

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. Kastenberg

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

September 10, 2014

ORDER

(Granting Unopposed Motion to Establish Consolidated Briefing Schedule  
for Proposed Contention 7 Admissibility Filings)

On September 2, 2014, Beyond Nuclear, Citizens Environment Alliance of Southwestern Ontario (CEA), Don't Waste Michigan, and the Green Party of Ohio (collectively, Intervenors) filed a motion to admit a new proposed Contention 7 entitled "Worsening Shield Building Cracking and Inadequate AMPs [Aging Management Programs] in Shield Building Monitoring Program."<sup>1</sup> On September 8, 2014, Intervenors submitted a motion to amend and supplement proposed Contention 7.<sup>2</sup>

On September 9, 2014, in accordance with 10 C.F.R. §§ 2.307 and 2.323, FirstEnergy Nuclear Operating Company (FENOC) filed an unopposed motion requesting the Atomic Safety and Licensing Board (Board) to establish a consolidated briefing schedule for pleadings related

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

<sup>2</sup> 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).

to the admissibility of proposed Contention 7.<sup>3</sup> FENOC states both the NRC Staff and Intervenor support the motion with the following consolidated briefing schedule:

- FENOC will file a consolidated answer to both the September 2 proposed Contention 7 and the September 8 supplement on October 3, 2014,
- NRC Staff will file a consolidated answer to both the September 2 proposed Contention 7 and the September 8 supplement on October 3, 2014, and
- Intervenor will file a consolidated reply to the FENOC and NRC Staff answers on October 10, 2014.

The Board finds 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 Intervenor on the same proposed contention. Consistent with the Board's Initial Scheduling Order<sup>4</sup> and the fact that the motion is unopposed,<sup>5</sup> the Board grants FENOC's motion.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

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William J. Froehlich, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 10, 2014

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<sup>3</sup> Unopposed Motion to Establish Consolidated Briefing Schedule for Proposed Contention 7 Admissibility Filings (Sept. 9, 2014).

<sup>4</sup> Initial Scheduling Order (June 15, 2011) at 13 (unpublished).

<sup>5</sup> 10 C.F.R. § 2.323(b) and Section G.1 of the June 15, 2011 Initial Scheduling Order.

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NUCLEAR REGULATORY COMMISSION

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FIRST ENERGY NUCLEAR OPERATING )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting Unopposed Motion to Establish Consolidated Briefing Schedule for Proposed Contention 7 Admissibility Filings)** have been served upon the following persons by Electronic Information Exchange.

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Davis-Besse Nuclear Power Station, Docket No. 50-346-LR

**ORDER (Granting Unopposed Motion to Establish Consolidated Briefing Schedule for Proposed Contention 7 Admissibility Filings)**

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[Original signed by Brian Newell \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 10<sup>th</sup> day of September, 2014