

May 20, 2010

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In the Matter of
Progress Energy Florida, Inc.
(Levy County Nuclear Power Plant, Units 1 and 2)
Docket Nos. 52-029 and 52-030

Dear Parties:

Pursuant to the Licensing Board's Memorandum and Order dated August 27, 2009, the Staff is providing the parties an index identifying updates to the hearing file and mandatory disclosures in accordance with 10 C.F.R. §§ 2.1203 and 2.336. For purposes of producing the mandatory disclosures and hearing file, and considering any document as privileged or protected, the Staff treated documents created by agents and contractors of the NRC the same as if those documents were created 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, using the ADAMS "Find" function in accordance with 10 C.F.R. § 2.1203. 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 "Levy Hearing File." Also attached is the Affidavit of Douglas Bruner, as required by 10 C.F.R. § 2.336(c).

In accordance with the Licensing Board's August 27, 2009, and September 3, 2009 Orders, 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 containing all documents withheld as proprietary, security-related, and safeguards. 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.

Respectfully submitted,

/signed (electronically) by/

Kevin C. Roach

Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Privilege Log
Attachment 3: Affidavit of Douglas Bruner

Attachment 1**Levy County COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 7 – May 20, 2010**

	Accession Number	Document Date	Title/Description
7-1	ML100640699	04/06/2010	Trip Report regarding 2010 The International Conference on Simulation Technology for Power Plants February 22-25, 2010 Handout - Regulatory Guide 1.149 Update.
7-2	ML100960417	04/09/2010	New Reactor Information Slides.
7-3	ML101050113	04/12/2010	Shearon Harris, Units 2 & 3 and Levy, Units 1 & 2, Endorsement of Vogtle R-Cola Voluntary Revision to Final Safety Analysis Report Chapter 17.
7-4	ML101050114	04/12/2010	Levy, Units 1 and 2, Supplement 8 to Response to Request for Additional Information Regarding the Environmental Review.
7-5	ML101120083	04/14/2010	Levy, Units 1 and 2 - Response to Request for Additional Information Letter No. 084 Related to Physical Security.
7-6	ML101290014	04/15/2010	2010/04/15 Levy County COL - Supplemental Response to Environmental RAI
7-7	ML101110639	04/21/2010	2010/04/21 Levy County COL - Withdrawal of RAI # 4425 related to Levy County COLA review
7-8	ML101110668	04/21/2010	2010/04/21 Levy County COL - Levy County Units 1 and 2 Review Status
7-9	ML101180077	04/21/2010	Levy, Units 1 & 2, Supplement 1 to Response to Request for Additional Information Letter No. 074 Related to Emergency Planning.
7-10	ML101130460	04/23/2010	2010/04/23 Levy County COL - DRAFT RAIs - SRP sections 2.4.3, 2.4.5, 2.4.12, 2.4.13 - Levy County Units 1 and 2 Combined License Application
7-11	ML101250478	04/26/2010	Shearon Harris, Units 2 & 3, Levy, Units 1 & 2, Review of Safety Evaluation Report Open Item Response for Applicability.
7-12	ML101180308	04/28/2010	2010/04/28 Levy County COL - Levy County Units 1 and 2 Review Status
7-13	ML101230331	04/29/2010	Levy, Units 1 & 2, Notification of Modification Submitted for LNP SCA.

	Accession Number	Document Date	Title/Description
7-14	ML101300714	04/29/2010	2010/04/29 Levy County COL - RE: NPD-NRC-2010-039
7-15	ML101370167	04/29/2010	2010/04/29 Levy County COL - NPD-NRC-2010-039
7-16	ML101370606	04/29/2010	2010/04/29 Levy County COL - FW: Levy Nuclear Plant Project
7-17	ML101370169	04/30/2010	2010/04/30 Levy County COL - Inglis Lock - USACE permit application withdrawal letter
7-18	ML101300712	05/03/2010	2010/05/03 Levy County COL - FW: Request for Supplemental Information related to RAI 5.3.2.1-2
7-19	ML101300713	05/03/2010	2010/05/03 Levy County COL - Progress Energy Florida makes annual nuclear cost-recovery filing
7-20	ML101270298	05/07/2010	2010/05/07 Levy County COL - REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 089 RELATED TO SRP SECTION 2.4.3 FOR THE LEVY COUNTY UNITS 1 AND 2 COMBINED LICENSE APPLICATION
7-21	ML101270299	05/07/2010	2010/05/07 Levy County COL - REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 090 RELATED TO SRP SECTION 2.4.5 FOR THE LEVY COUNTY UNITS 1 AND 2 COMBINED LICENSE APPLICATION
7-22	ML101270301	05/07/2010	2010/05/07 Levy County COL - REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 091 RELATED TO SRP SECTION 2.4.12 FOR THE LEVY COUNTY UNITS 1 AND 2 COMBINED LICENSE APPLICATION
7-23	ML101270302	05/07/2010	2010/05/07 Levy County COL - REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 092 RELATED TO SRP SECTION 2.4.13 FOR THE LEVY COUNTY UNITS 1 AND 2 COMBINED LICENSE APPLICATION
7-24	ML101310307	05/11/2010	2010/05/11 Levy County COL - Levy County Units 1 and 2 Review Status

Attachment 2**Levy County COL Hearing File and Mandatory Disclosures
Privilege Log -- Proprietary Information, Security-Related Information, and Safeguards Information
Update 7-- May 20, 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(d)(1). Finally, some documents contain Safeguards Information, which is withheld from disclosure pursuant to the following statutory and regulatory provisions: Section 147 of the Atomic Energy Act of 1954, as amended, and 10 C.F.R. §§ 2.390(a)(3), 73.21, and 73.22. 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.

	Accession Number	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Pages
7-1	ML 101120088	Progress Energy Florida, Inc	Enclosure 2 to NPD-NRC-2010-031, Response to LNP-RAI-LTR-084, Related to Physical Security.	04/14/2010	Enclosure	NRC/NRO	Security Related Information Withheld under 10 C.F.R. § 2.390(d)	23

May 20, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket Nos. 52-029-COL
Progress Energy Florida, Inc.	)	52-030-COL
	)	
Levy County Nuclear Plant,	)	

AFFIDAVIT OF DOUGLAS BRUNER CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. § 2.336(d)

I, Douglas Bruner, do hereby state as follows:

1. I am employed as a Project Manager in Environmental Projects Branch 3 of the Division of Site and Environmental Reviews in the Nuclear Regulatory Commission's ("NRC") Office of New Reactors. I serve as the environmental project manager for the NRC's review of the Combined License ("COL") Application submitted by Progress Energy Florida ("Applicant"), at issue in this proceeding.

2. In accordance with the Licensing Board's August 27, 2009 and September 3, 2009 Memorandum and Orders, I hereby certify that subject to the mandatory disclosure and hearing file requirements, the NRC staff has conducted a reasonable good faith search for all relevant materials and from these materials, the NRC staff has only exempted from disclosure documents or information exempted from disclosure pursuant to the law, including NRC regulations or the Licensing Board's August 27, 2009 and September 3, 2009, Memorandum and Orders. The NRC staff has not excluded any information due to it not being reasonably accessible because of undue burden or cost. The disclosures are accurate and complete as of May 16, 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)

Douglas Bruner
Project Manager
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U.S. Nuclear Regulatory Commission
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Executed in Rockville, MD
this 20th day of May, 2010