

## **NRR-DMPSPEm Resource**

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**From:** Andrene Dabaghi <Adabaghi@elpc.org>  
**Sent:** Thursday, June 14, 2018 6:42 PM  
**To:** Vaidya, Bhalchandra  
**Cc:** Margrethe Kearney  
**Subject:** [External\_Sender] RE: Citizen Complaint and Request for Enforcement Action Regarding FirstEnergy Nuclear Facility Operations in Ohio and Pennsylvania  
**Attachments:** PLD 2018 06 14 754 Stipulation and agreed order signed by Judge about RF....pdf

Dear Mr. Vaidya,

Per our conversation on Tuesday, I wanted to update you on our motion for relief from the automatic stay before the bankruptcy court. The court entered the attached stipulation today regarding ELPC's participation in the PRB meeting on June 19.

Are you available for a call tomorrow (Friday) afternoon to discuss? Please let us know what time works best for you.

Best,  
Andrene

Andrene Dabaghi  
Associate Attorney  
Environmental Law & Policy Center  
35 E Wacker Drive, Suite 1600  
Chicago, IL 60601  
(312) 795-3702

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**From:** Margrethe Kearney  
**Sent:** Monday, June 04, 2018 4:06 PM  
**To:** Vaidya, Bhalchandra; Andrene Dabaghi  
**Subject:** RE: Citizen Complaint and Request for Enforcement Action Regarding FirstEnergy Nuclear Facility Operations in Ohio and Pennsylvania

Mr. Vaidya –

Thanks for your response. We are working with the Debtors in the bankruptcy case to reach a resolution on our motion for relief from the automatic stay. As of now, the stay has not been lifted and it is unclear whether the motion will be resolved at the June 8 hearing. If we are able to confirm either that the stay does not apply or is lifted for purposes of this proceeding, we will attend in person on June 19. I will provide the additional details requested below as they are available.

Thank you for your patience during this process. I will keep you updated on the proceedings in front of the bankruptcy court.

Margrethe

**Margrethe K. Kearney**

Senior Attorney  
Environmental Law & Policy Center  
1514 Wealthy St. SE, Suite 256  
Grand Rapids, MI 49506  
(773) 726-8701 (mobile)  
[MKearney@elpc.org](mailto:MKearney@elpc.org)

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**From:** Vaidya, Bhalchandra [<mailto:Bhalchandra.Vaidya@nrc.gov>]

**Sent:** Thursday, May 31, 2018 9:29 AM

**To:** Andrene Dabaghi; Margrethe Kearney

**Subject:** Citizen Complaint and Request for Enforcement Action Regarding FirstEnergy Nuclear Facility Operations in Ohio and Pennsylvania

Margrethe Kearney  
Andrene Dabaghi  
Environmental Law & Policy Center  
35 E. Wacker Drive, Ste. 1600  
Chicago, IL 60601  
(312) 673-6500

Dear Margrethe Kearney and Andrene Dabaghi,

Thank you for your email dated May 25, 2018.

The Petition Review Board (PRB) will be available on Tuesday, June 19, 2018, for you to address the PRB in person or by telephone, from 12:30PM to 1:30 PM. This time period includes time for the PRB's introductory comments, "Introductions," and "Questions & Answers," including those from the PRB, and Public, leaving about 20-30 minutes for you to present additional and/or supplemental information.

Please confirm that this date and time is acceptable to you, including whether you will addressing the PRB in person, or by telephone.

Also, to make further arrangements, please provide some additional details such as follows:

- (1) Number of People attending
- (2) Names of the Presenters
- (3) Presentation Material, such as Handouts
- (4) Additional and Supplemental Information

Please feel free to contact me, if you have any questions.

Thanks.

Bhalchandra K. Vaidya  
Licensing Project Manager  
NRC/NRR/DORL/LPL3  
(301)-415-3308 (O)  
[bhalchandra.vaidya@nrc.gov](mailto:bhalchandra.vaidya@nrc.gov)

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**From:** Andrene Dabaghi [<mailto:Adabaghi@elpc.org>]  
**Sent:** Friday, May 25, 2018 10:58 AM  
**To:** Vaidya, Bhalchandra <[Bhalchandra.Vaidya@nrc.gov](mailto:Bhalchandra.Vaidya@nrc.gov)>; Margrethe Kearney <[MKearney@elpc.org](mailto:MKearney@elpc.org)>  
**Cc:** Buckberg, Perry <[Perry.Buckberg@nrc.gov](mailto:Perry.Buckberg@nrc.gov)>  
**Subject:** [External\_Sender] RE: Citizen Complaint and Request for Enforcement Action Regarding FirstEnergy Nuclear Facility Operations in Ohio and Pennsylvania

Dear Mr. Vaidya,

Thank you for your email. The following dates after June 8 work best for us to address the PRB in-person:

**Tuesday, June 19**  
**Wednesday, June 27**

Thank you,

Andrene Dabaghi  
Associate Attorney  
Environmental Law & Policy Center  
35 E Wacker Drive, Suite 1600  
Chicago, IL 60601  
(312) 795-3702

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**From:** Vaidya, Bhalchandra [<mailto:Bhalchandra.Vaidya@nrc.gov>]  
**Sent:** Thursday, May 24, 2018 10:23 AM  
**To:** Andrene Dabaghi; Margrethe Kearney  
**Cc:** Buckberg, Perry  
**Subject:** Citizen Complaint and Request for Enforcement Action Regarding FirstEnergy Nuclear Facility Operations in Ohio and Pennsylvania

Margrethe Kearney  
Andrene Dabaghi  
Environmental Law & Policy Center  
35 E. Wacker Drive, Ste. 1600  
Chicago, IL 60601  
(312) 673-6500

Dear Margrethe Kearney and Andrene Dabaghi,

Thank you for your email dated May 18, 2018.

In consideration of your request to address the Petition Review Board (PRB) after June 8, 2018, please note that the PRB would wait to make any decisions regarding “initial recommendations” until after you have had the opportunity to address the PRB.

However, consistent with MD 8.11, in order to provide timely response to your petition, please provide a few possible dates soon after June 8, 2018, when you would like to address the PRB, in person or by telephone.

Please do not hesitate to contact me if you have any questions on the above or the petition process.

Thank you,

Bhalchandra K. Vaidya  
Licensing Project Manager  
NRC/NRR/DORL/LPL3  
(301)-415-3308 (O)  
[bhalchandra.vaidya@nrc.gov](mailto:bhalchandra.vaidya@nrc.gov)

**Hearing Identifier:** NRR\_DMPS  
**Email Number:** 430

**Mail Envelope Properties** (B73BB64525149F42989D6BD5C7BCAED101E9D3F4)

**Subject:** [External\_Sender] RE: Citizen Complaint and Request for Enforcement Action  
Regarding FirstEnergy Nuclear Facility Operations in Ohio and Pennsylvania  
**Sent Date:** 6/14/2018 6:42:00 PM  
**Received Date:** 6/14/2018 6:42:27 PM  
**From:** Andrene Dabaghi

**Created By:** Adabaghi@elpc.org

**Recipients:**  
"Margrethe Kearney" <MKearney@elpc.org>  
Tracking Status: None  
"Vaidya, Bhalchandra" <Bhalchandra.Vaidya@nrc.gov>  
Tracking Status: None

**Post Office:** elpc03

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	5676	6/14/2018 6:42:27 PM
PLD 2018 06 14 754 Stipulation and agreed order signed by Judge about RF....pdf		
221717		

**Options**  
**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**

This document was signed electronically on June 14, 2018, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: June 14, 2018



**ALAN M. KOSCHIK**  
**U.S. Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

	)		Chapter 11
In re:	)		
FIRSTENERGY SOLUTIONS CORP., <i>et al.</i> , <sup>1</sup>	)		Case No. 18-50757 (AMK)
	)		(Jointly Administered)
Debtors.	)		
	)		Hon. Judge Alan M. Koschik
	)		

**STIPULATION AND AGREED ORDER BY AND AMONG THE DEBTORS  
AND THE ENVIRONMENTAL LAW & POLICY CENTER, OHIO  
CITIZEN ACTION, OHIO ENVIRONMENTAL COUNCIL AND  
ENVIRONMENTAL DEFENSE FUND REGARDING  
RELIEF FROM THE AUTOMATIC STAY**

This stipulation and agreed order (the “Stipulation”) under section 362 of title 11 of the United States Code (the “Bankruptcy Code”) is made and entered into by and among the Debtors

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: FE Aircraft Leasing Corp. (9245), case no. 18-50759; FirstEnergy Generation, LLC (0561), case no. 18-50762; FirstEnergy Generation Mansfield Unit 1 Corp. (5914), case no. 18-50763; FirstEnergy Nuclear Generation, LLC (6394), case no. 18-50760; FirstEnergy Nuclear Operating Company (1483), case no. 18-50761; FirstEnergy Solutions Corp. (0186); and Norton Energy Storage L.L.C. (6928), case no. 18-50764. The Debtors’ address is: 341 White Pond Dr., Akron, OH 44320.

(as defined below), and the Environmental Law & Policy Center (“ELPC”), Ohio Citizen Action (“OCA”), Ohio Environmental Council (“OEC”) and the Environmental Defense Fund (“EDF”) (collectively, the “Citizen Organizations”) (and, together with the Debtors, the “Parties”). The Parties hereby stipulate as follows:

WHEREAS, on March 31, 2018 (the “Petition Date”), FirstEnergy Solutions Corp. (“FES”) and its affiliated debtors and debtors in possession in the above-captioned cases (collectively, the “Debtors”) commenced voluntary cases under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Ohio (the “Bankruptcy Court”); and

WHEREAS, the Debtors have continued to operate their businesses as debtors in possession pursuant to Bankruptcy Code sections 1107(a) and 1108; and

WHEREAS, the Debtors continue to be subject to compliance with numerous federal and state regulatory regimes, including but not limited to the Clean Air Act, Clean Water Act, the Atomic Energy Act, the Toxic Substance Control Act, the Federal Power Act, the Federal Communications Act, the Atomic Energy Act, the Energy Reorganization Act, the Nuclear Waste Policy Act, the Commodity Exchange Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and various similar state statutes and regulations, and applicable proceedings thereunder (the “Regulatory Proceedings”); and

WHEREAS, on March 27, 2017 the ELPC filed a petition (the “Petition”) with the Nuclear Regulatory Commission (the “NRC”) under 10 C.F.R. 2.206; and

WHEREAS, on May 16, 2018 the Citizen Organizations filed the *Motion of the Environmental Law & Policy Center, Ohio Citizen Action, Ohio Environmental Council and*

*Environmental Defense Fund for Relief from the Automatic Stay* [Docket No. 550] (the “Motion”), pursuant to which the Citizen Organizations request entry of an order lifting or modifying the automatic stay imposed by operation of law upon the commencement of the Debtors’ chapter 11 cases pursuant to section 362 of the Bankruptcy Code (the “Automatic Stay”), or in the alternative, a declaration that actions taken in the Regulatory Proceedings by the Citizen Organizations qualify for the police power exception to the Automatic Stay pursuant to section 362(b)(4) of the Bankruptcy Code; and

WHEREAS, the NRC has provided the Citizen Organizations an opportunity to address the NRC Petition Review Board (the “PRB”) in person on June 19, 2018 (the “PRB Meeting”); and

WHEREAS, the Debtors and the Citizen Organizations have worked to consensually resolve the issues addressed in the Motion; and

WHEREAS, the Parties have agreed to enter into this Stipulation solely to allow the Citizen Organizations to participate in the PRB Meeting; and

WHEREAS, the Parties have agreed to continue to work towards consensually resolving any remaining issues that may arise under the Motion.

NOW, THEREFORE, the Parties hereto, by and through their respective counsel, hereby agree as follows:

1. The Parties hereby agree that the Automatic Stay shall be deemed modified without further proceedings solely to allow the Citizen Organizations to participate in the PRB Meeting.

2. The Motion is adjourned *sine die*. The Parties will continue to work towards a consensual resolution to all of the issues underlying the Motion. If such a resolution is not



obtained by July 31, 2018, the Parties may re-notice the Motion for an analogous hearing on August 21, 2018.

3. The undersigned persons represent and warrant that they have full authority to execute this Stipulation and that the respective Parties have full knowledge of and have consented to this Stipulation.

4. Each Party shall bear its own attorneys' fees and costs with respect to the execution and delivery of this Stipulation.

5. This Stipulation shall be governed by and construed in accordance with the laws of the State of Ohio, without regard to principles of conflicts of laws.

6. This Stipulation may not be amended without the express written consent of all Parties hereto.

7. This Stipulation shall be binding upon the Parties hereto and upon all of their affiliates, assigns and successors.

8. It is acknowledged that each Party has participated in and jointly consented to the drafting of this Stipulation and that any claimed ambiguity shall not be construed for or against either Party on account of such drafting.

9. The Bankruptcy Court shall retain jurisdiction over any and all disputes or other matters arising under or otherwise relating to this Stipulation.

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SUBMITTED BY:

*/s/ Kate M. Bradley*

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**BROUSE MCDOWELL LPA**  
Marc B. Merklin (0018195)  
Kate M. Bradley (0074206)  
Bridget A. Franklin (0083987)  
388 South Main Street, Suite 500  
Akron, OH 44311-4407  
Telephone: (330) 535-5711  
Facsimile: (330) 253-8601  
mmerklin@brouse.com  
kbradley@brouse.com  
bfranklin@brouse.com

- and -

**AKIN GUMP STRAUSS HAUER & FELD,  
LLP**

Ira S. Dizengoff  
David H. Botter  
Brad M. Kahn  
One Bryant Park  
New York, New York 10036  
Tel: (212) 872-1000  
Fax: (212) 872-1002  
idizengoff@akingump.com  
dbotter@akingump.com  
bkahn@akingump.com

*Counsel to the Debtors*

*/s/ Brady C. Williamson*

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**GODFREY KAHN S.C.**  
One East Main Street, Suite 500  
P.O. Box 2719  
Madison, Wisconsin 53703  
Tel: (608) 284-2654  
Fax: (608) 257-0609  
bwilliam@gklaw.com

*Attorneys for Environmental Law & Policy  
Center*

*/s/ Margrethe Kearney*

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**ENVIRONMENTAL LAW & POLICY  
CENTER**

Howard A. Learner  
Andrene Dabaghi  
35 East Wacker Drive, Suite 1600  
Chicago, Illinois 60601  
Tel: (312) 673-6500  
hlearner@elpc.org  
mkearney@elpc.org  
adabaghi@elpc.org

*Attorneys for Environmental Law & Policy  
Center, Ohio Citizen Action, Ohio  
Environmental Council and Environmental  
Defense Fund*