



OFFICE OF THE
GENERAL COUNSEL

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

March 20, 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
Dr. Kaye D. Lathrop
190 Cedar Lane East
Ridgeway, CO 81432

In the Matter of
ENERGY 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 December 18, 2008 "Memorandum and Order (Addressing Requests that the Proceeding be Conducted Pursuant to Subpart G)," at 13, (b) the Licensing Board's "Order (Granting Consent Motion Regarding Mandatory Disclosures)," dated January 30, 2009, at 1, and (c) the Letter from Andrea' Z. Jones (NRC Staff Counsel) to the Licensing Board, dated February 27, 2009, at 3, the staff of the U.S. Nuclear Regulatory Commission ("Staff") herein notifies the Licensing Board and the parties that the hearing file has been supplemented for this proceeding. The hearing file includes materials required pursuant to 10 C.F.R. § 2.1203, and the Staff's mandatory disclosures under 10 C.F.R. § 2.336(b). Materials in the hearing file may be accessed through the Agencywide Documents Access and Management System ("ADAMS"). An index containing the ADAMS accession number, date, and title or description of each item in Hearing File Index, Groundwater Disclosures, Supplement 1 is appended hereto as Attachment 1.

In addition, as required by 10 C.F.R. § 2.336(b)(5), the Staff is producing two updated groundwater privilege logs, identifying documents withheld under the deliberative process privilege and documents containing proprietary, sensitive, or privacy-related information, which are appended hereto as Attachments 2 and 3, respectively. Also, attached is the Declaration of Darrell J. Roberts formally invoking the deliberative process privilege with respect to each of the

L. McDade
K. Lathrop
R. Wardwell

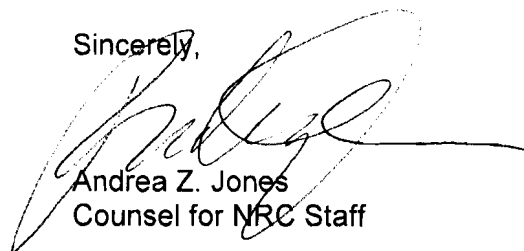
- 2 -

March 20, 2009

documents withheld and identified in Attachment 2. The Staff will preserve and maintain the privileged documents identified in these logs during the pendency of this proceeding. The Staff wishes to note that the documents which were identified by the Staff without ADAMS Accession numbers, in the Staff's Groundwater Initial Disclosures filed on February 27, 2009, are still being processed into ADAMS by the NRC Office of Information Services (OIS). The ADAMS document entry process is taking longer than had been anticipated due to the large volume and length of the documents. We expect that the ADAMS accession numbers will be available for those documents within the next 30 days. The Staff will certify the completeness of its document disclosures concerning groundwater issues after OIS has completed its processing of the documents into ADAMS.

Finally, the NRC Staff notes that it has made a good faith effort to identify and characterize all documents meeting the criteria of 10 C.F.R. § 2.336(b) and 10 C.F.R. § 2.1203 in this proceeding. In identifying these documents, the Staff does not concede their relevance to the license renewal issues to be decided in this proceeding.

Sincerely,



Andrea Z. Jones
Counsel for NRC Staff

Enclosures: Hearing File Index, Groundwater Disclosures, Supplement 1
Groundwater Privilege Log - Deliberative Process
Groundwater Privilege Log - Proprietary or Sensitive Information
Declaration of Darrell J. Roberts

cc: Service List

**ATTACHMENT 1 INDIAN POINT LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX, GROUNDWATER DISCLOSURES**

Supplement 1 – March 20, 2009

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-001	ML090510203	01/31/2007	01/31/2007 Meeting Summary, Indian Point Fish Sampling Conference Call.
GW-01-002	ML090510198	02/27/2007	02/27/2007 Meeting Summary, Draft Indian Point Fish Analysis Lab Conference Call.
GW-01-003	ML090500058	11/15/2007	11/15/2007 Meeting Slides, "Stakeholder Briefing", Stakeholder Meeting.
GW-01-004	ML090560472	05/04/2006	12/17/2007 Agenda - Region I Inspection of Abnormal Ground-water Releases at the Indian Point Energy Center.
GW-01-005	ML090500267	03/22/2006	1st Qtr. 2005 Liquid Dose Summary Report.
GW-01-006	ML090500284	03/01/2007	2006 IPEC Ground Water Effluent Dose Calculations, Supplemental Information.
GW-01-007	ML090540697	09/15/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-01555.
GW-01-008	ML090540698	09/15/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-01560.
GW-01-009	ML090540699	09/16/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-01561.
GW-01-010	ML090540701	08/22/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-01562.
GW-01-011	ML090540702	09/15/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-01563.
GW-01-012	ML090540696	12/15/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-02366.
GW-01-013	ML090540704	01/09/2009	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-02367, Revised 01/09/2009.
GW-01-014	ML090540703	12/15/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-02367.
GW-01-015	ML090540705	12/15/2008	American Radiation Services, Inc. Laboratory Analysis Report No. ARS1-08-02368.
GW-01-016	ML090540700	09/16/2008	American Radiation Services, Inc. Preliminary Laboratory Analysis Report No. ARS1-08-01562.
GW-01-017	ML090510107	12/07/1994	Analysis of Station Condition Report No 94-06.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-018	ML090550407	03/01/2007	Annual Summary of Ground Water Dose Evaluation - 2006.
GW-01-019	ML090510084	07/31/1994	Assessment of Ground-Water Migration Pathways.
GW-01-020	ML090540139	09/12/2005	Attachment 9.2 - EN-OP-111 - Operational Decision-Making Issue Process, Implementation Action Plan.
GW-01-021	ML090510297	11/18/1996	Comments Re: NRC Letter dated 10/09/1996 Re: Indian Point, Unit 2, Resolution of Spent Fuel Storage Pool Safety Issues: Issuance of Final Staff Report and Notification of Staff Plans to Perform Plant-Specific, Safety Enhancement Backfit Analyses.
GW-01-022	ML090550417	03/01/2007	Con Edison - Indian Point Station Outside Materials Notebook.
GW-01-023	ML090510192	06/17/1992	Con Edison Memo Re: P.O. 8-24470, Holtec International, Installation of Spent Fuel Racks at Indian Point, Unit 2.
GW-01-024	ML090510187	11/08/2006	Conceptual Sketch of Indian Point (IPEC) Phase 1, Phase 2, and Phase 2a Monitoring Well Locations.
GW-01-025	ML090510185	09/08/2005	Condition Report - CR-IP2-2005-03557.
GW-01-026	ML090500118	03/21/2006	Condition Report Nos' CR-IP2-2005-03986 and IP2-2005-04151.
GW-01-027	ML090540557	09/30/1971	Consolidated Edison - Environmental and Post Operational Survey for Radioactivity.
GW-01-028	ML090500299	11/22/2005	CR# IP2-05-03986, MW-111 Tritium Contamination.
GW-01-029	ML090560748	01/11/2007	Daily Staff Notes on 01/08/2007 Teleconference with Indian Point (Entergy), NRC/RES, U. S. Geological Survey, State of NY, Entergy's Geological-hydrological Contractor, and Region I to Discuss the Results of Entergy's Recently Completed Tests of Well.
GW-01-030	ML090500072	03/09/1990	Dose Calculation Factors - Liquid Effluents.
GW-01-031	ML090500266	10/21/2005	E-mail from Steven Sandlike re Preliminary Dilution and Dose Calc.
GW-01-032	ML090540272	10/26/2008	E-mail Re: USGS Geophysical Studies.
GW-01-033	ML090540265	01/25/2007	E-mail: ETSR Sample Points.
GW-01-034	ML090540273	01/12/2007	E-mail: IPEC Status Report for Jan 12.
GW-01-035	ML090540264	08/05/2008	E-mail: Re: Lafarge.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-036	ML090540267	01/17/2007	E-mail: Re: Reg 1.109 Dose Calc on Roseton Fish.
GW-01-037	ML090540262	04/13/2000	E-Mail: Tritium Results for Monitoring Wells.
GW-01-038	ML090540271	01/12/2007	E-mail: USGS Fish Samples in Hudson River.
GW-01-039	ML090510315	09/12/2005	Email from Entergy Re: Indian Point, Unit 2, Pool Crack Update and Draft ODMI.
GW-01-040	ML090510186	11/08/2006	Email from James Noggle, NRC, to Entergy Re: MW Sampling.
GW-01-041	ML090510313	10/17/2005	Email Re: Results of the HTO Samples from the Five Other Unit 3 Monitoring Wells (without Attachment).
GW-01-042	ML090510314	02/16/2006	Email Re: Scan Installation Drawing for Specific Indian Point, Unit 2, Monitoring Wells.
GW-01-043	ML090510311	09/15/2005	Email Summary of Most Recent Data.
GW-01-044	ML090510104	12/17/2007	Email to James Noggle re: 2006 Liq Effluent by Release Point.
GW-01-045	ML090540270	01/15/2008	Email: Executive Summary of Entergy GW Report.
GW-01-046	ML090550145	10/05/2005	Email: Ongoing Activities.
GW-01-047	ML090500115	01/17/2007	Entergy - DOSE Assessments from SR-90 in the Hudson River for Fish and Invertebrates - January 2007 Results.
GW-01-048	ML090540551	11/22/2005	Entergy - Draining Unit 1 Pool.
GW-01-049	ML090500060	10/31/2006	Entergy - Indian Point Groundwater Investigation.
GW-01-050	ML090540560	01/31/2006	Entergy - IPEC I.E. Bulletin 80-10 Program, Rev. 0.
GW-01-051	ML090500057	01/17/2006	Entergy - Monitoring Well Status and Recent Trend Information.
GW-01-052	ML090540753	01/18/2006	Entergy - MW-31 Packer Test Tritium Samples.
GW-01-053	ML090540140	09/30/2005	Entergy - Unit 2 Spent Fuel Pool History.
GW-01-054	ML090500108	03/21/2006	Entergy Data - Cesium Ratios, Unit 2 SFP.
GW-01-055	ML090500113	03/21/2006	Entergy Data Monitoring Wells - Pre 2005.
GW-01-056	ML090540154	10/31/2005	Entergy Data-Monitoring Well and Manholes.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-057	ML090500110	01/31/2005	Entergy Data.
GW-01-058	ML090500111	09/01/2005	Entergy Data.
GW-01-059	ML090540138	06/12/2007	Entergy Data.
GW-01-060	ML090500056	02/10/2006	Entergy Document - Monitoring Well Status.
GW-01-061	ML090500105	01/31/2008	Entergy Document-GW Investigation Gov't to Gov't Meeting.
GW-01-062	ML090500055	11/22/2005	Entergy Documents - Current Well Status.
GW-01-063	ML090540549	11/22/2005	Entergy Historic Strontium Tritium Results from 1974 through 1984.
GW-01-064	ML090500099	03/21/2006	Entergy Reports New Monitoring Well Findings.
GW-01-065	ML090500067	10/17/2005	Entergy Review of Mass Balance: Boron SFP Loss Estimate.
GW-01-066	ML090540156	09/04/2007	Entergy Sketch, Unit 1 Sump Sphere.
GW-01-067	ML090540142	12/31/2001	Entergy Storm Drain Monitoring Data 4/99-12/01.
GW-01-068	ML090540141	11/30/2005	Entergy Tritium Data - 9/2000-11/2005.
GW-01-069	ML090500071	11/22/2005	Entergy Tritium Data.
GW-01-070	ML090540556	11/22/2005	Entergy Unit 1 Leak - 94-06 Corrective Actions Summarized Status (February 2008).
GW-01-071	ML090500076	11/22/2005	Entergy Unit 2 SFP Sample Date (Sept - Nov 2005).
GW-01-072	ML090540160	09/04/2007	Entergy-Monitoring Well Locations and Functions.
GW-01-073	ML090540159	07/30/2008	Entergy-Summary and Status of Indian Point Groundwater Monitoring Program.
GW-01-074	ML090540544	10/10/2006	Environmental Laboratory Analysis Report - Entergy Test Results for Fish.
GW-01-075	ML090550411	01/23/2008	Figure LTMP-1, Long Term Monitoring Plan - Map.
GW-01-076	ML090540546	11/22/2005	Fish Sample Data, Brookhaven National Laboratory Surrounding Ponds Fish/Mussels (5151-XXX).
GW-01-077	ML090540269	01/12/2007	Fwd: IPEC Status Report for Jan. 12.
GW-01-078	ML090540553	11/22/2005	General Information Terminology Holtec Containers: HI-TRAC and HI-STORM.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-079	ML090540125	12/30/2005	Geophysical Investigation Results Indian Point Nuclear Power Plant Site Buchanan, New York.
GW-01-080	ML090540554	11/22/2005	Groundwater Contamination Investigation at Indian Point Energy Center.
GW-01-081	ML090500070	12/31/2005	GZA - Groundwater and Tritium Flux from Catchments Calculation.
GW-01-082	ML090550415	09/15/2005	Hairline Crack in IPEC Unit 2 Spent Fuel Pool South Wall, Revision 4.
GW-01-083	ML090500064	10/31/1965	Hydrology of Indian Point Site and Surrounding Area.
GW-01-084	ML090510190	07/31/2006	Indian Point (IPEC) Draft List of 10 CFR 50.75 (g) Areas.
GW-01-085	ML090510191	11/21/2005	Indian Point (IPEC) Draft List of 10 CFR 50.75 (g) Areas.
GW-01-086	ML090510316	04/18/2008	Indian Point - ORISE Report for Analyses of Nine Water Samples from Set Seven.
GW-01-087	ML090540143	09/07/2005	Indian Point 2 SFP Crack Data.
GW-01-088	ML090500250	03/21/2006	Indian Point Energy Center, Water Mass Balance and Dose Assessment from Groundwater and Storm Water.
GW-01-089	ML090500264	03/03/2006	Indian Point Energy Center, Water Mass Balance and Dose Calculation form Groundwater and Storm Water, An Assessment of 2005 Effluent Impact.
GW-01-090	ML090500265	02/28/2006	Indian Point Energy Center, Water Mass Balance and Dose Calculation from Groundwater and Storm Water, Draft.
GW-01-091	ML090540132	09/04/2007	Indian Point Ground Water Monitoring Well Information Table.
GW-01-092	ML090540135	01/10/2008	Indian Point Ground Water Monitoring Well Information Table.
GW-01-093	ML090540136	06/12/2007	Indian Point Ground Water Monitoring Well Information Table.
GW-01-094	ML090510202	01/08/2008	Indian Point Groundwater Investigation - Summary NYS Results as of 01/08/2008.
GW-01-095	ML090510189	07/31/2006	Indian Point Groundwater Monitoring Wells Status.
GW-01-096	ML090500298	11/22/2005	Indian Point Reg Guide 1.21 Report Data.
GW-01-097	ML090510083	04/07/2006	Indian Point, Geophysical Investigation Results.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-098	ML090510286	10/09/1996	Indian Point, Unit 2 - Resolution of Spent Fuel Storage Pool Safety Issues: Issuance of Final Staff Report and Notification of Staff Plans to Perform Plant Specific, Safety Enhancement Backfit Analyses.
GW-01-099	ML090510193	05/05/1992	Indian Point, Unit 2, Spent Fuel Pool Chemistry for Jan 1992 to May 1992.
GW-01-100	ML090510194	11/21/2005	Indian Point, Unit 2, Spent Fuel Pool Time History.
GW-01-101	ML090500073	12/31/2005	Indian Point, Unit 3 - Liquid Release and Dose Summary Report - Unit 3.
GW-01-102	ML090510082	03/21/2006	Indian Point, Unit 3, Geophysical Investigation Results from January 25 and 26, 2006.
GW-01-103	ML090540266	09/17/2008	Information on U1 Pool Draining.
GW-01-104	ML090500114	03/21/2006	IP-Well Log Records MW-67.
GW-01-105	ML090540552	09/18/2008	IPC Indian Point Energy Center, Unit 1 Fuel Handling Building.
GW-01-106	ML090550412	01/10/2006	IPEC - Daily Status Report.
GW-01-107	ML090540268	11/06/2007	IPEC Fish Data Comparison.
GW-01-108	ML090500117	03/21/2006	IPEC Ground Water Monitoring Well Information Table.
GW-01-109	ML090500116	01/17/2007	IPEC Site Management Manual, Entergy - Index of MWS.
GW-01-110	ML090540561	01/08/2008	IPEC Site Management Manual, Radiological Ground Water Monitoring Program.
GW-01-111	ML090540274	10/05/2005	IPEC Status Report for October 5.
GW-01-112	ML090500282	11/22/2005	IPEC Summary for Storm & Ground Water Releases (H-3, Ni-63, Sr-90), Compared to Site Limits Child.
GW-01-113	ML090500283	11/22/2005	IPEC Summary for Storm & Ground Water Releases (H-3, Ni-63, Sr-90), Compared to Site Limits Teen.
GW-01-114	ML090500263	11/22/2005	IPEC Water Mass Balance and Dose Calculation from Groundwater and Storm Water.
GW-01-115	ML090540562	11/30/2007	IPEC, Units 1, 2, and 3, Offsite Dose Calculation Manual (ODCM), Rev .0.
GW-01-116	ML090510285	07/22/1992	IR 05000247-92-016, on 07/07-10/1992, Indian Point, Unit 2.
GW-01-117	ML090540548	07/25/2007	JAFNPP Environmental Laboratory Sample Submission Form.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-118	ML090550146	10/20/2005	Letter - Draft New York State DEC - Field Investigation Report.
GW-01-119	ML090540555	02/15/2007	Letter: GZA - Dye Tracer Plan and Projected Schedule.
GW-01-120	ML090510303	12/17/2007	Liquid Dose Summary Report on Distillate Tank 13 & 14 for 01/01/2006 through 01/01/2007.
GW-01-121	ML090510305	12/17/2007	Liquid Dose Summary Report on North Curtain Drain for 01/01/2006 form 01/01/2007.
GW-01-122	ML090510306	12/17/2007	Liquid Dose Summary Report on Sphere Found Drain Sump for 01/01/2006 form 01/01/2007.
GW-01-123	ML090510307	12/17/2007	Liquid Dose Summary Report on Steam Generator Blowdown, Steam Generator Drain Down 21 through 24 for 01/01/2006 through 01/01/2007.
GW-01-124	ML090510308	12/17/2007	Liquid Dose Summary Report on Steam Generator Blowdown, Steam Generator Drain Down 31 through 34 for 01/01/2006 through 01/01/2007.
GW-01-125	ML090510310	12/17/2007	Liquid Dose Summary Report on Waste Monitor Tank 31 & 32 for 01/01/2006 through 01/01/2007.
GW-01-126	ML090500054	01/01/2006	Liquid Release and Dose Summary Report for 01/01/2005 Through 01/01/2006.
GW-01-127	ML090500074	01/01/2005	Liquid Release and Dose Summary Report Units 2 and 3, for 01/01/2004 Through 01/01/2005.
GW-01-128	ML090560470	08/31/2008	Long-Term Monitoring Plan Position Paper.
GW-01-129	ML090510106	05/05/2008	M10 Investigation Wells.
GW-01-130	ML090500107	02/08/2006	Memo from Entergy re: Source and Age of U2 SFP Concrete Wall Crack Water.
GW-01-131	ML090500295	04/24/2006	Memo to D. Wilson re Updated Ground Water Dose Evaluation - April 2006.
GW-01-132	ML090540558	01/25/2008	Memorandum - Synopsis of Long Term Monitoring Plan Bases.
GW-01-133	ML090540563	10/18/1965	Memorandum on Geologic Features of Indian Point Nuclear Power Plant Site.
GW-01-134	ML090540163	11/17/2006	NRC - Lists of ORISE MW Data Reports.
GW-01-135	ML090540162	05/31/2008	NRC Government to Government Meeting Slides - NRC Assessment: Indian Point Contaminated Groundwater.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-136	ML090540161	05/31/2008	NRC Slides for Public Meeting, Assessment: Indian Point Contaminated Groundwater.
GW-01-137	ML090540158	07/31/2008	Nuclear Energy Institute Self Assessment List.
GW-01-138	ML090540157	06/30/2008	ODCM Part II - Appendix J, Groundwater Flow and Offsite Dose Calculation Details.
GW-01-139	ML090500297	11/22/2005	ODCM Part II - Calculational Methodologies.
GW-01-140	ML090500112	01/09/2006	On-Site Monitoring Wells.
GW-01-141	ML090510184	11/21/2005	Oversight Observation Checklist - Observations and Reviews Relating to the IE Bulletin 80-10 and Tritium Discovery in a Unit 2 Monitor Well.
GW-01-142	ML090550421	01/16/2006	Packer Test Log.
GW-01-143	ML090540155	10/17/2006	Photos.
GW-01-144	ML090510299	12/31/1958	Pre-operational Environmental Survey of Radioactivity In the Vicinity of Indian Point Power Plant, 1958 (Pages 1 through 31).
GW-01-145	ML090510298	12/31/1958	Pre-operational Environmental Survey of Radioactivity In the Vicinity of Indian Point Power Plant, 1958 (Pages 1 through 49).
GW-01-146	ML090510302	12/31/1959	Pre-operational Environmental Survey of Radioactivity In the Vicinity of Indian Point Power Plant, 1959 (Pages 1 through 31).
GW-01-147	ML090510301	12/31/1959	Pre-operational Environmental Survey of Radioactivity In the Vicinity of Indian Point Power Plant, 1959 (Pages 1 through 45).
GW-01-148	ML090540547	09/12/1996	Radioactive Contamination in the Peconic River, A Review of New York State Environmental Radiation Monitoring Program Data.
GW-01-149	ML090500248	11/22/2005	Radiological Environmental Monitoring Program D 3.5.1.
GW-01-150	ML090500280	06/06/2006	Review of Preliminary Groundwater Dose Assessment for Indian Point.
GW-01-151	ML090540144	11/19/2007	Slides Related to GW Monitoring.
GW-01-152	ML090500103	03/21/2006	Source Concentration-SFP 1 Entergy Data.
GW-01-153	ML090500104	09/10/2008	Spent Fuel Pool Cleaning at Indian Point, Unit 1.
GW-01-154	ML090500100	03/21/2006	Storm Drain Map.

ID #	ADAMS Accession No.	Document Date	Title/Description
GW-01-155	ML090510094	11/22/2005	SUB-Part #1 of 10 CFR 50.75(g) File. Emergency Diesel Generator, Alleyway (Reference Points 6,14,24 & 29 in the Main 10 CFR 50.75g File).
GW-01-156	ML090540550	09/30/2008	Summary - Draining Unit 1 Pools.
GW-01-157	ML090500249	11/22/2005	Summary of ODCM Bounding CALC of U2 SFP Water to the Environment - Rev. 1.
GW-01-158	ML090500246	11/22/2005	Summary of ODCM Bounding CALC of U2 SFP Water to the Environment.
GW-01-159	ML090510091	11/10/2004	TID-04-009, Rev. 0, "10 CFR 50.75(g) Evaluation of Radiological Soil Contamination in Unit 2 Yard 8 Radioactive Materials Storage Area".
GW-01-160	ML090510105	05/05/2008	Trend Report for Nuclides: Co-60, Cs-137, H-3, Ni-63, Sr-90.
GW-01-161	ML090550414	11/30/2005	U-2 SFB Excavation Project November 2005.
GW-01-162	ML090500109	11/18/2005	Unit 2 SFP Crack Leakage Graph - Entergy Document.
GW-01-163	ML090510298	1958	Pre-operational Environmental Survey of Radioactivity In the Vicinity of Indian Point Plant

**ATTACHMENT 2 INDIAN POINT NUCLEAR POWER STATION HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG – DELIBERATIVE PROCESS PRIVILEGE, GROUNDWATER DISCLOSURES**

Supplement 1 – January 30, 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 information subject to withholding from public disclosure as predecisional, deliberative information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, withheld under the “deliberative process” privilege.

ID #	ADAMS Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Page Count
GW-DPP-01-001	ML090560754	ML090510626	James Noggle, John White, NRC/RGN-I	03/28/2006 Draft Meeting Slides, "NRC Special Inspection Indian Point Energy Center September 20, 2005 - February 28, 2006, Contamination of Onsite Groundwater."		Slides and Viewgraph		Draft contains handwritten notes related to groundwater contamination inspection for possible future action	7
GW-DPP-01-002	ML090560307	ML090510626	James Noggle, NRC/RGN-I	April 1, 2008, Enforcement Panel (Addendum), Re panel EA-08-088, Indian Point Groundwater.	04/01/2008		NRC/RGN-1, OE, OGC, NRR	Internal preliminary conclusions of investigation and regulatory requirements for possible future action	8
GW-DPP-01-003	ML090560746	ML090510626	John White, NRC/RGN-1	Draft Communications Plan - Spent Fuel Pool Special Inspection Completion	03/16/2006	Communication Plan	NRC/RGN-1	Draft contains regulatory conclusions/comments regarding investigation for issuance of Special inspection report on or about March 20, 2006.	3

ID #	ADAMS Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Page Count
GW-DPP-01-004	ML090560750	ML090510626	Richard Cordell NRC/RES (retired)	Dilution of Tritium Released Through a Groundwater Pathway in a Mixing Zone.	02/14/2006	Internal memo	James Kottan, James Noggle, NRC/RGN-1	Preliminary regulatory conclusions and guidance on groundwater investigation	1
GW-DPP-01-005	ML090560309	ML090510626	Thomas Nicholson, NRC/RES	E-mail re Suggestions for Long Term Monitoring Plan and attachment.	01/23/2008	E-Mail	James Noggle, NRC/RGN-1	Preliminary discussions about long term monitoring plan and regulatory requirements/guidance related to groundwater investigation for possible future action	2
GW-DPP-01-006	ML090560479	ML090510626	Alexander Sapountzis, NRC/OE	EA-08-088-1, Entergy Nuclear, Indian Point, Units 1,2, and 3, New York, NY.	04/18/2008		NRC/OE; RGN-1; OGC	Internal preliminary conclusions related to inspection and regulatory requirements of spent fuel pool for possible future action	2
GW-DPP-01-007	ML090560747	ML090510626	Stephen Klementowicz, NRC/NRR	Email Re: Fish Samples in Hudson River.	01/16/2007	E-Mail	James Noggle, John White, Stephen Garry, NRC/RGN-1; Stacy Sakai, NRC/NRR; Timothy Frye NRC/NRO	Preliminary discussions regarding regulatory requirements/guidance related to fish samples for testing for strontium related to investigation for possible future action	2

ID #	ADAMS Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Page Count
GW-DPP-01-008	ML090560749	ML090510626	Brian McDermott, NRC/RGN-I	Email Re: Reply to Question from Chairman's Office, Fwd: Schumer/Kelly Letters.	10/20/2005	E-Mail	Don Jackson, Brian McDermott, James Noggle, John White, Marc Dapas, NRC/RGN-1; Sam Lee, NRC/EDO; Christopher Miller, NRC/NSIR	Internal discussion of preliminary conclusions of groundwater investigation related to Indian Point for possible future action; also withheld under PII privilege	1
GW-DPP-01-009	ML090560490	ML090510626	James Noggle, NRC/RGN-1	Draft Indian Point Groundwater Inspection Plan, 08/12-13/2008.	08/12/2008	Inspection Plan	John Commiskey, NRC/RGN-1; Thomas Nicholson, NRC/RES	Draft notes of scope of inspection at Indian Point related to monitoring contaminated groundwater at SFP Unit 2	4
GW-DPP-01-010	ML090560303	ML090510626	James Noggle, NRC/RGN-1	Draft Indian Point Monitoring Well Groundwater Contamination Results.				Internally generated data of licensee information on monitoring wells and preliminary conclusions related to investigatory May 2008 report	3
GW-DPP-01-011	ML090560755	ML090510626	James Noggle, NRC/RGN-I	Indian Point Special Inspection Team Exit Notes.	02/28/2006	Notes	NRC/RGN-1	Internal notes on preliminary conclusions about inspection for possible future action	4
GW-DPP-	ML090560483	ML090510626	John White, NRC/RGN-I	Indian Point, Preliminary		Report	NRC/RGN-1	See "Title/Description" column	3

ID #	ADAMS Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Page Count
01-012				Conclusions and NRC Review and Assessment of Entergy's Ground-Water Investigation and Characterization Activities.					
GW-DPP-01-013	ML090560485	ML090510626	James Noggle, NRC/RGN-I	Indian Point, Unit 1, Inspection Plan Spent Fuel Pool Drainage Activities.	09/17/2008	Inspection Plan	John White, Melvin Gray, NRC/RGN-1	Draft notes related to scope of inspection for possible future action	2
GW-DPP-01-014	ML090560477	ML090510626	James Noggle, NRC/RGN-1	Indian Point, Unit 1 and 2, Spent Fuel Pool Timeline.				Report contains preliminary conclusions related to investigation for possible future action	6
GW-DPP-01-015	ML090560476	ML090510626	James Noggle, NRC/RGN-1	Indian Point, Unit 2, Spent Fuel Pool Leak Radiological Assessment.	09/15/2005	Notes	NRC/RGN-1	Preliminary conclusions/assessment of site conditions to determine scope of inspection for possible future action	2
GW-DPP-01-016	ML090560482	ML090510626	James Noggle, NRC/RGN-I	Draft Indian Point, Units 1, 2 & 3, Traditional Enforcement Panel Worksheet.	03/18/2008		NRC/RGN-1; OE; OGC	Preliminary conclusions/comments regarding inspection of spent fuel pool to determine possible future action	18

ID #	ADAMS Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Page Count
GW-DPP-01-017	ML090560481	ML090510626	John White, NRC/RGN-I	Indian Point, Units 1, 2, & 3, Traditional Enforcement Panel Worksheet, Draft.			NRC/RGN-1	Draft comments regarding inspection of spent fuel pool to determine possible future action	29
GW-DPP-01-018	ML090560495	ML090510626	John White, NRC/RGN-1	Pre-Briefing of Bruce Mallett, DEDR, 03/24/2008.	03/24/2008		Bruce Mallett, NRC/EDO	Preliminary conclusions regarding inspection of spent fuel pool for possible future action	5
GW-DPP-01-019	ML090560471	ML090510626	John Boska, NRC/NRR	Internal preliminary conclusions of NRC Assessment of IPEC Relative to Contaminated Ground-Water Conditions.	02/13/2008	E-Mail	James Noggle, John White, NRC/RGN-1; Mark Kowal, NRC/NRR	Internal discussion and preliminary opinion of regulatory requirements related to licensing under 10 CFR Part 50	1
GW-DPP-01-020	ML090560319	ML090510626	John Boska, NRC/NRR	Region I Inspection Report on Indian Point Groundwater.	04/21/2008	E-Mail	Steven Garry, NRC/NRR	Internal comments on draft report	1
GW-DPP-01-021	ML090560751	ML090510626	John White, NRC/RGN-1	Report on Events at Indian Point that Resulted in the Onsite Ground-water Contamination (Identified to the NRC on September 1, 2005).		Report	NRC/RGN-1	Draft internal preliminary conclusions regarding investigation for potential future action	4

ID #	ADAMS Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Page Count
GW-DPP-01-022	ML090560744	ML090510626	James Noggle, NRC/RGN-I	Results of Region I Inspection of Indian Point Groundwater Long-term Monitoring Plan on 08/05-06/2008.	08/06/2008	Notes	NRC/RGN-1	Internal pre-inspection notes and conclusions about inspection	2
GW-DPP-01-023	ML090560314	ML090510626	James Noggle, NRC/RGN-1	Status of IPEC Groundwater Inspection.	08/18/2008	E-Mail	Marsha Gamberoni, Darrell Roberts, John White, NRC/RGN-1	Internal preliminary conclusions related to investigation for possible future action	1
GW-DPP-01-024	ML090560484	ML090510626	Steven Schaffer, NRC/RES	Suggested Sr-90 LLDs (lower limit of detection).		Report	John White, James Noggle, NRC/RGN-1; Elaine Keegan, NRC/NRR	Internal preliminary discussions about regulatory requirements/guidance in inspection for possible future action	2
GW-DPP-01-025	ML090560469	ML090510626	Thomas Nicholson, NRC/RES	Suggestions for a Long-Term Ground-Water Monitoring Program.			James Noggle, NRC/RGN-1	Internal preliminary recommendations related to investigation for potential future action	2
GW-DPP-01-026	ML090560494	ML090510626	James, Noggle, NRC/RGN-I	Traditional Enforcement Panel Worksheet for Panel Dated 03/18/2008 Re: IR 05000247-07-010, Indian Point, Unit 2.	03/18/2008		NRC/RGN-1; OE; OGC	Internal preliminary conclusions for possible future enforcement action	13

**ATTACHMENT 3 INDIAN POINT NUCLEAR POWER STATION HEARING FILE AND MANDATORY DISCLOSURES
GROUNDWATER DISCLOSURES PRIVILEGE LOG - PROPRIETARY AND SENSITIVE INFORMATION
Supplement 1 – March 20, 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 or to contain sensitive unclassified non-safeguards information (SUNSI), or personally identifiable information (PII). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, which are either designated "proprietary" or which have been withheld because they contain SUNSI or PII and are subject to protected status under Section 2.390.

ID No.	Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/ Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
GW-PPI--01-001	ML090500591	ML090490220	Entergy Nuclear Operations, Inc.	03/16/2006 Meeting Slides, Indian Point Energy Center, Stakeholder Briefing.	03/16/2006	Meeting Briefing Package/ Slides and Viewgraphs	NRC/RGN-I	Contains SUNSI labels of fuel storage and security buildings (Accession No. of redacted version not yet available; to be provided.)	36
GW-PPI--01-002	ML090550418	ML090500173	D. Mayer/ New York Power Authority	Contaminated Soil Report - 1990 Summary.	09/16/1991	Environmental Monitoring Report Memoranda	D. Quinn	Report withheld because it contains SUNSI related to fuel storage, diesel generator and security buildings.	8
GW-PPI--01-003	ML090550413	ML090500173	GZA Environmental, Inc.	Figure 1.2, "Monitoring of Current and Potential Source Areas".	10/20/2007	Map	Entergy Nuclear Northeast; NRC/RGN-I	Withheld due to SUNSI labels related to fuel pools of Unit 2 and 3. Also, withheld because	1

ID No.	Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/ Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
								document marked proprietary.	
GW-PPI--01-004	ML090500069	ML090490220	GZA Environmental, Inc.	GZA-IP-001, Rev. 0, "Radiological Groundwater Monitoring Program Quality Assurance and Procedures," Indian Point Energy Center.	09/30/2007	Operating Procedures Quality Assurance Program	Entergy Nuclear Northeast; NRC/RGN-I	Report contains PII. (Accession No. of radacted version not yet available; to be provided.)	78
GW-PPI--01-005	ML090550416	ML090500173		Index/Map of 10CFR50.75(g) Areas.	01/31/2005	Graphics incl Charts and Tables Map		Withheld due to SUNSI labels related to fuel storage and diesel generator buildings	4
GW-PPI--01-006	ML090550408	ML090500173		Radiological Impact Evaluation of Water Leak at Indian Point Unit 2.	03/01/2007	Environmental Monitoring Report		Contains PII. (Accession No. of radacted version not yet available; to be provided.)	31
GW-PPI--01-007	ML090550446	ML090500173		Site Map - Drawing, Ground Water Building.	03/01/2007	Drawing Map		Withheld due to SUNSI labels related to fuel storage, diesel generator, control room and security buildings	3

ID No.	Accession Number	ADAMS Package No. (if applicable)	Author Name/ Affiliation:	Title/ Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
GW-PPI--01-008	ML090550419	ML090500173	D. Mayer/ New York Power Authority	Waste Neutralization Tank Discharge Line Excavation and Local Storm Drain Sediment.	01/20/1996	Drawing Memoranda	L. Dauer/ New York Power Authority	Report withheld because it contains SUNSI location of fuel storage and security buildings. (Accession no. of redacted version not yet available; to be provided.)	8
GW-PPI--01-009	ML090560749	ML090510626	Brian McDermott, NRC/RGN-I	Email Re: Question from Chairman's Office, Fwd: Schumer/Kelly Letters.	10/20/2005	E-Mail	Don Jackson, Brian McDermott, James Noggle, John White, Marc Dapas, NRC/RGN-1; Sam Lee, NRC/EDO; Christopher Miller, NRC/NSIR	Email withheld because contains PII; also withheld under deliberative due process privilege.	1

March 20, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-246 & 50-286-LR
)	
(Indian Point Nuclear Generating Units 2 and 3))	ASLBP No. 07-858-03-LR-BD01
)	

DECLARATION OF DARRELL J. ROBERTS

I, Darrell J. Roberts, do hereby state as follows:

1. I am employed as the Director of the Division of Reactor Safety, Region I ("DRS") in the U.S. Nuclear Regulatory Commission's ("NRC") Region I Office ("RGN"). As Director of the Division of Reactor Safety, NRC, Region I, I am responsible for overseeing NRC inspection activities and licensee regulatory compliance for reactor facilities in the northeast United States (including Indian Point Energy Center) in various technical functional areas including radiation protection, in-service inspection, engineering, fire protection, security, emergency preparedness, incident response, operator licensing, licensed operator requalification, and license renewal.

2. As part of their responsibilities in updating the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified certain documents as privileged because they contained information concerning the Staff's pre-decisional deliberative process. Those documents are listed in Attachment 2 to the March 20, 2009, disclosure of documents related to groundwater issues, and other documents identified in Supplement 1 concerning Indian Point Units 2 and 3 license renewal application.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain pre-decisional information concerning the Staff's evaluation of Indian Point Energy Center groundwater issues and/or Indian Point Units 2 and 3 inspection and enforcement activities. All of these that have been identified as privileged contain Staff analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to the matters discussed therein. Each of these privileged documents comprises part of the deliberative process necessary for the Staff's inspection and enforcement activities.

4. Further, I have determined that disclosure of these documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review, inspection or enforcement documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 to the March 20, 2009 disclosure of groundwater-related documents, and other documents identified in Supplement 1 to the Staff's Hearing File concerning the Indian Point Units 2 and 3 license renewal application.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



Darrell J. Roberts

Executed in King of Prussia, Pennsylvania
this 20th day of March, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Letter to the ASLB regarding the Indian Point Hearing File, including: Attachment 1 – Hearing File Index, Groundwater Disclosures, Supplement 1; Attachment 2 –Privilege Log, Groundwater Disclosures – Deliberative Process; Attachment 3 –Privilege Log, Groundwater Disclosures – Proprietary or Sensitive Information; Declaration of Darrell J. Roberts, dated March 20, 2009, have been served upon the following through deposit in the NRC's internal mail system, with copies by electronic mail, or, as indicated by an asterisk, by deposit in the U.S. Postal Service, with copies by electronic mail this 20th day of March, 2009:

Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: Lawrence.McDade@nrc.gov

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16G4
Washington, DC 20555-0001
E-mail: OCAAMAIL.resource@nrc.gov

Dr. Richard E. Wardwell
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: Richard.Wardwell@nrc.gov

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
Mail Stop: O-16G4
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Hearing.Docket@nrc.gov

Dr. Kaye D. Lathrop
Atomic Safety and Licensing Board Panel
190 Cedar Lane E.
Ridgway, CO 81432
E-mail: Kaye.Lathrop@nrc.gov

Zachary S. Kahn
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Zachary.Kahn@nrc.gov

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, DC 20555-0001
(Via Internal Mail Only)

Kathryn M. Sutton, Esq.*
Paul M. Bessette, Esq.
Martin J. O'Neill, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
E-mail: ksutton@morganlewis.com
E-mail: pbessette@morganlewis.com
E-mail: martin.o'neill@morganlewis.com

Michael J. Delaney, Esq.*
Vice President – Energy Department
New York City Economic Development
Corporation (NYCEDC)
110 William Street
New York, NY 10038
E-mail: mdelaney@nycedc.com

Justin D. Pruyne, Esq.*
Assistant County Attorney
Office of the Westchester County Attorney
148 Martine Avenue, 6th Floor
White Plains, NY 10601
E-mail: jdp3@westchestergov.com

Daniel E. O'Neill, Mayor*
James Seirmarco, M.S.
Village of Buchanan
Municipal Building
Buchanan, NY 10511-1298
E-mail: vob@bestweb.net

Manna Jo Greene*
Hudson River Sloop Clearwater, Inc.
112 Little Market Street
Poughkeepsie, NY 12601
E-mail: mannajo@clearwater.org

William C. Dennis, Esq.*
Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601
E-mail: wdennis@entergy.com

Mylan L. Denerstein, Esq.*
Janice A. Dean, Esq.
Executive Deputy Attorney General,
Social Justice
Office of the Attorney General
of the State of New York
120 Broadway, 25th Floor
New York, NY 10271
E-mail: mylan.denerstein@oag.state.ny.us
janice.dean@oag.state.ny.us

Diane Curran, Esq.*
Harmon, Curran, Spielberg & Eisenberg, LLP
1726 M Street, NW, Suite 600
Washington, D.C. 20036
E-mail: dcurran@harmoncurran.com

John J. Sipos, Esq.*
Charlie Donaldson, Esq.
Assistants Attorney General
New York State Department of Law
Environmental Protection Bureau
The Capitol
Albany, NY 12224
E-mail: john.sipos@oag.state.ny.us

Robert Snook, Esq.*
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CN 06141-0120
E-mail: robert.snook@po.state.ct.us

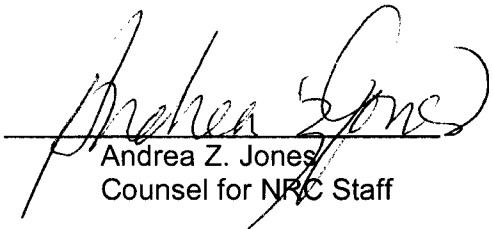
Victor Tafur, Esq.*
Phillip Musegaas, Esq.
Deborah Brancato, Esq.
Riverkeeper, Inc.
828 South Broadway
Tarrytown, NY 10591
E-mail: phillip@riverkeeper.org
vtafur@riverkeeper.org
dbrancato@riverkeeper.org

Elise N. Zoli, Esq.*
Goodwin Procter, LLP
Exchange Place
53 State Street
Boston, MA 02109
E-mail: ezoli@goodwinprocter.com

Daniel Riesel, Esq.*
Thomas F. Wood, Esq.
Ms. Jessica Steinberg, J.D.
Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, NY 10022
E-mail: driesel@sprlaw.com
jsteinberg@sprlaw.com

Joan Leary Matthews, Esq.*
Senior Attorney for Special Projects
New York State Department of
Environmental Conservation
Office of the General Counsel
625 Broadway, 14th Floor
Albany, NY 12233-1500
E-mail: jmatthe@gw.dec.state.ny.us

John Louis Parker, Esq.*
Office of General Counsel, Region 3
New York State Department of
Environmental conservation
21 South Putt Corners Road
New Paltz, NY 12561-1620
E-mail: jlparker@gw.dec.state.ny.us


Andrea Z. Jones
Counsel for NRC Staff