

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 16, 2009

ORDER
**(Amending Protective Order and
Extending Time for Filing New Contentions Based on SUNSI Information)**

Upon motion of Petitioners,¹ and in accordance with the Protective Order issued on July 1, 2009,² this Board hereby amends the Protective Order to add Dr. Edwin Lyman, Ph.D, as an additional authorized person under the Protective Order. The Board finds that Petitioners have shown that Dr. Lyman's access to the SUNSI at issue is necessary for the preparation of their case and on this basis grant the Petitioners' motion to amend the Protective Order. Dr. Lyman shall be subject to the terms of the Protective Order and must execute and file a Non-Disclosure Affidavit in order to be authorized to receive Protected Information.

¹Petitioners' Motion to Amend the July 1, 2009 Protective Order to Authorize Sensitive Unclassified Non-Safeguards Information (SUNSI) Access to Edwin Lyman, Ph.D. (July 10, 2009).

² Licensing Board Memorandum and Order (Protective Order Governing the Disclosure of Protected Information) (July 1, 2009) at 3.

In addition, upon Petitioners' motion,³ this Board hereby extends the time required for Petitioners to file new contentions based on SUNSI Information. Applicant has objected to Petitioners' Motion; NRC Staff agreed to extend the time the contentions were due (currently due August 3, 2009) by seven (7) days. The Licensing Board finds the Staff's agreement to a seven-day extension to be reasonable, and therefore extends the deadline by such time, to August 10, 2009.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

/RA/

Dr. Gary S. Arnold
ADMINISTRATIVE JUDGE

/RA/

Dr. Alice C. Mignerey
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 16, 2009⁴

³ Petitioners' Motion to Extend the Time by Thirty Days for Filing Sensitive Unclassified Non-Safeguards Information (SUNSI) Contentions (July 10, 2009).

⁴ 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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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (AMENDING PROTECTIVE ORDER AND EXTENDING TIME FOR FILING NEW CONTENTIONS BASED ON SUNSI INFORMATION) have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 52-034-COL and 52-035-COL
ORDER (AMENDING PROTECTIVE ORDER AND EXTENDING TIME FOR FILING NEW
CONTENTIONS BASED ON SUNSI INFORMATION)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of July 2009