

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

**In the Matter of
Luminant Generation Company, LLC
Comanche Peak Nuclear Power Plant
Units 3 and 4
Combined License Adjudication**

Docket Nos. 52-034 and 52-035

**Petitioners' Motion to Extend the Time by Thirty Days for Filing Sensitive
Unclassified Non-Safeguards Information (SUNSI) Contentions**

Petitioners hereby move this Atomic Safety and Licensing Board Panel for an order to extend the time by thirty days for filing contentions related to SUNSI materials covered by the July 1, 2009 Protective Order. In support of this Motion the following is stated:

1. Counsel for the Nuclear Regulatory Commission Staff, James Biggins, has been consulted regarding this motion and objects thereto. Mr. Biggins did offer to agree to extend the deadline by seven days.
2. Counsel for the Applicant, Steve Frantz, has been contacted by email regarding this proposal to extend the time for filing the subject contentions but no response has been received to date.
3. Additional time is required in order to allow Petitioners' expert witness/consultant, Edwin Lyman PhD, to gain access to and analyze the SUNSI materials. A separate motion has been filed to authorize Dr. Lyman's access to the subject SUNSI materials. The additional time is also required in order to prepare contentions related to the SUNSI materials.
5. The additional time is requested in light of the complexity, breadth and depth of the information contained in the SUNSI submittal related to compliance with 10 C.F.R. 50.54(hh).
6. Petitioners contend that the additional time is consistent with the time that the Applicant had to prepare the subject submittal after the March 27, 2009 Fed. Reg. notice that amended 10 C.F.R. 50.54(hh).
7. Additionally, the undersigned counsel for the Petitioners and that Dr. Lyman both have scheduled vacations between now and the current due date for the contentions, August 3, 2009.

8. This motion is made neither to prejudice the Applicant or the NRC staff nor to unduly delay the proceedings herein.

WHEREFORE, the Petitioners respectfully move this Panel for an order extending the deadline by thirty days to file contentions related to the SUNSI materials covered by this Panel's July 1, 2009, Protective Order.

/s/ Robert V. Eye
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July 10, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2009 a copy of “Petitioners’ Motion to Extend the Time by Thirty Days for Filing Sensitive Unclassified Non-Safeguards Information (SUNSI) Contentions” was served by the Electronic Information Exchange on the following recipients:

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