

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Nicholas G. Trikouros
Dr. William E. Kastenberg

In the Matter of:

FirstEnergy NUCLEAR OPERATING
COMPANY

(Davis-Besse Nuclear Power Station, Unit 1)

Docket No. 50-346-LR

ASLBP No. 11-907-01-LR-BD01

March 31, 2011

NOTICE

(Pursuant to 10 C.F.R. § 2.309(i))

Before this Atomic Safety and Licensing Board (Board) is a petition to intervene and a request for a hearing (Petition), dated December 27, 2010, filed jointly by four organizations.¹ These four organizations (Joint Petitioners) challenge an application filed on August 27, 2010² by FirstEnergy Nuclear Operating Company (FirstEnergy) pursuant to Part 54 of Title 10 of the Code of Federal Regulations.³ FirstEnergy seeks to renew its operating license for the Davis-Besse Nuclear Power Station, Unit 1 (Davis-Besse) for an additional twenty years from the current expiration date of April 22, 2017 to April 22, 2037. The Davis-Besse facility is located in Ottawa County, Ohio, approximately twenty miles east of Toledo, Ohio.⁴

¹ Beyond Nuclear, Citizens Environment Alliance of Southwestern Ontario, Don't Waste Michigan, and the Green Party of Ohio Request for Public Hearing and Petition for Leave To Intervene (Dec. 27, 2010).

² 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, 75 Fed. Reg. 65,528, 65,528-29 (Oct. 25, 2010).

³ License Renewal Application Davis-Besse Nuclear Power Station 1.0-1 (Aug. 2010). The application also seeks renewal of the source material, special nuclear material, and by-product material licenses under 10 C.F.R. Parts 30, 40, and 70. Id.

⁴ Id. at 1.2-1.

The Joint Petitioners filed their reply on January 28, 2011,⁵ and filed an errata to the reply on February 10.⁶ Meanwhile, FirstEnergy moved to strike portions of the reply on February 7,⁷ and Joint Petitioners opposed the motion to strike on February 17.⁸ On February 18 this Board granted the motion to strike and ordered Joint Petitioners to file a revised reply,⁹ which they did on February 24.¹⁰ Oral argument was held in Port Clinton, Ohio on March 1.¹¹

The Board hereby provides notice pursuant to 10 C.F.R. § 2.309(i)¹² that it anticipates issuing a decision on the Petition on or before April 29, 2011. This extension of the date for the Board's ruling is necessary because of the number and complexity of the issues to be decided.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹³

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 31, 2011

⁵ Joint Intervenors' Combined Reply in Support of Petition for Leave To Intervene (Jan. 28, 2011).

⁶ Errata (Feb. 10, 2011).

⁷ FirstEnergy's Motion To Strike Portions of Petitioners' Combined Reply (Feb. 7, 2011).

⁸ Joint Intervenors' Combined Reply in Opposition to FENOC's 'Motion To Strike' (Feb. 17, 2011).

⁹ Licensing Board Memorandum and Order (Granting Motion To Strike and Requiring Re-filing of Reply) (Feb. 18, 2011) (unpublished).

¹⁰ Joint Intervenors' Combined Reply in Support of Petition for Leave To Intervene (2nd, Final Corrected Version) (Feb. 24, 2011).

¹¹ Tr. 1.

¹² 10 C.F.R. § 2.309(i) provides that a board "issue a decision on each request for hearing/petition to intervene" within "45 days after the filing of answers and replies." Accordingly, the Board's decision granting or denying the petition to intervene and a request for a hearing would have been due on March 14, 2011.

¹³ A copy of this Notice was sent this date by the NRC's E-Filing System to: (1) the pro se representative for Beyond Nuclear; (2) Counsel for Citizens Environment Alliance of Southwestern Ontario, Don't Waste Michigan, and the Green Party of Ohio; (3) Counsel for FirstEnergy; and (4) Counsel for the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

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FIRST ENERGY NUCLEAR OPERATING)
COMPANY)
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(Davis-Besse Nuclear Power Station, Unit 1)) Docket No. 50-346-LR
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing NOTICE (Pursuant to 10 C.F.R. § 2.309(i)) have been served upon the following persons by Electronic Information Exchange.

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Docket No. 50-346-LR
NOTICE (Pursuant to 10 C.F.R. § 2.309(i))

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[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 31st day of March 2011