

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¹ Licensing Board Order (Protective Order Governing the Disclosure of Protected Information) (July 1, 2009) (unpublished).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

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(Comanche Peak Nuclear Power Plant,
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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.

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

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

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