

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

Docket No. 50-346-LR)

FIRSTENERGY NUCLEAR OPERATING COMPANY)

(Davis-Besse Nuclear Power Station, Unit 1))

September 9, 2014)

**UNOPPOSED MOTION TO ESTABLISH CONSOLIDATED BRIEFING SCHEDULE
FOR PROPOSED CONTENTION 7 ADMISSIBILITY FILINGS**

On September 2, 2014, Intervenors filed a motion to admit proposed Contention 7 regarding “Worsening Shield Building Cracking and Inadequate AMPs in Shield Building Monitoring Program.”¹ About a week later, on September 8, 2014, Intervenors submitted a motion to amend and supplement proposed Contention 7.²

In accordance with 10 C.F.R. §§ 2.307 and 2.323, FirstEnergy Nuclear Operating Company (“FENOC”) hereby files this unopposed motion and requests that the Atomic Safety and Licensing Board (“Board”) establish a consolidated briefing schedule for pleadings related to the admissibility of proposed Contention 7. FENOC consulted with the Nuclear Regulatory Commission (“NRC”) Staff and Intervenors pursuant to 10 C.F.R. § 2.323(b) and Section G.1 of the June 15, 2011 Initial Scheduling Order and certifies that it made a sincere attempt to resolve the issues that are the subject of this motion, and those efforts were successful. Both the NRC Staff and Intervenors support a motion with the following consolidated briefing schedule proposed by FENOC.

¹ Intervenors’ Motion for Admission of Contention No. 7 on Worsening Shield Building Cracking and Inadequate AMPs in Shield Building Monitoring Program (Sept. 2, 2014).

² Intervenors’ Motion to Amend and Supplement Contention No. 7 on Worsening Shield Building Cracking and Inadequate AMPs in Shield Building Monitoring Program (Sept. 8, 2014).

- FENOC consolidated answer to both the September 2 proposed Contention 7 and the September 8 supplement – October 3, 2014
- NRC Staff consolidated answer to both the September 2 proposed Contention 7 and the September 8 supplement – October 3, 2014
- Intervenors’ consolidated reply to the FENOC and NRC staff answers – October 10, 2014

Good cause exists for a consolidated briefing schedule given the timing and subject matter overlap between proposed Contention 7 and the supplement to proposed Contention 7. Consolidated briefing provides an efficient approach under these circumstances and would prevent multiple answers by FENOC and the NRC Staff and multiple replies by Intervenors on the same proposed contention. Furthermore, the proposed consolidated briefing schedule is similar to one established by the Board in 2012 for admissibility filings for two motions to amend proposed Contention 5 that were submitted by Intervenors within a week of each other.³

For the above reasons, FENOC respectfully requests that the Board establish the proposed consolidated briefing schedule.

Respectfully submitted,

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COUNSEL FOR FENOC

Dated in Washington, D.C.
this 9th day of September 2014

³ Board Order (Setting Dates for Answers and Reply to Motions to Amend Contention 5) (July 17, 2012).

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