

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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

February 19, 2010

ORDER
(Scheduling Oral Argument and Site Visit)

The Licensing Board in this combined operating license (COL) proceeding will hear oral argument on Tuesday, April 20, 2010, on the following matters: Applicant's December 14, 2009, Motion to Dismiss Contention 18; Applicant's January 25, 2010, Motion to Dismiss Contention 13; Intervenor's January 15, 2010, Contentions Regarding Applicant's Revisions to Environmental Report Concerning Alternatives to Nuclear Power; and Intervenor's February 16, 2010, Motion for Leave to File New Contentions, with attached Proposed Contentions Regarding Applicant's Environmental Report Revisions and Request for Hearing. This oral argument will be held in a location to be announced in the vicinity of the Comanche Peak Nuclear Power Plant. Prior to the argument the parties will be informed of the exact location and time, and of other related matters.

The Board will also conduct a site visit of the Comanche Peak Nuclear Power Plant in Somervell County, Texas, on the afternoon of Monday, April 19, 2010, at a time to be

announced. The purpose of the visit is to allow the Board to view areas of the plant that may be relevant to the contentions in this proceeding. The procedures to be followed during the site visit are attached to this Order.

Any party that will be unavoidably unavailable on the dates in question shall file a motion to reschedule, providing detailed reasons for any such unavailability, no later than the morning of Monday, March 1, 2010. Any such motion shall be accompanied by a listing of all parties' availability on alternative dates in April and May 2010, to be obtained through consultation with the other parties.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 19, 2010¹

¹ Copies of this Order were sent this date by the agency's E-Filing system to counsel for all parties in this proceeding.

Site Visit Procedures – Comanche Peak COL Proceeding

The Atomic Safety and Licensing Board in the matter of Luminant Generation Company, LLC, Docket Nos. 52-034-COL and 52-035-COL, ASLBP No. 09-886-09-COL-BD01 will conduct a site visit of the Comanche Peak Nuclear Power Plant, in accordance with the following procedures:

1. The Board and representatives of Luminant, the Intervenors, and the NRC Staff will meet at the entrance to the plant, located in Somervell County, Texas, at a time to be announced on the afternoon of Monday, April 19, 2010.

2. One Luminant representative will serve as a guide and will accompany and lead the Board and all representatives of the parties on the site visit.

3. In order that the site visit occurs as a single group, participation is limited as follows:

Board: The three judges and two additional persons.

NRC Staff: Two counsel and two additional persons.

Applicant: Two counsel and two additional persons (not including the guide and any required escorts).

Intervenors: Two counsel and two additional persons.

4. Counsel for each party shall provide counsel for Luminant with the names, addresses, and other identification information required by Luminant for the site visit participants at least ten days prior to the site visit. The names of these individuals shall also be provided to the Board and other parties.

5. Tour participants shall follow Luminant's instructions regarding appropriate clothing and the use of personal protective equipment.

6. On the date of the site visit, participants must present an acceptable form of government-issued photo identification (e.g., NRC identification badge, state-issued driver's license, etc.).

7. All site visitors will undergo the normal site security and safety procedures. We request that the guide also provide the Board with a short overview orientation to the plant covering those areas of the plant that are accessible on the day in question and that will be included in the tour.

8. Luminant is requested to provide the Board and all participants in the site visit with an appropriate map covering the site and the locations to be viewed. The guide will then take the Board, together with all representatives of the parties, on a walking and/or vehicular tour of these locations, as a single group, briefly identifying the relevant structures and orienting the Board and parties at each location. Board members and parties may ask limited questions relating to site features and location. To avoid any *ex parte* communications, however, questions should not be asked and discussions should not occur on any substantive matter, or on any matter that might arguably give any party any tactical or other advantage, unless all parties' representatives are present.

9. The site visit will not be recorded or transcribed. If any party, however, believes that any information or communication shared during the site visit should be included in the written evidentiary record of this proceeding, that party may file an appropriate motion to supplement the record. Any such motion must be filed within seven days after the site visit.

10. No cameras, video recorders, or any other type of recording device shall be brought on the site visit without prior written authorization from the Board.

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NUCLEAR REGULATORY COMMISSION

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LUMINANT GENERATION COMPANY, LLC)	Docket Nos. 52-034-COL
)	and 52-035-COL
)	
)	
(Comanche Peak Nuclear Power Plant,)	
Units 3 and 4))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (SCHEDULING ORAL ARGUMENT AND SITE VISIT) 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 (SCHEDULING ORAL ARGUMENT AND SITE VISIT)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 19th day of February 2010