

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Gary S. Arnold
Dr. Alice C. Mignerey

In the Matter of

LUMINANT GENERATION COMPANY LLC
(Comanche Peak Nuclear Power Plant,
Units 3 and 4)

Docket Nos. 52-034-COL and 52-035-COL

ASLBP No. 09-886-09-COL-BD01

July 1, 2009

ORDER

The Licensing Board today issues an agreed protective order proposed by the parties in this proceeding, concerning certain SUNSI material of the Applicant, which relates to Petitioners' Contention 7.¹ In the protective order the Board accepts the parties' proposed deadlines for the filing of certain things including any "SUNSI contentions." The Board is not clear whether in proposing such deadlines all parties intended that any such contentions would encompass any challenges the Petitioners might have to Staff and Applicant statements at oral argument that the material that is the subject of the protective order renders Contention 7 moot. If so, the parties shall so advise the Board in a joint filing. If not, Petitioners shall, within five (5) days after receipt of the SUNSI material, notify the Board and all parties whether they challenge the assertions of Applicant and NRC Staff that the material in question renders Contention 7 moot. If the Petitioners do so challenge the mootness of Contention 7 (separate and apart from filing any "SUNSI contentions" in accordance with the protective order), they shall file a supporting brief within five (5) days after such notification; any responses to any such filing shall

¹ Licensing Board Order (Protective Order Governing the Disclosure of Protected Information) (July 1, 2009) (unpublished).

be filed within five (5) days after the supporting brief; and any reply(ies) thereto shall be filed within five (5) days after the responses.

All filings related to this Order or to SUNSI information shall be made in accordance with the procedures set forth in the protective order issued on this date.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

 /RA/
Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 1, 2009²

² Copies of this Order were sent this date by the agency's E-Filing system to counsel for all parties in the above-referenced proceeding.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
LUMINANT GENERATION COMPANY, LLC) Docket Nos. 52-034-COL
) and 52-035-COL
)
)
(Comanche Peak Nuclear Power Plant,)
Units 3 and 4))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LICENSING BOARD ORDER have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Rulemakings & Adjudications Staff
Mail Stop O-16C1
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15 D21
Washington, DC 20555-0001
Kathryn Winsberg, Esq.
Laura Goldin, Esq.
James P. Biggins, Esq.
Marcia J. Simon, Esq.
Susan Vrahoretis, Esq.
Sara Brock Kirkwood, Esq.

Ann Marshall Young, Chairman
Administrative Judge
E-mail: ann.young@nrc.gov

E-mail:
klw@nrc.gov;
laura.goldin@nrc.gov
jpb4@nrc.gov
mjs5@nrc.gov
susan.vrahoretis@nrc.gov
seb2@nrc.gov

Gary S. Arnold
Administrative Judge
E-mail: gsa1@nrc.gov

Alice C. Mignerey
Administrative Judge
E-mail: acm3@nrc.gov

Matthew F. Rotman, Law Clerk
E-mail: matthew.rotman@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

Docket Nos. 52-034-COL and 52-035-COL
LICENSING BOARD ORDER

Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Stephen Burdick, Esq.
Steven P. Frantz, Esq.
Jonathan M. Rund, Esq.
Timothy P. Matthews, Esq.
Martin O'Neill, Esq.

E-mail: sburdick@morganlewis.com
sfrantz@morganlewis.com;
jrund@morganlewis.com
tmatthews@morganlewis.com
martin.oneill@morganlewis.com

True Cost of Nukes
1067 W. Magnolia
Fort Worth, TX 76014
John N. Fischer
E-mail: jnilefischer@sbcglobal.net

Sustainable Energy and Economic
Development (SEED) Coalition
Robert V. Eye, Esq.
Kauffman & Eye
112 SW 6th Avenue, Suite 202
Topeka, Kansas 66603
E-mail: bob@kauffmaneye.com

Pillsbury Winthrop Shaw Pittman, LLP
2300 N. Street, NW
Washington, DC 20037-1122
Counsel for Progress Energy
R. Budd Haemer, Esq.
Jason B. Parker, Esq.
Matias F. Travieso-Diaz, Esq.
Maria D. Webb, Senior Energy Legal
Analyst/Paralegal Coordinator
E-mail:
robert.haemer@pillsburylaw.com
jason.parker@pillsburylaw.com
matias.travieso-diaz@pillsburylaw.com
maria.webb@pillsburylaw.com

Sustainable Energy & Economic Development
(SEED) Coalition
1303 San Antonio #100
Austin, Texas 78701
Eliza Brown, Clean Energy Advocate
E-mail: eliza.seedcoalition@gmail.com

[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of July 2009