

October 1, 2009

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

Richard F. Cole
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

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

In the Matter of
VIRGINIA ELECTRIC and POWER COMPANY
d/b/a DOMINION VIRGINIA POWER and OLD
DOMINION ELECTRIC COOPERATIVE
(Combined License Application for North Anna Unit 3)

Dear Administrative Judges:

Pursuant to the Board's Order dated September 10, 2008, the Staff herein provides to the Board and the parties as an enclosure to this letter an index identifying additions to the Hearing File, as required to be disclosed by the Staff in accordance with 10 C.F.R. § 2.336(d). The index contains the ADAMS accession number, date, and title of each enumerated document so as to make each document readily retrievable from the agency's website, www.nrc.gov, using the ADAMS "Find" function. Additionally, the Staff will add the indexed documents to the folder in the agency's Electronic Hearing Docket ("EHD") associated with this proceeding, entitled "North Anna Hearing File." Also attached, as required by 10 C.F.R. § 2.336(c), is the Affidavit of Thomas A. Kevern.

In accordance with the Licensing Board's September 10, 2008 Order, relieving all parties from the obligation of producing privilege logs, as otherwise required by 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5), the Staff herein produces a log of the documents withheld as containing proprietary information. As directed by the Licensing Board, the Staff shall preserve and maintain all privileged and/or otherwise protected documents during the pendency of this proceeding.

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Respectfully submitted,

/signed (electronically) by/

Marcia Carpentier
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
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Dated at Rockville, Maryland
this 1st day of October, 2009

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Proprietary Log
Affidavit of Thomas A. Kevern

Attachment 1**North Anna COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 12 – October 1, 2009**

	Accession Number	Document Date	Title
12-01	ML092250404	08/12/2009	Status Report for the ESBWR Subcommittee on North Anna COLA on August 21, 2009.
12-02	ML092380161	08/24/2009	North Anna Unit 3 Combined License Application - Response to Request for Additional Information Letter 039 (Part 8).
12-03	ML092380164	08/24/2009	North Anna, Unit 3 Combined License Application, Response to Request for Additional Information Letter 039 (Part 8).
12-04	ML092380596	08/24/2009	North Anna, Unit 3 - Combined License Application Response to Request for Additional Information (RAI) Letter 039 (Part 8).
12-05	ML092390079	08/24/2009	North Anna, Unit 3 Combined License Application re: Response to Request for Additional Information Letter 37 (FSAR Chapter 3, 5, and 12.
12-06	ML092300218	08/25/2009	08/13/2009-ESBWR DCWG Public Meeting Summary to Discuss North Anna Combined License Application Issues.
12-07	ML092300293	08/25/2009	08/13/2009-ESBWR DCWG Public Meeting Attendee List.
12-08	ML092300305	08/25/2009	08/13/2009 - North Anna RAI Update.
12-09	ML092300314	08/25/2009	08/13/2009-North Anna SER with Open Items Update.
12-10	ML092300373	08/25/2009	08/13/2009-ACRS Subcommittee Meeting Update, North Anna Unit 3 COL Application.
12-11	ML092300384	08/25/2009	08/13/2009-North Anna COLA Status Presentation, Revisions.
12-12	ML092370695	08/25/2009	Certified Minutes of the ACRS ESBWR Subcommittee on the North Anna Cola, June 18, 2009.
12-13	ML092540093	09/02/2009	2009/09/02 North Anna 3 COL Hearing - FW: List of Attendees (public)
12-14	ML092540095	09/02/2009	2009/09/02 North Anna 3 COL Hearing - List of Attendees (public)
12-15	ML092530402	09/08/2009	North Anna, Unit 3 COL - Response to Request for Additional Information Letter 038 (COLA Part 1).
12-16	ML092540090	09/10/2009	2009/09/10 North Anna 3 COL Hearing - Request for Survey (public)

	Accession Number	Document Date	Title
12-17	ML092540089	09/11/2009	2009/09/11 North Anna 3 COL Hearing - Emailing: NorthAnna.jpg (public) (public) Attachment 1 of 3 to MSackschewsky email 9/3/09
12-18	ML092680054	09/11/2009	2009/09/11 North Anna 3 COL Hearing - RE: Request for Survey (public)
12-19	ML092640120	09/15/2009	North Anna Unit 3 Combined License Application Response to Request for Groundwater Model Input Files.
12-20	ML092680049	09/15/2009	2009/09/15 North Anna 3 COL Hearing - RE: Request for Survey (public)
12-21	ML092680051	09/15/2009	2009/09/15 North Anna 3 COL Hearing - RE: Request for Survey (public)
12-22	ML092680052	09/15/2009	2009/09/15 North Anna 3 COL Hearing - FW: Request for Survey (public)
12-23	ML092680046	09/16/2009	2009/09/16 North Anna 3 COL Hearing - ACRS Meeting - agenda
12-24	ML092680047	09/16/2009	2009/09/16 North Anna 3 COL Hearing - RE: Request for Survey (public)
12-25	ML092610350	09/18/2009	Request for Additional Information Letter No. 042 Related to the North Anna Unit 3 COL Application.
12-26	ML092680044	09/21/2009	2009/09/21 North Anna 3 COL Hearing - North Anna RAI Letter #42
12-27	ML092680041	09/23/2009	2009/09/23 North Anna 3 COL Hearing - North Anna ACRS Announcement
12-28	ML092680042	09/23/2009	2009/09/23 North Anna 3 COL Hearing - RE: North Anna Final SEIS
12-29	ML092680038	09/24/2009	2009/09/24 North Anna 3 COL Hearing - FW: North Anna ACRS - agenda additions
12-30	ML092680039	09/24/2009	2009/09/24 North Anna 3 COL Hearing - FW: Location of North Anna final SEIS w/markups on EARRTH

Attachment 2**North Anna COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 12 – October 1, 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. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, designated “proprietary,” 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
12-1	ML092380162	Dominion Energy, Inc Dominion Generation Dominion Virginia Power	North Anna, Unit 3, Enclosures 1 & 2: Response to NRC RAI Letter 039 - RAI Question 13.06.01-2 and RAI Question 13.06.01-23.	08/24/2009	Enclosure	NRC/NRO	Security related information relating to the Physical Security Plan	4

October 1, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
VIRGINIA ELECTRIC AND POWER CO.,)
 dba DOMINION VIRGINIA POWER,)
 and OLD DOMINION ELECTRIC COOP.) Docket No. 52-017
)
(North Anna Unit 3))

AFFIDAVIT OF THOMAS A. KEVERN CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Thomas A. Kevern, do hereby state as follows:

1. I am employed as a Project Manager in the ESBWR/ABWR Projects Branch 1 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 Virginia Electric and Power Company, at issue in this proceeding.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336(d) in the captioned proceeding have been disclosed pursuant to the Licensing Board's September 10th, 2008 Order, and that the disclosures are accurate and complete as of September 25th, 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)

Thomas A. Kevern
Project Manager, ESBWR/ABWR Projects Branch 1
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Executed in Rockville, MD
this 1st day of October, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
VIRGINIA ELECTRIC AND POWER CO.,	)	
dba DOMINION VIRGINIA POWER,	)	
and OLD DOMINION ELECTRIC	)	Docket No. 52-017-COL
COOPERATIVE	)	
	)	
(North Anna Power Station, Unit 3)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated October 1, 2009, providing notice of the availability of an update to the hearing file per 10 C.F.R. § 2.336(d), with enclosures, together with the affidavit of Thomas A. Kevern, have been served upon the following persons by Electronic Information Exchange this 1st day of October, 2009:

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/signed (electronically) by/

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