



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 27, 2009

Administrative Judge
Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Dr. Richard E. Wardwell
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Kaye D. Lathrop
190 Cedar Lane East
Ridgeway, CO 81432

In the Matter of
ENTERGY NUCLEAR OPERATIONS, INC.
(Indian Point Nuclear Generating Station Units 2 and 3)
Docket Nos. 50-247-LR and 50-286-LR

Dear Administrative Judges:

Pursuant to (a) the Atomic Safety and Licensing Board's ("Board") "Memorandum and Order (Addressing Requests that the Proceeding be Conducted Pursuant to Subpart G)" (December 18, 2008), slip op. at 13; (b) the Board's "Order (Granting Consent Motion Regarding Mandatory Disclosures)" (January 30, 2009), slip op. at 1-2; and (c) the telephone conference call held on January 14, 2009, Tr. 815-19 (regarding 30-day updates), the staff of the U.S. Nuclear Regulatory Commission ("Staff") hereby notifies the Licensing Board and parties that the hearing file has been supplemented in this proceeding, and that additional disclosures concerning groundwater issues have been made.

The hearing file supplement and additional groundwater-related document disclosures include materials required pursuant to 10 C.F.R. § 2.1203 and/or 10 C.F.R. § 2.336(b) and (c). These documents may be accessed through the Agencywide Documents Access and Management System ("ADAMS"); in addition, the hearing file supplement and additional groundwater-related document disclosures will be made available via the Electronic Hearing Docket ("EHD"), which may be accessed at the following URL: http://ehd.nrc.gov/EHD_Proceeding/home.asp. The hearing file supplement and additional groundwater-related document disclosures will be contained in a sub-folder entitled, "Indian PT Hearing File, Supplement 1" in the "Indian_PT_2&3_50-247&50-286-LR" folder of the EHD.

In this regard, the Staff is providing herewith the following documents:

1. An index containing the ADAMS accession number, date, and title or description of each item in Hearing File Index, Supplement 1 (Attachment 1 hereto).
2. In accordance with 10 C.F.R. § 2.336(b)(5), two updated privilege logs are enclosed herewith, identifying documents withheld from disclosure in Hearing File Supplement 1 under the deliberative process privilege (Attachments 2 and 5 hereto). Also enclosed are the Declarations of Brian E. Holian and Darrell J. Roberts, formally invoking the deliberative process privilege with respect to each of the documents identified, respectively, in Attachments 2 and 5 hereto. The Staff will preserve and maintain the privileged documents identified in Attachments 2 and 5 during the pendency of this proceeding.
3. Further, in accordance with 10 C.F.R. § 2.336(b)(5), an updated privilege log is enclosed herewith, identifying documents withheld from disclosure in Hearing File Supplement 1 because they contain proprietary, sensitive, or privacy-related information (Attachment 3 hereto). The Staff will preserve and maintain the privileged documents identified in Attachment 3 during the pendency of this proceeding.
4. An index containing the ADAMS accession number, date, and title or description of each item in the Staff's list of additional groundwater-related documents (Attachment 4 hereto).
5. In accordance with 10 C.F.R. § 2.336(c), the Affidavit of Andrew L. Stuyvenberg is enclosed herewith, certifying that all relevant materials required by this section have been disclosed, and that the disclosures are accurate and complete, except with respect to Consolidated Contention Riverkeeper EC-3/Clearwater EC-1.

As set forth in the Affidavit of Andrew L. Stuyvenberg, the Staff wishes to note that its disclosure of additional groundwater-related documents, related to Consolidated Contention Riverkeeper EC-3/Clearwater EC-1, is not yet complete, in two respects.

First, in Attachment 4, the Staff has identified a substantial number of historic and other documents (many of which pertain to Indian Point Unit 1) that were created prior to the implementation of ADAMS, some of which have not yet been incorporated in ADAMS; as a result, certain documents are not currently identified by an ADAMS accession number; these documents are identified in Attachment 4 hereto, with a note indicating that the ADAMS accession number will be provided later. The Staff has asked the NRC Office of Information Services (OIS) to incorporate these documents into the NRC's Agencywide Documents Access and Management System (ADAMS), and those efforts are continuing. When these documents are scanned into ADAMS, we will update the ADAMS accession numbers. We expect that OIS will be able to complete scanning these documents into ADAMS within the next weeks; accordingly, the staff expects to provide the ADAMS accession numbers for these documents on or before March 20, 2009.

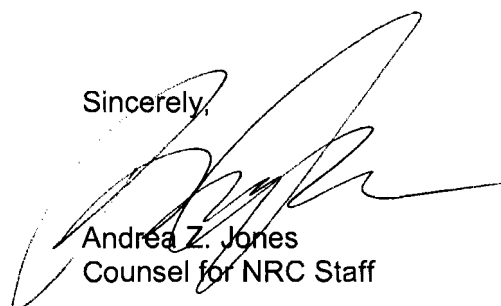
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Second, a substantial number of groundwater-related documents have been identified in NRC Region 1, which had to be scanned into ADAMS. We believe that this scanning effort has now been completed; however, due to the large number of historic and other documents that had to be scanned into ADAMS and the time which that effort required, the Staff has not yet been able to complete its required review for privilege and its certification that the documents do not contain Sensitive Unclassified Non-Safeguards Information (SUNSI). The Staff expects to complete its SUNSI certification during the coming week, and the Staff will then identify the documents in a supplement to the index of additional groundwater-related documents on or before March 13, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Z. Jones', is written over the typed name and title.

Andrea Z. Jones
Counsel for NRC Staff

Enclosures: Attachment 1 (Hearing File Index, Supplement 1)
Attachment 2 (Privilege Log - Deliberative Process)
Attachment 3 (Privilege Log - Proprietary or Sensitive Information)
Attachment 4 (Index, Additional Groundwater Disclosures)
Attachment 5 (Privilege Log - Deliberative Process (Groundwater Disclosures))
Declaration of Brian E. Holian
Declaration of Darrell J. Roberts
Affidavit of Andrew L. Stuyvenberg

Cc w/Encl.: Service List