

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

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 No. 52-034-COL and 52-035-COL

ASLBP No. 09-886-09-COL-BD01

January 19, 2010

**ORDER**  
**(Granting Joint Motion to Consolidate Answers)**

On January 12, 2010, Applicant and NRC Staff filed a Joint Motion<sup>1</sup> seeking to consolidate their respective answers to the Intervenors' response to Applicant's Motion to Dismiss Contention 18 as moot,<sup>2</sup> and to any new contentions based on Applicant's submittal of December 8, 2009, relating to Contention 18,<sup>3</sup> and to submit these consolidated answers on February 4, 2010. On December 18, 2009, the Board had granted Intervenors' Motion for Extensions,<sup>4</sup> establishing January 4, 2010, as the deadline for Intervenors' response to Applicant's Motion to Dismiss Contention 18, and January 15, 2010, as the deadline for any new

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<sup>1</sup> Joint Unopposed Motion to Consolidate Answers (Jan. 12, 2010) [hereinafter Motion to Consolidate Answers].

<sup>2</sup> See Intervenors' Response Opposing Applicant's Motion to Dismiss Contention 18 as Moot (Jan. 4, 2010).

<sup>3</sup> Letter from Jonathan M. Rund to Licensing Board, with Attachments (Dec. 8, 2009).

<sup>4</sup> 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).

contentions relating to Contention 18.<sup>5</sup> These having been timely filed according to the new deadlines, Applicant and Staff now wish to submit their consolidated responses on February 4, arguing that any new contentions concerning Applicant's December 8, 2009, submittal will address many of the same issues as in Intervenor's responses on the mootness of Contention 18, that granting this Motion would avoid duplicative or redundant pleadings, and that consolidating their answers would both assist the Board in ruling on the proposed modifications and any new contentions on the same topics, and simplify Intervenor's task of replying to the consolidated answers.<sup>6</sup> Intervenor does not oppose the Motion to Consolidate Answers.<sup>7</sup>

For good cause shown, the Board GRANTS the Applicant and Staff's Joint Motion. As requested, Applicant and Staff may have until February 4, 2010, to file their responses. In accordance with our earlier scheduling order,<sup>8</sup> Intervenor shall reply to the same within seven (7) days, or by February 11, 2010.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>9</sup>

                  /RA/                    
Ann Marshall Young, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
January 19, 2010

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<sup>5</sup> Licensing Board Order (Granting Motion for Extensions) (Dec. 18, 2009) at 2.

<sup>6</sup> Motion to Consolidate Answers at 1-2.

<sup>7</sup> *Id.* at 1.

<sup>8</sup> Licensing Board Initial Scheduling Order (Oct. 28, 2009) at 6.

<sup>9</sup> 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, )  
Units 3 and 4) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (GRANTING JOINT MOTION TO CONSOLIDATE ANSWERS) have been served upon the following persons by Electronic Information Exchange.

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ORDER (GRANTING JOINT MOTION TO CONSOLIDATE ANSWERS)

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[Original signed by Nancy Greathead]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 19<sup>th</sup> day of January 2010