

*Enclosure 1 contains confidential, proprietary, and sensitive unclassified non-safeguards information to be withheld from public disclosure under 10 CFR 2.390*



**Luminant**

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Log # TXNB-09074

Ref. # 10CFR52  
10CFR2.390

November 20, 2009

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

**SUBJECT:** COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4  
DOCKET NUMBERS 52-034 AND 52-035  
REVISION 1 TO THE COMBINED LICENSE APPLICATION

- REFERENCES:**
1. Letter logged TXNB-08024 from M. L. Lucas of Luminant to the NRC, dated September 19, 2008, transmitting the Combined License Application for Comanche Peak Nuclear Power Plant, Units 3 and 4.
  2. NRC letter from Stephen Monarque to M. L. Lucas dated December 2, 2008, concerning the Acceptance Review for Comanche Peak Nuclear Power Plant, Units 3 and 4.
  3. Letter logged TXNB-09075 from Rafael Flores of Luminant to the NRC, dated November 20, 2009, transmitting Part 8 (Revision 1 to the Security Plan) for the Combined License Application for Comanche Peak Nuclear Power Plant, Units 3 and 4.

Dear Sir or Madam:

Luminant Generation Company LLC (Luminant), acting for itself and as agent for Comanche Peak Nuclear Power Company LLC (CPNPC), hereby submits Revision 1 of the application for a combined license (COL) for two Mitsubishi US-APWR reactors in accordance with 10 CFR 52, including authorization to receive, possess, and use source, byproduct, and special nuclear material in accordance with the Commission's regulations in 10 CFR 30, 40 and 70. These reactors will be identified as Comanche Peak Nuclear Power Plant (CPNPP) Units 3 and 4, and will be located at the existing Comanche Peak Nuclear Power Plant site near Glen Rose, Texas. The original application for this COL was submitted via Reference 1. This COL application was accepted for docketing on December 2, 2008, via Reference 2.

DO90  
NRW

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This COL application is composed of the following parts:

- Part 1 – Administrative and Financial Information
- Part 2 – Final Safety Analysis Report (FSAR)
- Part 3 – Environmental Report
- Part 4 – Technical Specifications
- Part 5 – Emergency Plan
- Part 6 – Not used for this COL application
- Part 7 – Not used for this COL application
- Part 8 – Security Plan (submitted under separate cover – see Reference 3)
- Part 9 – Not used for this COL application
- Part 10 – Inspections, Tests, Analyses and Acceptance Criteria (ITAAC) and Proposed License Conditions
- Part 11 – Enclosures (documents other than the US-APWR Design Certification application which are vital to the review of the COL application)

This revision to the application does not contain Restricted Data or other defense information that requires separation from the unclassified information in accordance with 10 CFR 50.33(j). Part 8 of this application contains Safeguards Information and is provided separately by Reference 3. This revision to the application does contain proprietary, confidential, and sensitive information, and Luminant requests that this information be withheld in accordance with 10 CFR 2.390. Accordingly, two versions of the COL application (COLA) revision are being submitted – one that redacts the proprietary, confidential, and sensitive information, and one that includes the information. An appropriate affidavit is included as an attachment to this letter.

The complete revision to the COL application (except for Part 8) is provided in electronic file format on the enclosed discs. The first disc (DVD 1 – the Non-Public Version) includes proprietary, confidential, and sensitive information. The second disc (DVD 2 – the Public Version) redacts the proprietary, confidential, and sensitive information, and is annotated to indicate where such information has been redacted. All pre-submission checks have been successfully performed on the files. Each disc contains a packing slip explaining the contents.

Consistent with common licensing practice, most of the application is written in the present tense, active voice, including discussions of facilities not yet built or procedures and programs not yet implemented. Exceptions to this approach are the discussions of operating experience and completed studies and evaluations, which are written in the past tense. It should be understood, however, that statements regarding facilities (e.g., structures, systems and components) and pre-construction, pre-operational, and operational activities (e.g., procedures and programs) typically address activities that have not yet been performed and will not be performed until it is appropriate and reasonable to do so.

The enclosed revision to the application was prepared over many months, and in order to assemble the final product and complete the final reviews, the content had to be frozen several weeks before this submittal. The freeze date for Revision 1 was September 30, 2009. Changes made after the freeze date, for example in answers to Requests for Information, will be included in a subsequent Update Tracking Report and a subsequent COLA revision.

Attachment 2 provides a description of the format for COLA Revision 1. Attachment 3 is a Change List (as described in Attachment 2) and is provided as an electronic file on each of the enclosed discs.

Please address any correspondence regarding this application to Don Woodlan, Manager, Nuclear Regulatory Affairs, P.O. Box 1002, 6322 North FM 56, Glen Rose, TX 76043. You may also contact Mr. Woodlan directly at 254-897-6887 or by email at [Donald.Woodlan@luminant.com](mailto:Donald.Woodlan@luminant.com).

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

Executed on November 19, 2009.

Sincerely,

Luminant Generation Company LLC



Rafael Flores

- |             |  |
|-------------|--|
| Attachments | <ol style="list-style-type: none"><li>1. Affidavit, Luminant Generation Company LLC and Comanche Peak Nuclear Power Company LLC</li><li>2. Change Description</li></ol>  |
| Enclosures  | <ol style="list-style-type: none"><li>1. Comanche Peak Nuclear Power Plant, Units 3 and 4, COL Application, Revision 1, Non-Public Version (electronic submittal, disc DVD 1)</li><li>2. Comanche Peak Nuclear Power Plant, Units 3 and 4, COL Application, Revision 1, Public Version (electronic submittal, disc DVD 2)</li><li>3. Change List (on each enclosed DVD disc)</li></ol> |

- c- Stephen Monarque, w/attachments and enclosures  
Michael Willingham, w/attachments and enclosures

Email Distribution w/Attachments 1 and 2

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
Luminant Generation Company LLC ) Docket Numbers  
Comanche Peak Nuclear Power Plant, Units 3 and 4 ) 52-034 and 52-035

AFFIDAVIT

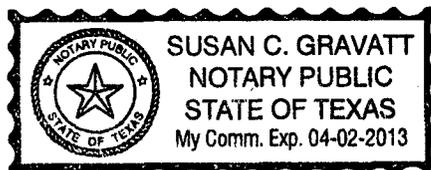
I, Rafael Flores, being duly sworn, hereby depose and state I am the Senior Vice President and Chief Nuclear Officer for Luminant Generation Company LLC (Luminant) and Senior Vice President and Chief Nuclear Officer for Comanche Peak Nuclear Power Company LLC (CPNPC), and do hereby affirm and state:

1. I am authorized to execute this affidavit on behalf of Luminant and CPNPC.
2. Luminant and CPNPC are providing information in support of the combined license (COL) application for Comanche Peak Nuclear Power Plant, Units 3 and 4. Part 1 of this application contains pro forma financial information and other information related to the financing and development of Units 3 and 4, and certain non-public information concerning the investment in CPNPC by its members, Nuclear Energy Future Holdings II LLC and MHI Nuclear North America, Inc., all of which is considered confidential and sensitive business information and all of which has been properly designated as "proprietary" in accordance with the procedures set forth in 10 CFR 2.390 (the "Protected Information"). Disclosure of the Protected Information would place Luminant, CPNPC and its members at a distinct disadvantage in conducting business as competitors could analyze the data to identify strengths and weaknesses, and then seek to capitalize on those perceived strengths and weaknesses. As such, the Protected Information is protectable under 10 CFR 2.390(a)(4) and 9.17(a)(4), because:
  - i. The Protected Information is and has been held in confidence by Luminant, CPNPC and its members.
  - ii. The Protected Information is of a type that is customarily held in confidence by Luminant, CPNPC and its members, and there is a rational basis for doing so because the information contains sensitive financial information concerning projected revenues and operating expenses of CPNPC.
  - iii. The Protected Information is being submitted to the NRC voluntarily and in confidence.
  - iv. The Protected Information is not available in public sources and could not be gathered readily from other publicly available information.
  - v. Public disclosure of the Protected Information would create substantial harm to the competitive position of Luminant and CPNPC because it would provide competitors with a blueprint for the successful financing, construction and operation of a nuclear generation facility in the highly competitive wholesale electricity market of the Electric Reliability Council of Texas power region.
4. Accordingly, Luminant and CPNPC request that the Protected Information be withheld from public disclosure pursuant to the policy reflected in 10 CFR 2.390(a)(4) and 9.17(a)(4).

  
Rafael Flores

STATE OF TEXAS  
COUNTY OF Somervell

Subscribed and sworn to me, a Notary Public, in and for the State of Texas, this 19<sup>th</sup> day of November, 2009.



  
Notary Public's Signature

## CHANGE DESCRIPTION

This attachment to the submittal letter for COLA Revision 1 provides a description of the format used in the revision.

Standard Process and Format – The standard approach for changing COLA Revision 0 was to provide the changes to the NRC when the decision to make the changes was reached and not to wait for the COLA revision. These changes were provided in two ways including Luminant letters which responded to Requests for Additional Information (RAIs) and Luminant letters which provided Update Tracking Reports (UTRs). In each case, Luminant provided a discussion of the change, a description of the change and a marked-up copy of the affected COLA Revision 0 pages. These changes have been incorporated into the COLA Revision 1 and are annotated by a revision bar in the right margin beside that portion of the page which was changed. The Change List provided as Attachment 3 to this letter (as an electronic file included on each of the DVDs enclosed with this letter) addresses each change on each page of COLA Revision 1. The order of the items on the Change List corresponds to the order of the right margin change bars on the page.

Below is a discussion of the format and change process used for each part of COLA Revision 1:

- Part 1 – Administrative and Financial Information
  - A rewrite of this part was provided in response to RAIs via Luminant letter TXNB-09038 dated August 31, 2009. Because of the extent of the rewrite, revision bars are not included. Subsequent to this rewrite, some additional changes were made regarding which applicant had management control of construction. These additional changes are annotated by revision bars and the changes are addressed in the Change List.
- Part 2 – Final Safety Analysis Report (FSAR) – uses the Standard Process and Format
  - Some administrative changes were needed to align the COLA Revision 1 with the US-APWR DCD Revision 2. For example, COLA Revision 0 may refer to “paragraph 2” in a section of DCD Revision 1. However, the correct reference in DCD Revision 2 may be “paragraph 3.” These changes have a revision bar and the Change List reason for the change is to make the COLA “Consistent with DCD Revision 2.”
  - Part of the final processing of the COLA revision is a consistency check. This check confirms that all portions of the revision have been updated in a consistent manner. Where inconsistencies were found, the revision was corrected, revision bars were added and the Change List reason for change is “Consistency review change.”
- Part 3 – Environmental Report – uses the Standard Process and Format
- Part 4 – Technical Specifications –
  - The changes in Revision 1 are updates to the Technical Specifications to match the US-APWR DCD so individual descriptions are not provided.
- Part 5 – Emergency Plan
  - The changes to the Emergency Plan are described in the “Explanatory notes regarding the Emergency Plan and Supplemental Information.”

- Changes in the supplemental information are indicated using the format process of the document owner and change descriptions are not provided.
- Part 6 – Not used for this COL application.
- Part 7 – Not used for this COL application.
- Part 8 – Security Plan (submitted under separate cover – see Reference 3)
  - The revised Physical Security Plan (PSP) does not include revision bars and the changes are not addressed in the Change List. For the most part, these changes are designed to make the CPNPP PSP consistent with the templates agreed upon between the NRC and the industry.
- Part 9 – Not used for this COL application.
- Part 10 – Inspections, Tests, Analyses and Acceptance Criteria (ITAAC) and Proposed License Conditions – uses the Standard Process and Format
- Part 11 – COLA Enclosures (documents other than the US-APWR design certification application documents which are incorporated by reference within other COLA parts)
  - The Mitigative Strategies Report is a new report, not part of COLA Revision 0, which has been previously submitted to the NRC by letter.
  - The QAPD uses the Standard Process and Format

Although Revision 1 of the COLA is designed to make the COLA consistent with Revision 2 of the US-APWR DCD, there are a few late changes to the DCD which were not addressed in COLA Revision 1. These late changes will be submitted in a future Update Tracking Report for the applicable parts of the COLA.

- Equipment tag numbers – some of the tag numbers used in the earlier revisions of the US-APWR DCD are not compatible with some of the management systems used by new plant COL applicants. To make the US-APWR DCD more universal, MHI changed the tag numbers which were challenging. This change only impacts a few drawings in the COLA. The changes are not in COLA Revision 1 because the revised drawings were not fully processed by the freeze date. The revised drawings will be provided in a UTR for COLA Revision 1.
- Minor consistency or editorial errors identified late in the review process.

## ATTACHMENT 3

TXNB-09074

### Change List

(Include on each DVD enclosed with this letter)