

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346; License No. NPF-3]

FirstEnergy Nuclear Operating Company, FirstEnergy Nuclear Generation Corp. (Davis-Besse Nuclear Power Station, Unit No. 1); Order Approving Application Regarding Proposed Corporate Restructuring

I

FirstEnergy Nuclear Operating Company (FENOC) and FirstEnergy Nuclear Generation Corp. (FENGenCo) are the holders of Facility Operating License NPF-3, which authorizes the possession, use, and operation of Davis-Besse Nuclear Power Station, Unit No. 1 (Davis-Besse). The facility is located in Ottawa County, Ohio.

II

By letter dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, FENOC, the licensed operator of Davis-Besse, acting on behalf of FENGenCo and FirstEnergy Solutions Corp. (FE Solutions), submitted an application to the U.S. Nuclear Regulatory Commission (NRC or Commission) requesting, pursuant to Section 50.80 of Title 10 of the *Code of Federal Regulations* (10 CFR), approval of the indirect transfer of control of FENGenCo's license to own 100 percent of Davis-Besse. FE Solutions and FENGenCo are both currently wholly owned direct subsidiaries of FirstEnergy Corp. (FirstEnergy). This action is being sought as a result of a planned corporate restructuring which would make FENGenCo: (1) A wholly owned direct subsidiary of FE Solutions; and (2) a wholly owned second-tier subsidiary of FirstEnergy. The proposed corporate restructuring involves no changes to the facility license. Accordingly, no license amendments are requested in the application.

A "Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring, and Opportunity for a Hearing," was published in the **Federal Register** on July 12, 2006 (71 FR 39370). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application submitted by FENOC and other information before the Commission, the NRC staff has determined that the

subject corporate restructuring will not affect the qualifications of FENGenCo to hold the license to the same extent now held by FENGenCo, and that the indirect transfer of the license as held by FENGenCo effected by the corporate restructuring is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto, subject to the condition discussed herein.

The findings set forth above are supported by a safety evaluation dated December 28, 2006.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the application regarding the proposed corporate restructuring and indirect license transfer is approved, subject to the following condition:

Should the proposed corporate restructuring not be completed by December 28, 2007, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated June 6, 2006, as supplemented by letters dated June 9 and August 15, 2006, and the safety evaluation dated December 28, 2006, which are available for public inspection in the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Dated: December 28, 2006.

For the Nuclear Regulatory Commission.

John W. Lubinski,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7-3 Filed 1-5-07; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

DATE: Weeks of January 8, 15, 22, 29, February 5, 12, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of January 8, 2007

Wednesday, January 10, 2007.

9:30 a.m.

Briefing on Browns Ferry Unit 1 Restart (Public Meeting) (Contact: Catherine Haney, 301-415-1453).

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

Thursday, January 11, 2007.

1:25 p.m.

Affirmation Session (Public Meeting) (Tentative).

a. Final Rulemaking to Revise 10 CFR 73.1, Design Basis Threat (DBT) Requirements (Tentative).

b. Entergy Nuclear Vermont Yankee, LLC, & Entergy Nuclear Operations, Inc. Reconsideration denied (Oct. 30, 2006) (Tentative).

c. Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), Intervenor Pilgrim Watch's Appeal of LBP-06-23 (Ruling on Standing and Contentions) (Tentative).

d. Entergy Nuclear Vermont Yankee, LLC, & Entergy Nuclear Operations, Inc. Generation Company & Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), LBP-06-23 (10/16/06) (Tentative).

1:30 p.m.

Periodic Briefing on New Reactor Issues (Public Meeting) (Contact: Donna Williams, 301-415-1322).

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

Week of January 15, 2007—Tentative

There are no meetings scheduled for the Week of January 15, 2007.

Week of January 22, 2007—Tentative

Tuesday, January 23, 2007.

1:30 p.m.

Joint Meeting with Federal Energy Regulatory Commission on Grid Reliability (Public Meeting) (Contact: Mike Mayfield, 301-415-0561).