



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, DC 20555 - 0001

February 28, 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)  
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 25 is appended hereto as Attachment 1.

On or about March 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: [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp). The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Supplement 25" 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 documents withheld under the deliberative process privilege, which is appended hereto as Attachment 2. Also attached is the Declaration of Brian E. Holian 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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February 28, 2011

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 February 21, 2011.

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 "Sherwin E. Turk". The signature is fluid and cursive, with the first name "Sherwin" being more prominent than the last name "Turk".

Sherwin E. Turk  
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 25  
Attachment 2 - Deliberative Process Privilege Log  
Declaration of Brian E. Holian  
Affidavit of Andrew L. Stuyvenberg

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index  
Supplement 25 - February 28, 2011

ID #	Accession Number	Document Date	Title
025-001	ML110310654	01/26/2009	2009/01/26 Indian Point LR Hearing - FW: Monitoring Well Split Sampling
025-002	ML110310697	08/05/2008	2008/08/05 Indian Point LR Hearing - FW: Indian Point: NRC Facilitating a Conference Call Regarding Recent Groundwater Sampling Results
025-003	ML110310700	08/05/2008	2008/08/05 Indian Point LR Hearing - FW: Indian Point: NRC Facilitating a Conference Call Regarding Recent Groundwater Sampling Results
025-004	ML110341687	02/03/2011	2011/02/03 Indian Point LR Hearing - Draft RAI on Buried Piping and Tanks Inspection Program
025-005	ML110350622	02/04/2011	2011/02/04 Indian Point LR Hearing - RE: Draft RAI on Buried Piping and Tanks Inspection Program
025-006	ML110410355	02/04/2011	2011/02/04 Indian Point LR Hearing - Questions re FSEIS
025-007	ML110420219	02/11/2011	2011/02/11 Indian Point LR Hearing - RAI Letter
025-008	ML110460522	02/15/2011	2011/02/15 Indian Point LR Hearing - FW: Questions re FSEIS
025-009	ML110200539	01/20/2011	2011/01/20 Indian Point LR Hearing - RE: Inquiry regarding proposed Indian Point license renewal and ESA consultation
025-010	ML110550751	02/16/2011	Letter from Patricia Kurkul to David Wrona Regarding Biological Assessment for License Renewal of the Indian Point Nuclear generation Unit Nos. 2 & 3.

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 25 - February 28, 2011

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-25-001	ML110310674	W. Jessup NRC/RGN-I	07/10/2008	E-Mail	2008/07/10 Indian Point LR Hearing - RE: Communication Plan for Issuance of Final Director's Decision	Draft communication Plan on 2.206 Petition	2
DPP-25-002	ML110310676	J. White, NRC/NRR	07/10/2008	E-Mail	2008/07/10 Indian Point LR Hearing - Communication Plan for Issuance of Final Director's Decision	Draft communication Plan on 2.206 Petition	5
DPP-25-003	ML110310126	R. Vaucher, NRC/NRR	11/08/2010	E-Mail	2010/11/08 Indian Point LR Hearing - RE: Approved RAIs.....FW: Reviewed RAIs for Indian Point and Prairie Island	Draft communication Plan on 2.206 Petition	3
DPP-25-004	ML110310705	M. Gamberoni, NRC/NRR	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - FW: Sample Message for an External Stakeholder Outreach for Indian Point	Internal discussion on groundwater samples	3
DPP-25-005	ML110310707	T. Wingfeild, NRC/RGN-I	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - FW: IPEC LaFarge Sampling Results	Internal discussion on groundwater samples	3
DPP-25-006	ML110310691	U. Shoop , NRC/NRR	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - IP groundwater finding	Internal discussion on groundwater samples	2
DPP-25-007	ML110310693	N. Sheenan, NRC/RGN-I	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - RE: Indian Point: NRC Facilitating a Conference Call Regarding Recent Groundwater Sampling Results	Internal discussion of managing conference call participants	3
DPP-25-008	ML110310699	J. Noggle, NRC/RGN-I	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - RE: Message for This Afternoon's Discussion on Groundwater Sampling	Draft discussion points on groundwater	3
DPP-25-009	ML110310701	R. Barkley, NRC/RGN-I	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - Message for This Afternoon's Discussion on Groundwater Sampling	Draft discussion points on groundwater	3
DPP-25-010	ML110310704	T. Wingfeild, NRC/RGN-I	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - RE: Sample Message for an External Stakeholder Outreach for Indian Point	Draft discussion points on groundwater	4

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 25 - February 28, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-25-011	ML110310708	C Hott, NRC/RGN-I	08/05/2008	E-Mail	2008/08/05 Indian Point LR Hearing - IPEC LaFarge Sampling Results	Internal discussion on groundwater samples	2
DPP-25-012	ML110310685	S. McCarver, NRC/RGN-I	08/06/2008	E-Mail	2008/08/06 Indian Point LR Hearing - Summary of Indian Point Ground Water Status Call	Draft summary of conference call	3
DPP-25-013	ML110310686	D. Lew, NRC/RGN-I	08/06/2008	E-Mail	2008/08/06 Indian Point LR Hearing - RE: Indian Point: NRC Facilitating a Conference Call Regarding Recent Groundwater Sampling Results	Internal discussion on groundwater samples	4
DPP-25-014	ML110310687	U. Shoop , NRC/NRR	08/06/2008	E-Mail	2008/08/06 Indian Point LR Hearing - RE: Indian Point: NRC Facilitating a Conference Call Regarding Recent Groundwater Sampling Results	Internal discussion on groundwater samples	4
DPP-25-015	ML110310688	M. Gamberoni, NRC/NRR	08/06/2008	E-Mail	2008/08/06 Indian Point LR Hearing - FW: IP Groundwater Update	Internal discussion on groundwater samples	3
DPP-25-016	ML110310679	J White, NRC/RGN-I	08/25/2008	E-Mail	2008/08/25 Indian Point LR Hearing - RE: DRAFT: Recommended comm. plan (email only) for the groundwater sample update:	Draft Comm Plan on Groundwater sampling	3
DPP-25-017	ML110310680	T. Wingfeild, NRC/RGN-I	08/25/2008	E-Mail	2008/08/25 Indian Point LR Hearing - DRAFT: Recommended comm. plan (email only) for the groundwater sample update:	Internal discussion of Draft Comm plan	2
DPP-25-018	ML110310681	B Bickett, NRC/RGN-I	08/25/2008	E-Mail	2008/08/25 Indian Point LR Hearing - FW: Indian Point Offsite Groundwater Result	Internal discussion on groundwater samples	2
DPP-25-019	ML110310669	A Rosebook, NRC/RGN-I	11/03/2008	E-Mail	2008/11/03 Indian Point LR Hearing - FW: IP2 SFP leakage question	Internal discussion of Spent Fuel Pools	4
DPP-25-020	ML110310668	C O'Daniell, NRC/RGN-I	11/04/2008	E-Mail	2008/11/04 Indian Point LR Hearing - EDO Daily Notes - Region I Input for 11/5/08	Draft EDO daily note	4
DPP-25-021	ML110310666	J. White, NRC/RGN-I	11/05/2008	E-Mail	2008/11/05 Indian Point LR Hearing - FW: Indian Point 1	Internal discussion of Indian Point 1	2

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 25 - February 28, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-25-022	ML110310665	J. White, NRC/RGN-I	11/06/2008	E-Mail	2008/11/06 Indian Point LR Hearing - FW: Indian Point Energy Center Status Report, Nov. 6, 2008	Internal discussion of Indian Point 1	3
DPP-25-023	ML110310729	M Goodwin, AECOM	12/02/2008	E-Mail	2008/12/02 Indian Point LR Hearing - RE: Section 2.2.9 reference checks	Internal discussion of references	3
DPP-25-024	ML110310662	J. White, NRC/RGN-I	12/15/2008	E-Mail	2008/12/15 Indian Point LR Hearing - Telecon Synopsis, Entergy, NRR, and RI on potential leakage determination for Unit 2 Spent Fuel Pool	T/C Summary	3
DPP-25-025	ML110310663	A Rosebook, NRC/RGN-I	12/15/2008	E-Mail	2008/12/15 Indian Point LR Hearing - ODCM questions	Internal Discussion ODCM requirements	2
DPP-25-026	ML110310709	J. White, NRC/RGN-I	12/17/2008	E-Mail	2008/12/17 Indian Point LR Hearing - RE: MW-67 CR	Internal discussion of MW sample results	2
DPP-25-027	ML110310714	S McCarver, NRC/RGN-I	12/17/2008	E-Mail	2008/12/17 Indian Point LR Hearing - FW: FYI - UNCONFIRMED Indication of Cobalt 60 in Monitoring Well at IP	Internal discussion of MW sample results	2
DPP-25-028	ML110310716	S McCarver, NRC/RGN-I	12/17/2008	E-Mail	2008/12/17 Indian Point LR Hearing - FYI - UNCONFIRMED Indication of Cobalt 60 in Monitoring Well at IP	Internal discussion of MW sample results	2
DPP-25-029	ML110310725	M Goodwin, AECOM	01/20/2009	E-Mail	2009/01/20 Indian Point LR Hearing - <ADAMS Envelope>	Internal discussion of references	2
DPP-25-030	ML110310599	V. Cullinan, PNNL	05/21/2009	E-Mail	2009/05/21 Indian Point LR Hearing - Comments	Internal Discussion of Comments on DSEIS	7
DPP-25-031	ML110310597	J. Ward, PNNL	05/22/2009	E-Mail	2009/05/22 Indian Point LR Hearing - Re: Comments	Internal Discussion of Comments on DSEIS	2
DPP-25-032	ML110310593	J. Ward, PNNL	06/03/2009	E-Mail	2009/06/03 Indian Point LR Hearing - Re: Selection of RIS	Internal Discussion on RIS	2
DPP-25-033	ML110310595	V. Cullinan, PNNL	06/03/2009	E-Mail	2009/06/03 Indian Point LR Hearing - RE: Selection of RIS	Internal Discussion of Comments on DSEIS	6

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 25 - February 28, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-25-034	ML110310592	V. Cullinan, PNNL	06/04/2009	E-Mail	2009/06/04 Indian Point LR Hearing - RE: Selection of RIS	Internal Discussion of Comments on DSEIS	15
DPP-25-035	ML110310590	V. Cullinan, PNNL	06/05/2009	E-Mail	2009/06/05 Indian Point LR Hearing - RE:	Internal Discussion of Comments on DSEIS	18
DPP-25-036	ML110310587	V. Cullinan, PNNL	07/08/2009	E-Mail	2009/07/08 Indian Point LR Hearing - Impingement and Entrainment Data Inconsistencies	Internal Discussion of Comments on DSEIS	13
DPP-25-037	ML110310582	V. Cullinan, PNNL	08/17/2009	E-Mail	2009/08/17 Indian Point LR Hearing - Tasks to address during Visit	Internal Discussion of Comments on DSEIS	4
DPP-25-038	ML110310579	V. Cullinan, PNNL	09/02/2009	E-Mail	2009/09/02 Indian Point LR Hearing - RE: Data Explanation	Internal Discussion of Comments on DSEIS	4
DPP-25-039	ML110310345	V. Cullinan, PNNL	10/01/2009	E-Mail	2009/10/01 Indian Point LR Hearing - RE: NL-09-131 signed	Internal Discussion of Comments on DSEIS	13
DPP-25-040	ML110310344	V. Cullinan, PNNL	10/02/2009	E-Mail	2009/10/02 Indian Point LR Hearing - RE: NL-09-131 signed	Internal Discussion of Comments on DSEIS	8
DPP-25-041	ML110310343	V. Cullinan, PNNL	10/29/2009	E-Mail	2009/10/29 Indian Point LR Hearing - RE: Telecon Summary to review	Internal Discussion on draft T/C Summary	3
DPP-25-042	ML110310342	V. Cullinan, PNNL	12/01/2009	E-Mail	2009/12/01 Indian Point LR Hearing - RE: IPEC Impingement Data Letter	Internal Discussion of of Environmental Data	3
DPP-25-043	ML110310334	V. Cullinan, PNNL	12/04/2009	E-Mail	2009/12/04 Indian Point LR Hearing - RE: IPEC Impingement Data Letter	Internal Discussion of of Environmental Data	20
DPP-25-044	ML110310341	V. Cullinan, PNNL	12/04/2009	E-Mail	2009/12/04 Indian Point LR Hearing - RE: IPEC Impingement Data Letter	Internal Discussion of of Environmental Data	3

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 25 - February 28, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-25-045	ML110310331	J. Jones, Sandia	12/16/2009	E-Mail	2009/12/16 Indian Point LR Hearing - RE: IPEC Letter NL-09-165 - SAMA Reanalysis Using Alternate Meteorological Tower Data	Internal discussion of Met data	2
DPP-25-046	ML110310325	V. Cullinan, PNNL	01/18/2010	E-Mail	2010/01/18 Indian Point LR Hearing - Package # 3 Appendix H and Changes	Internal discussion of draft changes	124
DPP-25-047	ML110310327	V. Cullinan, PNNL	01/18/2010	E-Mail	2010/01/18 Indian Point LR Hearing - Package #2 Changes to Chapters 2 and 4	Internal discussion of draft changes	28
DPP-25-048	ML110310330	V. Cullinan, PNNL	01/18/2010	E-Mail	2010/01/18 Indian Point LR Hearing - FW: For NRC	Internal discussion of draft changes	8
DPP-25-049	ML110310319	V. Cullinan, PNNL	01/20/2010	E-Mail	2010/01/20 Indian Point LR Hearing - Appendix I	Internal discussion of draft changes	154
DPP-25-050	ML110310313	V. Cullinan, PNNL	01/29/2010	E-Mail	2010/01/29 Indian Point LR Hearing - RE: For coastal assessment	Internal discussion of draft changes	117
DPP-25-051	ML110310309	V. Cullinan, PNNL	02/08/2010	E-Mail	2010/02/08 Indian Point LR Hearing - Response to comments	Internal Discussion of Comments on DSEIS	15
DPP-25-052	ML110310305	V. Cullinan, PNNL	02/09/2010	E-Mail	2010/02/09 Indian Point LR Hearing - Rainbow smelt impingement survival	Internal Discussion of Comments on DSEIS	5
DPP-25-053	ML110310307	V. Cullinan, PNNL	02/09/2010	E-Mail	2010/02/09 Indian Point LR Hearing - Rainbow smelt impingement survival	Internal Discussion of Comments on DSEIS	14
DPP-25-054	ML110310304	V. Cullinan, PNNL	02/11/2010	E-Mail	2010/02/11 Indian Point LR Hearing - Changes to Chapter 4	Internal discussion of draft changes	25
DPP-25-055	ML110310299	V. Cullinan, PNNL	02/12/2010	E-Mail	2010/02/12 Indian Point LR Hearing - Atlantic tomcod	Internal discussion of draft changes	3
DPP-25-056	ML110310301	J. Ward, PNNL	02/12/2010	E-Mail	2010/02/12 Indian Point LR Hearing - Re: References for transfer of data to NRC from Entergy - updated file	Internal discussion of references	2
DPP-25-057	ML110310303	D. Logan NRC/NRR	02/12/2010	E-Mail	2010/02/12 Indian Point LR Hearing - References for transfer of data to NRC from Entergy - updated file	Internal discussion of references	3



Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 25 - February 28, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-25-058	ML110310291	V. Cullinan, PNNL	02/15/2010	E-Mail	2010/02/15 Indian Point LR Hearing - Appendix H with rainbow smelt corrections	Internal discussion of references	59
DPP-25-059	ML110310294	V. Cullinan, PNNL	02/15/2010	E-Mail	2010/02/15 Indian Point LR Hearing - Appendix I final changes	Internal discussion of draft changes	82
DPP-25-060	ML110310297	V. Cullinan, PNNL	02/15/2010	E-Mail	2010/02/15 Indian Point LR Hearing - Appendix H	Internal discussion of draft changes	59
DPP-25-061	ML110310268	D. Logan NRC/NRR	02/16/2010	E-Mail	2010/02/16 Indian Point LR Hearing - Changes to appendix H	Internal discussion of draft changes	59
DPP-25-062	ML110310275	D. Logan NRC/NRR	02/16/2010	E-Mail	2010/02/16 Indian Point LR Hearing - another try 2 of 2	Internal Discussion of Comments on DSEIS	18
DPP-25-063	ML110310277	D. Logan NRC/NRR	02/16/2010	E-Mail	2010/02/16 Indian Point LR Hearing - Another try 1 of 2	Internal discussion of draft changes	17
DPP-25-064	ML110310279	D. Logan NRC/NRR	02/16/2010	E-Mail	2010/02/16 Indian Point LR Hearing - Changes to chapter 4	Internal discussion of draft changes	27
DPP-25-065	ML110310285	D. Logan NRC/NRR	02/16/2010	E-Mail	2010/02/16 Indian Point LR Hearing - Changes to Appendix I	Internal discussion of draft changes	82
DPP-25-066	ML110310286	D. Logan NRC/NRR	02/16/2010	E-Mail	2010/02/16 Indian Point LR Hearing - Changes to Chapter 2	Internal discussion of draft changes	9
DPP-25-067	ML110310289	D. Logan NRC/NRR	02/16/2010	E-Mail	2010/02/16 Indian Point LR Hearing - Appendix I with notations	Internal discussion of draft changes	74
DPP-25-068	ML110310228	S. Min, NRC/NRR	01/31/2011	E-Mail	2011/01/31 Indian Point LR Hearing - RAI/LRA Supplement Status for IP	Internal discussion on RAIs	3
DPP-25-069	ML110450148	J. Rickhoff, NRC/NRR	02/14/2011	E-Mail	2011/02/14 Indian Point LR Hearing - RE: ACTION: Indian Point License Renewal Contentions	Internal discussion of contention responses	3
DPP-25-070	ML110450149	A. Stuyvenberg, NRC/NRR	02/14/2011	E-Mail	2011/02/14 Indian Point LR Hearing - RE: ACTION: Indian Point License Renewal Contentions	Internal discussion of contention responses	4

February 24, 2011

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 Station,  
Units 2 and 3)

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Docket Nos. 50-247 & 50-286-LR

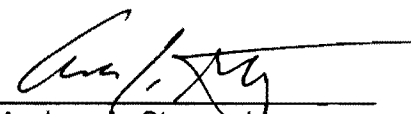
AFFIDAVIT OF ANDREW L. STUYVENBERG CONCERNING  
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

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 February 21, 2011.

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 24<sup>th</sup> day of February, 2011

February 28, 2011

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 BRIAN E. HOLIAN

I, Brian E. Holian, do hereby state as follows:

1. I am employed as the Director of the Division of License Renewal ("DLR") in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation ("NRR"). 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 25.

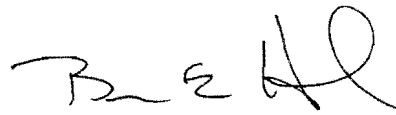
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains pre-decisional information concerning the Staff's review of the license renewal application. The documents 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 documents 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 25.

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

A handwritten signature in black ink, appearing to read 'B E Holian', written over a horizontal line.

Brian E. Holian

Executed in Rockville, Maryland  
this 28<sup>th</sup> day of February, 2011

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 25, and Affidavit of Andrew L Stuyvenberg, dated February 24, 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 28<sup>th</sup> day of February, 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](mailto: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](mailto:OCAAMAIL.resource@nrc.gov)

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E-mail: [Richard.Wardwell@nrc.gov](mailto: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](mailto:Hearing.Docket@nrc.gov)

Dr. Kaye D. Lathrop  
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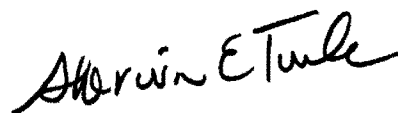
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