

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel. 202.739.3000
Fax: 202.739.3001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Jonathan M. Rund
Associate
202.739.5061
jrund@MorganLewis.com

June 17, 2009

Ann Marshall Young, Chair
Dr. Gary S. Arnold
Dr. Alice C. Mignerey
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Luminant Generation Company LLC (Comanche Peak Nuclear Power Plant, Units 3 and 4), Docket Nos. 52-034 and 52-035

Dear Members of the Licensing Board:

During the oral argument on June 10-11, 2009, the Licensing Board requested that Luminant provide citations supporting the proposition that the National Environmental Policy Act only requires that NRC consider commercially viable alternatives. In accordance with the Board's request, Luminant hereby provides the Licensing Board with the following citations:

- *Vermont Yankee Nuclear Power Corp. v. Natural Res. Def. Council*, 435 U.S. 519, 551-54 (1978) (“To make an impact statement something more than an exercise in frivolous boilerplate the concept of alternatives must be bounded by some notion of feasibility.”).
- Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,027 (Mar. 23, 1981) (“Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense . . .”).
- NUREG-1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants at 9.2.2-4 (Oct. 1999) (To be considered a competitive (*i.e.*, reasonable) alternative, an

“energy conversion technology should be developed, proven, and available in the relevant region.”).

Sincerely,

Signed (electronically) by Jonathan M. Rund

Jonathan M. Rund

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

Phone: 202-739-3000

Fax: 202-739-3001

E-mail: jrund@morganlewis.com

Counsel for Luminant

cc: Service List

James Biggins
Susan H. Vrahoretis
Marcia J. Simon
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O-15D21
Washington, DC 20555-0001
E-mail: James.Biggins@nrc.gov;
Susan.Vrahoretis@nrc.gov;
Marcia.Simon@nrc.gov

Robert V. Eye
Counsel for the Petitioners
Kauffman & Eye
112 SW 6th Ave., Suite 202
Topeka, KS 66603
E-mail: bob@kauffmaneye.com

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Signed (electronically) by Jonathan M. Rund
Jonathan M. Rund
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: 202-739-3000
Fax: 202-739-3001
E-mail: jrund@morganlewis.com

Counsel for Luminant