

January 19, 2010

G. Paul Bollwerk, III, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. James F. Jackson
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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

In the Matter of
SOUTHERN NUCLEAR OPERATING CO.
(Vogtle Electric Generating Plant, Units 3 and 4)
Docket Nos. 52-025-COL and 52-026-COL

Dear Administrative Judges:

Pursuant to Memorandum and Order LBP-09-03, dated March 5, 2009, and the Licensing Board's Memorandum and Order dated August 4, 2009, the Staff herein provides to the Licensing 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 item so as to make the item 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 associated with this proceeding, entitled "Vogtle Hearing File." Also attached, as required by 10 C.F.R. § 2.336(c), is the Affidavit of Ravindra G. Joshi.

In accordance with the Licensing Board's Order of August 17, 2009, relieving all parties from the obligation of producing privilege logs, as required by 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5), the Staff is not producing privilege logs at this time. However, also in accordance with the

August 17 Order, 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 documents during the pendency of this proceeding.

In connection with this hearing file update, the Staff is also informing the Licensing Board and parties that it is in receipt of a CD submitted by the applicant to the NRC in mid-October 2009 following the Staff's environmental site audit. The CD contains documents supporting the applicant's process for identifying new and significant information in its environmental report. Although the agency's Document Control Desk attempted to enter the CD and its contents into the ADAMS system, it determined that the submittal does not meet the agency's document format requirements and cannot be processed. Accordingly, the Staff has asked the applicant to resubmit the documents on the CD in a PDF format that can be formally processed. Once the information is re-submitted and is available in ADAMS, the Staff will include the accession numbers in its first subsequent hearing file update. Pending the completion of that processing, if any party wishes to obtain a copy of the CD as initially submitted, the Staff will provide one upon request.

Respectfully submitted,

/signed (electronically) by/
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Dated at Rockville, Maryland
This 19th day of January, 2010

Enclosures: Enclosure 1: Hearing File Index
Enclosure 2: Proprietary Information Log
Affidavit of Ravindra G. Joshi

ENCLOSURE 1

VOGTLE COL HEARING FILE INDEX
Update 5 – January 19, 2010

	Accession Number	Document Date	Title/Description
5-1	ML093570257	10/24/2008	Federal Emergency Management Agency Interim Finding Report on the Adequacy of Offsite Emergency Plans for Vogtle Combined License Application.
5-2	ML100081560	11/30/2009	2009/11/30 Vogtle COL Review - RE: Vogtle RAI data for Tuesday's call, 12/1/09
5-3	ML092600744	12/09/2009	Atlanta, GA (Vogtle Electric Generating Plant, Units 3 and 4 Combined License Application Review.
5-4	ML091760303	12/10/2009	Cover Letter - Bellefonte, Units 3 and 4, Safety Evaluation Report with Open Items for Chapter 15, Accident Analysis."
5-5	ML092670288	12/10/2009	Vogtle, Units 3 and 4, NRC's Supplemental Environmental Impact Statement for Southern Nuclear Operating Company's License Application for the Proposed Construction and Operation - Waynesboro, Georgia.
5-6	ML092710241	12/10/2009	Environmental Impact Statement for Southern Nuclear Operating Company's Combined License Application for the Proposed Construction and Operation of Units 3 and 4 at Vogtle Power Plant in Waynesboro, Georgia.
5-7	ML092730038	12/10/2009	Stephanie Rolin-Poarch Band Creek Indians Initiate Consultation for Vogtle COLA.
5-8	ML092730059	12/10/2009	Chadwick Smith- Vogtle Initiate Consultation to the Cherokee nation of Oklahoma.
5-9	ML092730092	12/10/2009	Environmental Impact Statement for Southern Nuclear Operating Company's Combined License Application for the Proposed construction and Operation of Units 3 and 4 at the Vogtle Power Plant in Waynesboro, Georgia.
5-10	ML092730147	12/10/2009	Letter re: Environmental Impact Statement for Southern Nuclear Operating Company's Combined License Application for the Proposed Construction and Operating of Units 3 and 4 at the Vogtle Electric Generating Plant in Waynesboro, Georgia.

	Accession Number	Document Date	Title/Description
5-11	ML092730177	12/10/2009	Environmental Impact Statement for Southern Nuclear Operating Company's Combined License Application for the Proposed Construction and Operation of Units 3 and 4 at the Vogtle Power Plant in Waynesboro, Georgia.
5-12	ML092730208	12/10/2009	Carleton-Mississippi Band of Choctaw Indians Initiate Consultation to the Tribe for Vogtle COLA
5-13	ML092730252	12/10/2009	Debbie Thomas - Alabama-Coushatta Tribe of Texas Initiate Consultation to the Tribes for Vogtle COLA.
5-14	ML092730274	12/10/2009	Yargee- Alabama-Quassarte Tribal Town Initiate Consultation to the Tribes for Vogtle COLA.
5-15	ML092730283	12/10/2009	Kaniatobe-Absentee-Shawnee Tribe of Oklahoma Initiate Consultation to the Tribes for Vogtle COLA.
5-16	ML092730292	12/10/2009	Zachary- Coushatta Tribe of Louisiana Initiate Consultation to the Tribes of Vogtle COLA.
5-17	ML092730317	12/10/2009	McCoy-Eastern Band of Cherokee Indians - Initiate Consultation to the Tribes for Vogtle COLA.
5-18	ML092730321	12/10/2009	Blue - Catawba Indian Tribe Initiate Consultation to the Tribes for Vogtle COLA.
5-19	ML092730350	12/10/2009	Ellis-Muscogee (Creek) Nation Initiate Consultation to the Tribes for Vogtle COLA.
5-20	ML092730371	12/10/2009	Thurmond-Georgia Tribe of Easter Cherokee Initiate Consultation to the tribes for Bogtle COLA.
5-21	ML092740375	12/10/2009	Terry - Miccosukee Tribe of Indians of Florida Initiate Consultation to the Tribes for Vogtle COLA.

	Accession Number	Document Date	Title/Description
5-22	ML092740388	12/10/2009	Bucktrok-Kialegee Tribal Town Initiate Consultation to the Tribes for Vogtle COLA.
5-23	ML092740393	12/10/2009	Proctor-United Keetoowah Band of Cherokee Indians Initiate Consultation to the Tribes for Vogtle COLA.
5-24	ML092740546	12/10/2009	Holland-United Keetoowah Band of Cherokee Indians Initiate Consultation to the Tribes for Vogtle COLA.
5-25	ML092740554	12/10/2009	McGertt-Thlopthocco Tribal Town Initiate Consultation to the Tribes for Vogtle COLA.
5-26	ML092920488	12/10/2009	Letter to Mr. W. Steele - Seminole Tribe of Florida - Vogtle Electric Generating Plant EIS.
5-27	ML092920490	12/10/2009	Letter to Joyce A. Bear - Muscogee (Creek) Nation of Oklahoma - Vogtle - EIS.
5-28	ML092930629	12/10/2009	Early Site Permit Review for the Vogtle Site.
5-29	ML092940250	12/10/2009	U.S. Nuclear Regulatory Commission's Supplemental Environmental Impact Statement For Southern Nuclear Operating Company's Combined License Application For The Proposed Construction and Operation of Units 3 and 4 at The Vogtle Electric Generating Plant...
5-30	ML093140059	12/10/2009	Memo-Request for Additional Information Regarding the Environmental Review of the Combined License Application for Vogtle Electric Generating Plant, 3 and 4.
5-31	ML093570043	12/11/2009	Vogtle, Units 3 & 4, Combined License Application Submittal No. 5.
5-32	ML093570427	12/11/2009	Southern Nuclear VEGP Units 3 & 4 COLA (General Financials), Rev. 2 - General and Financial Information

	Accession Number	Document Date	Title/Description
5-33	ML093570429	12/11/2009	Southern Nuclear VEGP Units 3 & 4 COLA (Final Safety Analysis Report), Rev. 2 - Final Safety Analysis Report
5-34	ML093570431	12/11/2009	Southern Nuclear VEGP Units 3 & 4 COLA (Emergency Plan), Rev. 2 - Emergency Plan
5-35	ML093570433	12/11/2009	Southern Nuclear VEGP Units 3 & 4 COLA (Generic DCD Departures Report), Rev. 2 - Departures, Exemptions, and Variances
5-36	ML093570435	12/11/2009	Southern Nuclear VEGP Units 3 & 4 COLA (ITAAC), Rev. 2 - Proposed License Conditions (Including ITAAC)
5-37	ML100080892	12/11/2009	2009/12/11 Vogtle COL Review - SNC Letter ND-09-2001 - SNC VEGP Units 3&4 Combined License Application Submittal No. 5
5-38	ML093491035	12/14/2009	Vogtle Electric Generating Plant Units 3 and 4 Combined License Application Response to Bellefonte Units 3 and 4 Safety Evaluation Report Open Items for Chapter 3.
5-39	ML100080832	12/14/2009	2009/12/14 Vogtle COL Review - RAI Letter No. 168 Related to SRP section 6.4 for Bellefonte Units 3 and 4
5-40	ML100080914	12/14/2009	2009/12/14 Vogtle COL Review - SNC Letter ND-09-2015 - SNC VEGP Units 3&4 COL Response to Bellefonte Units 3&4 Safety Evaluation Report Open Items for Chapter 3
5-41	ML100081532	12/14/2009	2009/12/14 Vogtle COL Review - RE: Vogtle RAI data for Tuesday's call, 12/15/09
5-42	ML100080844	12/15/2009	2009/12/15 Vogtle COL Review - January 14 meeting
5-43	ML100080859	12/15/2009	2009/12/15 Vogtle COL Review - preliminary plan for 2010 ACRS interactions.doc

	Accession Number	Document Date	Title/Description
5-44	ML093520011	12/17/2009	2009/12/17 Vogtle COL Review - Submittal Letter ND-09-2031 Involving Periodic Update of ITAAC Schedule Information for Vogtle 3 & 4
5-45	ML093580195	12/21/2009	Vogtle, Units 3 and 4 Combined License Application, Submittal No. 5 Roadmap.
5-46	ML100080875	12/21/2009	2009/12/21 Vogtle COL Review - Transmittal of Southern Nuclear Letter ND-09-2064, VEGP Units 3 & 4 COL Application Submittal No. 5 Roadmap
5-47	ML100081506	12/21/2009	2009/12/21 Vogtle COL Review - RE: Vogtle RAI data for Tuesday's call, 12/15/09
5-48	ML100080935	12/22/2009	2009/12/22 Vogtle COL Review - SNC Letter ND-09-2071 - SNC VEGP Units 3&4 COL Supplemental Response to RAI Letter No. 042 Loss of Large Areas of the Plant Due to Explosions or Fire
5-49	ML092600785	12/23/2009	Vogtle - Historic Preservation - Request for Information on Historic Properties Within the Area Under Evaluation for the Plant Vogtle Units 3 and 4.
5-50	ML093410022	12/23/2009	Summary of 10/21/2009 Teleconference Held with Southern Nuclear Operating Company Regarding Vogtle Electric Generating Plant Site for a Combined License Application.
5-51	ML093480321	12/23/2009	12/10/2009 Summary of Public Meeting With Industry's New Plant Working Group on Combined License Applications.
5-52	ML093630679	12/23/2009	Vogtle, Units 3 & 4, Combined License Application, Supplemental Response to Request for Additional Information Letter No. 042, Loss of Large Areas of the Plant Due to Explosions or Fire.
5-53	ML100080950	12/23/2009	2009/12/23 Vogtle COL Review - SNC Letter ND-09-2071 - SNC VEGP Units 3&4 COL Supplemental Response to RAI Letter No. 042 Loss of Large Areas of the Plant Due to Explosions or Fire (corrected copy)
5-54	ML100080966	12/28/2009	2009/12/28 Vogtle COL Review - Phone Call Summary Vogtle RCOL Chap 12 December 17, 2009

	Accession Number	Document Date	Title/Description
5-55	ML093631261	12/29/2009	12/16/2009 Summary of Category 1 Public Meeting with Southern Nuclear Operating Company, Inc. Regarding Vogtle Electric Generating Plant, Units 3 & 4,
5-56	ML100040142	12/30/2009	Southern Nuclear Operating Company Vogtle Electric Generating Plant Units 3 and 4 Combined License Application Response to Bellefonte Units 3 and 4 Safety Evaluation Report Open Items for Chapter 9.
5-57	ML100081144	12/30/2009	2009/12/30 Vogtle COL Review - SNC Letter ND-09-2078 transmitting Response to Bellefonte Units 3 and 4 Safety Evaluation Report Open Items for Chapter 9
5-58	ML100050270	12/31/2009	Vogtle Electric Generating Plant Units 3 & 4 Combined License Application Supplemental Response to Bellefonte Units 3 & 4, Safety Evaluation Report Open Items for Chapter 17.
5-59	ML100081148	12/31/2009	2009/12/31 Vogtle COL Review - SNC Letter ND-09-2082 transmitting VEGP Units 3 & 4 COLA Supplemental Response to Bellefonte Units 3 & 4 Safety Evaluation Report Open Items for Chapter 17
5-60	ML100081473	01/04/2010	2010/01/04 Vogtle COL Review - RE: Vogtle RAI data for Tuesday's call, 1/5/2010
5-61	ML100081142	01/07/2010	2010/01/07 Vogtle COL Review - RAI Letter No. 169 Related to SRP section 6.4 for Bellefonte Units 3 and 4
5-62	ML100081151	01/07/2010	2010/01/07 Vogtle COL Review - SNC Letter ND-10-0008 - SNC VEGP Units 3&4 Combined License Application Response to Request for Additional Information Letter No. 044
5-63	ML100110073	01/07/2010	Vogtle Electric Generating Plant, Units 3 and 4 - Combined License Application Response to Request for Additional Information Letter No. 044.
5-64	ML100081152	01/08/2010	2010/01/08 Vogtle COL Review - Conference Call Summary - January 7, 2010 - Vogtle Units 3 and 4 COLA - RAI 4184 related to SRP Section 19.0- Loss of large area Fires
5-65	ML100120291	01/08/2010	Vogtle Electric Generating Plant, Units 3 & 4 - Combined License Application, Supplemental Information Addressing Bellefonte, Units 3 & 4, Safety Evaluation Report of Chapter 04, Confirmatory Item 4.4-1.

	Accession Number	Document Date	Title/Description
5-66	ML100120840	01/08/2010	2010/01/08 Vogtle COL Review - SNC Letter ND-10-0023 Transmitting Responses to NRC Environmental RAIs (Transmittal # 2)
5-67	ML100130017	01/08/2010	2010/01/08 Vogtle COL Review - SNC Letter ND-10-0006 - SNC VEGP Units 3&4 Combined License Application Supplemental Information Addressing Bellefonte Units 3 and 4 Safety Evaluation Report Chapter 04, Confirmatory Item 4.4-1
5-68	ML100130022	01/08/2010	2010/01/08 Vogtle COL Review - SNC Letter ND-10-0023 - SNC VEGP Units 3&4 Combined License Application Response to Request for Additional Information Letter on Environmental Issues
5-69	ML100130078	01/08/2010	2010/01/08 Vogtle COL Review - SNC Letter ND-10-0023 Transmitting Responses to NRC Environmental RAIs (Transmittal # 1)
5-70	ML100130089	01/08/2010	2010/01/08 Vogtle COL Review - SNC Letter ND-10-0023 Transmitting Responses to NRC Environmental RAIs (Transmittal # 5)
5-71	ML100050136	01/11/2010	01/14/2010 Notice of Meeting with the Southern Nuclear Operating Company on the Vogtle Cyber Security Plan Submittal.
5-72	ML100110012	01/11/2010	2010/01/11 Vogtle COL Review - FW: Courtesy Copy of RAI Response
5-73	ML100130082	01/11/2010	2010/01/11 Vogtle COL Review - Proposed Agenda for Closed Cyber Security Plan Meeting
5-74	ML100130085	01/11/2010	2010/01/11 Vogtle COL Review - January 14 meeting attendees
5-75	ML100130283	01/13/2010	2010/01/13 Vogtle COL Review - SNC Letter ND-10-0064 - SNC VEGP Units 3&4 COL Response to Bellefonte Units 3&4 Safety Evaluation Report Open Items for Chapter 3
5-76	ML100191980	01/19/2010	2010/01/19 Vogtle COL Review - FW: Atlantic Sturgeon - NMFS 90-day petition finding; request for info

ENCLOSURE 2

**VOGTLE COL HEARING FILE AND MANDATORY DISCLOSURES
 PROPRIETARY INFORMATION LOG**

Update 5 – January 19, 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, or security-related 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.

PDP No.	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
5-01	ML093630680	Southern Nuclear Operating Co, Inc	Enclosure to ND-09-2071, Revised Response to NRC RAI Letter No. 042 on the VEGP Units 3 & 4 COL Application Involving the Loss of Large Areas of the Plant Mitigative Strategies Description.	12/23/2009	- No Document Type Applies	NRC/NRO	Contains security-related information regarding mitigative strategies plan.	36

January 19, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
Southern Nuclear Operating Co.) Docket Nos. 52-025 and 52-026
)
(Vogtle Electric Generating Plant,)
Units 3 and 4))

AFFIDAVIT OF RAVINDRA G. JOSHI CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Ravindra G. Joshi, do hereby state as follows:

1. I am employed as a Senior Project Manager in the AP1000 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 Southern Nuclear Operating 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, in accordance with the Atomic Safety and Licensing Board's Order dated March 5, 2009, and that the disclosures are accurate and complete as of January 12, 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)

Ravindra G. Joshi
Senior Project Manager, AP1000 Projects Branch 1
Division of New Reactor Licensing
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Executed in Rockville, MD
this 19th day of January, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
Southern Nuclear Operating Co.) Docket Nos. 52-025 and 52-026
)
(Vogtle Electric Generating Plant,)
Units 3 and 4))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated January 19, 2010, providing notice of the availability of an update to the hearing file per 10 C.F.R. § 2.336(d), with attachments, together with the affidavit of Ravindra G. Joshi, have been served upon the following persons by Electronic Information Exchange this 19th day of January, 2010:

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