



**Luminant**

**Rafael Flores**  
Senior Vice President &  
Chief Nuclear Officer  
rafael.flores@luminant.com

**Luminant Power**  
P O Box 1002  
6322 North FM 56  
Glen Rose, TX 76043

**T** 254.897.5590  
**F** 254.897.6652  
**C** 817.559.0403

CP-201400059  
Log # TXNB-14002

Ref. # 10 CFR 52

January 20, 2014

U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555  
ATTN: Frank M. Akstulewicz, Director  
Division of New Reactor Licensing

**SUBJECT:** COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4  
DOCKET NUMBERS 52-034 AND 52-035  
SUSPENSION OF COLA REVIEW

**REFERENCE:** Letter logged TXNB-14001, from R. Flores of Luminant Power to F. Akstulewicz, NRC, "Request for Exemption from 10 CFR 50.71(e)(3)(iii)," dated January 14, 2014

Dear Sir:

Luminant Generation Company LLC (Luminant) notified the NRC on November 7, 2013, of Luminant's intent that all reviews associated with the Combined License Application (COLA) for Comanche Peak Nuclear Power Plant (CPNPP) Units 3 and 4 be suspended by March 31, 2014 (ML13316A369). The purpose of this letter is to define the suspension period and to explain Luminant's intentions during the suspension.

Suspension Period

The suspension period for review of the CPNPP Units 3 and 4 COLA starts on April 1, 2014, although the review of numerous COLA parts and Final Safety Analysis Report (FSAR) chapters and sections were or may be suspended prior to this date. The only NRC review activity for the COLA projected after March 31, 2014 is the resolution of any ACRS action items that may result from the ACRS Full Committee meeting that is planned for March of 2014. If this meeting occurs, the ACRS is expected to provide a letter to the NRC staff which provides the ACRS conclusions regarding the CPNPP FSAR Chapters/Sections which were briefed during the meeting. The NRC staff normally assesses the comments provided by the ACRS, initiates appropriate actions, and responds to the ACRS. Luminant requests that no actions be taken after March 31, 2014 which may be charged to the CPNPP COLA review dockets other than responding to the ACRS.

An end date for the suspension period has not been defined. Luminant will contact the NRC staff to initiate discussions on how and when the suspension period should end and COLA reviews resume.

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### Activity Prior to the Suspension Period

Luminant has been working with the NRC to close out the review of the CPNPP Units 3 and 4 COLA. The objective is to establish a clear stopping point for each portion of the COLA which would facilitate resumption of review after the suspension period.

In addition, Luminant is reviewing and revising as necessary, internal procedures which may be applicable during the suspension. This includes, but is not limited to, correspondence procedures, commitment tracking procedures, and quality assurance implementation procedures. New procedures will be developed as needed for the caretaker functions to be carried out during the suspension period (see below).

### Status of COLA Review during Suspension

Although no NRC review activity is anticipated during the suspension period, Luminant remains an applicant for the COLs for CPNPP Units 3 and 4. COLA Revision 4 (ML13344B515) is the last revision filed with the NRC.

### Luminant Licensing Activity during the Suspension Period

As a COL applicant per 10 CFR 52, Luminant recognizes that it must continue to comply with the regulations that apply to COL applicants and must address NRC issues which are addressed to COL applicants for action or response.

In the referenced letter, Luminant requested an exemption from the reporting requirement in 10 CFR 50.71(e)(3)(iii), which requires a COL applicant under Subpart C of 10 CFR 52 to submit an update to its FSAR annually. The most recent FSAR update was submitted as Revision 4 on November 26, 2013 (ML13344B515). Pursuant to 10 CFR 50.71(e)(3)(iii), the next annual update (FSAR Revision 5) would be due in November of 2014. If the exemption is granted, Luminant will file FSAR Revision 5 within one year after the end of the suspension period. If the extension is not granted, Luminant will file annual FSAR updates although the updates may state during the suspension period, that the FSAR has not been revised since the last update.

After March 31, 2014, Luminant will only maintain a "caretaker" staff for the COLA and will only perform actions required by the regulations or by Luminant commitments to the NRC. Luminant does not intend to modify the plant design or to update the FSAR during the suspension period. Other than the annual FSAR update discussed above, Luminant is not aware of any routine periodic reports required by the regulations that would apply during the suspension period. Some non-routine actions may be required by regulations (e.g., 10 CFR 21 requirements) and Luminant will comply with such regulatory requirements.

Luminant has reviewed the active regulatory commitments made regarding the COLA and will comply with them. The following regulatory commitments may require action during the suspension period, although the need for such action is not anticipated:

- 8445 - Luminant is committed to ensure the NRC is included in the distribution of formal correspondence with other government agencies that could impact the FEIS
- 6691 - The Regulatory Guides listed in COLA FSAR Table 1.9-201 that are not in the CPNPP 1 and 2 QAP will be included as part of contract requirements for companies performing COLA work.

On occasion, the NRC may issue generic correspondence or applicant-specific correspondence which requests action or response. Luminant will address non-generic correspondence specifically addressed to Luminant, but does not intend to address or respond to generic correspondence even when Luminant is within the scope of the correspondence. Luminant will track generic correspondence, to be addressed as part of the restart of the COLA review.

CPNPP Units 3 and 4 Ownership

The ownership of CPNPP Units 3 and 4 is being reviewed as part of the planning for the suspension period and possibly during the suspension period. The current ownership arrangement identified in COLA Revision 4 remains valid. Luminant will inform the NRC via separate correspondence if there is any change in ownership or in the list of applicants.

The addresses and contact points for Luminant remain unchanged and Luminant will contact the NRC staff if any changes occur.

This letter contains the regulatory commitments listed in the attachment.

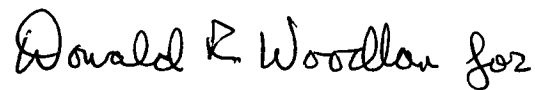
Should you have any questions regarding this request, please contact Don Woodlan (254-897-6887, Donald.Woodlan@luminant.com) or me.

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

Executed on January 20, 2014.

Sincerely,

Luminant Generation Company LLC



Rafael Flores

Attachment: Regulatory Commitments in this Letter

Electronic distribution w/attachments:

Rafael.Flores@luminant.com  
jeffry.simmons@luminant.com  
Stephanie.Moore@energyfutureholdings.com  
Ken.Peters@luminant.com  
Robert.Bird@luminant.com  
Allan.Koenig@luminant.com  
Eric.Evans@luminant.com  
Robert.Reible@luminant.com  
donald.woodlan@luminant.com  
John.Only@luminant.com  
Janice.Caldwell@luminant.com  
Fred.Madden@luminant.com  
Debra.Gilliam@luminant.com  
Thomas.Mccool@luminant.com  
NuBuild Licensing files  
sfrantz@morganlewis.com  
tmatthews@morganlewis.com  
yoshiki\_ogata@mnes-us.com  
Luminant Records Management (.pdf files only)

masanori\_onozuka@mnes-us.com  
greg\_rolfson@mnes-us.com  
joseph\_tapia@mnes-us.com  
robert\_godley@mnes-us.com  
mark.biery@mnes-us.com  
ryan\_sprengel@mnes-us.com  
rjb@nei.org  
kra@nei.org  
cp34update@certrec.com  
Balwant.Singal@nrc.gov  
perry.buckberg@nrc.gov  
john.kramer@nrc.gov  
Rayo.Kumana@nrc.gov  
Frank.Akstulewicz@nrc.gov  
ComanchePeakCOL.Resource@nrc.gov  
Sujata.Goetz@nrc.gov  
Samuel.Lee@nrc.gov  
Marc.Dapas@nrc.gov

## Regulatory Commitments in this Letter

This communication contains the following new or revised commitments which will be completed or incorporated into the CPNPP licensing basis as noted:

<u>Number</u>	<u>Commitment</u>	<u>Due Date/Event</u>
8472	Luminant will contact the NRC staff to initiate discussions on how and when the suspension period should end and COLA reviews resume.	Prior to Restart
8473	If the [FSAR annual update report] exemption is granted, Luminant will file FSAR Revision 5 within one year after the end of the suspension period. If the extension is not granted, Luminant will file annual FSAR updates although the updates may state during the suspension period, that the FSAR has not been revised since the last update.	Annually or 1 year after resumption
8474	Luminant has reviewed the active regulatory commitments made regarding the COLA and will comply with them.	Ongoing
8475	Luminant will address non-generic correspondence specifically addressed to Luminant.	Ongoing
8476	Luminant will track generic correspondence to be addressed as part of the restart of the COLA review.	Ongoing
8477	Luminant will inform the NRC via separate correspondence if there is any change in ownership or in the list of applicants.	Ongoing
8478	The addresses and contact points for Luminant remain unchanged and Luminant will contact the NRC staff if any changes occur.	Ongoing

The Commitment Number is used by Luminant for internal tracking.