



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

September 30, 2015

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 80 is appended hereto as Attachment 1.

On or about October 10, 2015, the documents identified in the hearing file may be accessed through ADAMS or through the Electronic Hearing Docket ("EHD"), which may be accessed at <http://adams.nrc.gov/ehd/>. The hearing file will be contained in the "Staff Discovery Materials" tab of the EHD, in a sub-folder entitled, "Indian PT Hearing File, Update 80" in the "Indian_PT_2&3_50-247&50-286-LR" folder.

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; appended hereto as Attachment 2. Also attached is the Declaration of Christopher G. Miller formally invoking the deliberative process privilege with respect to the documents in Attachment 2. The Staff will preserve and

Judge McDade
Judge Kennedy
Judge Wardwell

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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 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 September 23, 2015.

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 80
Attachment 2 - Deliberative Process Privilege Log
Declaration of Christopher G. Miller
Affidavit of Michael J. Wentzel

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index
 Supplement 80 – September 30, 2015

ID#	Accession Number	Document Date	Title
80-0001	ML15237A040	08/25/2015	2015/08/25 Indian Point LR Hearing - [External_Sender] RE: RAI Set 2015-01
80-0002	ML15237A036	08/25/2015	2015/08/25 Indian Point LR Hearing - RAI Set 2015-01
80-0003	ML15244B508	09/01/2015	2015/09/01 Indian Point LR Hearing - [External_Sender] IPEC LRA Commitment 32 Clarification
80-0004	ML15244B479	09/01/2015	2015/09/01 Indian Point LR Hearing - [External_Sender] IPEC LRA RAI Response Set 2015-02
80-0005	ML15244B509	09/01/2015	2015/09/01 Indian Point LR Hearing - RE: IPEC LRA Commitment 32 Clarification
80-0006	ML15251A237	09/01/2015	Reply to Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application, SET 2015-02.

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 80 – September 30, 2015

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	Page Count
DPP-80-001	ML15258A001	J. Gavula, NRC/NRRR/DLR	2015/08/25 Indian Point LR Hearing - Entergy Responses to RAI Set 2015-01 for Indian Point	08/25/2015	E-Mail	A. Hiser, NRC/NRRR/DLR	Internal discussion regarding RAI response	2
DPP-80-002	ML15237A038	M. Wentzel, NRC/NRRR/DLR	2015/08/25 Indian Point LR Hearing - Entergy Responses to RAI Set 2015-01 for Indian Point	08/25/2015	E-Mail w/ Attachment	W. Holston, NRC/NRRR/DLR C. Hovanec, NRC/NRRR/DLR J. Gavula, NRC/NRRR/DLR	Internal discussion regarding RAI response Attachment: Entergy letter NL-15-092 [See public disclosures at 79-0004, ADAMS Accession No. ML15236A017]	73

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 80 – September 30, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-003	ML15237A363	M. Wentzel, NRC/NRR/DLR	2015/08/25 Indian Point LR Hearing - RE: IP FSEIS Supplement	08/25/2015	E-Mail w/ Attachment	A. Ghosh, NRC/OGC S. Turk, NRC/OGC	Internal discussion regarding draft FSEIS Supplement input Attachment: draft FSEIS Supplement Input [Also withheld under Attorney-Client privilege]	5
DPP-80-004	ML15239A635	M. Wentzel, NRC/NRR/DLR	2015/08/27 Indian Point LR Hearing - RE: Indian Point License Renewal Commitment 49	08/27/2015	E-Mail	M. Modes, NRC/ R-I/DRS M. Gray, NRC/ R-I/DRS	Internal discussion regarding license renewal commitment 49 for Entergy's reactor vessel internals program	3

Attachment 2 - Indian Point License Renewal Hearing File Index
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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-005	ML15245A005	M. Wentzel, NRC/NRR/DLR	2015/09/01 Indian Point LR Hearing - Entergy Responses to Indian Point RAI Set 2015-02	09/01/2015	E-Mail w/ Attachment	W. Holston, NRC/NRR/DLR B. Fu, NRC/NRR/DLR	Internal discussion regarding RAI response Attachment: Entergy letter NL-15-109 [See public disclosures at 80-0006, ADAMS Accession No. ML15251A237]	11
DPP-80-006	ML15244A029	W. Holston, NRC/NRR/DLR	2015/09/01 Indian Point LR Hearing - RE: Entergy Responses to RAI Set 2015-01 for Indian Point	09/01/2015	E-Mail	M. Wentzel, NRC/NRR/DLR C. Hovanec, NRC/NRR/DLR J. Gavula, NRC/NRR/DLR D. Morey, NRC/NRR/DLR	Internal discussion regarding RAI response	2
DPP-80-007	ML15244A738	W. Holston, NRC/NRR/DLR	2015/09/01 Indian Point LR Hearing - RE: Entergy Responses to RAI Set 2015-01 for Indian Point	09/01/2015	E-Mail	M. Wentzel, NRC/NRR/DLR C. Hovanec, NRC/NRR/DLR J. Gavula, NRC/NRR/DLR	Internal discussion regarding RAI response	2

Attachment 2 - Indian Point License Renewal Hearing File Index
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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-008	ML15245A382	D. Wrona, NRC/NRR/DLR	2015/09/02 Indian Point LR Hearing - comments on IP input	09/02/2015	E-Mail w/ Attachment	D. Logan, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	97
DPP-80-009	ML15246A015	M. Wentzel, NRC/NRR/DLR	2015/09/03 Indian Point LR Hearing - RE: Entergy Responses to Indian Point RAI Set 2015-02	09/03/2015	E-Mail	B. Fu, NRC/NRR/DLR	Internal discussion regarding RAI response	2
DPP-80-010	ML15247A367	B. Fu, NRC/NRR/DLR	2015/09/03 Indian Point LR Hearing - Re: Entergy Responses to Indian Point RAI Set 2015-02	09/03/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding RAI response	3
DPP-80-011	ML15247A187	D. Logan, NRC/NRR/DLR	2015/09/04 Indian Point LR Hearing - Indian Point: ADAMS code for a report in Entergy's April 2015 RAI response	09/04/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding RAI response	2

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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-012	ML15247A368	M. Wentzel, NRC/NRR/DLR	2015/09/04 Indian Point LR Hearing - RE: Indian Point: ADAMS code for a report in Entergy's April 2015 RAI response	09/04/2015	E-Mail	D. Logan, NRC/NRR/DLR	Internal discussion regarding RAI response	2
DPP-80-013	ML15253A589	D. Wrona, NRC/NRR/DLR	2015/09/09 Indian Point LR Hearing - INPUT: draft Supplemental EIS aquatic input	09/09/2015	E-Mail w/ Attachment	J. Danna, NRC/NRR/DLR D. Logan, NRC/NRR/DLR M. Wentzel, NRC/NRR/DLR R. Green, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	95
DPP-80-014	ML15253A588	D. Logan, NRC/NRR/DLR	2015/09/09 Indian Point LR Hearing - RE: comments on IP input	09/09/2015	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	96

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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-015	ML15258A000	D. Logan, NRC/NRR/DLR	2015/09/14 Indian Point LR Hearing - Indian Point, Suppl. 2: Aquatic Resources Cumulative Impacts section	09/14/2015	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	4
DPP-80-016	ML15258A003	M. Wentzel, NRC/NRR/DLR	2015/09/14 Indian Point LR Hearing - RE: INPUT: draft Supplemental EIS aquatic input	09/14/2015	E-Mail w/ Attachment	D. Logan, NRC/NRR/DLR D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	97
DPP-80-017	ML15258A002	J. Gavula, NRC/NRR/DLR	2015/09/14 Indian Point LR Hearing - RE: RARB TRP Meeting	09/14/2015	E-Mail	D. Morey, NRC/NRR/DLR	Internal discussion regarding RAI response	3

Attachment 2 - Indian Point License Renewal Hearing File Index
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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-018	ML15259A218	D. Wrona, NRC/NRR/DLR	2015/09/15 Indian Point LR Hearing - INPUT: draft Supplemental EIS aquatic cumulative impacts	09/15/2015	E-Mail w/ Attachment	J. Danna, NRC/NRR/DLR D. Logan, NRC/NRR/DLR M. Wentzel, NRC/NRR/DLR R. Green, NRC/NRR/DLR W. Ford, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	4
DPP-80-019	ML15259A217	M. Wentzel, NRC/NRR/DLR	2015/09/15 Indian Point LR Hearing - RE: 2014 REMP Data for Indian Point	09/15/2015	E-Mail		Internal discussion regarding draft FSEIS supplement input	3
DPP-80-020	ML15259A219	D. Logan, NRC/NRR/DLR	2015/09/16 Indian Point LR Hearing - RE: INPUT: draft Supplemental EIS aquatic input	09/16/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	99

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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-021	ML15260B429	J. Gavula, NRC/NRR/DLR	2015/09/17 Indian Point LR Hearing - Concise Summary of Potential Violation	09/17/2015	E-Mail	D. Morey, NRC/NRR/DLR	Internal discussion regarding RAI response for recurring internal corrosion	2
DPP-80-022	ML15260A662	M. Wentzel, NRC/NRR/DLR	2015/09/17 Indian Point LR Hearing - Remaining IP FSEIS Sections	09/17/2015	E-Mail w/ Attachment	S. Turk, NRC/OGC	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input [Also withheld under the Attorney-Client privilege]	96
DPP-80-023	ML15260A659	M. Wentzel, NRC/NRR/DLR	2015/09/17 Indian Point LR Hearing - Remaining IP FSEIS Supplement Sections for BC Review	09/17/2015	E-Mail w/ Attachment	J. Danna, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement input Attachment: Draft FSEIS supplement input	81

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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-024	ML15261A884	J. Gavula, NRC/NRRR/DLR	2015/09/18 Indian Point LR Hearing - EA Worksheet IP RAI Response 9-18-2015.docx	09/18/2015	E-Mail w/ Attachment	D. Morey, NRC/NRRR/DLR	Internal discussion regarding RAI response for recurring internal corrosion Attachment: Internal worksheet regarding RAI response for recurring internal corrosion	8
DPP-80-025	ML15261A698	D. Morey, NRC/NRRR/DLR	2015/09/18 Indian Point LR Hearing - FW: Summary of Potential Incomplete and Inaccurate Information Violation at Indian Point	09/18/2015	E-Mail	C. Miller, NRC/NRRR/DLR J. Marshall, NRC/NRRR/DLR M. Wentzel, NRC/NRRR/DLR J. Gavula, NRC/NRRR/DLR Y. Diaz-Sanabria, NRC/NRRR/DLR	Internal discussion regarding RAI response for recurring internal corrosion	3

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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-80-026	ML15261A697	J. Gavula, NRC/NRR/DLR	2015/09/18 Indian Point LR Hearing - RE: Concise Summary of Potential Violation - Revised per our Conversation	09/18/2015	E-Mail	D. Morey, NRC/NRR/DLR	Internal discussion regarding RAI response for recurring internal corrosion	3
DPP-80-027	ML15265A186	W. Holston, NRC/NRR/DLR	2015/09/22 Indian Point LR Hearing - FW: IP Coatings RAI responses	09/22/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding RAI response	2

September 30, 2015

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 CHRISTOPHER G. MILLER

I, Christopher G. Miller, 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 80.

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 80.

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)

Christopher G. Miller

Executed in Rockville, Maryland
this 30th day of September, 2015

September 30, 2015

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 MICHAEL J. WENTZEL CONCERNING
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

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

1. I am employed as a Project Manager in the U.S. Nuclear Regulatory Commission's (NRC) 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 September 2014, I have been 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 September 23, 2015.

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 30th day of September 2015

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))

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 80; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 80 – Deliberative Process Privilege; Declaration of Christopher G. Miller, dated September 30, 2015; and Affidavit of Michael J. Wentzel, dated September 30, 2015, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC’s E-Filing System, this 30th day of September, 2015.

/Signed (electronically) by/

Anita Ghosh
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U.S. Nuclear Regulatory Commission
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Date of signature: September 30, 2015