

January 4, 2010

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
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Alice C. Mignerey
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Washington, D.C. 20555-0001

Alan S. Rosenthal
Administrative Judge
Atomic Safety and Licensing Board
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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 Jeffrey Cruz.

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 4th day of January, 2010

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Proprietary Log
Affidavit of Jeffrey Cruz

Attachment 1**North Anna COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 15 – January 4, 2010**

	Accession Number	Document Date	Title
15-1	ML093240252	06/30/1983	Electric Power Research Institute, Legionnaires' Disease Bacterium in Power Plant Cooling Systems: Phase I Final Report, June 1983.
15-2	ML093240284	04/30/1985	EPRI, Legionnaires' Disease Bacteria in Power Plant Cooling Systems: Phase 2.
15-3	ML093220886	10/31/1997	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, October 31, 1997, for 1996/Vol. 45./No. 53.
15-4	ML093220919	11/20/1998	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, November 20, 1998, for 1997/Vol. 46./No. 54.
15-5	ML093220897	12/11/1998	Center for Disease Controls, Surveillance for Waterborne-Disease Outbreaks--United States, 1995-1996, December 1998.
15-6	ML093220921	12/31/1999	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, December 31, 1999, for 1998/Vol. 47./No. 53.
15-7	ML093220923	05/26/2000	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, May 26, 2000/Vol. 46./No. SS-4.
15-8	ML093220927	04/06/2001	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, April 6, 2001, for 1999/Vol. 48./No. 53.
15-9	ML093220937	11/22/2002	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, November 22, 2002/Vol. 51./No. SS-8.
15-10	ML093220968	05/02/2003	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, May 2, 2003, for 2001/Vol. 50./No. 53.
15-11	ML093220996	04/30/2004	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, April 30, 2004, for 2002/Vol. 51./No. 53.
15-12	ML093220999	04/22/2005	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, April 22, 2005, for 2003/Vol. 52./No. 54.
15-13	ML093221006	06/16/2006	US Department of Health and Human Services, Centers for Disease Control and Prevention,

	Accession Number	Document Date	Title
			Morbidity and Mortality Weekly Report, June 16, 2004/Vol. 53./No. 53.
15-14	ML093210604	11/14/2006	Virginia Economic Development Partnership, The Estimated Economic Impact of an Expansion of the North Anna Power Station on Virginia, 2006.
15-15	ML093221010	03/30/2007	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, March 30, 2007, for 2005/Vol. 54./No. 53.
15-16	ML093210605	12/31/2007	Studies to Identify Naegleria Fowleri Amebae, Causative Agent of Primary Amebic Meningoencephalitis, in Lake Anna. A Final Report Submitted to The Lake Anna Civic Association, December 2007.
15-17	ML093240289	12/31/2007	World Health Organization, Extremely Low Frequency Fields, 2007.
15-18	ML093221015	03/21/2008	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, March 21, 2008, for 2006/Vol. 55./No. 53.
15-19	ML093221016	05/30/2008	Centers for Disease Control and Prevention, Primary Amebic Meningoencephalitis Arizona, Florida, and Texas 2007.
15-20	ML093221013	09/12/2008	US Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, September 12, 2008 /Vol. 57./No. SS-9
15-21	ML093240277	05/04/2009	National Institute of Environmental Health and Safety, NIEHS Report on Health Effects from Exposure to Power-Line Frequency Electric and Magnetic Fields, May 1999.
15-22	ML093210597	05/18/2009	05/18/2009 Minutes of the Board of Supervisors Meeting, Louisa County.
15-23	ML092300218	08/25/2009	08/13/2009-ESBWR DCWG Public Meeting Summary to Discuss North Anna Combined License Application Issues.
15-24	ML093210608	10/20/2009	NEMS Forecast Evaluation Methodology, Price Elasticities by George Lady, 2007.
15-25	ML093210598	10/22/2009	US Census Bureau Population Estimates by Age, 2008.
15-26	ML093210500	10/29/2009	Dominion and VDEQ IFIM Study-Final, November 2009.
15-27	ML093240090	11/17/2009	North Anna, Unit 3, Combined License Application, Request for Exemption from 10 CFR 50.71(e)(3) (iii).
15-28	ML093240139	11/17/2009	North Anna, Unit 3, Combined License Application Response to Request for Additional information Letter 036, Revised (FSAR Chapter 13).
15-29	ML093060286	11/18/2009	G20090625/EDATS: OEDO-2009-0662 - Michael R. Johnson Ltr. re: NRC Staff's Safety

	Accession Number	Document Date	Title
			Evaluation Report with Open Items Regarding the North Anna, Unit 3 Combined License Application.
15-30	ML093450290	11/18/2009	2009/11/18 North Anna 3 COL Hearing - FW: Any Update from FEMA Reg III on Open Item Status ??
15-31	ML093450398	11/18/2009	2009/11/18 North Anna 3 COL Hearing - RE: Any Update from FEMA Reg III on Open Item Status ??
15-32	ML093450402	11/18/2009	2009/11/18 North Anna 3 COL Hearing - RE: Any Update from FEMA Reg III on Open Item Status ??
15-33	ML093230304	11/19/2009	Request For Additional Information Letter No. 044 (SRP Sections 12.03-12.04 - Radiation Protection Design Features and 03.11 - Environmental Qualification of Mechanical and Electrical Equipment) Related To The North Anna Unit 3 COL Application.
15-34	ML093270043	11/19/2009	North Anna, Unit 3 - Combined License Application, Response to Request for Additional Information Letter 043 (Part 8).
15-35	ML093450289	11/19/2009	2009/11/19 North Anna 3 COL Hearing - FW: PSP RAIs
15-36	ML093310297	11/20/2009	North Anna, Unit 3, Combined License Application, Request for Extension to Response to Request for Additional Information Letter No. 041 (FSAR Chapters 3 and 5).
15-37	ML093450380	11/20/2009	2009/11/20 North Anna 3 COL Hearing - RE: North Anna Cyber Security Plan
15-38	ML093450386	11/20/2009	2009/11/20 North Anna 3 COL Hearing - FW: NRC Audit - PSWS FRP 11-16-09 - Attendance.doc
15-39	ML093450391	11/20/2009	2009/11/20 North Anna 3 COL Hearing - REVISED RESPONSE TO RAI 13.03-5 IS ACCEPTABLE
15-40	ML093450393	11/20/2009	2009/11/20 North Anna 3 COL Hearing - RE: Any Update from FEMA Reg III on Open Item Status ??
15-41	ML093450366	11/24/2009	2009/11/24 North Anna 3 COL Hearing - North Anna RAI Letter 44
15-42	ML093441481	12/01/2009	Interim Finding Report for Reasonable Assurance on the Adequacy of Offsite Radiological Emergency Response Planning for Proposed North Anna, Unit 3.
15-43	ML093450285	12/02/2009	2009/12/02 North Anna 3 COL Hearing - FW: Any Update from FEMA Reg III on Open Item Status ??

	Accession Number	Document Date	Title
15-44	ML093450358	12/02/2009	2009/12/02 North Anna 3 COL Hearing - FW: North Anna COLA - safety review schedule
15-45	ML093450346	12/03/2009	2009/12/03 North Anna 3 COL Hearing - RAI 14.03.10-1
15-46	ML093441405	12/07/2009	FEMA, Submittal of Interim Finding Report for Reasonable Assurance for North Anna, Unit 3 COL, Submitted by Radiological Emergency Preparedness Program Staff From FEMA Region III Office.
15-47	ML093370364	12/08/2009	Courtesy Letter To Dominion Enclosing The Environmental Assessment and Finding of No Significant Impact Regarding Exemption From 10 CFR 50.71(e)(3)(iii).

Attachment 2**North Anna COL Hearing File and Mandatory Disclosures
Privilege Log – Proprietary Information
Update 15 –January 4, 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. 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
15-1	ML093270044	Dominion Energy, Inc Dominion Generation Dominion Virginia Power	North Anna, Unit 3 - Response to NRC RAI Letter 043, Enclosure 1.	11/19/2009	RAI Letter	NRC/NRO	Security Related Information Withheld Under 10 C.F.R. § 2.390	36

January 4, 2010

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 JEFFREY CRUZ CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Jeffrey Cruz, do hereby state as follows:

1. I am employed as a Branch Chief 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 supervise the project manager for the NRC's review of the Combined License application submitted by Virginia Electric and Power Company, at issue in this proceeding. I have authorized Mark E. Tonacci to sign for me in my absence.

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 December 15th, 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)

Mark E. Tonacci, for Jeffrey Cruz
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Executed in Rockville, MD
this 4th day of January, 2010

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 January 4, 2010, 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 Jeffrey Cruz, have been served upon the following persons by Electronic Information Exchange this 4th day of January, 2010:

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