

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

November 6, 2009

ORDER

(Regarding November 12, 2009, Oral Argument)

In preparation for the oral argument to be held November 12, 2009, in this proceeding, the Licensing Board directs the parties as follows:

1. Intervenors on November 2, 2009, filed a Motion for Order That Arguments/Hearings Related to the Fires and Explosions Contentions That Address Factual and Legal Arguments Related Thereto and NEI 06-12 Be Conducted in Public Pursuant to 10 C.F.R. § 2.328. Responses to this motion shall be filed no later than close of business on November 10, 2009.

2. At the November 12 oral argument, Counsel for the parties shall, with regard to both the motion and oral argument on the pending contentions and related matters, be prepared to respond to questions regarding whether discussion of particular matters may constitute SUNSI or safeguards information, and the basis – legal, factual, and otherwise – for any statements on these subjects. In addition, the NRC Staff shall bring with them to the November 12 oral argument a fully qualified, skilled expert in matters of classification of sensitive information, who will be (1) available for the entire oral argument; (2) able, based on his expertise, to answer questions concerning the demarcation lines between non-sensitive information, SUNSI, and

safeguards information, and the basis for such demarcation; and (3) able and ready to alert the Board and parties in the event any discussion appears to be moving into matters that may be SUNSI or safeguards information.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 6, 2009¹

¹ Copies of this memorandum and 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,)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (REGARDING NOVEMBER 12, 2009, 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
ORDER (REGARDING NOVEMBER 12, 2009, ORAL ARGUMENT)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 6th day of November 2009