



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 29, 2009

SECRETARY

MEMORANDUM TO: E. Roy Hawkens
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

FROM: Annette L. Vietti-Cook /RA/

SUBJECT: REQUEST FOR A HEARING SUBMITTED WITH RESPECT
TO THE NOTICE OF ORDER, HEARING, AND OPPORTUNITY
TO PETITION FOR LEAVE TO INTERVENE FOR THE
COMBINED LICENSE APPLICATION FOR THE LUMINANT
GENERATION COMPANY LLC, COMANCHE PEAK NUCLEAR
POWER PLANT UNITS 3 AND 4, DOCKET NOS. 52-034 AND
52-035-COL

The Office of the Secretary has received two petitions via E-Filing. The first petition for intervention and request for hearing was submitted by the Sustainable Energy and Economic Development Coalition (SEED) et al., dated April 6, 2009. The petitioner's second request (styled as a petition) to stay the COLA adjudication and hold it in abeyance pending completion of the design certification rulemakings for the U.S. Advanced Pressurized Water Reactor (US-APWR) (see ML090970354), was denied by the Order of the Secretary, dated April 27, 2009. These requests were submitted in response to a notice issued by the NRC staff that provided Notice of Order, Hearing and Opportunity to Petition for Leave to Intervene on the Luminant Generation Company LLC, application for the Comanche Peak Nuclear Power Plant Units 3 and 4 for a combined license (COL). The notice was published in the *Federal Register* at 74 Fed. Reg. 6177 (February 5, 2009).

The request for hearing and supporting documents are located in ADAMS and on the Electronic Hearing Docket (EHD) as package (ML090970362), and additional supporting documents as package (ML090970381).

This request is being referred to you for appropriate action in accordance with 10 CFR §2.346(i).

cc: Commission Legal Assistants
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OGC
OCAA
OCA
OPA
NRO
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