



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555 - 0001

February 29, 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  
ENTERGY NUCLEAR OPERATIONS, INC.  
(Indian Point Nuclear Generating 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 37 is appended hereto as Attachment 1.

On or about March 9, 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://adams.nrc.gov/ehd/>. The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Supplement 37" in the "Indian\_PT\_2&3\_50-247&50-286-LR" folder under the "Staff Discovery Materials" tab 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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February 29, 2012

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 February 24, 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 37  
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 37 – February 29, 2012

| ID#     | Accession Number | Document Date | Title   |
|---------|------------------|---------------|---|
| 37-0001 | ML12026A018      | 01/26/2012    | 2012/01/26 Indian Point LR Hearing - FW: IPEC SSERs   |
| 37-0002 | ML12025A115      | 01/17/2012    | 2012/01/17 Indian Point LR Hearing - Re RE Indian Point Biological Opinion  |
| 37-0003 | ML12026A019      | 01/25/2012    | 2012/01/25 Indian Point LR Hearing - IPEC SSERs   |
| 37-0004 | ML11276A008      | 11/28/2011    | Environmental Project Manager Change For The License Renewal Project For Indian Point Nuclear Generating Unit Nos. 2 And 3 (TAC Nos. MD5411 And MD5412) |
| 37-0005 | ML12025A296      | 02/13/2012    | G20110866/LTR-11-0666/EDATS SECY-2011-0665 - Ltr Eric Tryon re: Concerns Indian Point that is being Considered for Relicensing                          |
| 37-0006 | ML12039A178      | 01/30/2012    | Indian Point Nuclear Generating Unit Nos. 1, 2 & 3 - Correction to Previous Response Regarding Unit 1 Buried Piping                                     |
| 37-0007 | ML11363A175      | 12/20/2011    | Indian Point, Units, 2 & 3 - Amendment 11 to License Renewal Application (LRA)  |
| 37-0008 | ML11139A447      | 06/15/2011    | Request For Additional Information For The Review Of The Indian Point Nuclear Generating Unit Nos. 2 And 3, License Renewal Application                 |

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 37 – February 29, 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.

| ID #         | Accession Number | Author Name & Author Affiliation | Title  | Document Date | Document Type | Addressee Name & Addressee Affiliation                                     | Comment  | Estimated Page Count |
|--------------|------------------|----------------------------------|--|---------------|---------------|--|--|----------------------|
| DPP-037-0001 | ML12033A111      | S. Turk, NRC/OGC                 | 2012/02/02 Indian Point LR Hearing - NMFS decision - Atlantic Sturgeon                           | 02/02/2012    | E-Mail        | A. Imboden, D. Logan, K. Green, et al.; NRC/NRR/DLR                        | E-mail transmitting links re NMFS decision on Atlantic Sturgeon            | 2                    |
| DPP-037-0002 | ML12033A112      | K. Green, NRC/NRR                | 2012/02/02 Indian Point LR Hearing - FW: NMFS decision -Atlantic Sturgeon                        | 02/02/2012    | E-Mail        | B. Balsam, NRC/NRR/DLR   | Forwarding e-mail transmitting links re NMFS decision on Atlantic Sturgeon | 2                    |
| DPP-037-0003 | ML12034A199      | T. Ghosh, NRC/RES                | 2012/02/03 Indian Point LR Hearing - IP source term groups                                       | 02/03/2012    | E-Mail        | N. Bixler, NRC/NRR/DLR; J. Jones, Sandia                                   | E-mail re attached FSEIS Appendix E excerpt on IP source term groups       | 3                    |
| DPP-037-0004 | ML12037A074      | S. Turk, NRC/OGC                 | 2012/02/06 Indian Point LR Hearing - ATTORNEY-CLIENT COMMUNICATION - NOT FOR RELEASE OUTSIDE NRC | 02/06/2012    | E-Mail        | B. Harris, B. Mizuno, NRC/OGC; K. Green, A. Imboden, R. Kuntz, NRC/NRR/DLR | E-mail re NMFS declaration of Atlantic sturgeon as endangered              | 2                    |

Attachment 2 - Indian Point License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 37 – February 29, 2012

| ID #         | Accession Number | Author Name & Author Affiliation | Title   | Document Date | Document Type | Addressee Name & Addressee Affiliation  | Comment  | Estimated Page Count |
|--------------|------------------|----------------------------------|---|---------------|---------------|---|--|----------------------|
| DPP-037-0005 | ML12037A132      | K. Green, NRC/NRR                | 2012/02/06 Indian Point LR Hearing - FW: ATTORNEY-CLIENT COMMUNICATION - NOT FOR RELEASE OUTSIDE NRC                          | 02/06/2012    | E-Mail        | B. Balsam, NRC/NRR/DLR                  | E-mail re NMFS declaration of Atlantic sturgeon as endangered                            | 2                    |
| DPP-037-0006 | ML12037A264      | D. Logan, NRC/NRR                | 2012/02/06 Indian Point LR Hearing - Meeting with OGC today   | 02/06/2012    | E-Mail        | A. Imboden, NRC/NRR/DLR                 | E-mail re meeting with OGC regarding NMFS declaration of Atlantic Sturgeon as endangered | 2                    |
| DPP-037-0007 | ML12039A212      | R. Kuntz, NRC/NRR                | 2012/02/08 Indian Point LR Hearing - RE: PRIVILEGED ATTORNEY-CLIENT COMMUNICATION (draft response to Board order on schedule) | 02/08/2012    | E-Mail        | K. Green, NRC/NRR/DLR; S. Turk, NRC/OGC | E-mail re Applicant revision on buried piping  | 2                    |
| DPP-037-0008 | ML12039A274      | S. Turk, NRC/OGC                 | 2012/02/08 Indian Point LR Hearing - RE: Most recent submittal (PRIVILEGED ATTORNEY-CLIENT COMMUNICATION)                     | 02/08/2012    | E-Mail        | R. Kuntz, NRC/NRR/DLR                   | E-mail discussing Applicant submittal on buried piping                                   | 2                    |

Attachment 2 - Indian Point License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 37 – February 29, 2012

| ID #         | Accession Number | Author Name & Author Affiliation | Title   | Document Date | Document Type | Addressee Name & Addressee Affiliation       | Comment  | Estimated Page Count |
|--------------|------------------|----------------------------------|---|---------------|---------------|--|--|----------------------|
| DPP-037-0009 | ML12039A275      | K. Green, NRC/NRR                | 2012/02/08 Indian Point LR Hearing - RE: PRIVILEGED ATTORNEY-CLIENT COMMUNICATION (draft response to Board order on schedule) | 02/08/2012    | E-Mail        | S. Turk, NRC/OGC                             | E-mail re revisions to Applicant's buried piping and tanks AMP | 3                    |
| DPP-037-0010 | ML12041A155      | T. Ghosh, NRC/RES                | 2012/02/10 Indian Point LR Hearing - IP   | 02/10/2012    | E-Mail        | N. Bixler, NRC/NRR/DLR; J. Jones, Sandia     | E-mail re preparation of testimony re accident doses           | 2                    |
| DPP-037-0011 | ML12041A482      | K. Green, NRC/NRR                | 2012/02/10 Indian Point LR Hearing - Notice of Intent   | 02/10/2012    | E-Mail        | D. Wrona, NRC/NRR/DLR                        | E-mail re preparation of Notice of Intent                      | 2                    |
| DPP-037-0012 | ML12045A542      | K. Green, NRC/NRR                | 2012/02/14 Indian Point LR Hearing - IP draft Supplement to the FSEIS   | 02/14/2012    | E-Mail        | D. Wrona, NRC/NRR/DLR                        | E-mail re proposed schedule for draft supplement to the FSEIS  | 2                    |
| DPP-037-0013 | ML12046A909      | D. Logan, NRC/NRR                | 2012/02/15 Indian Point LR Hearing - latest version of the Indian Point letter  | 02/15/2012    | E-Mail        | A. Imboden, B. Balsam, K. Green, NRC/NRR/DLR | E-mail providing file location for latest version of IP letter | 2                    |

Attachment 2 - Indian Point License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 37 – February 29, 2012

| ID #         | Accession Number | Author Name & Author Affiliation | Title  | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment  | Estimated Page Count |
|--------------|------------------|----------------------------------|--|---------------|---------------|--|--|----------------------|
| DPP-037-0014 | ML12048B409      | T. Ghosh, NRC/RES                | 2012/02/17 Indian Point LR Hearing - RE: Indian Point testimony and exhibits - PRIVILEGED ATTORNEY WORK PRODUCT  | 02/17/2012    | E-Mail        | D. Harrison, NRC/NRR/DLR               | E-mail re MACCS code inputs  | 3                    |
| DPP-037-0015 | ML12052A009      | K. Green, NRC/NRR                | 2012/02/21 Indian Point LR Hearing - RE: 02-16-2012-ORDER (Granting NRC Staff's Unopposed Time Extension Motion and Directing Filing of Status Updates) - Indian Point | 02/21/2012    | E-Mail        | J. Boska, NRC/NRR/DLR                  | E-mail re SER/SEIS supplements   | 3                    |
| DPP-037-0016 | ML12052A263      | B. Balsam, NRC/NRR               | 2012/02/21 Indian Point LR Hearing - Teleconference next week  | 02/21/2012    | E-Mail        | J. Crocker, NRC/NRR/DLR                | E-mail re teleconference to discuss draft biological opinion             | 2                    |
| DPP-037-0017 | ML12052A266      | K. Green, NRC/NRR                | 2012/02/21 Indian Point LR Hearing - Comments  | 02/21/2012    | E-Mail        | D. Wrona, NRC/NRR/DLR                  | E-mail transmitting draft supplement to the SEIS for review and comments | 38                   |

Attachment 2 - Indian Point License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 37 – February 29, 2012

| ID #         | Accession Number | Author Name & Author Affiliation | Title  | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment  | Estimated Page Count |
|--------------|------------------|----------------------------------|--|---------------|---------------|--|--|----------------------|
| DPP-037-0018 | ML12053A005      | R. Kuntz, NRC/NRR                | 2012/02/22 Indian Point LR Hearing - RE: 02-16-2012-ORDER (Granting NRC Staff's Unopposed Time Extension Motion and Directing Filing of Status Updates) - Indian Point | 02/22/2012    | E-Mail        | J. Boska, K. Green, NRC/NRR/DLR        | E-mail re possible SER Supplement                      | 3                    |
| DPP-037-0019 | ML12054A056      | D. Wrona, NRC/NRR                | 2012/02/23 Indian Point LR Hearing - Comments on draft supplement to the IP FSEIS  | 02/23/2012    | E-Mail        | K. Green, NRC/NRR/DLR                  | E-mail re attached comments to draft SEIS supplement   | 38                   |
| DPP-037-0020 | ML12054A687      | K. Green, NRC/NRR                | 2012/02/23 Indian Point LR Hearing - RE: Comments on draft supplement to the IP FSEIS  | 02/23/2012    | E-Mail        | D. Wrona, NRC/NRR/DLR                  | E-mail re edits to draft SEIS Supplement               | 38                   |
| DPP-037-0021 | ML12056A012      | K. Green, NRC/NRR                | 2012/02/24 Indian Point LR Hearing - Supplement to the IP FSEIS  | 02/24/2012    | E-Mail        | I. Couret, NRC/NRR/DLR                 | E-mail re FSEIS supplement schedule                    | 2                    |
| DPP-037-0022 | ML12056A013      | K. Green, NRC/NRR                | 2012/02/24 Indian Point LR Hearing - RE: Supplement to the IP FSEIS  | 02/24/2012    | E-Mail        | D. McIntyre, NRC/NRR/DLR               | E-mail re Notice of Intent to prepare FSEIS supplement | 2                    |



Attachment 2 - Indian Point License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 37 – February 29, 2012

| ID #         | Accession Number | Author Name & Author Affiliation | Title   | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment  | Estimated Page Count |
|--------------|------------------|----------------------------------|---|---------------|---------------|--|--|----------------------|
| DPP-037-0023 | ML12056A014      | D. McIntyre, NRC/OPA             | 2012/02/24 Indian Point LR Hearing - RE: Supplement to the IP FSEIS | 02/24/2012    | E-Mail        | K. Green, NRC/NRR/DLR                  | E-mail re Notice of Intent to prepare FSEIS Supplement | 3                    |
| DPP-037-0024 | ML12056A015      | K. Green, NRC/NRR                | 2012/02/24 Indian Point LR Hearing - RE: Supplement to the IP FSEIS | 02/24/2012    | E-Mail        | D. McIntyre, NRC/NRR/DLR               | E-mail re FSEIS Supplement schedule                    | 3                    |
| DPP-037-0025 | ML12056A016      | D. McIntyre, NRC/OPA             | 2012/02/24 Indian Point LR Hearing - RE: Supplement to the IP FSEIS | 02/24/2012    | E-Mail        | K. Green, NRC/NRR/DLR                  | E-mail re FSEIS Supplement press release               | 3                    |
| DPP-037-0026 | ML12059A085      | J. Wise, NRC                     | 2011/04/12 Indian Point LR Hearing - Indian Point Boral RAI         | 04/12/2011    | E-Mail        | D. Pelton, NRC/NRR/DLR                 | E-mail re issuance of IP Boral RAI                     | 2                    |
| DPP-037-0027 | ML12059A086      | J. Wise, NRC                     | 2011/03/28 Indian Point LR Hearing - Indian Point RAI               | 03/28/2011    | E-Mail        | D. Wrona, NRC/NRR/DLR                  | E-mail re selection of PM to assist with IP Boral RAI  | 2                    |

February 29, 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 37.

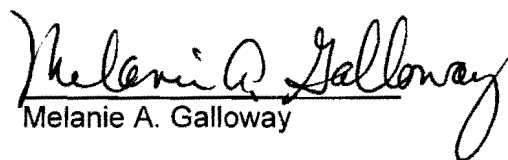
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain pre-decisional information concerning the Staff's review of the license renewal application. The documents 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 29th day of February, 2012

February 29, 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 | ) | ASLBP No. 07-858-03-LR-BD01    |
| Units 2 and 3)                   | ) |                                |

AFFIDAVIT OF KIMBERLY J. GREEN

I, Kimberly J. Green, do hereby state as follows:

1. I am employed as a Senior Mechanical Engineer in the Division of License Renewal in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I currently serve as a project manager for the Indian Point Nuclear Generating Units 2 and 3 license renewal application ("LRA"). Among my other duties as project manager, since October 2011, I have been responsible for compiling and producing the NRC Staff's ("Staff") hearing file and mandatory disclosures in the NRC adjudicatory proceeding for the Indian Point LRA.

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 February 24, 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 29th day of February, 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 37, Affidavit of Kimberly J. Green, dated February 29, 2012, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 37 – Deliberative Process Privilege, and Declaration of Melanie A. Galloway, dated February 29, 2012, in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 29th day of February, 2012.

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