UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
South Texas Project Nuclear Operating Co.
Application for the South Texas Project **Docket Nos. 52-012, 52-013**
Units 3 and 4
Combined Operating License

INTERVENORS' MOTION FOR ADDITIONAL TIME TO FILE NEW CONTENTIONS RELATED TO APPLICANT'S SUBMITTAL CONCERNING CONTENTION 21

Pursuant to 10 C.F.R. 2.307(a) the Intervenors respectfully move this ASLB for an Order extending the time by thirty days for the Intervenors to file new contentions that are related to the Applicant's Proposed Revision to Environmental report dated November 10, 2009, and the notification thereof filed with this Board on November 11, 2009. In support of this motion the following is stated:

1. Pursuant to the October 20, 2009 Scheduling Order at page 8 new contentions are to be filed within "30 days of the date when the new and material information on which it is based first becomes available." Under this provision the Intervenors' contentions related to the subject submittal would be due either December 10, 2009, (thirty days from the date the submittal was filed with the NRC) or December 11, 2009, (thirty days from Applicant's notice to this Board of the filing of the submittal). If this motion is sustained the new contentions would be due on January 10, 2009.

2. Intervenors require additional time to adequately develop the proposed new contentions. The Applicant's submittal concerning Contention 21 raises a number of factual issues that require additional time to consider. Additionally, any new contentions related to Contention 21would likely be informed by the Board's ruling on the Applicant's pending Motion to Dismiss Contention 21 as Moot. Further, the Intervenors seek additional time to file the new contentions in order to allow undersigned counsel to deal with other matters unrelated to this docket that are pending and require counsel's attention. The unrelated matters were pending prior to the filing of the subject submittal by the Applicant. Finally, undersigned counsel has travel plans during the holidays that the proposed extension of time would accommodate.

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

4. Undersigned counsel certifies pursuant to 10 C.F.R. 2.323(b) that counsel for the Applicant and Staff have been contacted *via* email regarding their positions regarding this motion. Counsel for the Applicant responded and does not agree with the requested relief. Counsel for the Staff has not responded as of the time of filing this motion and their position is thus, unknown.

Respectfully submitted,

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December 3, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2009 a copy of "Intervenors' Motion for Additional Time to File New Contentions Related to Applicant's Submittal Concerning Contention 21" was served by the Electronic Information Exchange on the following recipients:

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