

E-mail from Lisa S. Kwong to Paul M. Bessette

September 17, 2015, 4:39 PM

ATTACHMENT 13

to NYS DECLARATION

Mihir Desai

From: Lisa S. Kwong
Sent: Thursday, September 17, 2015 4:39 PM
To: pbessette@morganlewis.com
Cc: Sutton, Kathryn M. (ksutton@morganlewis.com); Kuyler, Raphael Philip (rkuyler@morganlewis.com); sherwin.turk@nrc.gov; Harris, Brian (Brian.Harris@nrc.gov); Deborah Brancato (DBrancato@riverkeeper.org); Lisa M. Burianek; John J. Sipos; Mihir Desai; Brian Lusignan; Teresa Manzi
Subject: IP -- Notice of objection to proprietary/confidentiality designation
Attachments: 2015 09 17 NYS Notice of Objection to Proprietary Designation FINAL.pdf

Good afternoon, Paul.

Attached please find the State of New York's Objection to Confidential/Proprietary Designations for Certain Documents Relating to Contentions NYS-25, NYS-26B/RK-TC-1B and NYS-38/RK-TC-5. Feel free to call me at your earliest convenience to discuss. I look forward to speaking with you.

Thanks,

Lisa

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**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

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In re: Docket Nos. 50-247-LR; 50-286-LR
License Renewal Application Submitted by ASLBP No. 07-858-03-LR-BD01
Entergy Nuclear Indian Point 2, LLC, DPR-26, DPR-64
Entergy Nuclear Indian Point 3, LLC, and
Entergy Nuclear Operations, Inc. September 17, 2015
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**STATE OF NEW YORK'S
OBJECTION TO PROPRIETARY AND/OR CONFIDENTIAL DESIGNATIONS
FOR CERTAIN DOCUMENTS RELATING TO
CONTENTIONS NYS-25, NYS-26B/RK-TC-1B AND NYS-38/RKTC-5**

In accordance with the Atomic Safety and Licensing Board's September 4, 2009 Protective Order, the State of New York objects to Entergy's designation of the documents listed below as containing proprietary information subject to non-disclosure. The documents include: Entergy's Statements of Position and Pre-filed Testimony relating to Contentions NYS-25, NYS-26B/RK-TC-1B and NYS-38/RK-TC-5, and various documents prepared by Entergy's vendor, Westinghouse.

Based on the State's review, the documents appear to primarily contain information that is not exempt from public inspection pursuant to 10 C.F.R. § 2.390. Entergy's request to entirely withhold the information contained in these documents as privileged or confidential trade secrets and/or commercial or financial information is, therefore, overly broad.

To facilitate further consultation and resolution of this dispute, the State requests that Entergy (or its vendor, Westinghouse) indicate, with specificity, (1) the portion(s) of the documents it deems proprietary and confidential by page and line or column number; (2) the basis for such claim(s); and (3) the harm that would result from public disclosure.

The documents that are the subject of the State’s Objection are the following:

EXHIBIT NUMBER	DESCRIPTION, DATE, PAGES	EXTENT OF CONFIDENTIALITY DESIGNATION	STATE OF NEW YORK OBJECTION	STATE OF NEW YORK PROPOSED RESOLUTION
ENT000615	Entergy’s Statement of Position Regarding Contention NYS-25 (Embrittlement), August 10, 2015, 63 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial or financial information.	Document should be disclosed for public inspection subject to limited redaction of information that reveals vendor’s secret methodologies or techniques or confidential trade organization analysis, if any.
ENT000616	Testimony of Entergy Witnesses Nelson F. Azevedo, Robert J. Dolansky, Alan B. Cox, Jack R. Strosnider, Timothy J. Griesbach, Randy G. Lott, and Mark A. Gray Regarding Contention NYS-25 (Embrittlement), August 10, 2015, 158 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information that reveals vendor’s secret methodologies or techniques, if any.
ENT000678	Entergy’s Statement of Position Regarding Contention NYS-26B/RK-TC-1B (Metal Fatigue), August 10, 2015, 70 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information that reveals vendor’s secret methodologies or techniques, if any.
ENT000679	Revised Testimony of Entergy Witnesses Nelson F. Azevedo, Alan B. Cox, Jack R. Strosnider, Randy G. Lott, Mark A. Gray, and Barry M. Gordon Regarding Contention NYS-26B/RK-TC-1B (Metal Fatigue), August 10, 2015, 172 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information that reveals vendor’s secret methodologies or techniques, if any.
ENT000698	Entergy’s Revised Statement of Position Regarding Contention NYS-38/RK-TC-5 (Safety Commitments), August 10, 2015, 73 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
ENT000699	Revised Testimony of Entergy Witnesses Nelson F. Azevedo, Robert J. Dolansky, Alan B. Cox, Jack R. Strosnider, Timothy J. Griesbach, Barry M. Gordon, Randy G. Lott, and Mark A. Gray Regarding Contention NYS-38/RK-TC-5 (Safety Commitments), August 10, 2015, 146 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.

EXHIBIT NUMBER	DESCRIPTION, DATE, PAGES	EXTENT OF CONFIDENTIALITY DESIGNATION	STATE OF NEW YORK OBJECTION	STATE OF NEW YORK PROPOSED RESOLUTION
ENT000681	Westinghouse, WCAP-17199-P, Rev. 1, Environmental Fatigue Evaluation for Indian Point Unit 2, Dec. 2014, 95pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
ENT000682	Westinghouse, WCAP-17200-P, Rev. 1, Environmental Fatigue Evaluation for Indian Point Unit 3, Dec. 2014, 89pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
ENT000683	Westinghouse, Calculation Note CN-PAFM-13-32, Rev. 3 "Indian Point Unit 2 (IP2) and Unit 3 (IP3) Refined EAF Analyses and EAF Screening Evaluations," June 25, 2015, 104 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
ENT000688	Westinghouse, Calculation Note CN-PAFM-13-40, Rev. 1, "Indian Point Unit 2 and Unit 3 Pressurizer Spray Nozzle Transfer Function Database Development and Environmental Fatigue Evaluations," Jan. 15, 2015, 138 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
ENT000689	Westinghouse, WCAP-12191, Rev. 4, Transient and Fatigue Cycle Monitoring Program Transient History Evaluation Report for Indian Point Unit 2, Dec. 2014, 52 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
ENT000690	Westinghouse, WCAP-16898-P, Rev.1, Indian Point Unit 3 Transient and Fatigue Cycle Monitoring Program Transient History Evaluation , May 2015, 72 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.

EXHIBIT NUMBER	DESCRIPTION, DATE, PAGES	EXTENT OF CONFIDENTIALITY DESIGNATION	STATE OF NEW YORK OBJECTION	STATE OF NEW YORK PROPOSED RESOLUTION
NYS000363	Westinghouse, WCAP-17149-P, Rev. 1, Evaluation of Pressurizer Insurge/Outsurge Transients for Indian Point Unit 2 and Westinghouse, WCAP-17162-P, Rev. 1, Evaluation of Pressurizer Insurge/Outsurge Transients for Indian Point Unit 3, July 2010, 111 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
NYS000364	Westinghouse (W) – Calculation Note, CN-PAFM-09-21, Indian Point Units 2 & 3 Charging Nozzles Environmental Fatigue Evaluation, Jun. 18, 2010, 85 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
NYS000365	Westinghouse (W) - Calculation Note, CN-PAFM-09-67, IPECPROP00057917, Pressurizer Surge Nozzle and Lower Head Transfer Functions for Indian Point Units 2 and 3, Jun. 18, 2010, 86pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
NYS000366	Westinghouse (W) – Calculation Note. CN-PAFM-09-77, IPECPROP00057881/3, Indian Point Units 2 & 3 Accumulator Nozzle Environmental Fatigue Evaluation, Jun. 18, 2010, 94 pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.
NYS000367	Westinghouse (W) – Calculation Note, CN-PAFM-09-79, IPECPROP00057559, Indian Point Unit 2 Boron Injection Tank Nozzle Environmental Fatigue Evaluations, Jun. 18, 2010, 76pages.	Entire document withheld from public disclosure.	Proprietary designation is overly broad and seeks to exempt from disclosure information unrelated to trade secrets or confidential commercial/financial information.	Document should be disclosed for public inspection subject to limited redaction of information specifically related to trade secrets or confidential commercial/ financial information, if any.

Executed on September 17, 2015

Signed (electronically) by

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