

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

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 Intervenor 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 Intervenor 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 Intervenor.

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

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

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

Steven P. Frantz

John E. Matthews

Stephen J. Burdick

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Phone: 202-739-3000

Fax: 202-739-3001

E-mail: sfrantz@morganlewis.com

Counsel for STP Nuclear Operating Company

Executed in Accord With 10 CFR § 2.304(d)

/s/ Michael Spencer

Michael Spencer

Office of the General Counsel

U.S. Nuclear Regulatory Commission

Mail Stop O-15 D21

Washington, DC 20555-0001

Phone: (301) 415-4073

E-mail: Michael.Spencer@nrc.gov

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)

/s/ Steven P. Frantz

Steven P. Frantz

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Phone: 202-739-3000

Fax: 202-739-3001

E-mail: sfrantz@morganlewis.com

Counsel for STP Nuclear Operating Company

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

_____)	
In the Matter of)	Docket Nos. 52-012-COL
)	52-013-COL
STP NUCLEAR OPERATING COMPANY)	
)	
(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:

Administrative Judge
Michael M. Gibson, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: mmg3@nrc.gov

Administrative Judge
Dr. Randall J. Charbeneau
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Randall.Charbeneau@nrc.gov

Administrative Judge
Dr. Gary S. Arnold
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: gxa1@nrc.gov

Office of the Secretary
U.S. Nuclear Regulatory Commission
Rulemakings and Adjudications Staff
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Sara Kirkwood
Michael Spencer
Jessica Bielecki
Anthony Wilson
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O-15D21
Washington, DC 20555-0001
E-mail: Sara.Kirkwood@nrc.gov
Michael.Spencer@nrc.gov
Jessica.Bielecki@nrc.gov
Anthony.Wilson@nrc.gov

Robert V. Eye
Counsel for the Intervenors
Kauffman & Eye
112 SW 6th Ave., Suite 202
Topeka, KS 66603
E-mail: bob@kauffmaneye.com

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Signed (electronically) by Stephen J. Burdick
Stephen J. Burdick
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: 202-739-3000
Fax: 202-739-3001
E-mail: sburdick@morganlewis.com

Counsel for STP Nuclear Operating Company