

January 7, 2010

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: Missing Citation and Erroneous Certificate of Service in January 4, 2009 Intervenors' Response Opposing Applicant's Motion to Dismiss Contention 18; Comanche Peak Nuclear Power Plant, Units 3 & 4, Docket Nos. 52-034, 52-035

Dear Judges Young, Arnold and Mignerey,

The Intervenors filed a response to Luminant's Motion to Dismiss Contention 18 on January 4, 2009. A citation was inadvertently not included in Footnote 13 of the brief and should have appeared after the sentence ending with "...live later that month."

ERCOT CEO Update, Trip Doggett, Interim President and CEO, Board of Directors Meeting, November 17, 2009. Slide #2. http://agilisadvisory.com/blog/wp-content/uploads/2009/11/Item_04_-_CEO_Update.pdf

The Intervenors also inadvertently included a Certificate of Service and Attachment from a South Texas Docket filing after the Comanche Peak Certificate of Service.

For clarification purposes, the Intervenors' response, with the citation included and South Texas Certificate of Service and Attachment deleted, is attached.

Respectfully submitted,

/s/ Robert V. Eye
Robert V. Eye, Kan. Sup. Ct. No.10689
Kauffman & Eye
Suite 202
112 SW6th Ave.
Topeka, Kansas 66603
785-234-4040
bob@kauffmaneye.com

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

**In the Matter of
Luminant Generation Company, LLC
Comanche Peak Nuclear Power Plant
Units 3 and 4
Combined License Adjudication**

Docket Nos. 52-034 and 52-035

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2010 a copy of “Letter to the Board Regarding Missing Citation and Erroneous Certificate of Service in Intervenor’s Response Opposing Applicant’s Motion to Dismiss Contention 18” was served by the Electronic Information Exchange on the following recipients:

Administrative Judge
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3F23
Washington, D.C. 20555-0001
E-mail: ann.young@nrc.gov

Administrative Judge
Dr. Alice C. Mignerey
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3F23
Washington, D.C. 20555-0001
E-mail: acm3@nrc.gov

Administrative Judge
Dr. Gary S. Arnold
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop T-3 F23
Washington, DC 20555-0001
E-mail: gxal@nrc.gov

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

Office of the Secretary
U.S. Nuclear Regulatory Commission
Rulemakings and Adjudications Staff
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

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

Steven P. Frantz
Jonathan M. Rund
Timothy P. Matthews
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: 202-739-3000
Fax: 202-739-3001
E-mail: sfrantz@morganlewis.com
jrund@morganlewis.com
tmatthews@morganlewis.com

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