

PMComanchePeakPEm Resource

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Sent: Tuesday, February 17, 2009 1:33 PM
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Subject: Letters TXNB-09002 and TXNB-09003 Sent to the NRC
Attachments: TXNB-09003 Warbler.pdf; TXNB-09002 Siting Report.pdf

Luminant has submitted two letters to the NRC:

TXNB-09002 removed the proprietary designation from the alternate site information and submitted the siting report to the NRC on the docket.

TXNB-09003 submitted the Golden-cheeked warbler report to the NRC on the docket.

If there are any questions regarding these letters, please contact me by phone or return e-mail.

Thanks,

John Conly
COLA Project Manager NuBuild
Luminant Power
(254) 897-5256

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Hearing Identifier: ComanchePeak_COL_Public
Email Number: 541

Mail Envelope Properties (95E7006FD6637C4AAE706E18F8C97B3401FC4736)

Subject: Letters TXNB-09002 and TXNB-09003 Sent to the NRC
Sent Date: 2/17/2009 1:33:17 PM
Received Date: 2/17/2009 1:33:29 PM
From: John.Conly@luminant.com

Created By: John.Conly@luminant.com

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Files	Size	Date & Time
MESSAGE	1000	2/17/2009 1:33:29 PM
TXNB-09003 Warbler.pdf	99469	
TXNB-09002 Siting Report.pdf	164904	

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:



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CP-200900277
Log # TXNB-09003

Ref. # 10 CFR 52

February 13, 2009

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555
ATTN: David B. Matthews, Director
Division of New Reactor Licensing

**SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4
DOCKET NUMBERS 52-034 AND 52-035
SUBMITTAL OF GOLDEN-CHEEKED WARBLER REPORT**

Dear Sir:

Luminant Generation Company LLC (Luminant) hereby submits the enclosed report regarding the presence/absence of the Golden-cheeked warbler within the proposed project area for Comanche Peak Nuclear Power Plant (CPNPP), Units 3 and 4. This report is submitted as a supplement to the Luminant combined license (COL) application for CPNPP Units 3 and 4 and will be included in Part 11 of that application in a future revision.

Should you have any questions about this letter or matters relating more generally to Luminant Power's nuclear generation development program, please contact Don Woodlan (254-897-6887, Donald.Woodlan@luminant.com) or me (254-897-6731, mlucas3@luminant.com).

I state under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2009.

Sincerely,

Luminant Generation Company LLC

M. L. Lucas

Enclosure - Golden-Cheeked Warbler Bird Survey Report, May 2008

c- w/o Enclosure

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CP-200900278
Log # TXNB-09002

Ref. # 10 CFR 52

February 13, 2009

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
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ATTN: David B. Matthews, Director
Division of New Reactor Licensing

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4
DOCKET NUMBERS 52-034 AND 52-035
UPDATE REGARDING PROPRIETARY INFORMATION AND
SUBMITTAL OF NUCLEAR POWER PLANT SITING REPORT

- REFERENCES:**
1. Letter logged TXNB-08024 from M. L. Lucas of Luminant Power to the NRC, dated September 19, 2008, entitled "Combined License Application for Comanche Peak Nuclear Power Plant, Units 3 and 4"
 2. Letter logged TXNB-08032 from M. L. Lucas of Luminant Power to the NRC, dated December 18, 2008, entitled "Reassessment of Proprietary Information"

Dear Sir:

Luminant Generation Company LLC (Luminant Power) submits this letter to update the proprietary status of information in the Comanche Peak Nuclear Power Plant (CPNPP) Units 3 and 4 combined license (COL) application and submits the plant siting report.

Reference 1 submitted the COL application in which Luminant stated that certain information regarding the location of alternate sites was proprietary, confidential, and sensitive. In Reference 2, Luminant reassessed the alternate site location information and determined that descriptions based upon the two closest Texas counties could be used publicly by the NRC without compromising the proprietary nature of the alternate site locations.

Subsequently, Luminant re-evaluated their request to withhold the alternate site locations from public dissemination. Although this information was originally withheld pursuant to a legitimate claim of protection, and still has business value and releasing the information may result in Luminant being at a competitive disadvantage, Luminant has decided to withdraw its request in Reference 1 that the information be withheld. It has become apparent to Luminant that the request was complicating the environmental review process of the COL application. To remove this complication and facilitate the review as much as reasonably possible, marked-up pages are attached which identify the changes and delete the proprietary headings in Revision 0 of Part 3 of the COL application.

Consistent with removing the withholding request for alternate site information, Luminant hereby submits the "Luminant Nuclear Power Siting Report." This report was previously proprietary. The

report being submitted is identical to the original McCallum-Turner report referenced by Revision 0 of Part 3 of the COL Application except that certain personal information has been redacted. The report will be included in Part 11 of the COL application as part of a future application revision.

Please note that this specific waiver of non-disclosure for the alternative site information and the Luminant Nuclear Power Siting Report should not be regarded as a general waiver with regard to our original request for non-disclosure of proprietary, confidential or sensitive information. And, except as expressly provided in this letter, Luminant's original request that certain information be withheld from public disclosure in accordance with policy reflected in 10 CFR 2.390(a)(4) and 9.17(a)(4) shall remain in full force and effect and such information shall continue to be withheld from public disclosure due to its continued proprietary, confidential or sensitive nature.

Should you have any questions about this letter or matters relating more generally to Luminant Power's nuclear generation development program, please contact Don Woodlan (254-897-6887, Donald.Woodlan@luminant.com) or me (254-897-6731, mlucas3@luminant.com).

I state under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2009.

Sincerely,

Luminant Generation Company LLC



M. L. Lucas

Attachment - Comanche Peak Nuclear Power Plant Units 3 and 4 COL Application Part 3, Environmental Report, Marked-Up Pages

Enclosure - Luminant Nuclear Power Plant Siting Report

c- w/o Attachment or Enclosure

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