

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of) LUMINANT GENERATION COMPANY LLC) (Comanche Peak Nuclear Power Plant Units 3 and 4))))))))))))	Docket Nos. 52-034-COL 52-035-COL January 12, 2010
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JOINT UNOPPOSED MOTION TO CONSOLIDATE ANSWERS

In accordance with 10 C.F.R. § 2.323(a), Luminant Generation Company LLC and Comanche Peak Nuclear Power Company LLC, Applicants in the above-captioned matter (jointly, “Luminant”), and the U.S. Nuclear Regulatory Commission (“NRC”) staff submit this Joint Unopposed Motion requesting that the Atomic Safety and Licensing Board (“Board”) allow them to consolidate each of their respective answers to the Intervenor’s proposed modifications to Contention 18 and to any new contentions on the same topic, and that Luminant and the NRC staff have until February 4, 2010 to submit these answers.

On January 4, 2010, the Intervenor filed their response to Luminant’s motion to dismiss Contention 18.¹ Among other things, this response stated that Contentions 18 should be “modified” to encompass the issues raised in the response.² Luminant and the NRC staff plan to submit answers to the proposed modifications of Contention 18. According to the Initial

¹ See Intervenor’s Response Opposing Applicant’s Motion to Dismiss Contention 18 as Moot (Jan. 4, 2010) (corrected version filed on Jan. 7, 2010).

² *Id.* at 8.

Scheduling Order, Luminant's and the NRC staff's answers are due 20 days from service of the proposed amended contentions (*i.e.*, the answers are due on January 25, 2010).³

Additionally, the Board recently issued an order allowing the Intervenors until January 15, 2010 to submit new contentions related to Contention 18.⁴ According to the Initial Scheduling Order, Luminant and the NRC staff would then have 20 days (*i.e.*, until February 4, 2010) to submit answers to these new contentions.⁵

Luminant and the NRC staff request that the Board allow them to consolidate each of their respective answers to the proposed modifications to Contention 18 and to any new contentions on the same topic, and that Luminant and the NRC staff have until February 4, 2010 to submit these answers.

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 Luminant 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.

³ See Initial Scheduling Order at 6 (Oct. 28, 2009).

⁴ Order (Granting Motion for Extensions) at 1 (Dec. 18, 2009).

⁵ See Initial Scheduling Order at 6 (Oct. 28, 2009).

Respectfully submitted,

Signed (electronically) by Jonathan M. Rund

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Executed in Accord with 10 C.F.R. § 2.304(d)

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Dated in Washington, D.C.
this 12th day of January 2010

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.

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(Comanche Peak Nuclear Power Plant Units 3 and 4))		52-035-COL
		January 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2010 a copy of “Joint Unopposed Motion to Consolidate Answers” was served by the Electronic Information Exchange on the following recipients:

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