



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

OFFICE OF THE
GENERAL COUNSEL

August 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
ENERGY 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 31 is appended hereto as Attachment 1.

On or about September 9, 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 31" 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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August 31, 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 August 24, 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 31
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 31 – August 31, 2011

ID. #	Accession Number	Document Date	Title
30-001	ML11208C459	07/27/2011	2011/07/27 Indian Point LR Hearing - FW: NL-11-090 Clarification for RAI Aging Management Programs
30-002	ML11210B457	07/29/2011	2011/07/29 Indian Point LR Hearing - Entergy letter regarding Indian Point water quality waiver
30-003	ML11214A098	08/02/2011	2011/08/02 Indian Point LR Hearing - IPEC RIS 2011-007 Call
30-004	ML11214A139	08/02/2011	2011/08/02 Indian Point LR Hearing - RE: NL-11-090 Clarification for RAI Aging Management Programs
30-005	ML11215A201	08/03/2011	2011/08/03 Indian Point LR Hearing - Entergy Participants
30-006	ML11215A203	08/03/2011	2011/08/03 Indian Point LR Hearing - RE: Entergy Participants
30-007	ML11215A220	08/03/2011	2011/08/03 Indian Point LR Hearing - Entergy Participants
30-008	ML11220A035	08/08/2011	2011/08/08 Indian Point LR Hearing - FW: Follow up to email from Friday
30-009	ML11222A139	08/09/2011	2011/08/09 Indian Point LR Hearing - RE: Follow up to email from Friday
30-010	ML11222A141	08/09/2011	2011/08/09 Indian Point LR Hearing - Clarification of Revised RAI Response IPEC Relicensing
30-011	ML11234A470	08/22/2011	2011/08/22 Indian Point LR Hearing - Conveying the draft BO
30-012	ML11235A497	08/22/2011	2011/08/22 Indian Point LR Hearing - IPEC License Renewal - Commitment Reconciliation - NL-11-101
30-013	ML11236A220	08/24/2011	2011/08/24 Indian Point LR Hearing - RE: IPEC - Requested Comments on Recent Entergy/NRC Telecons
30-014	ML11236A222	08/24/2011	2011/08/24 Indian Point LR Hearing - RE: IPEC - Requested Comments on Recent Entergy/NRC Telecons

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 31 – August 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 & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31-001	ML11208B430	A. Stuyvenberg, NRC/NRO	2011/07/27 Indian Point LR Hearing - FW: Indian Point: Supplement to Revised Biological Assessment for License Renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3	07/27/2011	E-Mail w/ Attachment	J. Crocker, M. Murray Brown, J. Williams NOAA; D. Logan, NRC/NRR/DLR	Discussion regarding supplement biological assessment Attachment: July 2011 Supplemental Biological Assessment	14
DPP -31-002	ML11208B437	J. Poehler, NRC/NRR	2011/07/27 Indian Point LR Hearing - RE: Indian Point 2 and 3 LRA Amendment 9 RVI Program	07/27/2011	E-Mail w/ Attachment	K. Green, A. Hiser, J. Boska, R. Kuntz, NRC/NRR/DLR	Discussion regarding the review of IP reactor vessel internals program Attachment: RIS 2011-07	11
DPP -31-003	ML11208B775	R. Kuntz, NRC/NRR	2011/07/27 Indian Point LR Hearing - IP Input	07/27/2011	E-Mail	B. Fu, NRC/NRR/DLR	Discussion regarding reference related to socket welds	2

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

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31- 004	ML11208C473	R. Kuntz, NRC/NRR	2011/07/27 Indian Point LR Hearing - FW: NL-11-090 Clarification for RAI Aging Management Programs	07/27/2011	E-Mail w/ Attachment	C. Douth, W. Holston, R. Vaucher, O. Yee, A. Hiser, M. Homiack, NRC/NRR/DLR	Discussion regarding Entergy's submittal NL-11-090 Attachment: Entergy's July 27, 2011 submittal, NL-11-090	27
DPP -31- 005	ML11209C095	M. Homiack, NRC/NRR	2011/07/28 Indian Point LR Hearing - ACTION: Revised IP SER Section 3.0.5 for Review and Approval	07/28/2011	E-Mail w/ Attachment	B. Pham, NRC/NRR/DLR	Discussion regarding draft of supplemental SER Attachment: Draft Section 3.0.5 of the Supplemental SER	5

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

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31- 006	ML11209C929	B. Pham, NRC/NRR	2011/07/28 Indian Point LR Hearing - FW: IP SER supplement inputs	07/28/2011	E-Mail w/ Attachment	R. Kuntz, R. Vaucher, A. Hiser, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to SG divider plate Attachment: Draft of Supplemental SER regarding SG divider plate	8
DPP -31- 007	ML11209C933	B. Pham, NRC/NRR	2011/07/28 Indian Point LR Hearing - FW: IP Supplemental SER	07/28/2011	E-Mail w/ Attachment	D. Morey, R. Kuntz, B. Fu, O. Yee, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to ISI program and small bore pipes Attachment: Draft of Supplemental SER regarding ISI and small bore piping	7

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

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31-008	ML11209C938	B. Pham, NRC/NRR	2011/07/28 Indian Point LR Hearing - FW: ACTION: RE: IP SER Supplement input for this Friday!	07/28/2011	E-Mail	D. Morey, R. Kuntz, M. Homiack, R. Kalikian, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to ISI program and small bore pipes	6
DPP -31-009	ML11209C943	B. Pham, NRC/NRR	2011/07/28 Indian Point LR Hearing - FW: ACTION: Revised IP SER Section 3.0.5 for Review and Approval	07/28/2011	E-Mail w/ Attachment	D. Morey, R. Kuntz, M. Homiack, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to ISI program and small bore pipes Attachment: Draft of Supplemental SER regarding ISI and small bore piping	5
DPP -31-010	ML11215A184	R. Kuntz, NRC/NRR	2011/08/03 Indian Point LR Hearing - RE: revision to SER	08/03/2011	E-Mail	R. Vaucher, B. Pham, D. Morey, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to SG divider plate	3

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

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31- 011	ML11215A185	B. Pham, NRC/NRR	2011/08/03 Indian Point LR Hearing - Re: revision to SER	08/03/2011	E-Mail	R. Kuntz, R. Vaucher, D. Morey, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to SG divider plate	4
DPP -31- 012	ML11215A186	R. Kuntz, NRC/NRR	2011/08/03 Indian Point LR Hearing - RE: revision to SER	08/03/2011	E-Mail	B. Pham, R. Vaucher, D. Morey, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to SG divider plate	4

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

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31- 013	ML11220A362	A. Stuyvenberg, NRC/NRR	2011/08/08 Indian Point LR Hearing - FW: Follow up to email from Friday	08/08/2011	E-Mail w/ Attachment	D. Logan, NRC/NRR/DLR	Discussion regarding Entergy's submission of data to NMFS Attachment: Email from M. Mattson to J. Crocker, 8/5/11, re: follow-up to email from Friday, and Hydrothermal Modeling of the Cooling Water Discharge from the Indian Point Energy Center to the Hudson River ASA Project 09-167 Report 22 March 2010	116

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

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31- 014	ML11222A143	R. Kuntz, NRC/NRR	2011/08/10 Indian Point LR Hearing - FW: Clarification of Revised RAI Response IPEC Relicensing	08/10/2011	E-Mail w/ Attachment	C. Doutt, R. Vaucher, R. Auluck, B. Pham, NRC/NRR/DLR	Discussion regarding Entergy's RAI response NL-11-096 Attachment: Entergy's August 9, 2011, RAI response number NL-11-096	26
DPP -31- 015	ML11222A220	D. Logan, NRC/NRR	2011/08/10 Indian Point LR Hearing - FW: Indian Point: Supplement to Revised Biological Assessment for License Renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3	08/10/2011	E-Mail w/ Attachment	V. Cullinan, NRC/NRR/DLR	Discussion regarding supplement biological assessment Attachment: Email from A. Stuyvenberg to J. Crocker and M. Murray-Brown, 7/27/11, forwarding July 2011 Supplemental Biological Assessment	14

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

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -31- 016	ML11222A250	R. Kuntz, NRC/NRR	2011/08/10 Indian Point LR Hearing - RE: Clarification of Revised RAI Response IPEC Relicensing	08/10/2011	E-Mail	R. Vaucher, B. Pham, A. Hiser, NRC/NRR/DLR	Discussion on the need for an update to RAI response for SG divider plates	2
DPP -31- 017	ML11236A321	R. Kuntz, NRC	2011/08/24 Indian Point LR Hearing -	08/24/2011	E-Mail w/ Attachment	B. Pham, NRC/NRR/DLR	Discussion regarding the draft of the supplemental SER Attachment: Draft of the Supplemental SER	75

August 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 31.

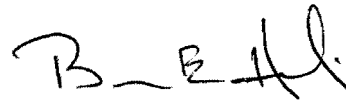
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains pre-decisional information concerning the Staff's review of the license renewal application. The documents 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 31.

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 August, 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 31 and that the disclosures are accurate and complete for documents identified as of August 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.



Andrew L. Stuyvenberg

Executed in Rockville, Maryland
this 30th day of August, 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 31, Affidavit of Andrew L. Stuyvenberg, dated August 30, 2011, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 31 – Deliberative Process Privilege, and Declaration of Brian E. Holian, dated August 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 31st day of August, 2011:

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