



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

December 28, 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, 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 47 is appended hereto as Attachment 1.

On or about January 10, 2013, 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 47" in the "Indian_PT_2&3_50-247&50-286-LR" folder of the EHD.

In addition, as required by 10 C.F.R. § 2.336(b)(5), the Staff is producing two privilege logs, identifying documents withheld under the deliberative process privilege and documents containing proprietary, sensitive, or privacy-related information, which are appended hereto as Attachments 2 and 3, respectively. Also attached is the Declaration of John W. Lubinski formally invoking the deliberative process privilege with respect to the documents in

Judge McDade
Judge Kennedy
Judge Wardwell

- 2 -

December 28, 2012

Attachment 2. The Staff will preserve and maintain the privileged documents identified in these logs during the pendency of this proceeding.

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 December 21, 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
Anita Ghosh
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 47
Attachment 2 - Deliberative Process Privilege Log
Attachment 3 - Proprietary or Sensitive Information Log
Declaration of John W. Lubinski
Affidavit of Kimberly J. Green

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index
Supplement 47 – December 28, 2012

ID#	Accession Number	Document Date	Title
47-0001	ML12347A085	11/09/2012	2012/11/09 Indian Point LR Hearing - Comments on Draft BiOp
47-0002	ML12347A078	11/19/2012	2012/11/19 Indian Point LR Hearing - Fwd: FOIA Request DOC-NOAA-2013-000114 - responsive record attached
47-0003	ML12331A364	11/26/2012	2012/11/26 Indian Point LR Hearing - Call this morning
47-0004	ML12333A045	11/26/2012	2012/11/26 Indian Point LR Hearing - Completion of final Indian Point Opinion
47-0005	ML12332A030	11/27/2012	2012/11/27 Indian Point LR Hearing - Draft RAI Set 2012-04
47-0006	ML12334A309	11/27/2012	2012/11/27 Indian Point LR Hearing - Indian Point License Renewal Hearing
47-0007	ML12347A073	11/27/2012	2012/11/27 Indian Point LR Hearing - RE: Completion of final Indian Point Opinion
47-0008	ML12334A308	11/27/2012	2012/11/27 Indian Point LR Hearing - RE: Indian Point License Renewal Hearing
47-0009	ML12334A307	11/29/2012	2012/11/29 Indian Point LR Hearing - RE: Indian Point License Renewal Hearing
47-0010	ML12335A356	11/30/2012	2012/11/30 Indian Point LR Hearing - Archived Audio and Video Files for Hearings
47-0011	ML12338A140	12/03/2012	2012/12/03 Indian Point LR Hearing - RE: Draft RAI Set 2012-04
47-0012	ML12339A405	12/04/2012	2012/12/04 Indian Point LR Hearing - New PM
47-0013	ML12339A407	12/04/2012	2012/12/04 Indian Point LR Hearing - RE: New PM
47-0014	ML12339A403	12/04/2012	2012/12/04 Indian Point LR Hearing - RE: New PM
47-0015	ML12340A539	12/05/2012	2012/12/05 Indian Point LR Hearing - Indian Point Section 7 Consultation
47-0016	ML12342A437	12/07/2012	2012/12/07 Indian Point LR Hearing - RE: Draft RAI Set 2012-04
47-0017	ML12345A019	12/10/2012	2012/12/10 Indian Point LR Hearing - FW: Draft RAI Set 2012-04
47-0018	ML12345A456	12/10/2012	2012/12/10 Indian Point LR Hearing - RE: Draft RAI Set 2012-04
47-0019	ML12345A018	12/10/2012	2012/12/10 Indian Point LR Hearing - RE: Draft RAI Set 2012-04
47-0020	ML12346A066	12/11/2012	2012/12/11 Indian Point LR Hearing - FW: Conference call on draft RAI 11a for IPEC
47-0021	ML12348A209	12/13/2012	2012/12/13 Indian Point LR Hearing - IPEC draft followup RAI 15a
47-0022	ML12352A095	12/17/2012	2012/12/17 Indian Point LR Hearing - Non-proprietary version of NL-12-166 from IPEC

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 47 – December 28, 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
DP-47-001	ML12347A090	J. Crocker, NOAA	2012/10/25 Indian Point LR Hearing - Draft Indian Point Biological Opinion	10/25/2012	E-Mail w/ attachment	D. Logan, NRC/NRR B. Balsam, NRC/NRR J. Williams, NOAA	Internal discussion regarding draft IP Biological Opinion Attachment: Partial draft of Biological Opinion	61
DP-47-002	ML12347A088	J. Crocker, NOAA	2012/10/26 Indian Point LR Hearing - Re: Draft Indian Point Biological Opinion	10/26/2012	E-Mail w/ attachment	D. Logan, NRC/NRR B. Balsam, NRC/NRR J. Williams, NOAA	Internal discussion regarding draft IP Biological Opinion Attachment: Draft Biological Opinion	147

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 47 – December 28, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-47-003	ML12347A086	J. Crocker, NOAA	2012/11/08 Indian Point LR Hearing - Lit Cited for IP BiOp	11/08/2012	E-Mail w/ attachment	D. Logan, NRC/NRR	Email forwarding draft document Attachment: Draft of Literature Cited for IP Biological Opinion	18
DP-47-004	ML12331A363	J. Daily, NRC/NRR	2012/11/26 Indian Point LR Hearing - FW: Revised RAI	11/26/2012	E-Mail	File	Internal discussion of revised Draft RAI	2
DP-47-005	ML12332A027	J. Daily, NRC/NRR	2012/11/27 Indian Point LR Hearing - FW: Draft RAIs 6a and 11a	11/27/2012	E-Mail	J. Poehler, NRC/NRR B. Harris, NRC/OGC	Email forwarding Draft RAI Attachment: Draft RAI [Also withheld under Attorney-Client Privilege]	6

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 47 – December 28, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-47-006	ML12332A025	B. Harris, NRC/OGC	2012/11/27 Indian Point LR Hearing - RE: Draft RAIs 6a and 11a	11/27/2012	E-Mail w/ attachment	J. Daily, NRC/NRR S. Turk, NRC/OGC	Email forwarding Draft RAI Attachment: Draft RAI [Also withheld under Attorney-Client privilege]	5
DP-47-007	ML12333A288	D. Logan, NRC/NRR	2012/11/28 Indian Point LR Hearing - Indian point: Draft response to comments on the supplement to the final SEIS	11/28/2012	E-Mail w/ attachment	L. James, NRC/NRR	Email forwarding draft response to comments Attachment: Draft response to comments on Draft Supplement to FSEIS	7
DP-47-008	ML12341A034	J. Daily, NRC/NRR	2012/12/06 Indian Point LR Hearing - FW: Draft Revision to RAI 6-A Showing Markup	12/06/2012	E-Mail w/ attachment	B. Harris, NRC/OGC S. Turk, NRC/OGC	Email forwarding draft revisions to RAI Attachment: Draft revisions to RAI [Also withheld under Attorney-Client Privilege]	9

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 47 – December 28, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-47-009	ML12341A128	J. Daily, NRC/NRR	2012/12/06 Indian Point LR Hearing - Indian Point Inter-unit spent fuel transfer system	12/06/2012	E-Mail w/ attachment	K. Greene, NRC/NRR M. Marshall, NRC/NRR	Internal discussion regarding spent fuel transfer system Attachment: Inspection Report No. 05000286/2012 009	15
DP-47-010	ML12341A224	K. Green, NRC/NRR	2012/12/06 Indian Point LR Hearing - RE: Indian Point Inter-unit spent fuel transfer system	12/06/2012	E-Mail	J. Daily, NRC/NRR M. Marshall, NRC/NRR D. Morey, NRC/NRR R. Auluck, NRC/NRR	Internal discussion regarding spent fuel transfer system	3
DP-47-011	ML12343A029	M. Marshall, NRC/NRR	2012/12/07 Indian Point LR Hearing - RE: Indian Point Inter-unit spent fuel transfer system	12/07/2012	E-Mail	J. Daily, NRC/NRR D. Morey, NRC/NRR R. Auluck, NRC/NRR K. Green, NRC/NRR	Internal discussion regarding spent fuel transfer system	3

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 47 – December 28, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-47-012	ML12345A011	J. Daily, NRC/NRR	2012/12/10 Indian Point LR Hearing - RE: Indian Point Inter-unit spent fuel transfer system	12/10/2012	E-Mail	M. Marshall, NRC/NRR K. Green, NRC/NRR	Internal discussion regarding spent fuel transfer system	4
DP-47-013	ML12345A012	J. Daily, NRC/NRR	2012/12/10 Indian Point LR Hearing - RE: Indian Point Inter-unit spent fuel transfer system	12/10/2012	E-Mail	M. Marshall, NRC/NRR	Internal discussion regarding spent fuel transfer system	4
DP-47-014	ML12348A203	J. Daily, NRC/NRR	2012/12/13 Indian Point LR Hearing - Indian Point Inter-unit spent fuel transfer system	12/13/2012	E-Mail w/ attachment	G. Kulesa, NRC/NRR G. Casto, NRC/NRR E. Smith, NRC/NRR D. Pickett, NRC/NRR	Internal discussion regarding spent fuel transfer system Attachment: Inspection Report No. 05000286/2012 009	15

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 47 – December 28, 2012

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-47-015	ML12349A027	J. Poehler, NRC/NRR	2012/12/14 Indian Point LR Hearing - Indian Point Reactor Vessel Internals RAI 11A Draft Revised as a result of December 12 Teleconference	12/14/2012	E-Mail	J. Daily, NRC/NRR S. Rosenberg, NRC/NRR P. Purtscher, NRC/NRR G. Cheruvenki, NRC/NRR D. Widrevitz, NRC/NRR	Internal discussion regarding draft RAI Attachment: Draft RAI	4
DP-47-016	ML12347A081	J. Crocker, NOAA	2012/11/19 Indian Point LR Hearing - Fwd: new FOIA request: 2013-000114	11/19/2012	E-Mail w/ attachment	D. Logan, NRC/NRR B. Balsam, NRC/NRR	Internal discussion regarding FOIA request Attachment: FOIA Request	6

Attachment 3 - Indian Point License Renewal Hearing File Index
Proprietary and Sensitive Information, Supplement 47 – December 28, 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 trade secrets, privileged or confidential commercial or financial information or to contain sensitive unclassified non-safeguards information (SUNSI), or personally identifiable information (PII). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, which are either designated “proprietary” or which have been withheld because they contain SUNSI or PII and are subject to protected status under Section 2.390.

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
PPI-47-001	ML12334A268	J. Daily, NRC/NRR	2012/11/29 Indian Point LR Hearing - FW: IPEC License Renewal - NL-12-166 with proprietary information identified	11/29/2012	E-Mail	J. Poehler, NRC/NRR/ B. Harris, NRC/OGC	Email forwarding proprietary RAI response Attachment: Proprietary and Non-Proprietary RAI Response [Non-Proprietary Response can be found in Public Disclosures, Update 47, ADAMS Accession Number: ML12352A095]	39

December 28, 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 JOHN W. LUBINSKI

I, John W. Lubinski, 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 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 47.

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 47.

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)
John W. Lubinski

Executed in Rockville, Maryland
this 28th day of December, 2012

December 28, 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 Generation Station,	)	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 the hearing file 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 December 21, 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)
Kimberly J. Green

Executed in Rockville, Maryland
this 28th day of December, 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

Pursuant to 10 C.F.R § 2.305 (revised), 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 47, Affidavit of Kimberly J. Green, dated December 28, 2012, Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 47 – Deliberative Process Privilege, Declaration of John W. Lubinski, dated December 28, 2012, and Attachment 3 – Indian Point License Renewal Hearing File Index Supplement 47 – Proprietary and Sensitive Information, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC's E-Filing System, this 28th day of December, 2012.

Signed (electronically) by

Anita Ghosh
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop – O-15D21
Washington, DC 20555
Telephone: (301) 415-4113
E-mail: anita.ghosh@nrc.gov
Date of signature: December 28, 2012