

March 16, 2009

Mitch L. Lucas
Vice President, Nuclear Engineering & Support
Luminant Generation Company LLC
P.O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4,
REFERENCE COMBINED LICENSE APPLICATION REVIEW SCHEDULE

Dear Mr. Lucas:

This letter transmits the Comanche Peak Nuclear Power Plant, Units 3 and 4, Combined License (COL) Application review schedules. The environmental review supports the issuance of a Final Environmental Impact Statement (FEIS) in January 2011. Milestones for the four phases of the environmental review are provided in Table 1, of this letter. The safety review supports the issuance of a Safety Evaluation Report (SER) in December 2011. Milestones for the six phases of the safety review are also provided in Table 1, of this letter. The primary drivers and risks to this schedule are described below.

By letter dated September 19, 2008, as supplemented by letters dated November 4, 5, 6, and 10, 2008, and December 18, 2008, Luminant Generation Company LLC (Luminant) submitted its COL application to the U.S. Nuclear Regulatory Commission (NRC) for two United States – Advanced Pressurized Water Reactors (US-APWR) in accordance with the requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, “Licenses, Certification, and Approvals for Nuclear Power Plants.” The Luminant COL application is the Reference-COL (R-COL) application for the US-APWR design.

The NRC staff informed Luminant, on December 2, 2008, that we had completed our acceptance review and docketed your application. In this same letter, the NRC staff stated that the COL application, Part 2, Final Safety Analysis Report Section 2.4.13, “Accidental Releases of Radioactive Liquid Effluent in Ground and Surface Waters,” did not have enough information to support the issuance of an integrated schedule. A request for additional information (RAI) was included in this December 2, 2008, letter. On December 18, 2008, Luminant submitted its response to the NRC staff’s RAI. The NRC staff has reviewed Luminant’s response and has determined that Luminant has provided sufficient information to support the issuance of a R-COL schedule.

The Comanche Peak Nuclear Power Plant R-COL application incorporates by reference, the US-APWR design, currently under NRC staff review. Accordingly, the Comanche Peak Nuclear Power Plant R-COL review schedule has a dependency on the US-APWR design certification application. The Comanche Peak Nuclear Power Plant COL review cannot be completed until after the NRC staff completes its review of the US-APWR design certification. Therefore, changes in the schedule for the US-APWR design certification are likely to impact the schedule for the Comanche Peak Nuclear Power Plant R-COL application.

Secondly, Luminant has also requested NRC staff approval to adopt Nuclear Energy Institute (NEI) Topical Reports 06-09, "Risk Informed Technical Specifications Initiative 4B, Risk Managed TS (RMTS) Guidelines," and NEI 04-10, "Risk Informed TS Initiatives 5B, Risk-Informed Method for Control of Surveillance Frequencies." As you are aware, the NRC staff has been working with NEI to resolve issues regarding the use of Risk Managed Technical Specifications and the application of revised reactor risk metrics for new reactors. Because these issues have not yet been resolved, the NRC staff's review of revised reactor risk metrics for new reactors and the effect on Topical Reports NEI 06-09 and NEI 04-10 could potentially impact the review schedule of your COL application. The NRC staff is interested in continuing this review within the time frame of the published schedule. Additionally, the NRC staff plans to meet with Luminant and NEI in the near future to further discuss these issues.

The NRC staff's review schedule assumes that responses to RAIs will be complete and will provide sufficient information to address the NRC staff's concerns. The NRC staff has developed its review schedule based on the submission of RAI responses within 30 days of receipt of RAIs.

The Comanche Peak Nuclear Power Plant R-COL schedule does not currently model the hearing process. Should contentions be admitted, the review schedules in Table 1 may be impacted. Also, the mandatory hearing schedule will be developed by the Commission and the Atomic Safety and Licensing Board and thus is not included in Table 1 of this letter. Both the FEIS and SER will be used to support this hearing. The Commission will not make a determination on whether or not to issue the COL until after this hearing has concluded.

The NRC staff will review and re-baseline if necessary, the safety review schedule when the safety evaluation report with open items is issued at the end of Phase 2. At this point, the NRC staff will have improved information regarding what target milestones are achievable given the number and complexity of the open items. Similarly, the NRC staff will review and re-baseline if necessary, the environmental review schedule during the Phase 1 scoping period when the NRC staff acquires improved information regarding issues that may impact the schedule for issuance of the Draft Environmental Impact Statement.

M. Lucas

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Should you have any questions regarding the safety review, please contact Mr. Stephen Monarque, the lead project manager for the safety review for the Comanche Peak Nuclear Power Plant R-COL application at (301) 415-1544 or via e-mail at Stephen.Monarque@nrc.gov. If you have questions regarding the environmental review, please contact Mr. Michael Willingham, the lead environmental project manager, at (301) 415-3924 or via e-mail at Michael.Willingham@nrc.gov.

Sincerely,

/RA/

Stephen Raul Monarque, Lead Project Manager
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-034
52-035

Enclosure:
As stated

cc w/encl: See next page

M. Lucas

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Sincerely,

/RA/

Stephen Raul Monarque, Lead Project Manager
US-APWR Projects Branch
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TABLE 1: REFERENCE – COMBINED LICENSE REVIEW SCHEDULE

<u>Safety Review Phases</u>	<u>Target Completion Date</u>
Phase 1: Requests for additional information for all safety evaluation report (SER) chapters	November 12, 2009
Phase 2: SER with open items (OIs)	December 15, 2010
Phase 3: Advisory Committee on Reactor Safeguards (ACRS) review of SER with OIs	March 29, 2011
Phase 4: Advanced SER with no OIs	June 2011
Phase 5: ACRS review of Advanced SER with no OIs	September 2011
Phase 6: SER issued	December 2011

<u>Environmental Review Phases</u>	<u>Target Completion Date</u>
Phase 1: Scoping	July 2, 2009
Phase 2: Draft Environmental Impact Statement	March 10, 2010
Phase 3: Draft Environmental Impact Statement Comment Period	August 26, 2010
Phase 4: Final Environmental Impact Statement	January 10, 2011

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(Revised 03/04/2009)

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