



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

February 28, 2014

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 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 61 is appended hereto as Attachment 1.

On or about March 10, 2014, 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 61" 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 logs, identifying documents withheld under the deliberative process privilege and documents containing proprietary information; these logs are appended hereto as Attachment 2 and 3, respectively. Also attached is the Declaration of John W. Lubinski formally invoking the deliberative process

Judge McDade
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privilege with respect to the documents in 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 February 21, 2014.

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 61
Attachment 2 - Deliberative Process Privilege Log
Attachment 3 - Proprietary Information Privilege 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 61 – February 28, 2013

ID#	Accession Number	Document Date	Title
61-0001	ML14027A415	01/16/2014	Indian Point, Units 1 and 2, Enclosure 2 to NL-14-010, Attachment 2, Final Response to U.S. NRC RAI 6-A Items 1 and 2 on the RVI Program and RVI Inspection Plan.
61-0002	ML14027A413	01/16/2014	Indian Point, Units, 2 & 3 - Reply to Request for Additional Information Regarding the License Renewal Application.
61-0003	ML14029A269	01/21/2014	Federal Consistency Review for Entergy IP2 and IP3.
61-0004	ML14038A150	01/28/2014	Indian Point, Units 2 & 3 - Additional Information Regarding the License Renewal Application - Action Item 7 from MRP-227-A.
61-0005	ML14034A072	02/03/2014	2014/02/03 Indian Point LR Hearing - Draft RAI on internal surfaces and internal coatings
61-0006	ML14034A073	02/03/2014	2014/02/03 Indian Point LR Hearing - RE: Draft RAI on internal surfaces and internal coatings
61-0007	ML14035A445	02/04/2014	2014/02/04 Indian Point LR Hearing - RE: Draft RAI on internal surfaces and internal coatings
61-0008	ML14035A443	02/04/2014	2014/02/04 Indian Point LR Hearing - RE: Draft RAI on internal surfaces and internal coatings
61-0009	ML14049A410	02/18/2014	2014/02/18 Indian Point LR Hearing - RE: Draft RAI on internal surfaces and internal coatings
61-0010	ML14049A412	02/18/2014	2014/02/18 Indian Point LR Hearing - RE: Draft RAI on internal surfaces and internal coatings
61-0011	ML14024A372	02/19/2014	01/13/2014 Summary of Phone Call between New York State Department and NRC.
61-0012	ML14051A534	02/20/2014	2014/02/20 Indian Point LR Hearing - IPEC License Renewal - Final Supplemental Impact Statement - NL-14-030

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 61 – February 28, 2014

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-61-001	ML14029A689	W.Gardner, NRC/NRR	2014/01/29 Indian Point LR Hearing - Indian Point RAI	01/29/2014	E-Mail	M. Marshall, NRC/NRR	Internal discussion regarding draft RAI	2
DP-61-002	ML14041A255	W.Gardner, NRC/NRR	2014/02/10 Indian Point LR Hearing - Indian Point	02/10/2014	E-Mail	M. Marshall, NRC/NRR	Internal discussion regarding Indian Point LRA review	2

Attachment 3 - Indian Point License Renewal Hearing File Index
Proprietary Information, Supplement 61 – February 28, 2014

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 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 designated proprietary 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-61-001	ML14027A416	Entergy Nuclear Operations, Inc Westinghouse Electric Co, LLC	Indian Point, Units 1 and 2, Enclosure 1 to NL-14-010, LTR-RIAM-13-117, Revision 0, Attachment 1, Final Response to U.S. NRC RAI 6-A Items 1 and 2 on the RVI Program and RVI Inspection Plan.	01/09/2014	Enclosure to Letter	NRC/NRR	RAI Response containing proprietary information.	7

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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 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 61.

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 61.

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 February, 2014

February 28, 2014

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)	
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 Senior Mechanical Engineer 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 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 February 21, 2014.
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 February 2014

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR, 50-286-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 61; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 61 – Deliberative Process Privilege; Attachment 3 – Indian Point License Renewal Hearing File Index Supplement 61 – Proprietary Information Privilege; Declaration of John W. Lubinski, dated February 28, 2014; and Affidavit of Kimberly J. Green, dated February 28, 2014, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC's E-Filing System, this 28th day of February, 2014.

/Signed (electronically) by/

Anita Ghosh
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U.S. Nuclear Regulatory Commission
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Date of signature: February 28, 2014