

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
	)	
LUMINANT GENERATION CO. LLC	)	Docket Nos. 52-034 & 52-035
	)	
	)	
(Comanche Peak Nuclear Power Plant,	)	
Units 3 & 4)	)	

NRC STAFF UNOPPOSED MOTION TO RESCHEDULE

In accordance with the Board's Order issued on February 19, 2010, the NRC Staff submits this Motion requesting that the Atomic Safety and Licensing Board (ASLB) reschedule the oral argument and site visit currently set for April 19 and 20, 2010. *Luminant Generation Co. LLC* (Comanche Peak Nuclear Power Plant, Units 3 & 4) Order (scheduling Oral Argument and Site Visit) Docket Nos. 52-034-COL, 52-035-COL (unpublished)(Feb. 19, 2010)("Order").

In support of this Motion, the Staff provides the detailed reasons for their counsel, James Biggins, being unavoidably unavailable on the dates set by the Board.

In its Order, the Board scheduled an oral argument regarding the Applicant's and Intervenor's pending motions and new proposed contentions on April 20, 2010, and also scheduled a site visit for April 19, 2010. In the Order, the Board provided that, "[a]ny party that will be unavoidably unavailable on the dates in question shall file a motion to reschedule, providing detailed reasons for any such unavailability."

Counsel for the Staff, James Biggins, will be unavoidably unavailable on April 19 and 20, 2010. Counsel's wife will be out of the country in Japan for the week of April 18 for work and does not have the ability to change the dates of her scheduled trip. Mr. Biggins will be the sole care provider for his three children and cannot travel that week.

While three staff attorneys are currently assigned to this proceeding, and it is not essential for Mr. Biggins to attend the site tour, each of the staff attorneys were primarily responsible for developing the Staff's arguments for specific portions of the proceeding. If the Board rules favorably upon this Motion, Mr. Biggins will be presenting the Staff's arguments in response to several of the contentions at the oral argument.

In consultation with the other parties, counsel for the Intervenors and counsel for the Applicant provided the following dates of their availability in April and May, 2010:

Intervenors: April 15-16 and April 29-30

Applicant: April 15-16, 26-30 and May 3-7

All three of staff counsel are available on the above listed dates. Therefore, the Staff respectfully requests that the Board reschedule the oral argument and site visit in this matter to April 15 and 16 or April 29 and 30, 2010.

/Signed (electronically) by/

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CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff Unopposed Motion to Reschedule, has been served upon the following persons by Electronic Information Exchange this 24th day of February, 2010:

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Dated at Rockville, Maryland
this 24th day of February, 2010