



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

OFFICE OF THE
GENERAL COUNSEL

November 30, 2010

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
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 the Atomic Safety and Licensing Board's December 18, 2008, "Memorandum and Order (Addressing Requests that the Proceeding be Conducted Pursuant to Subpart G)," slip op. at 13, and the Licensing Board's "Order (Granting Consent Motion Regarding Mandatory Disclosures)," dated January 30, 2009, at 1, 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. 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, Supplement 22 is appended hereto as Attachment 1.

On or about December 7, 2010, the newly identified documents in the hearing file 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 will be contained in a sub-folder entitled, "Indian PT Hearing File, Supplement 22" in the "Indian_PT_2&3_50-247&50-286-LR" folder of the EHD.

In addition, as required by 10 C.F.R. § 2.336(b)(5), the Staff is producing an updated privilege log, identifying a document withheld under the deliberative process privilege, which are appended hereto as Attachment 2. Also, attached is the Declaration of Melanie A. Galloway formally invoking the deliberative process privilege with respect to the documents in Attachment 2. The Staff will preserve and maintain the privileged documents identified in the log during the pendency of this proceeding.

Judge McDade
Judge Lathrop
Judge Wardwell

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November 30, 2010

Further, pursuant to 10 C.F.R. § 2.336(c), attached is the Affidavit of Andrew L. Stuyvenberg, certifying that all relevant materials required by this section have been disclosed, and that the disclosures are accurate and complete as to documents identified by November 22, 2010.

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,

A handwritten signature in black ink, appearing to read "Brian G. Harris", with a long horizontal flourish extending to the right.

Brian G. Harris
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 21
Attachment 2 - Deliberative Process Privilege Log
Declaration of Melanie A Galloway
Affidavit of Andrew L. Stuyvenberg

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index
Supplement 22 - November 30, 2010

ID #	Accession Number	Document Date	Title
022-001	ML103100003	11/5/2010	2010/11/05 Indian Point LR Hearing - Riverkeeper, Inc. Supplemental Comments on the Indian Point License Renewal DSEIS, Docket Nos. 50-247 and 50-286
022-002	ML103160325	11/12/2010	2010/11/12 Indian Point LR Hearing - FSEIS Format
022-003	ML103190771	11/15/2010	2010/11/15 Indian Point LR Hearing - RE: FSEIS Format
022-004	ML103260723	11/22/2010	2010/11/22 Indian Point LR Hearing - Indian Point

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 22 - November 30, 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 information subject to withholding from public disclosures 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 #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-22-001	ML102980371	A. Stuyvenberg/ NRC/NRR	10/25/2010	E-Mail	2010/10/25 Indian Point LR Hearing - Updated Indian Point Language	Internal discussion on draft FSEIS	2
DPP-22-002	ML103070011	W. Holston/ NRC/NRR	10/26/2010	E-Mail	2010/10/26 Indian Point LR Hearing - RE: Indian Point BP RAI	Internal discussion on buried piping	6
DPP-22-003	ML103070012	W. Holston/ NRC/NRR	10/22/2010	E-Mail	2010/10/22 Indian Point LR Hearing - Indian Point BP RAI	Internal discussion on buried piping	6
DPP-22-004	ML103070014	W. Holston/ NRC/NRR	10/14/2010	E-Mail	2010/10/14 Indian Point LR Hearing - Indian Point BP RAI	Internal discussion on buried piping	6
DPP-22-005	ML103070015	W. Holston/ NRC/NRR	10/8/2010	E-Mail	2010/10/08 Indian Point LR Hearing - FW: URGENT (Given you will be out next week) - Indian Point Buried Pipe RAI	Internal discussion on buried piping	7
DPP-22-006	ML103070016	W. Holston/ NRC/NRR	9/14/2010	E-Mail	2010/09/14 Indian Point LR Hearing - RE: Cleaned Up version of Follow-up RAIs for Salem, HC, PI, IP - Delete previous E Mails	Internal discussion on buried piping	2
DPP-22-007	ML103070017	W. Holston/ NRC/NRR	9/13/2010	E-Mail	2010/09/13 Indian Point LR Hearing - Cleaned Up version of Follow-up RAIs for Salem, HC, PI, IP - Delete previous E Mails	Internal discussion on buried piping	16
DPP-22-008	ML103070018	W. Holston/ NRC/NRR	9/7/2010	E-Mail	2010/09/07 Indian Point LR Hearing - Indian Point and Prairie Island Revised BP Follow-up RAIs	Internal discussion on buried piping	9
DPP-22-009	ML103070019	W. Holston/ NRC/NRR	8/3/2010	E-Mail	2010/08/03 Indian Point LR Hearing - Buried Pipe Compilation Chart	Internal discussion on buried piping	12
DPP-22-010	ML103070020	W. Holston/ NRC/NRR	3/22/2010	E-Mail	2010/03/22 Indian Point LR Hearing - Buried Pipe OE	Internal discussion on buried piping	2

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 22 - November 30, 2010

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-22-011	ML103070021	W. Holston/ NRC/NRR	3/19/2010	E-Mail	2010/03/19 Indian Point LR Hearing - RE: Buried Pipe OE Related RAI for Cooper VY and Pilgrim	Internal discussion on buried piping	6
DPP-22-012	ML103070022	W. Holston/ NRC/NRR	3/19/2010	E-Mail	2010/03/19 Indian Point LR Hearing - Draft Agenda for Cooper Buried Pipe Call	Internal discussion on buried piping	4
DPP-22-013	ML103090091	C. Douth/ NRC/NRR	11/4/2010	E-Mail	2010/11/04 Indian Point LR Hearing - RAI for Indian Point	Internal discussion on electrical cables	4
DPP-22-014	ML103120267	J. Dozier/ NRC/NRR	10/6/2010	E-Mail	2010/10/06 Indian Point LR Hearing - Approved RAIs.....FW: Reviewed RAIs for Indian Point and Prairie Island	Internal discussion of draft RAIs	6
DPP-22-015	ML103120409	S. Sakai/ NRC/NRR	11/8/2010	E-Mail	2010/11/08 Indian Point LR Hearing - FW: Approved RAIs.....FW: Reviewed RAIs for Indian Point and Prairie Island	Internal discussion of draft RAIs	4
DPP-22-016	ML103120709	D. Logan NRC/NRR	11/8/2010	E-Mail	2010/11/08 Indian Point LR Hearing - Call to NMFS Julie Crocker regarding including Atlantic sturgeon in the Indian Point revised biological assessment	Internal discussion of biological assessment	2
DPP-22-017	ML103150008	A. Stuyvenberg/ NRC/NRR	11/11/2010	E-Mail	2010/11/11 Indian Point LR Hearing - RE: Indian Point	Internal discussion of biological assessment	2
DPP-22-018	ML103200075	C. Douth/ NRC/NRR	11/16/2010	E-Mail	2010/11/16 Indian Point LR Hearing - FW: RAI for Indian Point	Internal discussion on electrical cables	4
DPP-22-019	ML103210304	S. Klementowicz/ NRC/NRR	11/17/2010	E-Mail	2010/11/17 Indian Point LR Hearing - Indian Point - Comment resolution	Internal discussion of draft comment responses	32

Attachment 2 - Indian Point License Renewal Hearing File Index
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ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-22-020	ML103210647	S. Klementowicz/ NRC/NRR	11/17/2010	E-Mail	2010/11/17 Indian Point LR Hearing - License Renewal - Indian Point - Comment resolution	Internal discussion of draft comment responses	33
DPP-22-021	ML103260663	S. Klementowicz/ NRC/NRR	11/18/2010	E-Mail	2010/11/18 Indian Point LR Hearing - License Renewal - Indian Point - Comment resolution	Internal discussion of draft comment responses	33
DPP-22-022	ML103260665	S. Klementowicz/ NRC/NRR	11/18/2010	E-Mail	2010/11/18 Indian Point LR Hearing - License Renewal - Indian Point - Aquatic comment resolution - endangered shortnose sturgeon	Internal discussion of draft comment responses	4
DPP-22-023	ML103260666	T. Ghosh/ NRC/NRR	11/18/2010	E-Mail	2010/11/18 Indian Point LR Hearing - RE: Edits and comments - Appendix G, SAMA comments	Internal discussion of draft comment responses	7
DPP-22-024	ML103260667	T. Ghosh/ NRC/NRR	11/18/2010	E-Mail	2010/11/18 Indian Point LR Hearing - RE: Edits and comments - Appendix G, SAMA comments - PLEASE SEE UPDATE	Internal discussion of draft comment responses	8
DPP-22-025	ML103260668	A. Stuyvenberg/ NRC/NRR	11/19/2010	E-Mail	2010/11/19 Indian Point LR Hearing - RE: Edits and comments - Appendix G, SAMA comments - PLEASE SEE UPDATE	Internal discussion of draft comment responses	3
DPP-22-026	ML103260717	C. Ng/ NRC/NRR	11/19/2010	E-Mail	2010/11/19 Indian Point LR Hearing - Indian Point - Metal Fatigue 6260 locations RAI	Internal discussion on locations for metal fatigue	4
DPP-22-027	ML103260718	A. Stuyvenberg/ NRC/NRR	11/19/2010	E-Mail	2010/11/19 Indian Point LR Hearing - RE: License Renewal - Indian Point - Aquatic comment resolution - endangered shortnose sturgeon	Internal discussion of draft comment responses	2
DPP-22-028	ML103260719	A. Stuyvenberg/ NRC/NRR	11/19/2010	E-Mail	2010/11/19 Indian Point LR Hearing - RE: Draft Comment Responses	Internal discussion of draft comment responses	2

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 22 - November 30, 2010

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-22-029	ML103260720	K. Folk/ NRC/NRR	11/18/2010	E-Mail	2010/11/18 Indian Point LR Hearing - Draft Comment Responses	Internal discussion of draft comment responses	6
DPP-22-030	ML103260721	J. Dozier/ NRC/NRR	11/19/2010	E-Mail	2010/11/19 Indian Point LR Hearing - concurred RAI RE: Indian Point - Metal Fatigue 6260 locations RAI EOM	Internal discussion on locations for metal fatigue	4
DPP-22-031	ML103260722	S. Klementowicz/ NRC/NRR	11/19/2010	E-Mail	2010/11/19 Indian Point LR Hearing - License Renewal - Indian Point - REMP - Fish and Invertebrates	Internal discussion of draft FSEIS	3

November 30, 2010

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 & 50-286-LR
)	
)	
(Indian Point Nuclear Generating Units 2 and 3))	

DECLARATION OF MELANIE A. GALLOWAY

I, Melanie A. Galloway, do hereby state as follows:

1. I am employed as the Deputy Director of the Division of License Renewal ("DLR") in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation ("NRR"). I am serving as the Acting Director for DLR. My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of the Indian Point Nuclear Generating Station Units 2 and 3 license renewal application.

2. As part of their responsibilities in updating the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified documents as privileged because they contained information concerning the Staff's pre-decisional deliberative process. The documents are listed in Attachment 2 to the submission of the Staff's Hearing File Index Supplement 22.

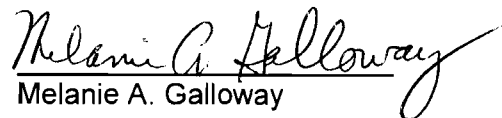
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains pre-decisional information concerning the Staff's review of the license renewal application. The documents contain either the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect

to the matters discussed therein. The document comprises part of the deliberative process necessary for the Staff's review of the pending license renewal application.

4. Further, I have determined that disclosure of the 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 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 the documents listed in Attachment 2 to the submission of the Staff's Hearing File Index Supplement 22.

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


Melanie A. Galloway

Executed in Rockville, Maryland
this 30th day of November, 2010

November 30, 2010

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 & 50-286-LR
)	
(Indian Point Nuclear Generating Station,)	
Units 2 and 3))	

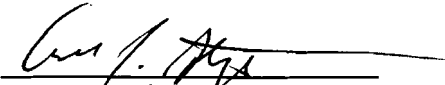
AFFIDAVIT OF ANDREW L. STUYVENBERG CONCERNING
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

I, Andrew L. Stuyvenberg, do hereby state as follows:

1. I am employed as a Project Manager in the Division of License Renewal in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I serve as a project manager for the Indian Point Nuclear Generating Station, Units 2 and 3 license renewal application ("LRA"). Among other things, I am managing the preparation of the hearing file and mandatory disclosures in connection with the LRA 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 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete for documents identified as of November 22, 2010.

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



Andrew L. Stuyvenberg

Executed in Rockville, Maryland
this 30th day of November, 2010

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 Atomic Safety and Licensing Board regarding the Indian Point Hearing File, including: Attachment 1 - Indian Point License Renewal Hearing File Index Supplement 22, and Affidavit of Andrew L Stuyvenberg, dated November 30, 2010, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 22 – Deliberative Due Process Privilege, and Declaration of Melanie A. Galloway, dated November 30, 2010, 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 30th day of November, 2010:

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