

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 22, 2012

NOTICE

(Advising Parties of Amendments to 10 C.F.R. Part 2)

On August 3, 2012, the Nuclear Regulatory Commission amended its regulations related to adjudicatory proceedings under 10 C.F.R. Part 2.<sup>1</sup> These new regulations take effect on September 4, 2012, and apply to “obligations and disputes that arise after” that date.<sup>2</sup> While we expect that the parties will familiarize themselves with these new regulations in their entirety, we wish to highlight two changes that are particularly relevant to this proceeding.

First, given Intervenors’ recent string of requests to amend proposed Contention 5, we note that the Commission has amended the regulations regarding the filing of new and amended contentions.<sup>3</sup> Second, given a prior dispute that arose in this proceeding regarding the timing of dispositive motions, we note that the Commission has clarified that the 10-day

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<sup>1</sup> Amendments to Adjudicatory Process Rules and Related Requirements; Final Rule, 77 Fed.Reg. 46,561 (Aug. 3, 2012).

<sup>2</sup> Id. at 46,562.

<sup>3</sup> See id. at 46,571-72, 46,591.

deadline in 10 C.F.R. § 2.323(a) for filing motions applies to “all motions . . . except § 2.309 motions for new or amended contentions” filed after the initial period for petitions to intervene.<sup>4</sup>

The Initial Scheduling Order (ISO) will continue to govern the conduct of this proceeding.<sup>5</sup> If any of the parties believes that the new regulations require a change to our ISO, it should bring the matter to the Board’s attention in a response to this issuance filed no later than Wednesday, August 29, 2012.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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William J. Froehlich, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 22, 2012

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<sup>4</sup> Id. at 46,593.

<sup>5</sup> See Initial Scheduling Order (June 15, 2011) (unpublished).

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE (Advising Parties of Amendments to 10 C.F.R., Part 2)** have been served upon the following persons by Electronic Information Exchange.

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Docket No. 50-346-LR

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

Dated at Rockville, Maryland  
this 22<sup>nd</sup> day of August 2012