

September 15, 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](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 12 – September 15, 2010**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-1	ML102370704	12/03/2007	Data Report TXUT-1908-01, Rev. 0, "Technical Issues Related to Hydraulic Fracturing and Fluid Extraction/Injection Near the Comanche Peak Nuclear Facility in Texas."
12-2	ML102080196	06/24/2010	Calculation TXUT-001-FSAR-2.4.3-CALC-012, Rev. 2, "Probable Maximum Precipitation Calculation for Comanche Client: Luminant Peak Nuclear Power Plant Units 3 and 4 (HEC-HMS & HEC-RAS)," Part 4 of 4.
12-3	ML102070355	07/16/2010	Comanche Peak, Units 3 and 4 - Response to Request for Additional Information Nos. 4308, 4309, 4310 and 4311.
12-4	ML102110179	07/28/2010	Comanche Peak, Units 3 and 4, Request for Exemption from 10 CFR 50.71(e)(3)(iii).
12-5	ML102310477	07/28/2010	Comanche Peak, Units 3 & 4, Notification of Completed Regulatory Commitments.
12-6	ML102310478	07/28/2010	Comanche Peak Units 3 & 4, Cyber Security Plan.
12-7	ML102210489	08/02/2010	2010/08/02 Comanche Peak COL - RE: Public Telecon to discuss RAI 155 (4606) Question 2.3.1-6 and RAI 156 (4607) Question 2.3.2-4
12-8	ML102210490	08/03/2010	2010/08/03 Comanche Peak COL - FW: Public Telecon to discuss RAI 155 (4606) Question 2.3.1-6 and RAI 156 (4607) Question 2.3.2-4
12-9	ML102210491	08/03/2010	2010/08/03 Comanche Peak COL - RE: Public Telecon to discuss RAI 155 (4606) Question 2.3.1-6 and RAI 156 (4607) Question 2.3.2-4
12-10	ML102210492	08/03/2010	2010/08/03 Comanche Peak COL - FW: Public Telecon to discuss RAI 155 (4606) Question 2.3.1-6 and RAI 156 (4607) Question 2.3.2-4
12-11	ML102240081	08/03/2010	2010/08/03 Comanche Peak COL - telecom 8/16/10 - CPNPP section 13.3 Open Item discussion
12-12	ML102210493	08/04/2010	2010/08/04 Comanche Peak COL - FW: Comanche Peak Studies
12-13	ML102210494	08/05/2010	2010/08/05 Comanche Peak COL - RE: Comanche Peak Expansion

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-14	ML101890752	08/06/2010	Letter to Environmental Protection Agency Regarding Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 4 Combined License.
12-15	ML101890807	08/06/2010	United States Nuclear Regulatory Commission Docket 52-034 and 52-035 NRC Notice of Availability of the Draft Environmental Impact Statement for the Combined License for Comanche Peak Nuclear Power Plant Units 3 and 4.
12-16	ML101900378	08/06/2010	Notice Of Availability of the Draft Environmental Impact Statement Related to the Combined License for the Comanche Peak Nuclear Power Plant, Units 3 and 4.
12-17	ML101950280	08/06/2010	Comanche Peak, Units 3 and 4 Combined License Application Review TCEQ, Notification of the Issuance of the Request for Comments on the Draft Environmental Impact Statement.
12-18	ML101960020	08/06/2010	Request for Comments on the Draft Environmental Impact Statement and Biological Assessment related to the Review of the Combined License Application for Comanche Peak Nuclear Power Plant Units 3 and 4.
12-19	ML101960039	08/06/2010	Notification of the Issuance of and Request for Comments on the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 4 Combined Review.
12-20	ML101960050	08/06/2010	Comanche Peak, Units 3 and 4 Combined License Application Review, Notification of the Issuance of and Request for Comments on the Draft Environmental Impact Statement.
12-21	ML102090382	08/06/2010	Letter Chairman Lupe: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 4 Combined License Application Review.
12-22	ML102210496	08/08/2010	2010/08/08 Comanche Peak COL - Comanche peak project status - public
12-23	ML102210106	08/09/2010	Press Release-10-137: NRC Seeks Public Input On Draft Environmental Impact Statement for Comanche Peak New Reactors; Meetings Scheduled Sept. 21.
12-24	ML102210487	08/09/2010	2010/08/09 Comanche Peak COL - RE: Comanche Peak Expansion
12-25	ML102210488	08/09/2010	2010/08/09 Comanche Peak COL - RE: Comanche Peak Studies

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-26	ML102210497	08/09/2010	2010/08/09 Comanche Peak COL - RAI Submission
12-27	ML102210498	08/09/2010	2010/08/09 Comanche Peak COL - RE: RAI Submission
12-28	ML102230154	08/09/2010	Comanche Peak Nuclear Power Plant, Units 3 and 4, Response to Request for Additional Information No. 4846.
12-29	ML102240246	08/09/2010	Comanche Peak, Units 3 and 4, Response to Request for Additional Information Nos. 4542 and 4714.
12-30	ML102240248	08/09/2010	List of Final Safety Analysis Pages on the Enclosed CD - TXNB-10057 Attachment 3.
12-31	ML102180328	08/10/2010	Letter Chairwoman Parker: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-32	ML102180335	08/10/2010	Letter Chairman Kostzuta: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-33	ML102180341	08/10/2010	Letter President McAdams: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-34	ML102180356	08/10/2010	Letter Chairperson Surveyor: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 3 Combined License Application Review.
12-35	ML102180361	08/10/2010	Letter President Snake: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-36	ML102210305	08/10/2010	Letter to SHPO - Mr. Arterberry: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined Application Review.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-37	ML102210307	08/10/2010	Letter President Patterson: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-38	ML102210316	08/10/2010	Letter Chief Gray: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-39	ML102210327	08/10/2010	Letter President Chino: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-40	ML102210329	08/10/2010	Letter Chairman Tofpi: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-41	ML102210332	08/10/2010	Letter Chairman Garza: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 4 COL Application Review.
12-42	ML102210352	08/10/2010	Letter Governor Nuckolls: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-43	ML102240082	08/10/2010	2010/08/10 Comanche Peak COL - FW: Agenda for 8-12-2010 NRO Phone Call - Comanche peak COL
12-44	ML102240083	08/10/2010	2010/08/10 Comanche Peak COL - Comanche Peak Project Status Report
12-45	ML102210333	08/11/2010	Comanche Peak Units 3 and 4 COL Application Review - Letter G Velarde: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement.
12-46	ML102210334	08/11/2010	Comanche Peak, Units 3 and 4 COL Application Review - Letter Chief Brooks: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement.

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-47	ML102210337	08/11/2010	Letter Mr. Houser: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 4 COL Application Review.
12-48	ML102210338	08/11/2010	Letter Mr. Celestine: Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 4 COL Application Review.
12-49	ML102240489	08/11/2010	2010/08/11 Comanche Peak COL - FW: Comanche Peak Project Status Report
12-50	ML102240490	08/11/2010	2010/08/11 Comanche Peak COL - FW: Comanche Peak Project Status Report
12-51	ML101950205	08/12/2010	Notification of the Issuance of and Request for Comments on the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application Review.
12-52	ML101950267	08/12/2010	Section 106 Consultation and Notification of the Issuance of the Draft Environmental Impact Statement for the Comanche Peak Nuclear Power Plant Units 3 and 4 Combined License Application Review.
12-53	ML102290040	08/13/2010	Comanche, Units 3 & 4, Response to Request for Additional Information No. 4760 Involving the Potential Impact of Nearby Slopes on the Computed SSI Responses.
12-54	ML102290174	08/13/2010	2010/08/13 Comanche Peak COL - Response to RAI No. 4760 (CP RAI #171)
12-55	ML102290181	08/16/2010	2010/08/16 Comanche Peak COL - FW: NRC Participant's name for Public Conference on 2.3 8/13/2010
12-56	ML101950427	08/17/2010	Maintenance of Reference Materials at the Hood County Library for the Comanche Peak Nuclear Power Plant, Units 3 and 4 Combined License Application.
12-57	ML101950494	08/17/2010	Maintenance of Reference Materials at the Somervell County Library for the Comanche Peak Nuclear Power Plant Units 3 and 4 Combined License Application.
12-58	ML102300732	08/17/2010	2010/08/17 Comanche Peak COL - RAI 4760 status
12-59	ML102300734	08/17/2010	2010/08/17 Comanche Peak COL - Comanche peak COL project status report

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-60	ML102300735	08/18/2010	2010/08/18 Comanche Peak COL - FW: 2010-08-18 Talking Points for Comanche Peak Weekly call
12-61	ML102300736	08/18/2010	2010/08/18 Comanche Peak COL - Agenda for 8-18 NRO Weekly Call
12-62	ML102360751	08/19/2010	2010/08/19 Comanche Peak COL - Comanche Peak COL - ACRS Schedule for Chapters
12-63	ML102370659	08/19/2010	Comanche Peak, Units 3 and 4, Response to Request for Additional Information No. 4725 Involving Seismic Sources and Vibratory Ground Motion.
12-64	ML102360752	08/23/2010	2010/08/23 Comanche Peak COL - FW: Request for Publications
12-65	ML102360750	08/24/2010	2010/08/24 Comanche Peak COL - FW: 2010-08-18 Cyber security plan - public
12-66	ML102371306	08/25/2010	2010/08/25 Comanche Peak COL - Comanche Peak RCOL Chapter 14, Section 14.2 - RAI Number 173
12-67	ML102371307	08/25/2010	2010/08/25 Comanche Peak COL - FW: 2010-08-25 CPNPP COLA talking points
12-68	ML102371309	08/25/2010	2010/08/25 Comanche Peak COL - Comanche Peak COL Project Status report
12-69	ML102390540	08/27/2010	2010/08/27 Comanche Peak COL - 2010-08-27 Woodlan re Comanche Peak RCOL Chapter 14, Section 14.2 - RAI Number 173
12-70	ML102390541	08/27/2010	2010/08/27 Comanche Peak COL - 2010-08-27 Schedule for RAIs 155 (4606) and 156 (4607)
12-71	ML102390542	08/27/2010	2010/08/27 Comanche Peak COL - FW: Response to RAI 4725 (CP RAI #168)
12-72	ML102170030	08/31/2010	NUREG-1943, Vol. 1 DFC, "Draft Environmental Impact Statement for Combined Licenses (COLs) for Comanche Peak Nuclear Power Plant Units 3 and 4" (Draft for Comment).
12-73	ML102170036	08/31/2010	NUREG-1943, Vol. 2 DFC, "Draft Environmental Impact Statement for Combined Licenses (COLs) for Comanche Peak Nuclear Power Plant Units 3 and 4" (Draft for Comment).
12-74	ML102450751	08/31/2010	2010/08/31 Comanche Peak COL - Comanche peak COL project status report

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-75	ML102520396	09/01/2010	2010/09/01 Comanche Peak COL - Construction and Operating Services Agreement (PUBLIC)
12-76	ML102450747	09/02/2010	2010/09/02 Comanche Peak COL - Comanche Peak RCOL Chapter 14, Section 14.3.7 - RAI Number 174
12-77	ML102450748	09/02/2010	2010/09/02 Comanche Peak COL - Comanche Peak RCOL Chapter 14, Section 14.3.7 - RAI Number 175
12-78	ML102450750	09/02/2010	2010/09/02 Comanche Peak COL - Comanche Peak RCOL Chapter 14, Section 14.3.7 - RAI Number 176
12-79	ML102520463	09/03/2010	2010/09/03 Comanche Peak COL - RE: RAIs past due
12-80	ML102520470	09/03/2010	2010/09/03 Comanche Peak COL - 2010-09-03 Review Status
12-81	ML102520462	09/07/2010	2010/09/07 Comanche Peak COL - 2010-09-07 Talking Points
12-82	ML102520476	09/07/2010	2010/09/07 Comanche Peak COL - 2010-09-07 Review Status
12-83	ML102520483	09/07/2010	2010/09/07 Comanche Peak COL - RE: Response to RAI 4760 for Comanche Peak 3.7.2
12-84	ML102520489	09/07/2010	2010/09/07 Comanche Peak COL - RE: 2010-09-03 Comanche peak COL project status report
12-85	ML102520491	09/07/2010	2010/09/07 Comanche Peak COL - RE: Response to RAI 4760 for Comanche Peak 3.7.2
12-86	ML102520492	09/08/2010	2010/09/08 Comanche Peak COL - RE: 2010-09-07 Talking Points
12-87	ML102530580	09/08/2010	2010/09/08 Comanche Peak COL - 2010-09-08 Extension on RAI-172 to 9/24/2010
12-88	ML102530583	09/09/2010	2010/09/09 Comanche Peak COL - RE: 2010-08-27 Schedule for RAIs 155 (4606) and 156 (4607)
12-89	ML102530586	09/09/2010	2010/09/09 Comanche Peak COL - Comanche Peak RCOL Chapter 14, Section 14.3.7 - RAI Number 177
12-90	ML102530591	09/09/2010	2010/09/09 Comanche Peak COL - Comanche Peak RCOL Chapter 9, Section 9.5.2 - RAI Number 178



	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
12-91	ML102530593	09/10/2010	2010/09/10 Comanche Peak COL - Comanche Peak RCOL Chapter 2, Section 2.5.1 - RAI Number 179

**Attachment 2****Comanche Peak COL Hearing File and Mandatory Disclosures  
Privilege Log – Proprietary and Security Information  
Update 12 – September 15, 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.

	<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>
12-1	ML102210132	Dinh T Q, NRC/NRO/DSR A/SFPT	Comanche Peak Units 3 & 4 Combined License Application - Request for Additional Information.	08/09/2010	Request for Additional Information (RAI)	Luminant	Security-Related Information	7

September 15, 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 September 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 15th day of September, 2010

September 15, 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 September 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 15th day of September, 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 September 15, 2010, providing notice of the availability of update twelve 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 September, 2010:

Ann Marshall Young, Chair  
Atomic Safety and Licensing Board  
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**/Signed (electronically) by/**

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Susan.Vrahoretis@nrc.gov

Dated at Rockville, Maryland  
this 15th day of September, 2010