

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. Kastenber

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

August 3, 2012

ORDER

(Granting Motion for Extension of Time to File an Answer)

On August 2, 2012, pursuant to 10 C.F.R. § 2.323(a) and Section G.2 of the Initial Scheduling Order in this case,<sup>1</sup> the Staff of the U.S. Nuclear Regulatory Commission (Staff) filed a motion<sup>2</sup> requesting an extension of time to file its answer to a motion for summary disposition of Contention 4, filed by FirstEnergy Nuclear Operating Company (FENOC) on July 26, 2012<sup>3</sup>

In support of its motion Staff states that FENOC's Summary Disposition Motion is based on, among other things, a revised Severe Accident Mitigation Alternatives (SAMA) analysis, submitted on July 16, 2012.<sup>4</sup> In addition, FENOC's Summary Disposition Motion is supported by 48 attachments, which comprise over 3,300 pages and address a multitude of issues related

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<sup>1</sup> Initial Scheduling Order (June 15, 2011) (unpublished).

<sup>2</sup> See 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) (Aug. 2, 2012) [hereinafter "Motion for Extension"].

<sup>3</sup> FirstEnergy's Motion for Summary Disposition of Contention 4 (SAMA Analysis Source Terms) (July 26, 2012) [hereinafter "FENOC's Summary Disposition Motion"].

<sup>4</sup> Motion for Extension at 2.

to Contention 4 concerning SAMAs.<sup>5</sup> Staff also notes that there is currently pending in this docket a series of motions which seek to supplement a contention dealing with shield building cracking.<sup>6</sup> The answers to these motions are due at about the same time as the answers to FENOC's Summary Disposition Motion.<sup>7</sup>

As required by 10 C.F.R. § 2.323(b), Staff contacted counsel for Intervenors and FENOC regarding this motion. Staff states that 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/non-opposition of FENOC and the Staff to have the same answer date as the Staff.<sup>8</sup> Staff and FENOC do not oppose Intervenors' request to have the same answer date as the Staff.<sup>9</sup>

For good cause shown, the unopposed Staff motion is GRANTED. The NRC Staff and Intervenors shall file their answers to FENOC's Summary Disposition Motion no later than September 14, 2012.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD  
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William J. Froehlich, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 3, 2012

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<sup>5</sup> Id.

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

<sup>7</sup> Board Order (Setting Dates for Answers and Reply to Motions to Amend Contention 5) (July 17, 2012) (unpublished).

<sup>8</sup> Motion for Extension at 3.

<sup>9</sup> Id.

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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting Motion for Extension of Time to File an Answer)** have been served upon the following persons by Electronic Information Exchange.

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Docket No. 50-346-LR

**ORDER (Granting Motion for Extension of Time to File an Answer)**

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

Dated at Rockville, Maryland  
this 3rd day of August 2012