



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

June 30, 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 29 is appended hereto as Attachment 1.

On or about July 8, 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. The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Supplement 29" 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 a 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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June 30, 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 June 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,



Brian G. Harris
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 29
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 29 –June 30, 2011

ID. #	Accession Number	Document Date	Title
29-001	ML11146A131	05/26/2011	2011/05/26 Indian Point LR Hearing - Indian Point FSEIS
29-002	ML11147A013	05/26/2011	2011/05/26 Indian Point LR Hearing - NYSDEC Comments - Indian Point FSEIS [Supplement 38]
29-003	ML11147A171	05/27/2011	2011/05/27 Indian Point LR Hearing - RE: Indian Point FSEIS
29-004	ML11147A173	05/27/2011	2011/05/27 Indian Point LR Hearing - RE: Indian Point FSEIS
29-005	ML11157A096	06/06/2011	2011/06/06 Indian Point LR Hearing - Draft RAIs
29-006	ML11159A130	06/08/2011	2011/06/08 Indian Point LR Hearing - RE: FW: IP RAI Response
29-007	ML11159A255	06/08/2011	2011/06/08 Indian Point LR Hearing - Received your phone message re: NMFS consultation
29-008	ML11164A135	06/13/2011	2011/06/13 Indian Point LR Hearing - Draft RAIs
29-009	ML11164A174	06/13/2011	2011/06/13 Indian Point LR Hearing - Draft RAIs
29-010	ML11164A277	06/13/2011	2011/06/13 Indian Point LR Hearing - Teleconference to discuss NMFS's questions concerning IP section 7 consultation
29-011	ML11164A278	06/13/2011	2011/06/13 Indian Point LR Hearing - RE: Teleconference to discuss NMFS's questions concerning IP section 7 consultation
29-012	ML11164A279	06/13/2011	2011/06/13 Indian Point LR Hearing - RE: Teleconference to discuss NMFS's questions concerning IP section 7 consultation
29-013	ML11165A026	06/14/2011	2011/06/14 Indian Point LR Hearing - RE: Teleconference to discuss NMFS's questions concerning IP section 7 consultation
29-014	ML11165A278	06/14/2011	2011/06/14 Indian Point LR Hearing - RE: Teleconference to discuss NMFS's questions concerning IP section 7 consultation
29-015	ML11166A028	06/14/2011	2011/06/14 Indian Point LR Hearing - RE: Teleconference to discuss NMFS's questions concerning IP section 7 consultation
29-016	ML11166A029	06/14/2011	2011/06/14 Indian Point LR Hearing - RE: Teleconference to discuss NMFS's questions concerning IP section 7 consultation
29-017	ML11167A035	06/15/2011	2011/06/15 Indian Point LR Hearing - NRC Call with IPEC on RAIs
29-018	ML11167A272	06/16/2011	2011/06/16 Indian Point LR Hearing - Update on NMFS consultation
29-019	ML11172A023	06/21/2011	2011/06/21 Indian Point LR Hearing - RE: Wednesday Call
29-020	ML11172A027	06/21/2011	2011/06/21 Indian Point LR Hearing - RE: Wednesday Call

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 29 – June 30, 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 & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -29-001	ML11146A150	A. Imboden, NRC/NRR	2011/05/26 Indian Point LR Hearing - Re: Indian Point FSEIS	05/26/2011	E-Mail	A. Stuyvenberg, NRC/NRR/DLR	Internal discussion of comments to be submitted by NYS on the FSEIS	2
DPP -29-002	ML11146A152	A. Stuyvenberg, NRC/NRR/DLR	2011/05/26 Indian Point LR Hearing - RE: Indian Point FSEIS	05/26/2011	E-Mail	A. Imboden, NRC/NRR	Internal discussion of comments to be submitted by NYS on the FSEIS	3
DPP -29-003	ML11147A012	A. Imboden, NRC/NRR	2011/05/27 Indian Point LR Hearing - NYS letter on Indian Point FINAL EIS	05/27/2011	E-Mail w/ attachment	D. Logan, A. Stuyvenberg,, NRC/NRR/DLR	Internal discussion of comments submitted by NYS and Entergy on the FSEIS Attachment: NYS DEC Comments on FSEIS for license renewal of Indian Point	27

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 29 – June 30, 2011

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-29-004	ML11157A013	O. Yee, NRC/NRR	2011/06/06 Indian Point LR Hearing - Steam Generator - RE: Please give me one paragraph on your pending issue(s) regarding Indian Point ASAP	06/06/2011	E-Mail	A. Dias, R. Vaucher, A. Hiser, NRC/NRR/DLR	Internal discussion regarding clarification of the SG inspections	2
DPP-29-005	ML11166A053	R. Kuntz, NRC/NRR	2011/06/02 Indian Point LR Hearing - FW: Tasks for Thursday	06/02/2011	E-Mail	R. Auluck, D. Pelton, A. Dias, M. Mitchell, D. Wrona, W. Holston, C. Douth, B. Fu, A. Hiser, R. Vaucher, NRC/NRR/DLR	Internal discussion of SSER for Indian Point and potentially affected contentions	5
DPP-29-006	ML11166A054	V. Cullinan, PNNL	2011/05/03 Indian Point LR Hearing - Approach to Respond to Comments	05/03/2011	E-Mail w/ attachment	D. Logan, NRC/NRR/DLR ; J. Ward, B, Mcdowell, PNNL	Internal discussion of Entergy's comments on the FSEIS Attachment: undated draft responses to Entergy's comments on the FSEIS	10

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 29 – June 30, 2011

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-29-007	ML11166A055	V. Cullinan, PNNL	2011/05/11 Indian Point LR Hearing - Table	05/11/2011	E-Mail w/ attachment	D. Logan, NRC/NRR/DLR ; J. Ward, PNNL	Internal transmission of table tracking Entergy's comments on the FSEIS Attachment: Undated table tracking the sources for Entergy's FSEIS comments	3
DPP-29-008	ML11172A024	A. Stuyvenberg, NRC/NRR	2011/06/21 Indian Point LR Hearing - FW: Wednesday Call	06/21/2011	E-Mail	B. Balsam, A, Imboden, , NRC/NRR; S. Turk NRC/OGC	Internal discussion of planned conference call with NMFS	2

June 30, 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 29.

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 29.

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 30th day of June, 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 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 in the attached Hearing File Supplement 29 and that the disclosures are accurate and complete for documents identified as of June 22, 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 30th day of June, 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 from Sherwin E. Turk to the Atomic Safety and Licensing Board regarding the Indian Point Hearing File, including: Attachment 1 - Indian Point License Renewal Hearing File Index Supplement 29, Affidavit of Andrew L. Stuyvenberg, dated June 30, 2011, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 28 – Deliberative Process Privilege, and Declaration of Brian E. Holian, dated June 30, 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 30th day of June, 2011:

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Brian G. Harris
Counsel for NRC Staff