



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

March 31, 2011

OFFICE OF THE  
GENERAL COUNSEL

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 26 is appended hereto as Attachment 1.

On or about April 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 26" 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 two 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 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

- 2 -

March 31, 2011

Staff will preserve and maintain the privileged documents identified in the log during the pendency of this proceeding.

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 March 28, 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,



Brian G. Harris  
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 26  
Attachment 2 - Deliberative Process Privilege Log  
Attachment 3 - Privilege Log – Proprietary and Sensitive Information  
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 26 - March 31, 2011

ID #	Accession Number	Document Date	Title
026-001	ML083360062	12/19/2008	Issuance of Environmental Scoping Summary Report Associated with the Staff's Review of the Application for Renewal of the Operating License for Indian Point Nuclear Generating Unit Nos. 2 and 3.
026-002	ML091420036	6/11/2009	Summary of Telephone Conference Call Held on May 11, 2009, Between the U.S. Nuclear Regulatory Commission and Entergy Nuclear Operations, Inc., Concerning Endangered Species Act Consultation Data
026-003	ML092220524	8/10/2009	2009/08/10 Indian Point LR Hearing - RE: Indian Point Section 7 - new data from Entergy
026-004	ML093170168	11/17/2009	Summary of Teleconference Call Held on 11/3/09 Between the U.S. NRC and Entergy Nuclear Operations, Inc., Concerning Meteorological Data Used for the Severe Accident Mitigation Alternative Analyses.
026-005	ML093170171	11/17/2009	Summary of Telephone Conference Call Held on 11/9/09, Between the U.S. NRC and Entergy Nuclear Operations, Inc., Concerning the Meteorological Data Used for the Severe Accident Mitigation Alternative Analyses.
026-006	ML102990043	12/10/2010	Revised Biological Assessment for License Renewal of the Indian Point Nuclear Generating Plant, Units 2 and 3.
026-007	ML103010060	11/29/2010	October 1, 2010, Summary of Telephone Conference Call Held Between the U.S. Nuclear Regulatory Commission and National Marine Fisheries Service Regarding the Essential Fish Habitat Assessment for the Proposed Indian Point License Renewal.
026-008	ML103260093	12/3/2010	Notice of Availability of the Final Plant-Specific Supplement 38 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3.
026-009	ML110620558	2/4/2011	2011/02/04 Indian Point LR Hearing - Questions re FSEIS
026-010	ML110660673	3/7/2011	2011/03/07 Indian Point LR Hearing - NMFS Consultation
026-011	ML110670270	3/1/2011	Letter from Fred Dacimo to Andrew Stuyvenberg Regarding Endangered Species Act Consultation for Indian Point Nuclear Generating Unit Nos. 2 & 3.
026-012	ML110670710	3/8/2011	2011/03/08 Indian Point LR Hearing - RE: NMFS Consultation
026-013	ML110730378	3/14/2011	2011/03/14 Indian Point LR Hearing - Indian Point Section 7 Consultation
026-014	ML110730379	3/14/2011	2011/03/14 Indian Point LR Hearing - RE: ESA Consultation
026-015	ML110730380	3/14/2011	2011/03/14 Indian Point LR Hearing - RE: ESA Consultation
026-016	ML110740380	3/15/2011	2011/03/15 Indian Point LR Hearing - Your message yesterday
026-017	ML110740841	3/15/2011	2011/03/15 Indian Point LR Hearing - RE: Your message yesterday
026-018	ML11077A033	2/24/2009	2009/02/24 Indian Point LR Hearing - Draft Slides
026-019	ML11083A023	12/22/2008	2008/12/22 Indian Point LR Hearing - IP DSEIS vol 1
026-020	ML11083A024	12/11/2009	2009/12/11 Indian Point LR Hearing - IPEC Letter NL-09-165 - SAMA Reanalysis Using Alternate Meteorological Tower Data
026-021	ML11083A025	3/3/2009	2009/03/03 Indian Point LR hearing - latest slides

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 26 - March 31, 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-26-001	ML110770580	A Stuyvenberg, NRC/NRR	3/18/2011	E-Mail	2011/03/18 Indian Point LR Hearing - Incoming Letter from NY AG regarding seismic risk at Indian Point	Internal discussion regardign seismic risk	6
DPP-26-002	ML110740382	A Stuyvenberg, NRC/NRR	3/15/2011	E-Mail	2011/03/15 Indian Point LR Hearing - Indian Point ESA consultation	Internal discussion on ESA consultation	2
DPP-26-003	ML110680129	A Stuyvenberg, NRC/NRR	3/9/2011	E-Mail	2011/03/09 Indian Point LR Hearing - Telecon with NMFS this morning	Internal discussion on ESA consultation	2
DPP-26-004	ML110660672	J Boska, NRC/NRR	3/7/2011	E-Mail	2011/03/07 Indian Point LR Hearing - FW: NMFS Consultation	Internal discussion on ESA consultation	2
DPP-26-005	ML110670357	A Stuyvenberg, NRC/NRR	3/7/2011	E-Mail	2011/03/07 Indian Point LR Hearing - Letter dated 3/1/11 on Endangered Species Act Consultation	Internal discussion on ESA consultation	2
DPP-26-006	ML11082A034	T Ghosh, NRC/RES	3/4/2011	E-Mail	2011/03/04 Indian Point LR Hearing - FW: Request for document disclosure	Internal discussion of SAMA review	62
DPP-26-007	ML110620579	A Stuyvenberg, NRC/NRR	3/3/2011	E-Mail	2011/03/03 Indian Point LR Hearing - FW: IPEC ESA Consult Extension	Internal discussion on ESA consultation	4
DPP-26-008	ML110620553	K Green, NRC/NRR	3/2/2011	E-Mail	2011/03/02 Indian Point LR Hearing - RE: Question Regarding Indian Point License Renewal	Internal discussion on schedule	3
DPP-26-009	ML110590081	D Logan, NRC/NRR	2/28/2011	E-Mail	2011/02/28 Indian Point LR Hearing - RE: FYI. . . ESA consultation	Internal discussion on ESA consultation	2
DPP-26-010	ML110590400	A Stuyvenberg, NRC/NRR	2/28/2011	E-Mail	2011/02/28 Indian Point LR Hearing - RE: FYI. . . ESA consultation	Internal discussion on ESA consultation	3
DPP-26-011	ML11083A046	T Ghosh, NRC/RES	2/28/2011	E-Mail	2011/02/28 Indian Point LR Hearing - RE: Request for document disclosure	Internal discussion of SAMA review	61
DPP-26-012	ML110560155	A Stuyvenberg, NRC/NRR	2/24/2011	E-Mail	2011/02/24 Indian Point LR Hearing - NMFS Section 7 Response Letter	Internal discussion on ESA consultation	4
DPP-26-013	ML110560153	A Stuyvenberg, NRC/NRR	2/23/2011	E-Mail	2011/02/23 Indian Point LR Hearing - FYI. . . ESA consultation	Internal discussion on ESA consultation	2
DPP-26-014	ML110590928	T Ghosh, NRC/RES	1/31/2011	E-Mail	2011/01/31 Indian Point LR Hearing - FW: Modeling Review - Indian Point	Internal analysis of alternative modeling	15

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 26 - March 31, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-26-015	ML11081A039	D Logan, NRC/NRR/DLR	8/23/2010	E-Mail	2010/08/23 Indian Point LR Hearing - FW: checking in	Internal discussion of Biological Assessment	2
DPP-26-016	ML11082A031	R Palla, NRC/NRR/DRA	12/23/2009	E-Mail	2009/12/23 Indian Point LR Hearing - FW: IPEC Letter NL-09-165 - SAMA Reanalysis Using Alternate Meteorological Tower Data	Internal discussion of SAMA analysis	212
DPP-26-017	ML11082A032	A Stuyvenberg, NRC/NRR	12/11/2009	E-Mail	2009/12/11 Indian Point LR Hearing - FW: IPEC Letter NL-09-165 - SAMA Reanalysis Using Alternate Meteorological Tower Data	Internal discussion of SAMA analysis	212
DPP-26-018	ML11077A035	K Green, NRC/NRR/DLR	9/9/2009	E-Mail	2009/09/09 Indian Point LR Hearing - Final Slides	Draft version of ACRS slides	28
DPP-26-019	ML11083A039	K Green, NRC/NRR/DLR	9/9/2009	E-Mail	2009/09/09 Indian Point LR Hearing - RE: Final Slides	Draft version of ACRS slides	28
DPP-26-020	ML11083A056	K Green, NRC/NRR/DLR	9/9/2009	E-Mail	2009/09/09 Indian Point LR Hearing - Slides	Draft version of ACRS slides	28
DPP-26-021	ML11077A032	K Green, NRC/NRR/DLR	9/2/2009	E-Mail	2009/09/02 Indian Point LR Hearing - DRAFT Revised Slides for ACRS Meeting	Draft version of ACRS slides	29
DPP-26-022	ML11081A052	A Stuyvenberg, NRC/NRR	5/5/2009	E-Mail	2009/05/05 Indian Point LR Hearing - FW: Comment (16) of Fred R. Dacimo on Behalf of Entergy Nuclear Northeast re Comments on NUREG-1437, Draft Supplement 38. 03/18/2009	Internal discussion on comments to the DSEIS	301
DPP-26-023	ML11083A037	V Cullinan, PNNL	4/17/2009	E-Mail	2009/04/17 Indian Point LR Hearing - plots	Internal discussion on Impingement	12
DPP-26-024	ML11077A021	R Palla, NRC/NRR/DRA	1/14/2009	E-Mail	2009/01/14 Indian Point LR Hearing - Background Info Re: IP SAMA Contentions	Internal discussion on admitted contention support	583
DPP-26-025	ML11077A022	R Palla, NRC/NRR/DRA	1/14/2009	E-Mail	2009/01/14 Indian Point LR Hearing - Background Info Re: IP SAMA Contentions	Internal discussion on admitted contention support	583

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 26 - March 31, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-26-026	ML11083A044	J Boska, NRC/NRR/DORL	1/5/2009	E-Mail	2009/01/05 Indian Point LR Hearing - RE: Draft Comm Plan for Issuance of the Indian Point SER with Open Items	Internal discussion on Draft Communication Plan	17
DPP-26-027	ML11082A028	L Regner, NRC/NRR/DLR	12/22/2008	E-Mail	2008/12/22 Indian Point LR Hearing - FW: Fish Impingement Data Inconsistencies	Internal discussion on Impingement	6
DPP-26-028	ML11077A028	L Regner, NRC/NRR/DLR	12/18/2008	E-Mail	2008/12/18 Indian Point LR Hearing - Draft dSEIS Issuance Comm Plan - 12 18 2008 1720.doc	Internal discussion on Draft Communication Plan	13
DPP-26-029	ML11083A022	L Regner, NRC/NRR/DLR	12/18/2008	E-Mail	2008/12/18 Indian Point LR Hearing - IP Draft SEIS Issuance Comm Plan - clean FINAL, rev.1	Internal discussion on Draft Communication Plan	13
DPP-26-030	ML11077A030	L Regner, NRC/NRR/DLR	12/10/2008	E-Mail	2008/12/10 Indian Point LR Hearing - Draft dSEIS Issuance Comm Plan Rev2.doc	Internal discussion on Draft Communication Plan	12
DPP-26-031	ML11082A055	L Regner, NRC/NRR/DLR	12/10/2008	E-Mail	2008/12/10 Indian Point LR Hearing - Indian Point Draft dSEIS Issuance Comm Plan Revisions	Internal discussion on Draft Communication Plan	12
DPP-26-032	ML11083A011	L Regner, NRC/NRR/DLR	12/8/2008	E-Mail	2008/12/08 Indian Point LR Hearing - Indian Point Draft Suppl. Environ. Impact Statement Communication Plan - review request	Internal discussion on Draft Communication Plan	10
DPP-26-033	ML11083A013	J Ridgely, NRC/RES	12/3/2008	E-Mail	2008/12/03 Indian Point LR Hearing - Indian Point Results	Internal discussion of population analysis	3
DPP-26-034	ML11083A047	M Goodwin, AECOM	12/2/2008	E-Mail	2008/12/02 Indian Point LR Hearing - RE: Section 2.2.9 reference checks	Internal discussion of references	2
DPP-26-035	ML11077A025	J White, NRC/RGN-I	11/14/2008	E-Mail	2008/11/14 Indian Point LR Hearing - Daily Note	Draft communication regardign SFP No. 1	2
DPP-26-036	ML11083A038	J White, NRC/RGN-I	11/5/2008	E-Mail	2008/11/05 Indian Point LR Hearing - Proposed Communication re IPEC completion of Unit 1 SFP clean-up activities	Draft communication regardign SFP No. 1	2
DPP-26-037	ML11083A048	A Stuyvenberg, NRC/NRR	8/4/2008	E-Mail	2008/08/04 Indian Point LR Hearing - RE: Update a graphic from IP Chapter 4	Internal discussion on DSEIS	2

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 26 - March 31, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-26-038	ML11083A049	A Stuyvenberg, NRC/NRR	8/4/2008	E-Mail	2008/08/04 Indian Point LR Hearing - RE: Update a graphic from IP Chapter 4	Internal discussion on DSEIS	3
DPP-26-039	ML11083A050	A Stuyvenberg, NRC/NRR	8/4/2008	E-Mail	2008/08/04 Indian Point LR Hearing - RE: Update a graphic from IP Chapter 4	Internal discussion on DSEIS	2
DPP-26-040	ML11083A058	A Stuyvenberg, NRC/NRR	8/4/2008	E-Mail	2008/08/04 Indian Point LR Hearing - Update a graphic from IP Chapter 4	Internal discussion on DSEIS	1
DPP-26-041	ML11083A057	A Stuyvenberg, NRC/NRR	5/29/2008	E-Mail	2008/05/29 Indian Point LR Hearing - Telecon Summary of May 7, 2008	Internal discussion on netron flux	10
DPP-26-042	ML11082A044	J Ward, PNNL	5/7/2008	E-Mail	2008/05/07 Indian Point LR Hearing - Fwd: HIGH PRIORITY: EXCEPTION MESSAGE for Hearing Id: IndianPointUnits2and3NonPublic - PROHIBITED EX	Internal discussion of references	3
DPP-26-043	ML11082A050	A Stuyvenberg, NRC/NRR	5/7/2008	E-Mail	2008/05/07 Indian Point LR Hearing - Fwd: HIGH PRIORITY: EXCEPTION MESSAGE for Hearing Id: IndianPointUnits2and3NonPublic Email Number: 4	Internal discussion on Impingement	3080
DPP-26-044	ML11083A053	J Davis, NRC/NRR	5/7/2008	E-Mail	2008/05/07 Indian Point LR Hearing - Fwd: HIGH PRIORITY: EXCEPTION MESSAGE for Hearing Id: IndianPointUnits2and3NonPublic Email Number: 4	Draft DSEIS section	62
DPP-26-045	ML11077A014	K Green, NRC/NRR/DLR	5/2/2008	E-Mail	2008/05/02 Indian Point LR Hearing -	Internal discussion on RAI response	32
DPP-26-046	ML11082A045	K Green, NRC/NRR/DLR	4/30/2008	E-Mail	2008/04/30 Indian Point LR Hearing - FW: STRUCTURAL REVIEW IN INR 2005-011 ISSUE MAR 16, 2006	Internal discussion on Structure Programs	70
DPP-26-047	ML11082A049	K Green, NRC/NRR/DLR	4/14/2008	E-Mail	2008/04/14 Indian Point LR Hearing - Fwd: Indian Point Nuclear Generating Unit Nos 2 & 3, Amendment 1 to License Renewal Application (LRA). D	Internal discussion on Draft RAIs	184
DPP-26-048	ML11077A037	J Ward, PNNL	1/13/2008	E-Mail	2008/01/13 Indian Point LR Hearing - Fish Impingement Data Inconsistencies.pdf	Internal discussion on Impingement	8

Attachment 2 - Indian Point License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 26 - March 31, 2011

ID #	Accession Number	Author Name/ Affiliation	Document Date	Document Type	Title	Comment	Page Count
DPP-26-049	ML11077A039	K Green, NRC/NRR/DLR	11/14/2007	E-Mail	2007/11/14 Indian Point LR Hearing - For LBB	Discussion of Refurbishment Activities	88
DPP-26-050	ML11083A034	N Mitchell- Funderburk, NRC/NRR/DRA	10/25/2007	E-Mail	2007/10/25 Indian Point LR Hearing - ML072840304 TAC NO. MD5411 and MD5412 Request for Additional Information To Support the Staff's	Draft RAls for Indian Point	9



ATTACHMENT 3 INDIAN POINT NUCLEAR POWER STATION HEARING FILE AND MANDATORY DISCLOSURES

PRIVILEGE LOG - PROPRIETARY AND SENSITIVE INFORMATION

Initial Disclosures – March 31, 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 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. Sec. 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	Author Name/ Affiliation:	Title/ Description:	Document Date	Document Type	Comment	Page Count
PPI-26-056	ML11077A039	K Green, NRC/NRR/DLR	2007/11/14 Indian Point LR Hearing - For LBB	39400	E-Mail	Report withheld as proprietary pursuant to Westinghouse request . This report is attached to document DP-26-49 (see Privilege Log – Deliberative Process Privilege, Attachment 2 to Staff's Supplement)	88

March 31, 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 26.

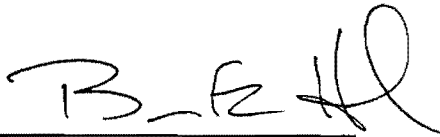
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains pre-decisional information concerning the Staff's review of the license renewal application. The documents 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 comprise 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 26.

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

  
\_\_\_\_\_  
Brian E. Holian

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

March 28, 2011

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

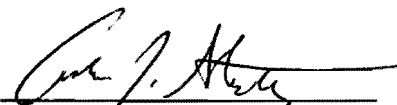
AFFIDAVIT OF ANDREW L. STUYVENBERG CONCERNING  
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

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 March 28, 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 28<sup>th</sup> day of March, 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 26, and Affidavit of Andrew L Stuyvenberg, dated March 28, 2011, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 26 – Deliberative Due Process Privilege, Declaration of Brian E. Holian, dated March 31, 2011, and Attachment 3 – Privilege Log – Proprietary and Sensitive Information, 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 March, 2011:

Lawrence G. McDade, Chair  
Atomic Safety and Licensing Board Panel  
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U.S. Nuclear Regulatory Commission  
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Adjudication  
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Mail Stop: O-16G4  
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Office of the Secretary  
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Melissa-Jean Rotini, Esq.  
Assistant County Attorney  
Office of Robert F. Meehan, Esq.  
Westchester County Attorney  
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