

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

OFFICE OF THE GENERAL COUNSEL

January 31, 2011

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) <u>Docket Nos. 50-247-LR and 50-286-LR</u>

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 24 is appended hereto as Attachment 1.

On or about February 7, 2011, 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: <u>http://ehd.nrc.gov/EHD\_Proceeding/home.asp</u>. The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Supplement 24" in the "Indian\_PT\_2&3\_50-247&50-286-LR" folder of the EHD.

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 January 24, 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

Judge McDade Judge Lathrop Judge Wardwell - 2 -

proceeding. In identifying these documents, the Staff does not concede their relevance to the license renewal issues to be decided in this proceeding.

Sincerely,

Brian G. Harris Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 24 Affidavit of Andrew L. Stuyvenberg

cc w/Encls.: Service List

# 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 January 24, 2011.

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

Executed in Rockville, Maryland this 31<sup>st</sup> day of January, 2011

# Attachment 1 - Indian Point License Renewal Hearing File Index Supplement 24 - January 31, 2011

	Accession		
ID #	Number	Document Date	Title
024-001	ML103350269	11/30/2010	2010/11/30 Indian Point LR Hearing - Ruling
024-002	ML110041084	1/4/2011	2011/01/04 Indian Point LR Hearing - FW: Conference Details (JAN 06, 201101:00 PM ETConf# 2371062)
024-003	ML110100845	1/10/2011	2011/01/10 Indian Point LR Hearing - FW: Conference Details (JAN 12, 201111:00 AM ETConf# 2509895)
024-004	ML110110110	1/11/2011	2011/01/11 Indian Point LR Hearing - RE: Conference Details (JAN 12, 201111:00 AM ETConf# 2509895)
024-005	ML110110112	1/11/2011	2011/01/11 Indian Point LR Hearing - RE: Conference Details (JAN 12, 201111:00 AM ETConf# 2509895)
024-006	ML110110113	1/11/2011	2011/01/11 Indian Point LR Hearing - RE: Conference Details (JAN 12, 201111:00 AM ETConf# 2509895)
	ML110110114		2011/01/11 Indian Point LR Hearing - RE: Conference Details (JAN 12, 201111:00 AM ETConf# 2509895)
	ML110110116		2011/01/11 Indian Point LR Hearing - Lines have been addec
	ML110110167		2011/01/11 Indian Point LR Hearing - RE: Lines have been addec
	ML110120062		2011/01/12 Indian Point LR Hearing - Teleconference today
024-011	ML110180589		2011/01/18 Indian Point LR Hearing - Draft Telecon Summary of Calls on Jan. 6 and 12, 2011
024-012	ML110211112	1/21/2011	2011/01/21 Indian Point LR Hearing - RE: Draft Telecon Summary of Calls on Jan. 6 and 12, 2011
024-013	ML110240506	1/24/2011	2011/01/24 Indian Point LR Hearing - RE: ML102930012 pdf - Adobe Acrobat Standarc

# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

# BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC. )

(Indian Point Nuclear Generating Units 2 and 3) Docket Nos. 50-247/286-LR

### 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 24, and Affidavit of Andrew L Stuyvenberg, dated January 31, 2011, 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 31<sup>st</sup> day of January, 2011:

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

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: <u>Richard.Wardwell@nrc.gov</u>

Dr. Kaye D. Lathrop Atomic Safety and Licensing Board Panel 190 Cedar Lane E. Ridgway, CO 81432 E-mail: <u>Kaye.Lathrop@nrc.gov</u> Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Mail Stop: O-16G4 Washington, DC 20555-0001 E-mail: <u>OCAAMAIL.resource@nrc.gov</u>

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

Josh Kirstein, Esq. Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U. S, Nuclear Regulatory Commission Washington, D.C. 20555-0001 E-Mail: Josh.Kirstein@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. Jonathan Rund, Esq. Morgan, Lewis & Bockius, LLP 1111 Pennsylvania Avenue, NW Washington, D.C. 20004 E-mail: <u>ksutton@morganlewis.com</u> E-mail: <u>pbessette@morganlewis.com</u> E-mail: martin.o'neill@morganlewis.com

Martin J. O'Neill, Esq.\* Morgan, Lewis & Bockius, LLP 1000 Louisiana Street, Suite 4000 Houston, TX 77002 E-mail: <u>martin.o'neill@morganlewis.com</u>

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

William C. Dennis, Esq.\* Assistant General Counsel Entergy Nuclear Operations, Inc. 440 Hamilton Avenue White Plains, NY 10601 E-mail: wdennis@entergy.com Melissa-Jean Rotini, Esq. Assistant County Attorney Office of Robert F. Meehan, Esq. Westchester County Attorney 148 Martine Avenue, 6th Floor White Plains, NY 10601 E-Mail: <u>MJR1@westchestergov.com</u>

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@ag.ny.gov

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, 25<sup>th</sup> Floor New York, NY 10271 E-mail: <u>Mylan Denerstein@ag.ny.gov</u> Janice Dean@ag.ny.gov

Joan Leary Matthews, Esq.\* Senior Attorney for Special Projects New York State Department of Environmental Conservation Office of the General Counsel 625 Broadway, 14<sup>th</sup> Floor Albany, NY 12233-1500 E-mail: jlmatthe@gw.dec.state.ny.us Daniel E. O'Neill, Mayor\* James Seirmarco, M.S. Village of Buchanan Municipal Building Buchanan, NY 10511-1298 E-mail: <u>vob@bestweb.net</u> E-mail: <u>smurray@villageofbuchanan.com</u>

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@ct.gov

Phillip Musegaas, Esq.\* Deborah Brancato, Esq. Riverkeeper, Inc. 20 Secor Road Ossining, NY 10562 E-mail: <u>phillip@riverkeeper.org</u> <u>dbrancato@riverkeeper.org</u>

Michael J. Delaney, Esq.\* Vice President – Energy Department New York City Economic Development Corporation (NYCDEC) 110 William Street New York, NY 10038 E-mail: <u>mdelaney@nycedc.com</u> - 3 -

Manna Jo Greene\* Stephen Filler Hudson River Sloop Clearwater, Inc. 724 Wolcott Avenue Beacon, NY 12508 E-mail: <u>mannajo@clearwater.org</u> E-mail: <u>stephenfiller@gmail.com</u>

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: <u>driesel@sprlaw.com</u> jsteinberg@sprlaw.com

Ross H. Gould, Esq.\* 270 Route 308 Rhinebeck, NY 12572 T: 917-658-7144 E-mail: <u>rgouldesg@gmail.com</u>

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

Brian G. Harris Counsel for NRC Staff