

August 2, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
FIRSTENERGY NUCLEAR OPERATING CO.) Docket No. 50-346-LRA
)
(Davis-Besse Nuclear Power Station, Unit 1))
)

NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AN
ANSWER TO FIRSTENERGY'S MOTION FOR SUMMARY DISPOSITION OF CONTENTION 4
(SAMA ANALYSIS SOURCE TERMS)

INTRODUCTION

Pursuant to 10 C.F.R. § 2.323(a) and Section G.2 of the Atomic Safety and Licensing Board's ("Board") Initial Scheduling Order ("ISO"),¹ the Staff of the U.S. Nuclear Regulatory Commission ("Staff") hereby requests an extension of time to file its answer to "FirstEnergy's Motion for Summary Disposition of Contention 4 (SAMA Analysis Source Terms)," ("FENOC's Summary Disposition Motion"), filed by FirstEnergy Nuclear Operating Company ("FENOC")² regarding FENOC's license renewal application for Davis-Besse Nuclear Power Station, Unit 1 ("Davis-Besse").³ In support of this unopposed Motion,⁴ the Staff states as follows:

¹ Initial Scheduling Order at G.2.

² FirstEnergy's Motion for Summary Disposition of Contention 4 (SAMA Analysis Source Terms (July 26, 2012) (FENOC's Summary Disposition Motion). FENOC's Summary Disposition Motion included 48 attachments.

³ Letter from Barry S. Allen, Vice President, dated August 27, 2010, transmitting the license renewal application for Davis-Besse (Agencywide Documents Access and Management System ("ADAMS") Accession No. ML102450565).

⁴ Intervenor consented to Staff filing the extension request and indicated that they wished to make the motion a joint motion, or alternatively, requested the consent/nonopposition of FENOC and the Staff to have the same answer date as the Staff. Staff does not oppose Intervenor having the same answer date as the Staff. FENOC does not oppose the requests by Staff and Intervenor for 30 additional days on which to answer the motion for summary disposition.

1. FENOC's Summary Disposition Motion was filed on July 26, 2012, and is based on, among other things, a revised Severe Accident Mitigation Alternatives (SAMA) analysis, submitted to the NRC on July 16, 2012.

2. FENOC's Summary Disposition Motion is supported by 48 attachments, which comprise over 3,300 pages and address a multitude of issues related to Contention 4 concerning SAMAs. Technical staff needs sufficient time to carefully review the revised SAMA and extensive documents provided by FENOC.

3. As stated in the Board's ISO, the Staff is required to file "an answer supporting or opposing a motion for summary disposition...within twenty (20) days after service of the motion, unless the Board orders otherwise."⁵ Therefore, the Staff's answer to FENOC's Summary Disposition Motion is due on or before August 15, 2012.

4. In addition, on July 16, 2012 and July 23, 2012, Intervenors filed motions to supplement their proposed contention regarding shield building cracking.⁶ Per the Board's order, the Staff's answer to these motions is due on or before August 17, 2012.⁷

5. Additionally, Staff's lead counsel is currently on approved annual leave and is not expected back until the end of the week and will need time to review the materials and consult with technical staff.

6. Given the breadth and volume of FENOC's filings related to the Summary Disposition Motion, the need to address Intervenors' recently filed shield building motions during this same period, and lead staff counsel's absence until the end of this week, the Staff has

⁵ ISO at C.

⁶ See Intervenors' Third Motion to Amend and/or Supplement Proposed Contention No. 5 (Shield Building Cracking) (July 16, 2012) (ADAMS Accession No. ML12198A561); Intervenors' Fourth Motion to Amend and/or Supplement Proposed Contention No. 5 (Shield Building Cracking) (July 23, 2012) (ADAMS Accession No. ML12205A507).

⁷ See Board Order (Setting Dates for Answers and Reply to Motions to Amend Contention 5) (July 17, 2012) (ADAMS Accession No. ML12199A341).

determined that it requires a 30-day extension of time, until September 14, 2012, for the filing of its answer to FENOC's Summary Disposition Motion.

7. As required by 10 C.F.R. § 2.323(b), Staff Counsel contacted counsel for Intervenors and FENOC regarding this motion. Intervenors consented to Staff filing the extension request and indicated that they wished to make the motion a joint motion, or alternatively, requested the consent/nonopposition of FENOC and the Staff to have the same answer date as the Staff. Staff does not oppose Intervenors having the same answer date as the Staff. FENOC does not oppose the requests by Staff and Intervenors for 30 additional days on which to answer the motion for summary disposition.

Therefore, the Staff respectfully requests that this unopposed motion to extend the time for the Staff and Intervenors to answer FENOC's Summary Disposition Motion until September 14, 2012, be granted.

Respectfully submitted,

Signed (electronically) by

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AN ANSWER TO FIRSTENERGY'S MOTION FOR SUMMARY DISPOSITION OF CONTENTION 4 (SAMA ANALYSIS SOURCE TERMS)" in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 2nd day of August, 2012.

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