



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555 - 0001

January 31, 2012

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 36 is appended hereto as Attachment 1.

On or about February 8, 2012, the documents identified 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 36" 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 Melanie A. Galloway 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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Further, pursuant to 10 C.F.R. § 2.336(c), attached is the Affidavit of Kimberly J. Green, 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 January 25, 2012.

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**  
Sherwin E. Turk  
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 36  
Attachment 2 - Deliberative Process Privilege Log  
Declaration of Melanie A. Galloway  
Affidavit of Kimberly J. Green

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index  
Supplement 36 – January 31, 2012

ID#	Accession Number	Document Date	Title
36-0001	ML110180529	02/10/2011	01/06 & 12/2011-Summary of Telephone Conference Calls, Between the NRC and Entergy Nuclear Operations Inc., Concerning D-RAI Pertaining to the Indian Point Nuclear Generating Unit Numbers 2 and 3, License Renewal Application.
36-0002	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.
36-0003	ML112270145	08/30/2011	08/03/2011-Summary of Conference Call Between NRC and Entergy Nuclear Operations, Regarding Non-EQ Inaccessible Medium-Voltage Cable Program for Indian Point Units 2 & 3.
36-0004	ML12014A045	01/10/2012	2012/01/10 Indian Point LR Hearing - RE Indian Point Biological Opinion
36-0005	ML12014A043	01/11/2012	2012/01/11 Indian Point LR Hearing - RE: RE Indian Point Biological Opinion
36-0006	ML12024A332	01/12/2012	2012/01/12 Indian Point LR Hearing - FW Indian Point Internals
36-0007	ML12017A116	01/12/2012	2012/01/12 Indian Point LR Hearing - RE: Indian Point Internals
36-0008	ML12017A112	01/12/2012	2012/01/12 Indian Point LR Hearing - RE: Indian Point Internals
36-0009	ML12018A327	01/17/2012	2012/01/17 Indian Point LR Hearing - RE: RE Indian Point Biological Opinion
36-0010	ML12018A328	01/17/2012	2012/01/17 Indian Point LR Hearing - RE: RE Indian Point Biological Opinion
36-0011	ML12018A438	01/17/2012	2012/01/17 Indian Point LR Hearing - RE: RE Indian Point Biological Opinion
36-0012	ML12018A329	01/18/2012	2012/01/18 Indian Point LR Hearing - Attendees for call last Thursday
36-0013	ML12018A434	01/18/2012	2012/01/18 Indian Point LR Hearing - RE: Attendees for call last Thursday
36-0014	ML12018A436	01/18/2012	2012/01/18 Indian Point LR Hearing - RE: Attendees for call last Thursday
36-0015	ML12018A439	01/18/2012	2012/01/18 Indian Point LR Hearing - RE: RE Indian Point Biological Opinion

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<b>ID#</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title</b>
36-0016	ML12020A081	01/20/2012	2012/01/20 Indian Point LR Hearing - Teleconference summary from call held January 12, 2012 RE Indian Point License Renewal Application
36-0017	ML11215A056	08/30/2011	July 21, 2011, Summary of Conference Call Held Between the U.S. Nuclear Regulatory Commission and Entergy Nuclear Operations, Inc., Concerning Operating Experience at Indian Point Nuclear Generating Station, Units 2 and 3.
36-0018	ML11215A088	08/30/2011	July 25, 2011, Summary Of Conference Call Held Between the U.S. Nuclear Regulatory Commission and Entergy Nuclear Operations, Inc., Steam Generator Aging Management And Metal Fatigue Analysis For Indian Point Nuclear Generating Station, Units 2 And 3.

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 36 – January 31, 2012

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.

<b>ID. #</b>	<b>Accession Number</b>	<b>Author Name &amp; Author Affiliation</b>	<b>Title</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee Name &amp; Addressee Affiliation</b>	<b>Comment</b>	<b>Estimated Page Count</b>
DPP-036-0001	ML12018A283	J. Poehler, NRC/NRR	2010/08/17 Indian Point LR Hearing - RAI's for Plant Specific RVI Programs	08/17/2010	E-Mail	G. Cheruvenki, NRC/NRR/DLR	E-mail re transmittal of "generic" RAIs to Indian Point on Reactor Vessel Internal Programs	2
DPP-036-0002	ML12018A282	J. Poehler, NRC/NRR	2010/08/17 Indian Point LR Hearing - RE: RAI's for Plant Specific RVI Programs	08/17/2010	E-Mail	G. Cheruvenki, NRC/NRR/DLR	E-mail re meeting time to discuss sending "generic" RAIs to Indian Point on Reactor Vessel Internal Programs	2
DPP-036-0003	ML12018A281	J. Poehler, NRC/NRR	2010/08/18 Indian Point LR Hearing - RE: RAI's for Plant Specific RVI Programs	08/18/2010	E-Mail	G. Cheruvenki, NRC/NRR/DLR	E-mail re meeting time to discuss sending "generic" RAIs to Indian Point on Reactor Vessel Internal Programs	2

Attachment 2 - Indian Point License Renewal Hearing File Index  
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<b>ID. #</b>	<b>Accession Number</b>	<b>Author Name &amp; Author Affiliation</b>	<b>Title</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee Name &amp; Addressee Affiliation</b>	<b>Comment</b>	<b>Estimated Page Count</b>
DPP-036-0004	ML12018A279	J. Poehler, NRC/NRR	2010/08/19 Indian Point LR Hearing - RE: RAI's for Plant Specific RVI Programs	08/19/2010	E-Mail	G. Cheruvenki, NRC/NRR/DLR	E-mail re meeting time to discuss "generic" RAIs related to Reactor Vessel Internal Programs	3
DPP-036-0005	ML12018A280	J. Poehler, NRC/NRR	2010/08/19 Indian Point LR Hearing - RE: RAI's for Plant Specific RVI Programs	08/19/2010	E-Mail	G. Cheruvenki, NRC/NRR/DLR	E-mail re meeting time to discuss "generic" RAIs related to Reactor Vessel Internal Programs	3
DPP-036-0006	ML12018A272	J. Poehler, NRC/NRR	2010/11/29 Indian Point LR Hearing - RE: TAC Nos. MD4507 and MD4508	11/29/2010	E-Mail	K. Green, NRC/NRR/DLR	E-mail re RAI and SE schedule related to Reactor Vessel Internal Programs	3
DPP-036-0007	ML12018A273	J. Poehler, NRC/NRR	2010/11/29 Indian Point LR Hearing - RE: TAC Nos. MD4507 and MD4508	11/29/2010	E-Mail	K. Green, NRC/NRR/DLR	E-mail re RAI and schedule for SE for Reactor Vessel Internal Programs	3

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DPP-036-0008	ML12018A269	J. Poehler, NRC/NRR	2011/02/02 Indian Point LR Hearing - RAI Date for Indian Point RVI Program, TAC MD5407 and MD5408	02/02/2011	E-Mail	K. Green, NRC/NRR/DLR	E-mail re RAI and schedule for SE related to Reactor Vessel Internal Programs	2
DPP-036-0009	ML12018A268	J. Poehler, NRC/NRR	2011/02/02 Indian Point LR Hearing - RE: RAI Date for Indian Point RVI Program, TAC MD5407 and MD5408	02/02/2011	E-Mail	K. Green, NRC/NRR/DLR	E-mail re RAI and schedule for SE related to Reactor Vessel Internal Programs	2
DPP-036-0010	ML12018A267	J. Poehler, NRC/NRR	2011/03/31 Indian Point LR Hearing - Telecon About Indian Point RVI Program	03/31/2011	E-Mail	,NRC/NRR/DLR	E-mail re schedule and plans to review Reactor Vessel Internal Programs	2
DPP-036-0011	ML12018A266	J. Poehler, NRC/NRR	2011/05/05 Indian Point LR Hearing - RE: Request by Indian Point 2 to extend vessel weld exams past end-of-license	05/05/2011	E-Mail	S. Sheng; C. Fairbanks, NRC/NRR/DLR	E-mail discussing licensee request to extend time for IP2 vessel weld exams	3

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<b>ID. #</b>	<b>Accession Number</b>	<b>Author Name &amp; Author Affiliation</b>	<b>Title</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee Name &amp; Addressee Affiliation</b>	<b>Comment</b>	<b>Estimated Page Count</b>
DPP-036-0012	ML12018A265	J. Poehler, NRC/NRR	2011/07/11 Indian Point LR Hearing - Indian Point 2 and 3 LRA Amendment 9 RVI Program	07/11/2011	E-Mail	K. Green; A. Hiser, NRC/NRR/DLR	E-mail discussing possible withdrawal and re-submittal of RVI inspection plan	2
DPP-036-0013	ML12018A263	J. Poehler, NRC/NRR	2011/07/11 Indian Point LR Hearing - RE: Indian Point 2 and 3 LRA Amendment 9 RVI Program	07/11/2011	E-Mail	K. Green, NRC/NRR/DLR	E-mail discussing possible withdrawal and re-submittal of RVI inspection plan	2
DPP-036-0014	ML12017A022	T. Ghosh, NRC/RES	2011/07/12 Indian Point LR Hearing - FW: New Contentions Admitted in Indian Point License Renewal Proceeding	07/12/2011	E-Mail	J. Jones, SNL; N. Bixler, SNL; J. Parillo, NRC/NRR/DLR	E-mail discussion re Board's decision admitting new contentions	78



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DPP-036-0015	ML12017A020	T. Ghosh, NRC/RES	2011/07/14 Indian Point LR Hearing - RE: Indian Point Issuance - ATTORNEY-CLIENT PRIVILEGE - DO NOT DISCLOSE OUTSIDE OF NRC	07/14/2011	E-Mail	S, Turk, NRC/OGC; A. Stuyvenberg, NRC/NRR/DLR	E-mail discussion re Board's decision on Contention NYS-35/36 (SAMAs)	2
DPP-036-0016	ML12018A262	J. Poehler, NRC/NRR	2011/07/22 Indian Point LR Hearing - RE: Oconee Internals Program High Level RAI Question	07/22/2011	E-Mail	M. Mitchell, NRC/NRR/DLR	E-mail discussion re submittal of RAI to Indian Point on Reactor Vessel Internal Program	3
DPP-036-0017	ML12018A261	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	K. Green; A. Hiser, NRC/NRR/DLR	E-mail re review and discussion with applicant of attached RIS 2011-07 on Reactor Vessel Internal Programs	11

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DPP-036-0018	ML12018A260	J. Poehler, NRC/NRR	2011/08/10 Indian Point LR Hearing - RE: Indian Point 2 and 3 LRA Amendment 9 RVI Program	08/10/2011	E-Mail	R. Kuntz, NRC/NRR/DLR	E-mail discussing possible withdrawal and re-submittal of RVI inspection plan	3
DPP-036-0019	ML12018A259	J. Poehler, NRC/NRR	2011/09/15 Indian Point LR Hearing - RE: Additional Regulatory Analysis of Change in USE Correlation from RG 1.99, Rev. 2 to Rev. 3	09/15/2011	E-Mail	P. Purtscher, NRC/NRR/DLR	E-mail discussion re correlation of upper shelf energy from RG 1.99 Rev. 2 to RG 1.99 Rev. 3	3
DPP-036-0020	ML12018A258	J. Poehler, NRC/NRR	2011/10/20 Indian Point LR Hearing - RE:	10/20/2011	E-Mail	R. Kuntz, NRC/NRR/DLR	E-mail discussion of Applicant's submittal of Sept. 28, 2011, LRA Supp. 9, and draft SE	3
DPP-036-0021	ML12018A256	J. Poehler, NRC/NRR	2011/10/25 Indian Point LR Hearing - FW: Indian Point 2 and 3 Reactor Vessel Internals Inspection Plan	10/25/2011	E-Mail	G. Chervuenki, NRC/NRR/DLR	Forwarding E-mail discussing RVI Program and Inspection Plan issues	2

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DPP-036-0022	ML12018A257	J. Poehler, NRC/NRR	2011/10/25 Indian Point LR Hearing - Indian Point 2 and 3 Reactor Vessel Internals Inspection Plan	10/25/2011	E-Mail	R. Kuntz, NRC/NRR/DLR	E-mail discussion of RVI Program and Inspection Plan issues	2
DPP-036-0023	ML12016A002	J. Jones, Sandia	2011/10/31 Indian Point LR Hearing - CVs	10/31/2011	E-Mail	B. Harris, NRC/OGC; T. Ghosh, NRC/NRR/DLR	E-mail forwarding Sandia employees' resumes	9
DPP-036-0024	ML12016A001	J. Jones, Sandia	2011/10/31 Indian Point LR Hearing - FW: Indian Point	10/31/2011	E-Mail	T. Ghosh, NRC/NRR/DLR	E-mail forwarding draft insert to hearing testimony	9
DPP-036-0025	ML12024A340	J. Poehler, NRC/NRR/DE/EVI B	2011/10/31 Indian Point LR Hearing - RE SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION FOURTH 10-YEAR INSERVICE INSPECTION REQUEST FOR RELIEF NO. IP2-ISI-RR-13	10/31/2011	E-Mail	J. Boska, NRC/NRR	E-mail re safety evaluation of Indian Point Unit 2 Request for Relief for 10-Year Interval Inservice Inspection Program Plan	2

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ID. #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-036-0026	ML12024A343	J. Poehler, NRC/NRR/DE/EVI B	2011/10/31 Indian Point LR Hearing - RE SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION FOURTH 10-YEAR INSERVICE INSPECTION REQUEST FOR RELIEF NO. IP2-ISI-RR-13	10/31/2011	E-Mail	N. Salgado, NRC/NRR	E-mail transmitting draft safety evaluation re Indian Point Unit 2 Request for Relief for 10-Year Interval Inservice Inspection Program Plan	9
DPP-036-0027	ML12024A327	V. Cullinan, PNNL	2011/12/05 Indian Point LR Hearing - IP supplement	12/05/2011	E-Mail	D. Logan, NRC/NRR	E-mail transmitting draft input for FSEIS Supplement	13
DPP-036-0028	ML12013A425	K. Green, NRC/NRR	2011/12/06 Indian Point LR Hearing - As Requested	12/06/2011	E-Mail	S. Turk, NRC/OGC	E-mail forwarding NRC letter of 12/3/10 transmitting the Indian Point FSEIS to EPA, and EPA's letter of 1/18/11 re: its review of the FSEIS	13

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DPP-036-0029	ML12013A424	K. Green, NRC/NRR	2011/12/06 Indian Point LR Hearing - Just in case you need it	12/06/2011	E-Mail	S. Turk, NRC/OGC	E-mail forwarding NRC Staff's letter to NMFS of 12/10/10 with revised biological assessment	29
DPP-036-0030	ML12018A319	S. Turk, NRC/OGC	2011/12/07 Indian Point LR Hearing - FW: Indian Point Teleconference Follow-Up	12/07/2011	E-Mail	D. Morey, D. Wrona, R. Kuntz, K. Green, A. Stuyvenberg, A. Imboden, M. Galloway, NRC/NRR/DLR	E-mail re ALSB prehearing conference and schedule	3
DPP-036-0031	ML12018A325	M. Galloway, NRC/NRR	2011/12/07 Indian Point LR Hearing - RE: Indian Point ALSB Call 12/6/11	12/07/2011	E-Mail	A. Imboden, NRC/NRR/DLR	E-mail re 12/6/2011 IP Teleconference with the Board	2
DPP-036-0032	ML12018A317	A. Imboden, NRC/NRR	2011/12/07 Indian Point LR Hearing - Re: Indian Point Teleconference Follow-Up	12/07/2011	E-Mail	M. Galloway, NRC/NRR/DLR	E-mail discussion re 12/6/2011 IP Teleconference with the Board	3

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DPP-036-0033	ML12024A328	V. Cullinan, PNNL	2011/12/15 Indian Point LR Hearing - Letter and Supplement for IP	12/15/2011	E-Mail	D. Logan, B. Balsam, NRC/NRR	E-mail re attached edits to draft FSEIS Supplement and letter addressing comments on FSEIS sections on impacts to aquatic resources	57
DPP-036-0034	ML12014A155	T. Ghosh, NRC/RES	2011/12/28 Indian Point LR Hearing - RE: IP	12/28/2011	E-Mail	J. Jones, Sandia	E-mail discussion of potentially cost-beneficial SAMAs	2
DPP-036-0035	ML12014A158	T. Ghosh, NRC/RES	2012/01/04 Indian Point LR Hearing - Indian Point	01/04/2012	E-Mail	D. Harrison, NRC/NRR/DLR	E-mail re SAMA cost estimates and Contention NYS-35	2
DPP-036-0036	ML12014A044	K. Green, NRC/NRR	2012/01/11 Indian Point LR Hearing - FW: RE Indian Point Biological Opinion	01/11/2012	E-Mail	A. Imboden, B. Balsam, D. Logan, NRC/NRR/DLR	E-mail transmitting Entergy's E-mail forwarding NYSDEC letter requesting its application for incidental intake	7

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DPP-036-0037	ML12024A330	V. Cullinan, PNNL	2012/01/11 Indian Point LR Hearing - Location of comments in ML110980163	01/11/2012	E-Mail	D. Logan, NRC/NRR	E-mail transmitting location chart for Entergy's comments on FSEIS data for aquatic resource impacts	2
DPP-036-0038	ML12014A046	D. Logan, NRC/NRR	2012/01/11 Indian Point LR Hearing - RE: RE Indian Point Biological Opinion	01/11/2012	E-Mail	K. Green, A. Imboden, B. Balsam, NRC/NRR/DLR	E-mail discussion of 11/12/11 letter from Entergy to NYSDEC and Entergy-related developments re: endangered species	3
DPP-036-0039	ML12025A052	V. Cullinan, PNNL	2012/01/12 Indian Point LR Hearing - Letter Response to Comments Reordered and formatted	01/12/2012	E-Mail	D. Logan, NRC/NRR	E-mail re attached draft letter response to comments on FSEIS data re: aquatic resource impacts	42
DPP-036-0040	ML12018A291	D. Logan, NRC/NRR	2012/01/13 Indian Point LR Hearing - RE: Letter Response to Comments Reordered and formatted	01/13/2012	E-Mail	V. Cullinan, PNNL	E-mail re draft Letter Response to comments on FSEIS aquatic impact data	2

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DPP-036-0041	ML12018A440	K. Green, NRC/NRR	2012/01/18 Indian Point LR Hearing - FW: RE Indian Point Biological Opinion	01/18/2012	E-Mail	D. Logan, B. Balsam, NRC/NRR/DLR	E-mail discussion of attached NYSDEC Letter re IP incidental take statement	7
DPP-036-0042	ML12018A441	D. Logan, NRC/NRR	2012/01/18 Indian Point LR Hearing - RE: Letter Response to Comments Reordered and formatted	01/18/2012	E-Mail	V. Cullinan, PNNL	E-mail re attached draft Letter Response to comments on FSEIS data on aquatic resource impacts	45
DPP-036-0043	ML12025A053	J. Ward, PNNL	2012/01/18 Indian Point LR Hearing - Re Letter Response to Comments Reordered and formatted	01/18/2012	E-Mail	D. Logan, NRC/NRR; V. Cullinan, PNNL	E-mail re draft Letter Response to Comments on FSEIS data on aquatic resource impacts	2
DPP-036-0044	ML12019A385	J. Poehler, NRC/NRR	2012/01/19 Indian Point LR Hearing - RE: Indian Point Teleconference summary	01/19/2012	E-Mail	R. Kuntz, B. Pham, A. Hiser, NRC/NRR/DLR	E-mail re attached co comments on draft summary of telephone conference with Entergy re: RVI Inspection Plan	7



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DPP-036-0045	ML12020A048	R. Kuntz, NRC/NRR	2012/01/20 Indian Point LR Hearing - Call summary from 1/12/12 call with Entergy	01/20/2012	E-Mail	S. Turk, NRC/OGC	E-mail re attached draft teleconference call summary	7
DPP-036-0046	ML12020A047	J. Poehler, NRC/NRR	2012/01/20 Indian Point LR Hearing - RE: Indian Point Teleconference summary	01/20/2012	E-Mail	A. Hiser, R. Kuntz, B. Pham, NRC/NRR/DLR	E-mail re draft teleconference call summary	2
DPP-036-0047	ML12020A038	A. Hiser, NRC/NRR	2012/01/20 Indian Point LR Hearing - RE: Indian Point Teleconference summary	01/20/2012	E-Mail	J. Poehler, R. Kuntz, B. Pham, NRC/NRR/DLR	E-mail re attached draft teleconference call summary	7
DPP-036-0048	ML12014A170	J. Jones, Sandia	2011/11/18 Indian Point LR Hearing - Indian Point Draft Testimony	11/18/2011	E-Mail	B. Harris, NRC/OGC; T. Ghosh, NRC/NRR/DLR	E-mail re attached draft testimony for Indian Point license renewal hearings	46
DPP-036-0049	ML12017A121	J. Poehler, NRC/NRR	2011/11/17 Indian Point LR Hearing - Summary of Conference Call	11/17/2011	E-Mail	B. Mozafari, NRC/NRR/DLR	E-mail summarizing conference call with PEC re H.B. Robinson's proposed capsule withdrawal schedule	5

Attachment 2 - Indian Point License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 36 – January 31, 2012

<b>ID. #</b>	<b>Accession Number</b>	<b>Author Name &amp; Author Affiliation</b>	<b>Title</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee Name &amp; Addressee Affiliation</b>	<b>Comment</b>	<b>Estimated Page Count</b>
DPP-036-0050	ML12018A437	R. Kuntz, NRC/NRR	2012/01/18 Indian Point LR Hearing - Indian Point Teleconference summary	01/18/2012	E-Mail	B. Pham, A. Hiser, J. Poehler, NRC/NRR/DLR	E-mail transmitting draft telephone conference call summary	6
DPP-036-0051	ML12018A442	B. Balsam, NRC/NRR	2012/01/18 Indian Point LR Hearing - IP Supplement for review	01/18/2012	E-Mail	D. Logan, NRC/NRR/DLR; V. Cullinan, PNNL	E-mail transmitting draft FSEIS Supplement on aquatic resource impacts	36

January 31, 2012

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 MELANIE A. GALLOWAY

I, Melanie A. Galloway, do hereby state as follows:

1. I am employed as the Deputy Director of 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 36.

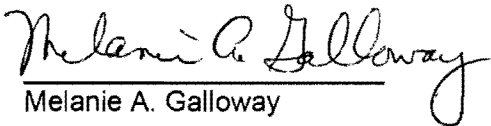
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain pre-decisional information concerning the Staff's review of the license renewal application. The documents 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 36.

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

  
Melanie A. Galloway

Executed in Rockville, Maryland  
this 31st day of January, 2012

January 31, 2012

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-LR/50-286-LR
	)	
(Indian Point Nuclear Generating	)	ASLBP No. 07-858-03-LR-BD01
Units 2 and 3)	)	

AFFIDAVIT OF KIMBERLY J. GREEN CONCERNING  
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

I, Kimberly J. Green, 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 assisting with 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 January 25, 2012.

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

  
Kimberly J. Green

Executed in Rockville, Maryland  
this 31st day of January, 2012

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 36, Affidavit of Kimberly J. Green, dated January 31, 2012, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 36 – Deliberative Process Privilege, and Declaration of Melanie A. Galloway, dated January 31, 2012, in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 31<sup>st</sup> day of January, 2012.

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**Signed (electronically) by**

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Date of signature: January 31, 2012