

September 30, 2009

Ann Marshall Young, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Gary S. Arnold
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Alice C. Mignerey
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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

Statement of Availability for Oral Argument

Dear Administrative Judges:

Pursuant to the Board's September 24, 2009 Order, and in light of the Applicant's Statement of Availability for Oral Argument, filed September 25, the staff of the Nuclear Regulatory Commission (Staff) herein notifies the Atomic Safety and Licensing Board and the parties that the Staff is available for oral argument on the Intervenors' five new contentions, and the mootness of Contention 7, on October 20 – 23, 2009.

Respectfully submitted,

/Signed (electronically) by/
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Dated at Rockville, Maryland
this 30th day of September, 2009

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))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC staff's Statement of Availability for Oral Argument, dated September 30, 2009, has been served on the following persons by Electronic Information Exchange on this 30th day of September, 2009:

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