

December 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
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Dated at Rockville, Maryland
this 1st day of December, 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 14 – December 1, 2009**

	Accession Number	Document Date	Title
14-01	ML093160824	11/29/1990	Element Stewardship Abstract for Juncus Caesariensis, by Alfred Schuyler, November 1990
14-02	ML093160787	11/13/1992	Small Whorled Pogonia Recovery Plan, US Fish and Wildlife Service-Region 5, 1992
14-03	ML093160831	01/30/2004	DOE-EIA Annual Energy Outlook 2004, With Projections to 2025, January 2004, Ch 10
14-04	ML093160784	12/15/2008	Low Water Level Survey and Analysis, Lake Anna Civic Association (LACA), 2008
14-05	ML093160781	03/02/2009	Draft Instream Flow Incremental Methodology (IFIM) Studies on the North Anna and Pamunkey Rivers Virginia, March 2009
14-06	ML093160798	03/11/2009	VDEQ letter DK Paylor to EPA Region 3, Dated March 11, 2009 identifying recommendations and comments on designations of areas in Virginia under 2008 8-hour Ozone NAAQS
14-07	ML093160823	08/28/2009	NatureServe Explorer Juncu Caesariensis, 2009
14-08	ML093160317	09/29/2009	North Anna Power Station Unit 3- North Anna 3 Project Site, Construction Staging Area and North Anna to Ladysmith Transmission Line Corridor.
14-09	ML093160827	10/19/2009	VDOT, Route 209 Courthouse Road, Spotsylvania Courthouse, Phase I Project, 2009
14-10	ML093160828	10/20/2009	VDOT Spotsylvania Courthouse Bypass, Phase II, 2009
14-11	ML093030590	10/23/2009	G20090625/EDATS: OEDO-2009-0662 - Mario V. Bonaca Ltr. re: NRC Staff's Safety Evaluation Report with Open Items Regarding the North Anna, Unit 3 Combined License Application
14-12	ML093030144	10/27/2009	2009/10/27 North Anna 3 COL Hearing - FW: ACRS letter re North Anna COLA SER-OI
14-13	ML093030298	10/28/2009	North Anna Unit 3 Combined License Application Response to Request for Additional Information Letter 037 (FSAR Chapter 3).
14-14	ML093030142	10/29/2009	2009/10/29 North Anna 3 COL Hearing - FW: Update on Commonwealth of VA Resolution of FEMA OI/s
14-15	ML093170662	10/30/2009	2009/10/30 North Anna 3 COL Hearing - FW: IFIM Draft Report Public Comments (public)

	Accession Number	Document Date	Title
14-16	ML093170655	11/02/2009	2009/11/02 North Anna 3 COL Hearing - RE: Follow-up Information for RAI Letter # 36, RAI 13.03-5
14-17	ML093170656	11/02/2009	2009/11/02 North Anna 3 COL Hearing - FW: Follow-up Information for RAI Letter # 36, RAI 13.03-5
14-18	ML093170657	11/02/2009	2009/11/02 North Anna 3 COL Hearing - FW: Update on Commonwealth of VA Resolution of FEMA OI/Is
14-19	ML093170660	11/02/2009	2009/11/02 North Anna 3 COL Hearing - FW: IFIM Draft Report Public Comments (predecesional)
14-20	ML093100109	11/04/2009	North Anna, Unit 3 - Response to Request for Additional Information RAI Letter No. 042.
14-21	ML093100111	11/04/2009	North Anna, Unit 3 - Combined License Application re Cyber Security Plan.
14-22	ML093100112	11/04/2009	Enclosure 2 to NA3-09-034 for North Anna, Unit 3 - Combined License Application - COLA FSAR Changes Corresponding to Incorporation of the Cyber Security Plan.
14-23	ML093170654	11/06/2009	2009/11/06 North Anna 3 COL Hearing - FW: Commonwealth of VA FEMA Open Items Update
14-24	ML093160796	11/12/2009	Virginia DEQ Air Quality Home Page-Ozone; November 2009
14-25	ML093160825	11/12/2009	VDCR, Natural Heritage Resources Factsheet, Swamp Pink, 2009
14-26	ML093160826	11/12/2009	VDCR, Natural Heritage Resources Fact Sheet, Sensitive Joint-Vetch
14-27	ML093160829	11/12/2009	Natural Radioactivity in GroundWater- A Review, USGS, Reston VA 1988

Attachment 2**North Anna COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 14 – December 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
14-1	ML093100113	Dominion Energy, Inc Dominion Generation Dominion Virginia Power	North Anna, Unit 3 - Cyber Security Plan, Rev. 0.	11/04/2009	Security Plan	NRC/NRO	Security Related Information Withheld under 10 C.F.R. § 2.390	31

December 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 November 16th, 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 December, 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 December 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 December, 2009:

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