



# Luminant

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CP-200900751  
Log # TXX-09078

May 28, 2009

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

**SUBJECT:** COMANCHE PEAK STEAM ELECTRIC STATION  
DOCKET NOS. 50-445 AND 50-446  
SUPPLEMENT TO THE PROPOSED COMANCHE PEAK NUCLEAR POWER PLANT  
(CPNPP) EMERGENCY PLAN CHANGE TO IMPLEMENT NEI 99-01, REVISION 5,  
EMERGENCY ACTION LEVELS (EALs)

**References:**

1. Letter logged TXX-09072 dated May 12, 2009 from Rafael Flores to the NRC submitting the proposed Comanche Peak Nuclear Power Plant Emergency Plan change to implement NEI 99-01, Revision 5, Emergency Action Levels.
2. Telephone conference on May 26, 2009 between CPNPP and the NRC (Balwant Singal, Don Johnson) regarding the letter in Reference 1.

Dear Sir or Madam:

On May 12, 2009 Luminant Generation Company LLC (Luminant Power) submitted proposed changes to the Comanche Peak Nuclear Power Plant (CPNPP) Emergency Action Levels (EALs) (Reference 1). Reference 1 stated that the proposed changes were submitted for NRC approval pursuant to 10CFR50.54(q). However, as was discussed in a telephone conversation on May 26, 2009 (Reference 2), since the proposed changes are the result of an upgrade of the CPNPP EALs to NEI 99-01, Revision 5, the regulatory requirement for NRC approval of the proposed changes is actually provided in 10CFR50 Appendix E section IV.B.(1). Accordingly, the proposed changes are submitted for NRC approval pursuant to 10CFR50 Appendix E section IV.B.(1).

In addition, in Reference 1, Luminant Power had requested approval of the proposed changes by January 15, 2010 in order to facilitate coordination with the licensed operator training cycle. However, as was discussed on the May 26, 2009 telephone conference (Reference 2), the normal NRC review cycle will suffice for this request.

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NRR

This communication contains no new licensing basis commitments regarding Comanche Peak Units 1 and 2.

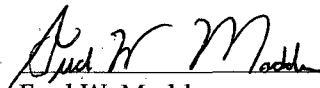
Should you have any questions, please contact Jim Barnette at (254) 897-5866.

Sincerely,

Luminant Generation Company LLC

Rafael Flores

By:



Fred W. Madden

Director, Oversight & Regulatory Affairs

c - E. E. Collins, Region IV  
B. K. Singal, NRR  
Resident Inspectors, CPNPP  
P. J. Elkmann, Region IV