



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

August 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
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 43 is appended hereto as Attachment 1.

On or about September 10, 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 43" 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.

Judge McDade
Judge Kennedy
Judge Wardwell

- 2 -

August 31, 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 August 22, 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
Brian G. Harris
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 43
Attachment 2 - Deliberative Process Privilege Log
Declaration of Melanie A. Galloway
Affidavit of Michael J. Wentzel

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index
 Supplement 43 – August 31, 2012

| ID# | Accession Number | Document Date | Title |
|---------|------------------|---------------|--|
| 43-0001 | ML122206A030 | 7/24/2012 | 2012/07/24 Indian Point LR Hearing - FW: Atlantic Sturgeon Information |
| 43-0002 | ML12212A215 | 7/30/2012 | 2012/07/30 Indian Point LR Hearing - Review Time |
| 43-0003 | ML12220A144 | 8/1/2012 | 2012/08/01 Indian Point LR Hearing - Draft RAIs - followup to partial response of June 14, 2012 |
| 43-0004 | ML12216A297 | 8/3/2012 | 2012/08/03 Indian Point LR Hearing - Indian Point ESA Consultation Letter |
| 43-0005 | ML12220A267 | 8/3/2012 | 2012/08/03 Indian Point LR Hearing - RE: Indian Point ESA Consultation Letter |
| 43-0006 | ML12220A254 | 8/7/2012 | 2012/08/07 Indian Point LR Hearing - FW: Atlantic Sturgeon Information |
| 43-0007 | ML12220A437 | 8/7/2012 | 2012/08/07 Indian Point LR Hearing - FW: Draft RAIs - followup to partial response of June 14, 2012 |
| 43-0008 | ML12220A434 | 8/7/2012 | 2012/08/07 Indian Point LR Hearing - FW: Indian Point - Draft RAIs - followup to partial response of June 14, 2012 |
| 43-0009 | ML12220A435 | 8/7/2012 | 2012/08/07 Indian Point LR Hearing - FW: Indian Point - Draft RAIs - followup to partial response of June 14, 2012 |
| 43-0010 | ML12220A436 | 8/7/2012 | 2012/08/07 Indian Point LR Hearing - FW: Indian Point - Draft RAIs - followup to partial response of June 14, 2012 |
| 43-0011 | ML12220A148 | 8/7/2012 | 2012/08/07 Indian Point LR Hearing - RE: Indian Point - Draft RAIs - followup to partial response of June 14, 2012 |
| 43-0012 | ML12221A472 | 8/8/2012 | 2012/08/08 Indian Point LR Hearing - Draft RAIs For The Indian Point LRA Environmental Review |
| 43-0013 | ML12221A195 | 8/8/2012 | 2012/08/08 Indian Point LR Hearing - FW: License Renewal Draft RAI Conference Call Participants |
| 43-0014 | ML12222A005 | 8/8/2012 | 2012/08/08 Indian Point LR Hearing - RE: Draft RAIs For The Indian Point LRA Environmental Review |
| 43-0015 | ML12222A310 | 8/9/2012 | 2012/08/09 Indian Point LR Hearing - RE: Draft RAIs For The Indian Point LRA Environmental Review |
| 43-0016 | ML12226A541 | 8/13/2012 | 2012/08/13 Indian Point LR Hearing - Applicant review fo Conference call notes, |
| 43-0017 | ML12226A542 | 8/13/2012 | 2012/08/13 Indian Point LR Hearing - FW: Applicant review fo Conference call notes, |
| 43-0018 | ML12227A351 | 8/14/2012 | 2012/08/14 Indian Point LR Hearing - FW: Applicant review fo Conference call notes, |
| 43-0019 | ML12227A251 | 8/14/2012 | 2012/08/14 Indian Point LR Hearing - FW: Applicant review fo Conference call notes, |
| 43-0020 | ML12227A486 | 8/14/2012 | 2012/08/14 Indian Point LR Hearing - FW: Entergy Response to NY AG Letter on License Renewal |
| 43-0021 | ML12227A352 | 8/14/2012 | 2012/08/14 Indian Point LR Hearing - Re: Indian Point Requests for Additional Information |

Attachment 1 - Indian Point License Renewal Hearing File Index
 Supplement 43 – August 31, 2012

| ID# | Accession Number | Document Date | Title |
|---------|------------------|---------------|--|
| 43-0022 | ML12228A569 | 8/8/2012 | Application to Renew Operating Licenses for Indian Point Nuclear Power Reactors Unit 2 and Unit 3, General Correspondence - NL-12-107. |
| 43-0023 | ML12222A343 | 8/6/2012 | Indian Point, Units 2 & 3, Clean Water Act Section 401 Water Quality Certification Waiver. |
| 43-0024 | ML12207A122 | 7/24/2012 | Indian Point, Units 2 and 3, Supplement to License Renewal Application - Compliance with Coastal Zone Management Act. |
| 43-0025 | ML12216A209 | 8/3/2012 | Letter from D. Morris, NMFS, to A. Hull, NRC, Requesting Extension to Section 7 Consultation for Indian Point. |
| 43-0026 | ML12199A025 | 7/30/2012 | Project Manager Change for the License Renewal of Indian Point, Units 2 & 3 (TAC ME5407 and MD5408). |
| 43-0027 | ML12221A155 | 8/13/2012 | Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application Environmental Review (TAC Nos. MD5411 and MD5412). |
| 43-0028 | ML12221A033 | 8/17/2012 | Response to Request for Additional Review Time for Endangered Species Act Section 7 Consultation at Indian Point Nuclear Generating Unit Nos. 2 and 3. |
| 43-0029 | ML12208A200 | 7/26/2012 | 2012/07/26 Indian Point LR Hearing - FW: Request for Consultation on Motion Regarding LRA ER Supplement on CZMA |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 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.

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|--|---------------|----------------------|--|---|----------------------|
| DPP-43-001 | ML12228A487 | M. Galloway, NRC/NRR | 2012/06/19 Indian Point LR Hearing - FW: PCV - 455B Indian Point Unit 2 | 6/19/2012 | E-Mail w/ attachment | B. Rogers, R. Auluck, NRC/NRR | Internal discussion regarding valve corrosion Attachment: Picture of Valve | 4 |
| DPP-43-002 | ML12228A485 | M. Galloway, NRC/NRR | 2012/06/20 Indian Point LR Hearing - RE: PCV - 455B Indian Point Unit 2 | 6/20/2012 | E-Mail | B. Rogers, R. Auluck, NRC/NRR | Internal discussion regarding valve corrosion | 3 |
| DPP-43-003 | ML12228A482 | M. Galloway, NRC/NRR | 2012/07/05 Indian Point LR Hearing - RE: Summary of Telecon with NMFS Northeast Regarding Indian Point | 7/5/2012 | E-Mail | K. Folk, NRC/NRR | Internal discussion regarding consultation with NMFS | 3 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|--|---------------|-------------------------|---|--|----------------------|
| DPP-43-004 | ML12228A483 | M. Galloway, NRC/NRR | 2012/07/05 Indian Point LR Hearing - RE: Summary of Telecon with NMFS Northeast Regarding Indian Point | 7/5/2012 | E-Mail | K. Folk, NRC/NRR | Internal discussion regarding consultation with NMFS | 3 |
| DPP-43-005 | ML12228A499 | M. Galloway, NRC/NRR | 2012/07/24 Indian Point LR Hearing - RE: Heads up: Indian Point License Renewal Issue | 7/24/2012 | E-Mail | E. Leeds, B. Dean, D. Lew, B. Boger, B. Holian, M. Johnson, NRC/NRR; E. Williamson, M. Spencer, NRC/OGC | Internal discussion regarding Energy's Environmental Report | 2 |
| DPP-43-006 | ML12216A244 | J. Crocker, NOAA | 2012/07/27 Indian Point LR Hearing - Fwd: Atlantic Sturgeon Information | 7/27/2012 | E-Mail w/ Attachment | B. Balsam, D. Logan, NRC/NRR | Discussion regarding NMFS consultation Attachment: Atlantic Sturgeon Impingement Information (Report by AKRF, Inc., 7/23/12) | 46 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|--|---------------|---------------|--|--|----------------------|
| DPP-43-007 | ML12209A430 | D. Logan ,NRC/NRR | 2012/07/27 Indian Point LR Hearing - RE: Atlantic Sturgeon Information | 7/27/2012 | E-Mail | B. Balsam, NRC/NRR; J. Crocker, NOAA | Discussion regarding NMFS consultation | 4 |
| DPP-43-008 | ML12216A243 | J. Crocker, NOAA | 2012/07/30 Indian Point LR Hearing - indian point | 7/30/2012 | E-Mail | B. Balsam, D. Logan, NRC/NRR | Discussion regarding NMFS consultation and Indian Point data | 2 |
| DPP-43-009 | ML12212A217 | M. Wentzel, NRC/NRR | 2012/07/30 Indian Point LR Hearing - RE: Atlantic Sturgeon Information | 7/30/2012 | E-Mail | D. Logan, B. Balsam, NRC/NRR | Discussion regarding NMFS consultation and Indian Point data | 4 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|--|---------------|---------------|--|--|----------------------|
| DPP-43-010 | ML12212A084 | D. Logan, NRC/NRR | 2012/07/30 Indian Point LR Hearing - RE: indian point | 7/30/2012 | E-Mail | B. Balsam, NRC/NRR; J. Crocker, NOAA | Discussion regarding NMFS consultation and Indian Point data | 3 |
| DPP-43-011 | ML12212A138 | D. Logan, NRC/NRR | 2012/07/30 Indian Point LR Hearing - RE: indian point | 7/30/2012 | E-Mail | B. Balsam, NRC/NRR; J. Crocker, NOAA | Discussion regarding NMFS consultation and Indian Point data | 4 |
| DPP-43-012 | ML12213A322 | J. Crocker, NOAA | 2012/07/30 Indian Point LR Hearing - Re: indian point | 7/30/2012 | E-Mail | D. Logan, B. Balsam, NRC/NRR | Discussion regarding NMFS consultation and Indian Point data | 4 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|---|---------------|--------------------------|--|---|----------------------|
| DPP-43-013 | ML12216A242 | J. Crocker, NOAA | 2012/07/31 Indian Point LR Hearing - Indian Point Data request... | 7/31/2012 | E-Mail | D. Logan, B. Balsam, NRC/NRR | Discussion regarding NMFS consultation and Indian Point data | 2 |
| DPP-43-014 | ML12214A327 | R. Kuntz, NRC/NRR | 2012/08/01 Indian Point LR Hearing - Call summaries | 8/1/2012 | E-Mail w/ Attachments | J. Poehler, A. Hiser, C. Ng, O. Yee, NRC/NRR | Discussion on draft telephone conference summaries Attachments: Draft telephone conference summary of 5/24/2012 Draft telephone conference summary of 6/4/2012 | 8 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|---|---------------|---------------|---|--|----------------------|
| DPP-43-015 | ML12221A467 | M. Smith, NRC/OGC | 2012/08/01 Indian Point LR Hearing - FW: NRC CZMA Question | 8/1/2012 | E-Mail | J. Dillen, NOAA | Discussion of CZMA requirements | 3 |
| DPP-43-016 | ML12221A331 | O. Yee, NRC/NRR | 2012/08/01 Indian Point LR Hearing - RE: Call summaries | 8/1/2012 | E-Mail | R. Kuntz, J. Poehler, A. Hiser, C. Ng, O. Yee, NRC/NRR | Discussion on draft telephone conference summaries | 2 |
| DPP-43-017 | ML12220A139 | J. Daily, NRC/NRR | 2012/08/01 Indian Point LR Hearing - RE: Indian Point - OGC needs updates | 8/1/2012 | E-Mail | J. Poehler, NRC/NRR | Discussion of draft RAIs for RVI | 3 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|---|---------------|----------------------|---|---|----------------------|
| DPP-43-018 | ML12214A334 | D. Logan, ,NRC/NRR | 2012/08/01 Indian Point LR Hearing - RE: Indian Point Data request... | 8/1/2012 | E-Mail w/ attachment | B. Balsam, NRC/NRR; J. Crocker, NOAA | Discussion regarding NMFS consultation and Indian Point data Attachment: Indian Point Total Catch and CPUE of sturgeon | 4 |
| DPP-43-019 | ML12216A225 | A. Stuyvenberg, NRC/NRR | 2012/08/03 Indian Point LR Hearing - FW: CZMA and Indian Point | 8/3/2012 | E-Mail | M. Wentzel, NRC/NRR | Internal discussion regarding NYS DOS' CZMA review | 2 |
| DPP-43-020 | ML12216A229 | K. Damon-Randall, NOAA | 2012/08/03 Indian Point LR Hearing - letter re: Indian Point consultation | 8/3/2012 | E-Mail w/ attachment | A. Hull, D. Logan, B. Balsam, NRC/NRR; J. Crocker, NOAA | Discussion regarding NMFS consultation Attachment: Aug. 3, 2012 Letter from NOAA regarding consultation | 5 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|--|---------------|---------------|---|--|----------------------|
| DPP-43-021 | ML12221A460 | M. Smith, NRC/OGC | 2012/08/06 Indian Point LR Hearing - RE: FW: NRC CZMA Question | 8/6/2012 | E-Mail | D. Kaiser, NOAA | Discussion on CZMA consistency | 4 |
| DPP-43-022 | ML12220A145 | J. Daily, NRC/NRR | 2012/08/07 Indian Point LR Hearing - indian point | 8/7/2012 | E-Mail | R. Kuntz, NRC/NRR | Internal discussion on the GALL and SRP for Indian Point | 2 |
| DPP-43-023 | ML12226A318 | D. Logan, NRC/NRR | 2012/08/13 Indian Point LR Hearing - Indian Point: NMFS's August 3, 2012 letter regarding extending the consultation | 8/13/2012 | E-Mail | M. Wentzel, B. Balsam, A. Hull, NRC/NRR | Discussion regarding NMFS consultation and schedule | 2 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|--|---------------|-----------------------|--|--|----------------------|
| DPP-43-024 | ML12207A472 | M. Wentzel, NRC/NRR | 2012/07/25 Indian Point LR Hearing - | 7/25/2012 | E-Mail w/ attachment | M. Mosher, NRC/NRR | Discussion regarding the Indian Point ER supplement Attachment: NYSDEC June 25, 2003 EIS for SPDES permits | 100 |
| DPP-43-025 | ML12207A557 | M. Wentzel, NRC/NRR | 2012/07/25 Indian Point LR Hearing - Additional IP Reference | 7/25/2012 | E-Mail w/ attachments | M. Mosher, NRC/NRR | Discussion regarding the Indian Point ER supplement Attachments: (1) 3/31/2000 NYPA Negative Declaration (sale of Indian Point Unit 3 and FitzPatrick);(2) 8/17/2001 NYSPSC Indian Point Unit 2 Order/FSEIS; (3) 8/2/2001NY SDEC Work Plan Review | 123 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|---|---------------|----------------------|--|--|----------------------|
| DPP-43-026 | ML12207A469 | M. Wentzel, NRC/NRR | 2012/07/25 Indian Point LR Hearing - Letter re Indian Point CWA sec. 401 compliance | 7/25/2012 | E-Mail w/ attachment | D. Logan, NRC/NRR | Discussion on NYS position on the CWA 401 Attachment: July 25, 2012 Letter from J. Dean to the Commission | 8 |
| DPP-43-027 | ML12207A183 | M. Wentzel, NRC/NRR | 2012/07/25 Indian Point LR Hearing - RE: Indian Point fish story | 7/25/2012 | E-Mail | N. Sheehan, NRC/NRR | Discussion of news articles on the draft FSEIS supplement | 2 |
| DPP-43-028 | ML12208A046 | M. Wentzel, NRC/NRR | 2012/07/26 Indian Point LR Hearing - NMFS | 7/26/2012 | E-Mail | D. Logan, NRC/NRR | Discussion regarding NMFS consultation | 2 |

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 43 – August 31, 2012

| ID # | Accession Number | Author Name & Author Affiliation | Title | Document Date | Document Type | Addressee Name & Addressee Affiliation | Comment | Estimated Page Count |
|------------|------------------|----------------------------------|--|---------------|-------------------------|---|--|----------------------|
| DPP-43-029 | ML12226A319 | J. Crocker, NOAA | 2012/08/13 Indian Point LR Hearing - Re: Indian Point: NMF's August 3, 2012 letter regarding extending the consultation | 8/13/2012 | E-Mail | M. Wentzel, B. Balsam, A. Hull, NRC/NRR | Discussion regarding NMF's consultation Discussion of correspondence from NYS and Riverkeeper to the Commission | 3 |
| DPP-43-030 | ML12227A488 | D. Pickett, NRC/NRR | 2012/08/14 Indian Point LR Hearing - FW: New York State AG Letter on License Renewal | 8/14/2012 | E-Mail w/ attachment | S. Giebel, NRC/FSME; M. Wentzel, J. Daily, D. Morey, NRC/NRR | Attachment: July 25, 2012 Letter from J. Dean to the Commission | 78 |

August 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 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 43.

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 43.

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).
Melanie A. Galloway

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

August 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 |) | 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 August 22, 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 31st day of August, 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 43, Affidavit of Michael J. Wentzel, dated August 31, 2012, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 43 – Deliberative Process Privilege, and Declaration of Melanie A. Galloway, dated August 31, 2012, in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 31st day of August, 2012.

Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
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