

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of) STP NUCLEAR OPERATING COMPANY) (South Texas Project Units 3 and 4))	Docket Nos. 52-012-COL 52-013-COL December 17, 2009
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JOINT MOTION TO CONSOLIDATE ANSWERS

In accordance with 10 C.F.R. § 2.323(a), STP Nuclear Operating Company (“STPNOC”), applicant in the above-captioned proceeding, and the Nuclear Regulatory Commission (“NRC”) staff hereby submit this Joint Motion requesting that the Atomic Safety and Licensing Board (“Board”) allow STPNOC and the NRC staff to consolidate each of their respective answers to various new and modified contentions filed by the Intervenors.

On December 14, 2009, the Intervenors filed their answers to STPNOC’s motions to dismiss Contentions 8, 9, 14, and 21.¹ Among other things, these answers stated that Contentions 8 and 21 should be “modified” to encompass the issues raised in the answers.² STPNOC and the NRC staff plan to submit answers to the proposed modifications of the contentions. According to the Initial Scheduling Order, STPNOC’s and the NRC staff’s answers are due 25 days from service of the proposed amended contentions, *i.e.*, January 8, 2009.³

¹ See Intervenors’ Response to Applicant’s Motion to Dismiss Contentions 8, 9, 14 as Moot (Dec. 14, 2009); Intervenors’ Response to Applicant’s Motion to Dismiss Contention 21 as Moot (Dec. 14, 2009).

² See Intervenors’ Response to Applicant’s Motion to Dismiss Contentions 8, 9, 14 as Moot, at 1, 5, 7; Intervenors’ Response to Applicant’s Motion to Dismiss Contention 21 as Moot, at 1, 2, 5.

³ See Initial Scheduling Order, at 8 (Oct. 20, 2009).

The Board recently issued orders allowing the Intervenors until December 21, 2009⁴ to submit new contentions related to Contention 21 and December 23, 2009 to submit new contentions related to Contentions 8, 9, and 14.⁵ These orders further provide STPNOC and the NRC staff until January 22, 2010 to file answers to new contentions related to Contention 21 and until January 25, 2010 to file answers to new contentions related to Contentions 8, 9, and 14.⁶

STPNOC and the NRC staff request that the Board allow them to consolidate each of their respective answers to the proposed modifications to the contentions and to any new contentions on the same topics, and that the due dates for the consolidated answers be as specified in the Board's recent orders, *i.e.*, January 22, 2010 with respect to Contention 21 and January 25, 2010 with respect to Contention 8.

This Joint Motion is supported by adequate grounds for its approval. First, we assume that the new contentions that will be filed by the Intervenors will likely address many of the same topics as the proposed modifications. Consolidating the answers to the proposed modifications to the contentions and to any new contentions would enable STPNOC and the NRC staff to avoid duplicative pleadings on the same topics, which would thus reduce the burden of preparing the answers. Second, we believe that consolidation of answers would assist the Board in ruling on the proposed modifications and any new contentions on the same topics - - we believe that the Board itself will likely find it useful to address the proposed modifications and the new contentions on a consolidated basis to the extent that they involve the same topics. Finally, answering all of the contentions on a topic at the same time would simplify later pleadings, such as any replies filed by the Intervenors.

⁴ Order (Granting in Part Intervenors' Request to Extend Time for Filing New Contentions), at 1 (Dec. 4, 2009).

⁵ Order (Granting Intervenors' Request to Extend Time for Filing New Contentions), at 1 (Dec. 14, 2009).

⁶ Order (Granting in Part Intervenors' Request to Extend Time for Filing New Contentions), at 2; Order (Granting Intervenors' Request to Extend Time for Filing New Contentions), at 2.

Respectfully submitted,

Executed in Accord With 10 CFR § 2.304(d)

/s/ Steven P. Frantz

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Counsel for NRC Staff

Dated in Washington, D.C.
this 17th day of December 2009

CERTIFICATIONS

I certify that I have made a sincere effort to contact the other parties in this proceeding, to explain to them the factual and legal issues raised in this motion, and to resolve those issues. Counsel for the Intervenors has informed me that they do not oppose the motion.

Executed in Accord With 10 CFR § 2.304(d)

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STP NUCLEAR OPERATING COMPANY)	52-013-COL
(South Texas Project Units 3 and 4))	December 17, 2009

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2009 a copy of “Joint Motion to Consolidate Answers” was served by the Electronic Information Exchange on the following recipients:

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