

September 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
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 32 is appended hereto as Attachment 1.

On or about October 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 32" 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 Bo Pham 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 these logs during the pendency of this proceeding.

Judge McDade
Judge Lathrop
Judge Wardwell

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September 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 September 23, 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,

Signed (electronically) by
Andrea' Z. Jones
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 32
Attachment 2 - Deliberative Process Privilege Log
Attachment 3 – Proprietary or Sensitive Information Privilege Log
Declaration of Bo Pham
Affidavit of Andrew L. Stuyvenberg

cc w/Encls.: Service List

Attachment 1 – Indian Point License Renewal Hearing File Index
Supplement 32 – September 30, 2011

ID. #	Accession Number	Document Date	Title
32-01	ML090160205	12/31/2008	Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0). (Non-proprietary)
32-02	ML090160204	01/12/2009	Report Transmittal; Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0).
32-03	ML090990101	04/30/2009	Acceptance For Review Of Electric Power Research Institute (EPRI) Topical Report (TR) 1006596, "Material Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227 - Rev. 0) (TAC No. ME0680).
32-04	ML11178A335	07/18/2011	06/09/2011-Summary of Conference Call Between The NRC and Entergy Nuclear Operations, Inc., Concerning Inspection of Small Bore Piping, Steam Generator Components, and The Non-EQ Inaccessible Medium-Voltage Cable Program.
32-05	ML11243A135	08/31/2011	2011/08/31 Indian Point LR Hearing - RE: Indian Point Supplement
32-06	ML11243A136	08/31/2011	2011/08/31 Indian Point LR Hearing - FW: OAR - Forwarding Of Supplement 1 To NUREG-1930...To The Advisory Committee On Reactor Safeguards
32-07	ML11249A145	09/06/2011	2011/09/06 Indian Point LR Hearing - FW: Entergy Comments on Draft BO
32-08	ML11249A147	09/06/2011	2011/09/06 Indian Point LR Hearing - Entergy Comments on Draft BO
32-09	ML11249A148	09/06/2011	2011/09/06 Indian Point LR Hearing - RE: Entergy Comments on Draft BO
32-10	ML11249A211	09/06/2011	2011/09/06 Indian Point LR Hearing - FW: NRC staff comments on Draft BO for Proposed Indian Point License Renewal
32-11	ML11250A086	09/07/2011	2011/09/07 Indian Point LR Hearing - RE: OAR - Forwarding Of Supplement 1 To NUREG-1930...To The Advisory Committee On Reactor Safeguards
32-12	ML11257A035	09/14/2011	2011/09/14 Indian Point LR Hearing - Letter to NRC RE: NYSDEC letter CWA-401 Waiver
32-13	ML11263A139	08/15/2011	2011/08/15 Indian Point LR Hearing -
32-14	ML11263A168	09/01/2011	2011/09/01 Indian Point LR Hearing - FW_ Indian Point Draft Biological Opinion
32-15	ML11263A169	08/26/2011	2011/08/26 Indian Point LR Hearing - FW_ Indian Point Draft Biological Opinion
32-16	ML11263A273	08/17/2011	2011/08/17 Indian Point LR Hearing - IPEC - Requested Comments on Recent Entergy NRC Telecons
32-17	ML11263A274	08/15/2011	2011/08/15 Indian Point LR Hearing -
32-18	ML11263A280	09/06/2011	2011/09/06 Indian Point LR Hearing - Re FW Entergy Comments on Draft BO
32-19	ML11264A005	09/20/2011	2011/09/20 Indian Point LR Hearing - RE: Schedule for final BO

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 32 – September 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-32-001	ML11263A282	R. Vaucher, NRC/NRR	2011/08/03 Indian Point LR Hearing - RE revision to SER	8/3/2011	E-Mail	B. Pham, A. Hiser, R. Kuntz D.Morrey,NRC/NRR/DLR	Discussion regarding draft of supplemental SER	2
DPP-32-002	ML11263A151	V. Cullinan, PNNL	2011/08/09 Indian Point LR Hearing - Data units verification request for information	8/9/2011	E-Mail w/ Attachment	D. Logan, NRC/NRR/DLR; J. Ward, PNNL	Discussion regarding possible RAI related to Entergy fish data Attachment: List of Entergy's fish data identifying potential areas of clarification	2

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 32 – September 30, 2011

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-32-003	ML11263A278	R. Vaucher, NRC/NRR	2011/08/10 Indian Point LR Hearing - RE Clarification of Revised RAI Response IPEC Relicensing	8/10/2011	E-Mail/with Attachment	R. Kuntz, B. Pham, A. Hiser, NRC/NRR/DLR	Discussion regarding draft section of supplemental SER related to SG tube-to- tubesheet welds Attachment: Draft section of Supplemental SER regarding SG tube-to- tubesheet welds	5
DPP-32-004	ML11236A337	B. Pham, NRC/NRR/DLR	2011/08/24 Indian Point LR Hearing - FW:	8/24/2011	E-Mail w/ Attachment	R. Kuntz, D. Morrey, O. Yee, C. Ng, NRC/NRR/DLR	Discussion regarding the draft of the supplemental SER Attachment: Draft of the Supplemental SER	75

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 32 – September 30, 2011

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP -32- 005	ML11238A255	D.Logan, NRC/NRR	2011/08/26 Indian Point LR Hearing - RE: RE: Indian Point draft Biological Opinion	08/26/2011	E-Mail	J. Crocker, NOAA	Discussion regarding draft biological opinion	3
DPP -32- 006	ML11242A141	R. Kuntz, NRC/NRR	2011/08/30 Indian Point LR Hearing - FW: Daily note for the issuance of Indian Point for your review	8/30/2011	E-Mail	J. Susco, NRC/NRR/DLR	Discussion regarding the draft of the supplemental SER	7
DPP -32- 007	ML11249A210	A.Stuyvenberg, NRC/NRR	2011/09/06 Indian Point LR Hearing - NRC staff comments on Draft BO for Proposed Indian Point License Renewal	9/6/2011	E-Mail w/ Attachment	J. Crocker, NOAA; D. Wrona, B. Pham, D. Logan, B. Balsam, NRC/NRR/DLR; S. Turk, NRC/OGC	Discussion regarding draft section of biological opinion Attachment: NRC Staff comments on draft section of biological opinion	5

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 32 – September 30, 2011

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-32-008	ML11250A070	A. Stuyvenberg, NRC/NRR	2011/09/07 Indian Point LR Hearing - Follow-up to PNNL's work on Entergy's data	9/7/2011	E-Mail	D. Logan, NRC/NRR/DLR	Discussion regarding possible RAI related to Entergy fish data	2
DPP-32-009	ML11256A125	A. Stuyvenberg, NRC/NRR	2011/09/13 Indian Point LR Hearing - RE: Draft of response to NMFS cover letter	9/13/2011	E-Mail	D. Logan, B. Balsam, NRC/NRR/DLR	Discussion regarding draft response to NMFS draft BO	3
DPP-32-010	ML11256A156	A. Stuyvenberg, NRC/NRR	2011/09/13 Indian Point LR Hearing - RE: Response to NMFS Cover Letter - Indian Point	9/13/2011	E-Mail	D. Wrona, NRC/NRR/DLR	Discussion regarding draft response to NMFS draft BO	2
DPP-32-011	ML11215A188	A. Stuyvenberg, NRC/NRR	2011/09/14 Indian Point LR Hearing - FW: Checking in	9/14/2011	E-Mail	D. Logan, B. Balsam, NRC/NRR/DLR	Discussion regarding NRC comments on draft section of biological opinion	2

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 32 – September 30, 2011

ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-32-012	ML11265A258	A.Stuyvenberg, NRC/NRR	2011/09/22 Indian Point LR Hearing - RE: RE: Schedule for final BO	9/22/2011	E-Mail	J. Crocker, J. Williams, M. Murray-Brown, NOAA; D. Logan, NRC/NRR/DLR; S. Turk, NRC/OGC	Discussion regarding NRC comments on draft section of biological opinion	3
DPP-32-013	ML11265A259	A.Stuyvenberg, NRC/NRR	2011/09/22 Indian Point LR Hearing - RE: Schedule for final BO	9/22/2011	E-Mail	J. Crocker, J. Williams, M. Murray-Brown, NOAA D. Logan, NRC/NRR/DLR; S. Turk, NRC/OGC	Discussion regarding NRC comments on draft section of biological opinion	3

Attachment 3 - Indian Point License Renewal Hearing File Index
Proprietary or Sensitive Information Privilege, Supplement 32 – September 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 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. § 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	Addressee / Addressee Affiliation	Comment	Est. Page Count
PPI-32-01	ML091390016	Electric Power Research Institute (EPRI)- Materials Reliability Program Reactor Internals Core Group	EPRI Report No. 1016596 "Materials Reliability Program: Pressurized Water Reactor Internals Inspection and Evaluation Guidelines (MRP-227-Rev. 0)."	12/31/2008	Report, Technical	NRC/NRR	Report withheld as proprietary pursuant to EPRI request (see non-proprietary report & EPRI request at 32-01 and 32-02, respectively, in Hearing File Index, Supplement 32-Attachment 1).	175

September 29, 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 BO PHAM

I, Bo Pham, do hereby state as follows:

1. I am employed as a Branch Chief in the Division of License Renewal ("DLR") in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation ("NRR"). I am serving as the Acting Director for DLR. 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 32.

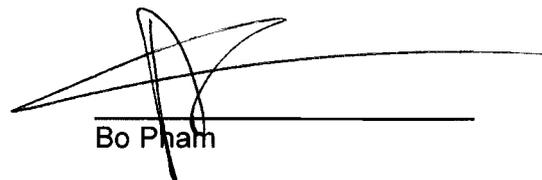
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains pre-decisional information concerning the Staff's review of the license renewal application. The documents 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 32.

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


Bo Pham

Executed in Rockville, Maryland
this 29th day of September, 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))

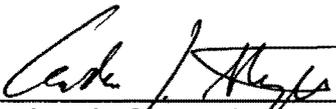
AFFIDAVIT OF ANDREW L. STUYVENBERG CONCERNING
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

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 32 and that the disclosures are accurate and complete for documents identified as of September 23, 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 September, 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 32, Affidavit of Andrew L. Stuyvenberg, dated September 30, 2011, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 32 – Deliberative Process Privilege, and Declaration of Bo Pham, dated September 29, 2011, Attachment 3 – Indian Point License Renewal Hearing File Index Supplement 32 - Proprietary or Sensitive Information Privilege, in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 30th day of September, 2011.

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Signed (electronically) by

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