

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

December 18, 2009

ORDER
(Granting Motion for Extensions)

On December 15, 2009, Intervenors filed a Motion¹ seeking additional time (1) to respond to Applicant's Motion to Dismiss Contention 18,² and (2) to file new contentions related to certain proposed revisions to the Applicant's Environmental Report addressing the issues raised in Contention 18.³ No party objects to the Motion.⁴

The motion is GRANTED and, as requested, Intervenors may have until December 29, 2009, to respond to the Motion to Dismiss, and January 15, 2010, to respond to Applicant's submittals relating to Contention 18.

It is noted that the actual deadline for responding to the Motion to Dismiss would be December 24 under 10 C.F.R. § 2.323(c), making the extension to December 29 one of only

¹ Intervenors' Motion for Additional Time to Respond to Applicant's Motion to Dismiss Contention 18 and File New Contentions Related to Applicant's Submittals Concerning Contention 18 (Dec. 15, 2009) [hereinafter Motion for Additional Time].

² Luminant's Motion to Dismiss Contention 18 as Moot (Dec. 14, 2009).

³ See Letter from Jonathan M. Rund to Licensing Board, with Attachments (Dec. 8, 2009).

⁴ Motion for Additional Time at 1.

five (5) days rather than the eight (8) days requested. Therefore, if Intervenors submit their response by January 4, 2010, the Board will still consider it timely.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 18, 2009⁵

⁵ Copies of this Order were filed this date with the agency's E-filing system for service to all parties.

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(Comanche Peak Nuclear Power Plant,)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (GRANTING MOTION FOR EXTENSIONS) 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 (GRANTING MOTION FOR EXTENSIONS)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 18th day of December 2009