

December 15, 2009

Ann Marshall Young, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Gary S. Arnold  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Alice C. Mignerey  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

In the Matter of  
LUMINANT GENERATION CO. LLC  
(Comanche Peak Nuclear Power Plant, Units 3 & 4)  
Docket No. 52-034 & 52-035

Dear Administrative Judges:

Pursuant to 10 C.F.R. §2.336(d) and 10 C.F.R. §2.1203, the Staff herein provides to the Licensing Board and the Parties an index containing information required to be disclosed by the Staff. The index contains the ADAMS accession number, date, and title of each item so as to make the item readily retrievable from the agency's website, [www.nrc.gov](http://www.nrc.gov), using the ADAMS "Find" function. Additionally, within a few days of this notification, the Staff will have created a separate folder in the agency's Electronic Hearing Docket ("EHD") associated with this proceeding, entitled "Comanche Peak Hearing File." Also attached, as required by 10 C.F.R. §2.336(c), are the Affidavits of Stephen Monarque.

Further in accordance the Board's October 28, 2009 order adopting the parties' August 13, 2009 agreement concerning disclosure obligations mandated by 10 C.F.R. §2.336(b) and 10 C.F.R. §2.1203, the Staff herein produces a log containing all documents withheld as proprietary. As directed by the Licensing Board, the Staff shall preserve and maintain all privileged documents during the pendency of this proceeding.

Respectfully submitted,

**/signed (electronically) by/**  
Susan H. Vrahoretis  
Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index  
Attachment 2: Proprietary Privilege Log  
Attachment 3: Affidavits of Stephen Monarque

**Attachment 1**

**Comanche Peak COL Hearing File and Mandatory Disclosures  
Hearing File Index  
Update 3 – December 15, 2009**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
3-1	ML093090183	06/20/2008	Comanche Peak, Units 3 & 4, Calculation TXUT-001-ER-5.4-CALC-011, Rev. 2, "CPNPP Offsite Dose due to Normal Gaseous Releases," through Calculation TXUT-001-ER-5.4-CACL-011, Rev. 0, Page 14 of 23.
3-2	ML093160459	09/21/2009	Comanche Peak, Units 3 and 4, Calculation No. TXUT-001-ER-5.4-CALC-010, "Estimated Annual Dose Due to Normal Liquid Effluents," Cover through Appendix 10.
3-3	ML093160461	09/21/2009	Comanche Peak, Units 3 and 4, Calculation No. TXUT-001-ER-5.4-CALC-010, "Estimated Annual Dose Due to Normal Liquid Effluents," Appendix 11 through End.
3-4	ML093340433	09/24/2009	Attachment 2, Project Report, TXUT-001-PR-007, Rev. 2, "Dynamic Profile."
3-5	ML093070237	09/30/2009	Comanche Peak, Units 3 & 4 - COL Application, Part 3, Environmental Report - Update Tracking Report, Revision 5.
3-6	ML093160454	10/14/2009	Comanche Peak, Units 3 & 4, COL Application Part 3, Environmental Report, Update Tracking Report, Revision 5.
3-7	ML093090162	10/15/2009	Comanche Peak, Units 3 & 4, Response to Requests for Additional Information No. 2748, 2764, 2843, 2844, 2875, and 3400 for the Combined License Application.
3-8	ML093090184	10/15/2009	Comanche Peak, Units 3 & 4, Calculation TXUT-001-ER-5.4-CACL-011, Rev. 0, Page 15 of 23 Through Calculation TXUT-001-ER-5.4-CALC-001, Rev. 1, Page 40 of 129.
3-9	ML093090185	10/15/2009	Comanche Peak, Units 3 & 4, Calculation TXUT-001-ER-5.4-CACL-011, Rev. 1, Page 41 of 129 Through End.
3-10	ML092990389	10/16/2009	Comanche Peak Nuclear Power Plant, Units 3 & 4 COL Application COLA Part 11, Enclosures, Rev. 0.
3-11	ML093070239	10/16/2009	Comanche Peak, Units 3 & 4 - Col Application, Part 2, FSAR Update Tracking Report, Revision 7.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
3-12	ML093080209	10/20/2009	Comanche Peak, Units 3 and 4, Calculation TXUT-001-FSAR-2.5-CALC-009, Rev. 1, "Settlement and Bearing Capacity."
3-13	ML093020156	10/21/2009	Comanche Peak, Units 3 & 4 - Combined License Application Update Tracking Report (FSAR #7, ER #5).
3-14	ML092590683	10/28/2009	Comanche Peak Nuclear Power Plant, Units 3 & 4, Response to Request to Change Proprietary Information for General and Financial Information Comanche Peak Combined License Application, Part 1, Administrative and Financial Information.
3-15	ML093080096	10/28/2009	Comanche Peak, Units 3 & 4, Final Responses to Requests for Additional Information No. 1889, 2929, and 2930 for the Combined License Application.
3-16	ML093080519	11/03/2009	2009/11/03 Comanche Peak COL - Comanche peak RCOL project status table
3-17	ML093080458	11/04/2009	2009/11/04 Comanche Peak COL - RE: 2009-11-04 Participants on 10/23/09 Environmental Conference Call
3-18	ML093130123	11/05/2009	Comanche Peak Nuclear Power Plant, Units 3 & 4 - Responses to Requests for Additional Information Nos. 2757, 2819, 2836, 2837, and 3592.
3-19	ML093130124	11/05/2009	Comanche Peak, Units 3 & 4, Responses to Requests for Additional Information Nos. 2969, 3317, 3509, and 3593.
3-20	ML093160470	11/05/2009	Comanche Peak, Units 3 & 4, Corrections to Letters Submitted to the NRC, Revised Response to Request for Additional Information No. 3398 (CP RAI #49) Question 11.02-9.
3-21	ML093160817	11/06/2009	2009/11/06 Comanche Peak COL - FW: Responses to RAIs 66-69, 71 from Luminant
3-22	ML093160818	11/06/2009	2009/11/06 Comanche Peak COL - FW: Responses to RAIs 85, 86, 87, and 89 from luminant
3-23	ML093160822	11/06/2009	2009/11/06 Comanche Peak COL - RE: Doc. w/CD Comanche Peak Units 3 and 4, Submittal of Documents to Facilitate Environmental Review
3-24	ML093290494	11/06/2009	2009/11/06 Comanche Peak COL - FW: Doc. w/CD Comanche Peak Units 3 and 4, Submittal of Documents to Facilitate Environmental Review

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
3-25	ML093160815	11/09/2009	2009/11/09 Comanche Peak COL - FW: Letter Corrections from Luminant
3-26	ML093160820	11/09/2009	2009/11/09 Comanche Peak COL - FW: 2009-11-05 Corrected date for RAI 88
3-27	ML093160821	11/09/2009	2009/11/09 Comanche Peak COL - Comanche peak project Status report
3-28	ML093160819	11/10/2009	2009/11/10 Comanche Peak COL - latest Comanche peak COL project status report
3-29	ML093200501	11/11/2009	Comanche Peak Nuclear Power Plant, Units 3 & 4, Response to Requests for Additional Information No. 3113, 3315, 3319, 3511, 3674, 3675, 3677, 3705, 3729, 3790 & 3834.
3-30	ML093220204	11/11/2009	Comanche Peak, Units 3 & 4, Responses to Requests for Additional Information No. 2765, 2954, 3074, and 3558.
3-31	ML093210468	11/13/2009	Comanche Peak, Units 3 & 4, Responses to Requests for Additional Information No. 2736, 2840, 2996, 3293, 3366, and 3532.
3-32	ML093230091	11/16/2009	2009/11/16 Comanche Peak COL - RE: Doc w/CD - Comanche Peak Units 3 & 4 Responses to Requests for Additional Information No. 3105, 3327 (Partial), and 3451.
3-33	ML093230229	11/16/2009	Comanche Peak Nuclear Power Plant, Units 3 & 4 - Responses to Requests for Additional Information No. 3316, 3318, 3510, and 3673.
3-34	ML093230239	11/16/2009	Comanche Peak Nuclear Plant, Unit 3 & 4, Response to Request for Additional Information No. 3183.
3-35	ML093230093	11/18/2009	2009/11/18 Comanche Peak COL - FW: 2009-11-18 Topics for today's COLA conference call
3-36	ML093230094	11/18/2009	2009/11/18 Comanche Peak COL - FW: Responses to CP RAI #88 - public as attachment is missing
3-37	ML093230222	11/19/2009	2009/11/19 Comanche Peak COL - FW: 2009-10-20 Call to discuss 2.4 rai's and UTR 4 - non public cell phone numbers removed
3-38	ML093280698	11/20/2009	Comanche Peak Nuclear Power Plant, Units 3 & 4, Responses to Requests for Additional Information No. 2828 & 3698.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
3-39	ML093320001	11/22/2009	2009/11/22 Comanche Peak COL - FW: 2009-10-14 Discussion on GSV-01 & 02 for tomorrow
3-40	ML093340447	11/24/2009	Comanche Peak, Units 3 & 4, Response to Request for Additional Information No. 2879 for the Combined License Application.
3-41	ML093290493	11/25/2009	2009/11/25 Comanche Peak COL - FW: Response to CP RAI #60 - public
3-42	ML093290495	11/25/2009	2009/11/25 Comanche Peak COL - FW: Physical Security Rev 1 Submitted to NRC - nonpublic
3-43	ML093350012	11/30/2009	2009/11/30 Comanche Peak COL - Comanche Peak Project Status List
3-44	ML093380970	12/01/2009	2009/12/01 Comanche Peak COL - conference call with Luminant on geology site visit
3-45	ML093380971	12/02/2009	2009/12/02 Comanche Peak COL - FW: 2009-12-02 Proposed Topics for today's conference call - Comanche peak RCOL
3-46	ML093380973	12/02/2009	2009/12/02 Comanche Peak COL - FW: conference call with Luminant on geology site visit
3-47	ML093380974	12/02/2009	2009/12/02 Comanche Peak COL - RE: conference call with Luminant on geology site visit
3-48	ML093380975	12/03/2009	2009/12/03 Comanche Peak COL - RE: conference call with Luminant on geology site visit
3-49	ML093380978	12/03/2009	2009/12/03 Comanche Peak COL - RE: conference call with Luminant on geology site visit
3-50	ML093380979	12/03/2009	2009/12/03 Comanche Peak COL - Telecon for RAI #70 (3295) EALs -section 13.3
3-51	ML093380969	12/04/2009	2009/12/04 Comanche Peak COL - Conference Call on Tuesday for geology audit

**Attachment 2****Comanche Peak COL Hearing File and Mandatory Disclosures  
Privilege Log – Proprietary and Security Information  
Update 3 – December 15, 2009**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain trade secrets, privileged or confidential commercial or financial information subject to withholding from public disclosure pursuant to 10 C.F.R. § 2.390. In addition, some documents have been determined by the NRC Staff to contain security related information authorized to be withheld under § 2.390(a)(2). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, designated “proprietary,” or security related and subject to protected status under Section 2.390.

	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/Description</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Pages</b>
3-1	ML093080095	Flores R, Luminant Generation Co, LLC Luminant Power	Comanche Peak Nuclear Power Plant, Units 3 & 4, Supplemental Information for Environmental Review RAI Responses.	09/09/2009	Letter	Matthews D B, NRC/Docum ent Control Desk NRC/NRO	Trade Secrets and Commercial or Financial Information.	18
3-2	ML093080372	Flores R, Luminant Generation Co, LLC Luminant Power	Comanche Peak, Units 3 & 4, Supplemental Information for Environmental Review RAI Responses.	09/14/2009	Letter	Matthews D B, NRC/Docum ent Control Desk NRC/NRO/D NRL	Trade Secrets and Commercial or Financial Information.	13

Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
3-3	Luminant Generation Co, LLC	Comanche Peak, Units 3 & 4 - Col Application, Part 2, FSAR Update Tracking Report, Revision 7.	10/16/2009	Final Safety Analysis Report (FSAR)	NRC/NRO/D NRL	Security Related Information Withheld under 10 C.F.R. § 2.390(d)	232

December 15, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
LUMINANT GENERATION CO. LLC	)	Docket No. 52-016-COL
	)	
(Comanche Peak Nuclear Power Plant,	)	
Units 3 & 4)	)	

AFFIDAVIT OF STEPHEN MONARQUE CONCERNING  
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(b) and (c)

I, Stephen Monarque, do hereby state as follows:

1. I am employed as a Project Manager in the US-APWR Projects Branch of the Division of New Reactor Licensing in the Nuclear Regulatory Commission’s (“NRC”) Office of New Reactors. I serve as project manager for the NRC’s review of the Combined License Application submitted by Luminant Generation Co. LLC at issue in this proceeding.

2. Pursuant to 10 C.F.R. § 2.336(d), I hereby certify that all relevant materials required to be disclosed in the captioned proceeding have been disclosed and that the disclosures are accurate and complete as of December 1st, 2009.

3. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

**Executed in Accord with 10 CFR § 2.304(d)**

Stephen Monarque  
Project Manager, US-APWR Projects Branch  
Division of New Reactor Licensing  
U.S. Nuclear Regulatory Commission  
Mail Stop T6C20M  
Washington, DC 20555-0001  
(301) 415-1544  
Stephen.Monarque@nrc.gov

Executed in Rockville, MD  
this 15th day of December, 2009



December 15, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
LUMINANT GENERATION CO. LLC	)	Docket No. 52-016-COL
	)	
(Comanche Peak Nuclear Power Plant,	)	
Units 3 & 4)	)	

AFFIDAVIT OF STEPHEN MONARQUE CONCERNING  
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2. Pursuant to 10 C.F.R. § 2.336(d), I hereby certify that all proprietary documents submitted in the captioned proceeding have been listed in the attached privilege log and that the privilege log is accurate and complete as of December 1st, 2009.

3. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

**Executed in Accord with 10 CFR § 2.304(d)**

Stephen Monarque  
Project Manager, US-APWR Projects Branch  
Division of New Reactor Licensing  
U.S. Nuclear Regulatory Commission  
Mail Stop T6C20M  
Washington, DC 20555-0001  
(301) 415-1544  
Stephen.Monarque@nrc.gov

Executed in Rockville, MD  
this 15th day of December, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
)  
)  
LUMINANT GENERATION CO. LLC ) Docket Nos. 52-034 & 52-035  
)  
)  
(Comanche Peak Nuclear Power Plant, )  
Units 3 & 4) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated December 15, 2009, providing notice of the availability of update three to the hearing file and mandatory disclosures made pursuant to 10 C.F.R. § 2.336(d), with attachments, together with the affidavits of Stephen Monarque, have been served upon the following persons by Electronic Information Exchange this 15th day of December, 2009:

Ann Marshall Young, Chair  
Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: Ann.Young@nrc.gov

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

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

Office of the Secretary  
ATTN: Docketing and Service  
Mail Stop: O-16C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: HEARINGDOCKET@nrc.gov

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

Robert V. Eye  
Kauffman & Eye  
Suite 202  
112 SW 6th Ave.  
Topeka KS 66603  
bob@kauffmaneye.com

Steven P. Frantz  
Jonathan M. Rund  
Martin J. O'Neill  
Stephen J. Burdick  
Timothy P. Matthews  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
Phone: 202-739-3000  
Fax: 202-739-3001  
E-mail: sfrantz@morganlewis.com  
jrund@morganlewis.com  
martin.o'neill@morganlewis.com  
sburdick@morganlewis.com  
tmatthews@morganlewis.com

**/Signed (electronically) by/**

Susan H. Vrahoretis  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15 D21  
Washington, DC 20555-0001  
(301) 415-4075  
Susan.Vrahoretis@nrc.gov

Dated at Rockville, Maryland  
this 15th day of December, 2009