

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
FIRSTENERGY NUCLEAR OPERATING COMPANY)	Docket No. 50-346-LR
(Davis-Besse Nuclear Power Station, Unit 1))	May 6, 2011
)	

FIRSTENERGY’S UNOPPOSED MOTION TO DEFER INITIAL DISCLOSURES

First Energy Nuclear Operating Company (“FENOC”), with the consent of the other parties,¹ hereby moves the Atomic Safety and Licensing Board (“Board”) to defer all initial disclosures required by 10 C.F.R. § 2.336 and the NRC Staff’s provision of the hearing file required by 10 C.F.R. § 2.1203 until after disposition of petitions for review of the Board’s April 26, 2011 Memorandum and Order (Ruling on Petition to Intervene and Request for Hearing), LBP-11-13. FENOC has informed the parties that it intends to file, within the period allowed by 10 C.F.R. § 2.311(b), a petition for review of the Board’s ruling admitting contentions filed by Joint Petitioners. To avoid the burden of proceeding with disclosures and the expenditure of considerable resources by all parties on admitted contentions that could be affected by Commission review, the parties have agreed to defer the disclosure obligations of all of the parties, on all of the admitted contentions, as well as the NRC Staff’s provision of a hearing file, until after the planned appeal is resolved.

The parties collectively request that the Board approve this alteration of the schedule pursuant to 10 C.F.R. §§ 2.319(k), 2.332(c), and 2.336(a). The deferral of the disclosure and

¹ The other parties are Beyond Nuclear, Citizens Environment Alliance of Southwestern Ontario, Don’t Waste Michigan, and the Green Party of Ohio (collectively “Joint Petitioners”), and the NRC Staff.

hearing file obligations would not preclude voluntary disclosures by any party during the deferral period.

In accordance with 10 C.F.R. § 2.323(b), FENOC has consulted with the other parties on this motion and obtained their consent to the motion.

Respectfully submitted,

Signed (electronically) by Alex. S. Polonsky

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COUNSEL FOR FIRSTENERGY

Dated in Washington, D.C.
this 6th day of May, 2011

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, a copy of “FirstEnergy’s Unopposed Motion to Defer Initial Disclosures” was filed with the Electronic Information Exchange in the above-captioned proceeding on the following recipients.

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