

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

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 Nos. 52-034-COL and 52-035-COL

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

October 9, 2009

NOTICE
(Regarding Oral Argument)

This is to notify all parties that the Board will hear oral argument on the mootness of Contention 7,¹ as well as Intervenors' five new contentions and request for a Subpart G hearing,² on November 12, 2009,³ beginning at 9:00 a.m. EST in the ASLBP Hearing Room, located on the third floor of Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

¹ See Petitioners' Brief Regarding Contention Seven's Mootness (July 20, 2009); Luminant's Response to Petitioners' Brief Regarding Mootness of Contention 7 (July 27, 2009); NRC Staff's Answer to Petitioners' Brief Regarding Contention Seven's Mootness (July 27, 2009); Petitioners' Consolidated Response to NRC Staff's Answer and Applicant's Answer To Petitioners' Brief Regarding Contention Seven's Mootness (Aug. 3, 2009).

² See Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) and Request for Subpart G Hearing (Aug. 10, 2009); Luminant's Answer Opposing Late-Filed Contentions Regarding the Mitigative Strategies Report (Sept. 4, 2009); NRC Staff's Answer to Intervenors' Contentions and Request for Subpart G Hearing (Sept. 4, 2009); Intervenors' Consolidated Response to the Answers of Applicant and NRC Staff to the Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) (Sept. 11, 2009).

³ The Licensing Board originally planned to hold this oral argument in October, but one Board member will be recovering from surgery on the only days all parties were available in October. The November 12 date was therefore selected, based on, among other things, the availability of all parties (who are the same as in the South Texas Project Nuclear Operating Co. (South

Because the oral argument will address security-related sensitive unclassified non-safeguards information (SUNSI), significant portions of the argument will be closed to the public pursuant to 10 C.F.R. § 2.390(d)(1). During all such closed portions, only certain individuals will be permitted to remain in the hearing room: representatives of the Intervenors who have signed a non-disclosure affidavit pursuant to the July 1, 2009, Protective Order issued in this proceeding;⁴ counsel for the Applicant and NRC Staff and relevant other persons as designated by Staff and Applicant; and members of the Licensing Board and its law clerks and support staff. If any party believes that additional arrangements are necessary to protect SUNSI from public disclosure during the oral argument (*e.g.*, requiring the court reporter to sign a non-disclosure affidavit), the Board should be notified of such proposed arrangements no later than October 16, 2009.

Upon arrival at the entrance to Two White Flint North on November 12, all attendees will be required to present state or federal government-issued photo identification and undergo a security screening. Attendees should plan to arrive in advance of 9:00 a.m. to allow sufficient time for required security procedures. By November 2, 2009, each party must send an email to Sara Culler (Sara.Culler@nrc.gov) indicating who and how many of its counsel/authorized representatives plan to attend the November 12 oral argument. Those individuals will be pre-registered with security in the Two White Flint North building. In addition, any parties that will require a parking space at the NRC Headquarters on November 12 must include in their e-mail a description of the vehicle (make, model, and tag number).

Texas Project Units 3 and 4) proceeding) on both November 12 and 13, so that oral argument in this proceeding and the South Texas proceeding may be coordinated, with oral argument in the latter proceeding expected to be held on November 13.

⁴ See Board Memorandum and Order (Protective Order Governing the Disclosure of Protected Information) (July 1, 2009) (unpublished).

The Licensing Board may issue an order prior to the oral argument addressing further considerations relating to the argument.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 9, 2009⁵

⁵ Copies of this Order were filed this date with the agency's E-filing system for service to all parties.

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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE (REGARDING ORAL ARGUMENT) have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 52-034-COL and 52-035-COL
LB NOTICE (REGARDING ORAL ARGUMENT)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of October 2009