewed license should be issued, and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB will comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants," dated May 1996. In considering the LRA, the Commission must find that the applicable requirements of Subpart A of 10 CFR Part 51 have been satisfied, and that matters raised under 10 CFR 2.335 have been addressed. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold public scoping meetings. Detailed information regarding the environmental scoping meetings will be the subject of a separate *Federal Register* notice.

Within 60 days after the date of publication of this *Federal Register* notice, any person whose interest may be affected by this proceeding and who wishes to participate as a party in

the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the license. Requests for a hearing or petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852 and is accessible from the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to the Internet or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail at PDR.Resource@nrc.gov. If a request for a hearing/petition for leave to intervene is filed within the 60-day period, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed within the 60-day period, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 51 and 54, renew the license without further notice.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR Parts 51 and 54. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the requestor's/petitioner's right under the Act to be made a

party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the requestor/petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.¹ Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission requests that each contention be given a separate numeric or alpha designation within one of the following groups: (1) technical (primarily related to safety concerns); (2) environmental; or (3) miscellaneous.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a contention or propose substantially the same contention, the requestors/petitioners must jointly

¹If the application contains attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel to discuss the need for a protective order.

designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in the Federal Register on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at HEARINGDOCKET@NRC.GOV, or by calling 301-415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public website at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to

intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public website at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory e-filing system may seek assistance through the "Contact Us" link located on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC Meta-System Help Desk, which is available between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday, excluding government holidays. The Meta-System Help Desk can be contacted by telephone at 1-866-672-7640 or by e-mail at MSHD.Resource@nrc.gov.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service

to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 C.F.R. § 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at http://ehd.nrc.gov/EHD_Proceeding/home.asp, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Detailed information about the license renewal process can be found under the Nuclear Reactors icon at <http://www.nrc.gov/reactors/operating/licensing/renewal.html> on the NRC's website. Copies of the application to renew the operating license for DBNPS are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852-2738, and at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>, the NRC's website

while the application is under review. The application may be accessed in ADAMS through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-room/adams.html> under ADAMS Accession Number ML102450572. As stated above, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to PDR.Resource@nrc.gov.

The NRC staff has verified that a copy of the license renewal application is also available to local residents near the site at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, OH 43452 and the Toledo-Lucas County Public Library, 325 North Michigan Street, Toledo, OH 43604. Dated at Rockville, Maryland, this 18th day of October 2010.

FOR THE NUCLEAR REGULATORY COMMISSION



Brian E. Holian, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

B. Allen

-2-

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Sincerely,

/RA/

Brian E. Holian, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosure:
As stated

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See next page

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DATE	10/15/10	10/18/10		

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Letter to B. Allen from B. Holian dated October 18, 2010

**SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFIENCY FOR DOCKETING,
AND OPPORTUNITY FOR A HEARING REGARDING THE APPLICATION
FROM FIRST ENERGY NUCLEAR OPERATING COMPANY, FOR RENEWAL
OF THE OPERATING LICENSE FOR THE DAVIS-BESSE NUCLEAR POWER
STATION, UNIT 1**

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