

April 9, 2010

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, 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 7 – April 9, 2010**

	Accession Number	Document Date	Title/Description
7-1	ML100640603	12/06/1978	On the Prediction of Local Effects of Proposed Cooling Ponds.
7-2	ML100640507	02/19/1982	Effects of Temperature and Salinity on <i>Vibrio Cholerae</i> Growth.
7-3	ML100640518	02/28/1986	Attachment A: Water Rights Associated With the Comanche Peak Nuclear Power Plant.
7-4	ML100640573	12/22/1988	Environmental Assessment of the Morris Sheppard Dam Water Power Project.
7-5	ML100820406	04/30/1997	Texas Natural Resource Conservation Commission Chapter 307 - Texas Surface Water Quality Standards.
7-6	ML100710675	04/01/2001	Comanche Peak, Units 3 and 4, Report Supporting an Application for a Texas Water Right by Somervell County Water District, Appendix G (Continued) through Appendix G through Appendix K.
7-7	ML100710657	04/30/2001	Comanche Peak, Units 3 and 4, Report Supporting an Application for a Texas Water Right by Somervell County Water District, Cover through Appendix C.
7-8	ML100710664	04/30/2001	Comanche Peak, Units 3 and 4, Report Supporting an Application for a Texas Water Right by Somervell County Water District, Appendix C (Continued) through Appendix G.
7-9	ML100640501	12/31/2001	Assessing Changes in Biomass, Productivity, and C and N Stores Following Juniperus Virginiana Forest Expansion Into Tallgrass Prairie.
7-10	ML100640600	08/31/2004	Salton Sea Salinity Control Research Project.
7-11	ML100640536	02/22/2005	Attachment C: Wheeler Branch Water Right.
7-12	ML100710679	12/31/2005	Comanche Peak, Units 3 and 4, 2005 Health Facts for Texas and Counties.
7-13	ML100820405	03/19/2008	2008 Guidance for Assessing and Reporting Surface Water Quality in Texas.
7-14	ML100750064	08/25/2008	TXUT-001-FSAR-2.4.4-CALC-015, Rev. 0, "Brazos River Dam Failures Analysis for Comanche Peak Nuclear Power Plant Units 3 and 4."

	Accession Number	Document Date	Title/Description
7-15	ML100750044	08/14/2009	TUXT-001-FSAR-2.4.3-CALC-012, Rev. 1, Reference 11. Texas Utilities Services, Inc., Comanche Peak, Units 1 and 2, CPSES 1980-1982, "Safe Shutdown Impoundment Dam Design Calculations and Calculations Check, Volume 1.
7-16	ML100750047	08/14/2009	TUXT-001-FSAR-2.4.3-CALC-012, Rev. 1, Reference 12. Texas Utilities Services, Inc., Comanche Peak, Units 1 and 2, CPSES 1980-1982, "Safe Shutdown Impoundment Dam Design Calculations and Calculations Check, Volume 2.
7-17	ML100750048	08/14/2009	TUXT-001-FSAR-2.4.3-CALC-012, Rev. 1, Reference 13. The Texas Water Development Board, "Volumetric Survey for Squaw Creek Reservoir," Prepared by the Brazos River Authority and Texas Utilities, September 11, 1997.
7-18	ML100750051	08/14/2009	TUXT-001-FSAR-2.4.3-CALC-012, Rev. 1, Reference 14. Freese and Nichols, Operation and Maintenance Procedures, Squaw Creek Dam, Fort Worth, Texas, 1977.
7-19	ML100750052	08/14/2009	TXUT-001-FSAR 2.4.2-CALC-020, Rev. 2, "Analysis of the Effects of Local Intense Precipitation at the Comanche Peak Nuclear Power Plant Units 3 and 4."
7-20	ML100750054	08/14/2009	TXUT-001-FSAR 2.4.2-CALC-020, Rev. 1, "Probable Maximum Precipitation Calculation for Comanche Peak Nuclear Power Plant Units 3 and 4 Using HMR 51 & HMR 52," Cover through Page 70 of 180.
7-21	ML100750055	08/14/2009	TXUT-001-FSAR 2.4.2-CALC-020, Rev. 1, "Probable Maximum Precipitation Calculation for Comanche Peak Nuclear Power Plant Units 3 and 4 Using HMR 51 & HMR 52," Page 71 of 180 through End.
7-22	ML100750057	08/14/2009	TXUT-001-FSAR 2.4.3-CALC-012, Rev. 1, "Probable Maximum Flood Calculation for Comanche Peak Nuclear Power Plant Units 3 and 4 (HEC-HMS & HEC-RAS)."
7-23	ML100750066	08/14/2009	TXUT-001-FSAR 2.4.7-CALC-029, Rev 0, "Accumulated Freezing Degree Days and Maximum Potential Ice Sheet Thickness for Comanche Peak Nuclear Power Plant Units 3 and 4."
7-24	ML100750059	11/20/2009	TXUT-001-FSAR-2.4.3-CALC-013, Rev. 2, "Coincident Wind Wave Analysis for Comanche Peak Nuclear Power Plant Units 3 and 4."
7-25	ML100640568	12/15/2009	Supplemental Information for NRC Request.

	Accession Number	Document Date	Title/Description
7-26	ML100640529	02/04/2010	Attachment A: Wheeler Branch Operation Study at Full Demand.
7-27	ML100640552	02/04/2010	Attachment D: Wheeler Branch Reservoir Operation Without Luminant Demand.
7-28	ML100640496	02/05/2010	Comanche Peak, Units 3 & 4, Sanitary Waste Treatment Estimated Chemical Consumption and Sludge Production, Revision 1.
7-29	ML100640521	02/08/2010	Attachment B: List of Brazos Basin Water Rights in Priority Order.
7-30	ML100640607	02/08/2010	Setup Variables - Waste Water Evaporation Water Treatment Water Mister System.
7-31	ML100640618	02/10/2010	Attachment C: Net Reservoir Evaporation Rates.
7-32	ML100640512	02/18/2010	HYD-25 Water Laws and Water Rights.
7-33	ML100640525	02/18/2010	HYD-26 Wheeler Branch Reservoir.
7-34	ML100640611	02/18/2010	Additional Information on FNI Modeling.
7-35	ML100550345	02/22/2010	Comanche Peak, Units 3 & 4, Responses to Requests for Additional Information No. 3968, 4209, 4243, 4244, and 4245 for Combined License Application.
7-36	ML100630660	02/24/2010	Comanche Peak, Units 3 & 4, Response to Request for Additional Information Regarding the Environmental Review and Supplemental Information for Previous Environmental Questions.
7-37	ML100640504	02/24/2010	Temporary Best Management Practices.
7-38	ML100640557	02/24/2010	Compounds Measured in Lake Granbury, Rev 1.
7-39	ML100640613	02/24/2010	Attachment B: Historical Outflows from Lake Granbury.
7-40	ML100710682	02/24/2010	Comanche Peak, Units 3 and 4, Report on Minority Populations.
7-41	ML100710686	02/25/2010	Comanche Peak, Units 3 and 4, Office of Minority Health and Health Disparities Sitemap.
7-42	ML100620831	03/01/2010	Comanche Peak, Units 3 and 4 Combined License Application, Response to Request for Additional Information No. 4224.

	Accession Number	Document Date	Title/Description
7-43	ML100640186	03/01/2010	Comanche Peak Nuclear Power Plant, Units 3 & 4, TXUT-001-PR-007, Revision 4, "Project Report, Dynamic Profile".
7-44	ML100640187	03/01/2010	Comanche Peak Nuclear Power Plant, Units 3 & 4, TXUT-001-PR-007-Appendix 1, Revision 2, "Calculation of Vs for Atoka Unit".
7-45	ML100640190	03/01/2010	Comanche Peak Nuclear Power Plant, Units 3 & 4, TXUT-001-PR-007-Appendix 2, Revision 2, "Non-Linear Sensitivity Analysis".
7-46	ML100640191	03/01/2010	Comanche Peak Nuclear Power Plant, Units 3 & 4, TXUT-001-PR-007-Appendix 3, Revision 3, "Site Response Sensitivity Analysis".
7-47	ML100500642	03/03/2010	Comanche Peak, Units 3 and 4 Combined License Application, GEN-03 Clarification for the Proposed Blow-down Treatment Facility.
7-48	ML100640170	03/03/2010	Comanche Peak, Unit 3 & 4, COL Application Part 3, Environmental Report.
7-49	ML100640185	03/03/2010	Comanche Peak Nuclear Power Plant, Unit 3 & 4 - Supplemental Information Regarding Geology Safety Site Visit.
7-50	ML100750042	03/03/2010	Comanche Peak, Units 3 and 4, Documents to Support Requests for Additional Information No. 4308, 4309, 4310, 4311, 4312, 4313, 4314, and 4315.
7-51	ML100840773	03/03/2010	2010/03/03 Comanche Peak COL - CPNPP Units 3 and 4 COL Application Clarification Letter Regarding GEN-03
7-52	ML100810153	03/04/2010	2010/03/04 Comanche Peak COL - FW: Re-Opening Squaw Creek Reservoir
7-53	ML100700262	03/05/2010	Comanche Peak, Units 3 & 4 - Response to Request for Additional Information No. 4372 and Supplemental Response to RAI No. 3295.
7-54	ML100700263	03/05/2010	Comanche Peak, Units 3 & 4 - Response to Request for Additional Information No. 4206 and Supplemental Information for RAI No. 3705.
7-55	ML100710613	03/05/2010	Comanche Peak, Units 3 and 4, Response to Environmental Review Questions ALT-03 and SOC-33, and Supplemental Information for Question TE-04.
7-56	ML100710680	03/05/2010	Squaw Creek Park - Boat Dock, SCP Annual Operator Employment Notices.

	Accession Number	Document Date	Title/Description
7-57	ML100810147	03/05/2010	2010/03/05 Comanche Peak COL - Response to ER RAI SOC-33 and ALT-03; Supp for RAI TE-04
7-58	ML093570054	03/09/2010	Comanche Peak Nuclear Power Plant, Units 3 And 4 Combined License Application, Request For Additional Information Related To Part 1, "Administrative And Financial Information," Revision 1.
7-59	ML093570124	03/09/2010	(Non-Proprietary, Public) Request for Additional Information Related to Part 1 General and Financial Information of the Combined License Application, Revision 1 for the Comanche Peak Nuclear Power Plant, Units 3 & 4.
7-60	ML100670542	03/09/2010	03/19/2010 Notice of Meeting with Luminant Generation Co., LLC, to Discuss Hydrology Calculations and Request for Additional Information Responses Related to Comanche Peak Nuclear Power Plant, Units 3 & 4.
7-61	ML100710027	03/09/2010	Comanche Peak, Units 3 and 4, Supplemental Information for Environmental Review Requests for Additional Information HYD-11, HYD-18, and HYD-19.
7-62	ML100710028	03/09/2010	Comanche Peak, Units 3 & 4, Response to Request for Additional Information No. 4208 Involving Respiratory Protection Program Requirements Associated with Non-Radiological Hazards and the Plant Source Term.
7-63	ML100810156	03/09/2010	2010/03/09 Comanche Peak COL - FW: Response to RAI No. 4224 (CP #134) - Evacuation Time Estimate - non public pending SUNSI review
7-64	ML100810159	03/09/2010	2010/03/09 Comanche Peak COL - FW: Two Letters Submitted to the NRC - non public pending SUNSI review
7-65	ML100810170	03/09/2010	2010/03/09 Comanche Peak COL - FW: 2.4 Hydrology Calcs and References
7-66	ML100810171	03/09/2010	2010/03/09 Comanche Peak COL - RE: 2.4 Hydrology Calcs and References
7-67	ML100810174	03/10/2010	2010/03/10 Comanche Peak COL - Comanche Peak RCOL Section 13.04 - RAI Number 151
7-68	ML100810175	03/10/2010	2010/03/10 Comanche Peak COL - FW: 2010-03-10 Proposed topics for 2pm EST COLA Conference call

	Accession Number	Document Date	Title/Description
7-69	ML100840771	03/10/2010	2010/03/10 Comanche Peak COL - Comanche Peak COL Project Status List
7-70	ML100810177	03/15/2010	2010/03/15 Comanche Peak COL - Friday 3/19/10 Public Conference Call Phone Numbers
7-71	ML100810178	03/15/2010	2010/03/15 Comanche Peak COL - RE: Friday 3/19/10 Public Conference Call Phone Numbers
7-72	ML100810197	03/15/2010	2010/03/15 Comanche Peak COL - FW: Comanche Peak, Units 3 and 4-Response to Request for Additional. Information NO. 4224_Evacuation Time Estimate
7-73	ML100810172	03/17/2010	2010/03/17 Comanche Peak COL - RE: New Time Proposed: FW: Conf Call with NRO PM
7-74	ML100810173	03/18/2010	2010/03/18 Comanche Peak COL - FW: Friday 3/19/10 Public Conference Call Phone Numbers
7-75	ML100820402	03/19/2010	Comanche Peak Nuclear Power Plant, Unit 3 & 4, Supplement Information for Responses to Environmental Review Request for Additional Information GEN-03 and GEN-07.
7-76	ML100830218	03/22/2010	Comanche Peak, Units 3 & 4, Submittal of Replacement Figure for Project Report TXUT-001-PR-007, Revision 4.
7-77	ML100840769	03/22/2010	2010/03/22 Comanche Peak COL - FW: Comanche Peak COL Project Status Report
7-78	ML100560019	03/23/2010	Summary of January 27, 2010 Public Meeting Held with Luminant Generation Company, LLC to Discuss Technical Issues in Regards to CPNPP Units 3 and 4 Combined License Application.
7-79	ML100840717	03/23/2010	2010/03/23 Comanche Peak COL - RE: Comanche Peak COL Part 1 RAIs - Review for proprietary - non public
7-80	ML100840759	03/23/2010	2010/03/23 Comanche Peak COL - FW: 2010-03-23 Discussion Topics for tomorrow's COLA Conference Call
7-81	ML100840760	03/23/2010	2010/03/23 Comanche Peak COL - RE: 2010-03-23 Woodlan RE: April 7-8, 2010 geology audit

	Accession Number	Document Date	Title/Description
7-82	ML100840762	03/23/2010	2010/03/23 Comanche Peak COL - FW: 2010-03-22 Participants on Safety Hydro Conference Call
7-83	ML100840765	03/23/2010	2010/03/23 Comanche Peak COL - FW: 2010-03-23 MNES Offices
7-84	ML100840767	03/23/2010	2010/03/23 Comanche Peak COL - Comanche peak COL geology Information Needs for April 7-8, 2010 audit
7-85	ML100840733	03/24/2010	2010/03/24 Comanche Peak COL - FW: Replacement Figure non public pending SUNSI review
7-86	ML100840754	03/24/2010	2010/03/24 Comanche Peak COL - RE: Request for Password to Comanche Peak Electronic Reading Room
7-87	ML100840761	03/24/2010	2010/03/24 Comanche Peak COL - Request for Password to comanche Peak Electronic Reading Room
7-88	ML100840758	03/25/2010	2010/03/25 Comanche Peak COL - comanche peak RAI table
7-89	ML100880050	03/26/2010	2010/03/26 Comanche Peak COL - FW: Your User Request
7-90	ML100880053	03/26/2010	2010/03/26 Comanche Peak COL - Comanche peak project Status report - March 26, 2010
7-91	ML100900449	03/30/2010	2010/03/30 Comanche Peak COL - Conference call on section 3.3.2
7-92	ML100900452	03/30/2010	2010/03/30 Comanche Peak COL - ComanchePeak COL geology Audit Agenda for April 7-8, 2010 in VA
7-93	ML100900456	03/30/2010	2010/03/30 Comanche Peak COL - Comanche Peak project Status Report
7-94	ML100900457	03/30/2010	2010/03/30 Comanche Peak COL - FW: Response to RAI No. 4316 (CP RAI #142)
7-95	ML100900122	03/31/2010	Press Release-10-057: Licensing Board to Hear Oral Argument April 15 in Granbury, Texas, on Comanche Peak New Nuclear Reactor Application.
7-96	ML100900453	03/31/2010	2010/03/31 Comanche Peak COL - FW: Comanche Peak COL section 2.4 Conference Call re South Bend Reservoir

	Accession Number	Document Date	Title/Description
7-97	ML100900454	03/31/2010	2010/03/31 Comanche Peak COL - FW: 2010-03-31 Comanche Peak project Status Report and Talking Points for COLA Conf Call

Attachment 2**Comanche Peak COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary and Security Information
Update 7 – April 9, 2010**

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.

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
7-1	ML093570070	Monarque S R, NRC/NRO/ DNRL/NMIP	(Proprietary, Non-Public) Request for Additional Information Related to Part 1 General and Financial Information of the Combined License Application, Revision 1 for the Comanche Peak Nuclear Power Plant, Units 3 & 4.	03/09/2010	Request for Additional Information (RAI)	Woodlan D, Luminant Generation Co, LLC	Proprietary Information	5
7-2	ML100810168	NRC	2010/03/09 Comanche Peak COL - Comanche Peak COL Part 1 RAIs - Review for proprietary - non public	03/09/2010	E-Mail	NRC/NRO/D NRL/NMIP	Proprietary Information	17

April 9, 2010

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-COL and 52-035-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 April 1st, 2010.

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 9th day of April, 2010

April 9, 2010

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-COL and 52-035-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 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 April 1st, 2010.

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 9th day of April, 2010

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 April 9, 2010, providing notice of the availability of update six 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 9th day of April, 2010:

Ann Marshall Young, Chair
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/Signed (electronically) by/
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Dated at Rockville, Maryland
this 9th day of April, 2010