



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

June 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
Michael F. Kennedy
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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 41 is appended hereto as Attachment 1.

On or about July 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://ehd.nrc.gov/EHD_Proceeding/home.asp. The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Supplement 41" 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.

Judge McDade
Judge Kennedy
Judge Wardwell

- 2 -

June 29, 2012

The Staff will preserve and maintain the privileged documents identified in the log during the pendency of this proceeding.

Further, pursuant to 10 C.F.R. § 2.336(c), attached is the Affidavit of Michael J. Wentzel, 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 20, 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
Beth N. Mizuno
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 41
Attachment 2 - Deliberative Process Privilege Log
Declaration of Brian E. Holian
Affidavit of Michael J. Wentzel

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index
 Supplement 41 – June 29, 2012

ID#	Accession Number	Document Date	Title
41-0001	ML12074A116	03/07/2012	Indian Point, Units 2 & 3, Endangered Species Act Consultation.
41-0002	ML12100A082	05/16/2012	Request to Reinitiate Section 7 Consultation for the Indian Point Nuclear Generating Unit No's. 2 and 3 Due to Listing of Atlantic Sturgeon.
41-0003	ML12110A315	04/19/2012	IR 05000247-12-008, on 03/05/2012 - 03/08/2012, Indian Point Nuclear Generating, Unit 2, Review of License Renewal Activities.
41-0004	ML12125A342	05/15/2012	Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit 1 Nos. 2 and 3, License Renewal Application.
41-0005	ML12143A563	01/12/2012	2012/01/12 Indian Point LR Hearing - RE: Indian Point Internals
41-0006	ML12144A071	09/22/2011	2011/09/22 Indian Point LR Hearing - Email 2 of 2 from Elise 09-22-2011.
41-0007	ML12144A075	09/22/2011	2011/09/22 Indian Point LR Hearing - Fwd 2010 REMF.
41-0008	ML12157A287	06/11/2012	Environmental Project Manager Change for the License Renewal License Renewal Review for Indian Point Nuclear Generating, Units 2 and 3 (TAC MD5411 and MD5412).
41-0009	ML12167A008	06/15/2012	2012/06/15 Indian Point LR Hearing - FW: IPEC License Renewal - Reply to Request for Additional Information

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 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-041-0001	ML12143A367	Cullinan V, Battelle Memorial Institute, Pacific Northwest National Lab	2012/04/04 Indian Point LR Hearing - RE: IP draft biological assessment for reinitiating of section 7 consultation	04/04/2012	E-Mail w/ Attachment	Logan D T, Balsam B, NRC/NRR/D LR/RERB	Discussion of Draft Biological Assessment Att: Draft Biological Assessment	17
DPP-041-0002	ML12143A443	Cullinan V, Battelle Memorial Institute, Pacific Northwest National Lab	2012/03/13 Indian Point LR Hearing - discuss data.	03/13/2012	E-Mail w/ Attachment	Logan D T, NRC/NRR/D LR/RERB	Discussion regarding Atlantic sturgeon Att: Draft data regarding the Atlantic sturgeon	7
DPP-041-0003	ML12143A467	Bixler N E, Sandia National Labs (SNL)	2012/02/03 Indian Point LR Hearing - Decontamination Areas.	02/03/2012	E-Mail Spreadsheet File	Ghosh T T, NRC/RES/D SA Jones J A, Sandia National Labs (SNL)	Discussion re: data for IP2 decontamination areas Att: Draft spreadsheet re: land decontamination	6

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0004	ML12143A561	Poehler J, NRC/NRR	2012/01/19 Indian Point LR Hearing - RE: Indian Point Teleconference summary	01/19/2012	E-Mail w/ Attachment	Kuntz R, Pham B, Hiser A, NRC/NRR/D LR	Discussion of comments on teleconference summary Att: Draft Summary of 01/12/12 Conference Call between NRC and Energy re: Reactor Vessel Internals program at IP	7
DPP-041-0005	ML12143A573	Poehler J, 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	Green K Hiser A, NRC/NRR/D LR	Discussion regarding Indian Point RVI Inspection Program and RIS 2011-07 Att: RIS 2011-07	11

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0006	ML12143A574	Poehler J, NRC/NRR	2011/07/11 Indian Point LR Hearing - Indian Point 2 and 3 LRA Amendment 9 RVI Program	07/11/2011	E-Mail	Green K, Hiser A, NRC/NRR/D LR	Discussion of Indian Point RVI Inspection Program	2
DPP-041-0007	ML12143A576	Poehler J, NRC/NRR	2011/03/31 Indian Point LR Hearing - Telecon About Indian Point RVI Program	03/31/2011	E-Mail	Green K, NRC/NRR/D LR	Discussion of Indian Point RVI Inspection Program	2
DPP-041-0008	ML12143A580	Poehler J, NRC/NRR	2010/11/29 Indian Point LR Hearing - RE: TAC Nos. MD4507 and MD4508	11/29/2010	E-Mail	Green K, NRC/NRR/D LR	Discussion of Indian Point RVI Inspection Program	3
DPP-041-0009	ML12143A587	Wentzel M, NRC/NRR/DL R/RPB2	2012/05/22 Indian Point LR Hearing - IP Supplement Status	05/22/2012	E-Mail	Susco J, Wrona D, Green K, NRC/NRR/D RL; Logan D T, Balsam B, NRC/NRR/D LR/RERB	Discussion of edits to draft Indian Point FSEIS Supplement	2

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0010	ML12144A083	Cullinan V, PNL	2012/05/01 Indian Point LR Hearing - Plot.	05/01/2012	E-Mail w/ Attachment	Logan D T, NRC/NRR/D LR/RERB	Email forwards attachment Att: chart and data regarding catch per unit effort	111
DPP-041-0011	ML12144A097	Cullinan V, PNL	2011/08/29 Indian Point LR Hearing - Draft Response to Comments for Review.	08/29/2011	E-Mail w/ Attachment	Logan D T, NRC/NRR/D LR/RERB	Discussion of changes to draft response to Entergy's comments Att: draft response to Entergy's comments	51
DPP-041-0012	ML12158A577	Wentzel M, NRC/NRR/DL R/RPB2	2012/06/06 Indian Point LR Hearing - IP Supplement	06/06/2012	E-Mail w/ Attachment	Wrona D, Susco J, NRC/NRR/D LR	Discussion of changes to draft supplement to FSEIS Att: draft supplement to FSEIS	136
DPP-041-0013	ML12163A453	Logan D T, NRC/NRR/DL R/RERB	2012/06/11 Indian Point LR Hearing - RE: Indian Point	06/11/2012	E-Mail	Crocker J, National Oceanic and Atmospheric Adm. (NOAA)	Discussion of time period addressed in NOAA consultation	3

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0014	ML12163A458	Green K J, NRC/NRR/DL R/RAPB	2012/06/07 Indian Point LR Hearing - RE: Indian Point - response to comment from 2012 annual assessment meeting	06/07/2012	E-Mail w/ Attachment	Klementowicz S, NRC/NRR/D LR/RERB	Discussion of changes to draft response to comments Att: draft of response to comments	5
DPP-041-0015	ML12163A459	Green K J, NRC/NRR/DL R/RAPB	2012/06/06 Indian Point LR Hearing - RE: Looking for a little help - again	06/06/2012	E-Mail	Bickett B, NRC/R/DRP /PB2; Wentzel M,NRC/NRR /DLR/RPB2; Balsam B, NRC/NRR/D LR/ RERB	Discussion of response to comments from IP stakeholders	2
DPP-041-0016	ML12164A778	Wentzel M, NRC/NRR/DL R/RPB2	2012/06/12 Indian Point LR Hearing - Draft Meeting Summary	06/12/2012	E-Mail w/ Attachment	Logan D T, Balsam B, NRC/NRR/D LR/RERB	Email forwarding draft document for review Att: draft meeting summary	4

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0017	ML12165A624	Balsam B, NRC/NRR/DL R/RERB, NRC/NRR	2012/06/13 Indian Point LR Hearing - RE: Indian Point	06/13/2012	E-Mail	Crocker J, NOAA; Logan D T, NRC/NRR/D LR/RERB; Susco J, NRC/NRR/D LR; Murray-Brown M, Williams J, NOAA	Discussion of time period and conditions for biological opinion	4
DPP-041-0018	ML12165A625	Balsam B, NRC/NRR/DL R/RERB, NRC/NRR	2012/06/13 Indian Point LR Hearing - RE: Indian Point	06/13/2012	E-Mail	Crocker J, NOAA; Logan D T, NRC/NRR/D LR/RERB; Susco J, NRC/NRR/D LR; Murray-Brown M, Williams J, NOAA	Discussion of effective dates for Indian Point biological opinion	6
DPP-041-0019	ML12166A060	Crocker J, NOAA;	2012/06/13 Indian Point LR Hearing - Re: Indian Point	06/13/2012	E-Mail	Logan D T, Balsam B, NRC/NRR/D LR/RERB; Susco J, NRC/NRR/D LR; Murray-Brown M, Williams J, NOAA	Discussion of time period, conditions, and effects for biological opinion	4

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0020	ML12166A062	Crocker J, NOAA	2012/06/13 Indian Point LR Hearing - Re: Indian Point	06/13/2012	E-Mail	Logan D T, Balsam B, NRC/NRR/D LR/RERB; Susco J, NRC/NRR/D LR; Murray-Brown M, Williams J, NOAA	Discussion of time period and effects for Indian Point biological opinion	5
DPP-041-0021	ML12170A887	Wentzel M, NRC/NRR/DL R/RPB2	2012/06/18 Indian Point LR Hearing - OGC Comments on Appendix A	06/18/2012	E-Mail w/ Attachment	Logan D T, NRC/NRR/D LR/RERB	Email forwarding draft document for review Att: draft Supplement, Appendix A Attorney-client communication (ACC) and attorney work product (AWP)	40
DPP-041-0022	ML12170A889	Logan D T, NRC/NRR/DL R/RERB	2012/06/18 Indian Point LR Hearing - Supplement to IP SEIS	06/18/2012	E-Mail w/ Attachment	Cullinan V, Ward J, PNNL	Email forwarding draft document Att: Draft Supplement to Final SEIS	165

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0023	ML12171A309	Holston W C, NRC/NRR/DL R/RAPB	2012/06/19 Indian Point LR Hearing - FW: PCV - 455B Indian Point Unit 2	06/19/2012	E-Mail w/ Attachment	Auluck R, Wise J, Green K, NRC/NRR/D LR/RAPB	Discussion of aging management program for pressurizer spray throttle valve (PSTV) Att: E-mail chain with photograph of boric acid corrosion on PSTV yoke	5
DPP-041-0024	ML12171A503	Wentzel M, NRC/NRR/DL R/RPB2	2012/06/19 Indian Point LR Hearing - Requested Appendices	06/19/2012	E-Mail w/ Attachment	Turk S, NRC/OGC	Forwarding appendices Att: draft FSEIS supplement appendices	115
DPP-041-0025	ML12172A050	Wentzel M, NRC/NRR/DL R/RPB2	2012/06/20 Indian Point LR Hearing - RE: Appendix	06/20/2012	E-Mail	Susco J, NRC/NRR/D LR	Discussion regarding draft appendix ACC and AWP	2

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 41 – June 29, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DPP-041-0026	ML12172A051	Wentzel M, NRC/NRR/DL R/RPB2	2012/06/20 Indian Point LR Hearing - Appendix	06/20/2012	E-Mail w/ Attachment	Susco, J, Wrona D, NRC/NRR/D LR	Discussion of changes to draft appendices Att: FSEIS supplement, draft appendices ACC and AWP	14
DPP-041-0027	ML12172A052	Wentzel M, NRC/NRR/DL R/RPB2	2012/06/20 Indian Point LR Hearing - Supplement Package	06/20/2012	E-Mail	Turk S, NRC/OGC	Discussion regarding draft FSEIS supplement ACC and AWP	2
DPP-041-0028	ML12143A334	Crocker J, NOAA	2012/02/27 Indian Point LR Hearing – Teleconference next week	02/27/2012	E-Mail	Balsam B, Logan D T, NRC/NRR/D LR/RERB	Discussion of schedule and information needed for biological opinion	3
DPP-041-0029	ML12157A041	Crocker J, NOAA	2012/06/04 Indian Point LR Hearing – Indian Point	06/04/2012	E-mail	Logan D T, Balsam B, NRC/NRR/D LR/RERB	Discussion of time period and effects for Indian Point biological opinion	2

June 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 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 41.

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 41.

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

Executed in Accord with 10 CFR 2.304(d).
Brian E. Holian

Executed in Rockville, Maryland
this 29th day of June, 2012

June 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 MICHAEL J. WENTZEL

I, Michael J. Wentzel, do hereby state as follows:

1. I am employed as a Program Manager 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 June 2012, 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 June 20, 2012.

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

Executed in Accord with 10 CFR 2.304(d).
Michael J. Wentzel

Executed in Rockville, Maryland
this 29th day of June, 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 41, Affidavit of Michael J. Wentzel, dated June 29, 2012, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 41 – Deliberative Process Privilege, and Declaration of Brian E. Holian, dated June 29, 2012, in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 29th day of June, 2012.

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