

## ATTACHMENTS

to

“NRC STAFF’S ANSWER IN OPPOSITION TO  
‘STATE OF NEW YORK MOTION FOR PUBLIC DISCLOSURE  
OF VARIOUS WESTINGHOUSE DOCUMENTS’” (Oct. 29, 2015)

1. E-mail message from Sherwin Turk, Esq. to John Sipos, Esq., October 27, 2015, 6:17PM
2. E-mail message from Lisa Kwong, Esq. to Sherwin Turk, Esq., October 28, 2015, 2:50PM
3. E-mail message from Sherwin Turk, Esq. to Lisa Kwong, Esq., October 28, 2015, 3:05PM
4. E-mail message from Lisa Kwong, Esq. to Sherwin Turk, Esq., October 28, 2015, 3:18PM

**ATTACHMENT 1**

to

“NRC STAFF’S ANSWER IN OPPOSITION TO ‘STATE OF NEW YORK MOTION FOR PUBLIC DISCLOSURE OF VARIOUS WESTINGHOUSE DOCUMENTS’” (Oct. 29, 2015)

(E-mail message from Sherwin Turk, Esq. to John Sipos, Esq., October 27, 2015, 6:17PM)

**From:** Turk, Sherwin  
**Sent:** Tuesday, October 27, 2015 6:17 PM  
**To:** 'John J. Sipos'  
**Cc:** Coldren, Richard J (coldrerj@westinghouse.com); Sutton, Kathryn M.; Glew Jr, William; 'Bessette, Paul M.'; Repka, David A.; Kuyler, Raphael Philip; Harris, Brian; Roth(OGC), David; Lisa S. Kwong; Mihir Desai; Brian Lusignan; Lindell, Joseph; Ghosh, Anita; Mizuno, Beth  
**Subject:** RE: Consultation Under 10 CFR 2.323(b) on New York's motion to compel public disclosure of Westinghouse documents

Hi John,

Thank you for including Staff Counsel on your E-mail message of a few minutes ago, concerning Westinghouse's consultation request.

The Staff is preparing to file a response to New York's motion to disclose the 10 Westinghouse documents, filed on October 19-20, 2015. In looking at the State's Motion, I did not see any indication or certification that New York had consulted with the Staff on the filing of its motion. I spoke with my co-counsel, David Roth and Brian Harris, and we have no recollection of any telephone communications with New York about its motion and could find no E-mail messages showing that New York had consulted with us about its Motion. Could you please confer with your co-counsel, and let us know when and how New York consulted with us on its Motion?

I would appreciate your prompt response. Thank you.

Sherwin

*Sherwin E. Turk  
Special Counsel for Litigation  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
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Mail Stop O15-D21  
Rockville, MD 20852  
(301) 415-1533*

**From:** John J. Sipos [mailto:John.Sipos@ag.ny.gov]  
**Sent:** Tuesday, October 27, 2015 5:56 PM  
**To:** Repka, David A.  
**Cc:** Coldren, Richard J (coldrerj@westinghouse.com); Sutton, Kathryn M.; Glew Jr, William; 'Bessette, Paul M.'; Turk, Sherwin; Kuyler, Raphael Philip; Harris, Brian; Roth(OGC), David; Lisa S. Kwong; Mihir Desai; Brian Lusignan  
**Subject:** [External\_Sender] RE: Consultation Under 10 CFR 2.323(b) -- Westinghouse

Good afternoon David:

Thank you for consulting with the State of New York on behalf of Westinghouse and its stated intention to file a motion to “appear specially” in the Indian Point adjudicatory proceeding in connection with the State’s October 2015 motion requesting the withdrawal of the proprietary designations for 10 Westinghouse documents related to metal fatigue calculations of various components at the Westinghouse-designed Indian Point Unit 2 and Indian Point Unit 3 facilities.

In yesterday’s consultation request, Westinghouse stated that Entergy will file a response to the State’s motion. Westinghouse also stated that it does not anticipate filing a separate response to the State’s motion. Westinghouse further stated that it seeks to appear in “any additional proceedings on the [State’s] motion.” Oct. 26, 2015 Westinghouse consultation.

The State does not dispute that Westinghouse may have some interest in the documents that it provided to Entergy to support Entergy’s application to receive NRC operating licenses for Indian Point Unit 2 and Indian Point Unit 3. Based on the consultation, it appears that Entergy’s response will cover Westinghouse’s interests. At this point, however, the State cannot respond to Westinghouse’s proposal. Westinghouse has not provided the regulatory basis of its proposed motion, and thus the proposal is open-ended in scope. The State is being asked to consent to Westinghouse’s participation, without knowing the basis for that participation or what that participation will entail. In light of the issues that arose in connection with the State’s previous motion under the Protective Order, it would be helpful to know whether Westinghouse proposes to proceed here under 10 C.F.R. § 2.315(a) or another provision. Another open-ended aspect of the proposal is that by not now responding to the State’s motion, Westinghouse appears to be asking the State to allow Westinghouse to supplement the record after the matter is briefed. The State would prefer to avoid the multiple rounds of submissions that occurred on the previous motion.

Best regards,

John

John Sipos  
Assistant Attorney General  
State of New York  
tel. 518-776-2380



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**From:** Bessette, Paul M. [<mailto:pbessette@morganlewis.com>]  
**Sent:** Monday, October 26, 2015 3:14 PM  
**To:** Repka, David A.; Sherwin Turk; Kuyler, Raphael Philip; John J. Sipos; Lisa S. Kwong; Mihir Desai  
**Cc:** Coldren, Richard J ([coldrerj@westinghouse.com](mailto:coldrerj@westinghouse.com)); Sutton, Kathryn M.; Glew Jr, William  
**Subject:** RE: Consultation Under 10 CFR 2.323(b) -- Westinghouse

Entergy has no objection.

**Paul M. Bessette**  
Morgan, Lewis & Bockius LLP

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---

**From:** Repka, David A. [<mailto:DRepka@winston.com>]  
**Sent:** Monday, October 26, 2015 11:56 AM  
**To:** Sherwin Turk; Bessette, Paul M.; Kuyler, Raphael Philip; John J. Sipos; [Lisa.Kwong@ag.ny.gov](mailto:Lisa.Kwong@ag.ny.gov); Mihir Desai ([Mihir.Desai@ag.ny.gov](mailto:Mihir.Desai@ag.ny.gov))  
**Cc:** Coldren, Richard J ([coldrerj@westinghouse.com](mailto:coldrerj@westinghouse.com))  
**Subject:** Consultation Under 10 CFR 2.323(b) -- Westinghouse

Counsel-

Westinghouse Electric Company will be filing a motion later this week to again appear specially in the Indian Point proceeding, this time with respect to the State's motion to withdraw the Westinghouse proprietary designation from 10 additional documents. We understand that Entergy will be responding to the motion. At this time Westinghouse does not plan to file a separate response. However, in the motion Westinghouse will request to appear in any additional proceedings on the motion, as it did with respect to the previous documents. May I represent that each of you has no objection to the motion?

Thanks,  
David

**David A. Repka**

Partner

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**ATTACHMENT 2**

to

“NRC STAFF’S ANSWER IN OPPOSITION TO  
‘STATE OF NEW YORK MOTION FOR PUBLIC DISCLOSURE  
OF VARIOUS WESTINGHOUSE DOCUMENTS’” (Oct. 29, 2015)

(E-mail message from Lisa Kwong, Esq. to Sherwin Turk, Esq., October 28, 2015, 2:50PM)

---

**From:** Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>  
**Sent:** Wednesday, October 28, 2015 2:50 PM  
**To:** Turk, Sherwin  
**Cc:** John J. Sipos; Mihir Desai; pbessette@morganlewis.com; Sutton, Kathryn M. (ksutton@morganlewis.com); Kuyler, Raphael Philip (rkuyler@morganlewis.com)  
**Subject:** [External\_Sender] Consultation on New York's motion for public disclosure  
**Attachments:** 2015 10 05 Email from Kuyler to Kwong re NYS Notice of Objection.pdf; 2015 09 17 Email from Kwong to Bessette re NYS Notice of Objection.pdf; 2015 09 17 NYS Notice of Objection to Proprietary Designation FINAL.pdf

Hi, Sherwin.

In response to your inquiry regarding pre-motion consultations, I am attaching copies of email correspondence dated September 17 and October 5, 2015, together with the State's Notice of Objection.

Lisa S. Kwong  
Assistant Attorney General  
Environmental Protection Bureau  
New York State Office of the Attorney General  
The Capitol  
Albany, NY 12224  
Tel: 518-776-2422  
Fax: 518-650-9363  
Lisa.Kwong@ny.ag.gov

**From:** [Kuyler, Raphael Philip](#)  
**To:** [Lisa S. Kwong](#); [Bessette, Paul M.](#)  
**Cc:** [Sutton, Kathryn M.](#); [sherwin.turk@nrc.gov](mailto:sherwin.turk@nrc.gov); [Harris, Brian \(Brian.Harris@nrc.gov\)](mailto:Brian.Harris@nrc.gov); [Deborah Brancato \(DBrancato@riverkeeper.org\)](mailto:Deborah.Brancato@riverkeeper.org); [Lisa M. Burianek](#); [John J. Sipos](#); [Mihir Desai](#); [Brian Lusignan](#); [Teresa Manzi](#); [O'Neill, Martin](#)  
**Subject:** RE: IP -- Notice of objection to proprietary/confidentiality designation  
**Date:** Monday, October 05, 2015 1:35:47 PM

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Lisa, we appreciate the productive discussion between Entergy and NYS on this Notice last week. We understand based on our conversation that given Entergy's filing of and NYS's general concurrence with the redacted versions of Entergy's amended Track 2 Testimony and Statements of Position (the first six documents on the list (ENT000615, ENT000616, ENT000678, ENT000679, ENT000698, and ENT000699)), the State has withdrawn its objections with respect to those documents. We also understand that NYS000366 is identical to one of the documents covered by State's April 9, 2015 motion and the Board's July 20 decision on that motion, so the State has withdrawn its new objection to that document as well.

As for the ten remaining documents and as we discussed during our recent call, they are very similar to the four Westinghouse Calc Notes discussed in the Board's July 20 decision that concluded such documents contain confidential commercial information which is entitled to protection under 10 C.F.R. § 2.390(a)(4). In fact, two of the ten are merely revised versions of the documents at issue in that earlier decision. More generally, all ten documents are Westinghouse fatigue calculations or reports—a type of document that is maintained in confidence by Westinghouse and contains information which, if released, likely would lead to substantial competitive harm to the company, for all of the reasons explained in Entergy's and Westinghouse's filings before the Board and Commission related to the State's April 9th motion. Therefore, it is Westinghouse's and Entergy's position that they are proprietary and should remain subject to the terms of the Protective Order.

Entergy remains open to further discussions and cooperation among the parties regarding the conduct of the upcoming Track 2 hearing, so as to maximize public involvement to the extent practicable, given the proprietary nature of the documents listed in the State's Notice and other proprietary exhibits in the Track 2 hearing record.

Regards,

**Ray P. Kuyler**  
**Morgan, Lewis & Bockius LLP**  
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Assistant: Rhonda D. Rollerson | 202.739.5157 | [rrollerson@morganlewis.com](mailto:rrollerson@morganlewis.com)

---

**From:** Lisa S. Kwong [<mailto:Lisa.Kwong@ag.ny.gov>]  
**Sent:** Thursday, September 17, 2015 4:39 PM  
**To:** Bessette, Paul M.  
**Cc:** Sutton, Kathryn M.; Kuyler, Raphael Philip; [sherwin.turk@nrc.gov](mailto: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



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

Lisa S. Kwong  
Assistant Attorney General  
Environmental Protection Bureau  
New York State Office of the Attorney General  
The Capitol  
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**From:** [Lisa S. Kwong](mailto:Lisa.S.Kwong)  
**To:** [pbessette@morganlewis.com](mailto:pbessette@morganlewis.com)  
**Cc:** [Sutton, Kathryn M. \(ksutton@morganlewis.com\)](mailto:Sutton.Kathryn.M.(ksutton@morganlewis.com)); [Kuyler, Raphael Philip \(rkuyler@morganlewis.com\)](mailto:Kuyler.Raphael.Philip(rkuyler@morganlewis.com)); [sherwin.turk@nrc.gov](mailto:sherwin.turk@nrc.gov); [Harris, Brian \(Brian.Harris@nrc.gov\)](mailto:Harris.Brian(Brian.Harris@nrc.gov)); [Deborah Brancato \(DBrancato@riverkeeper.org\)](mailto:Deborah.Brancato(DBrancato@riverkeeper.org)); [Lisa M. Burianek](mailto:Lisa.M.Burianek); [John J. Sipos](mailto:John.J.Sipos); [Mihir Desai](mailto:Mihir.Desai); [Brian Lusignan](mailto:Brian.Lusignan); [Teresa Manzi](mailto:Teresa.Manzi)  
**Subject:** IP -- Notice of objection to proprietary/confidentiality designation  
**Date:** Thursday, September 17, 2015 4:38:43 PM  
**Attachments:** [2015 09 17 NYS Notice of Objection to Proprietary Designation FINAL.pdf](#)

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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**

-----X  
*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  
-----X

**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. I, 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**

Lisa S. Kwong  
Assistant Attorney General  
Office of the Attorney General  
of the State of New York  
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(518) 776-2422  
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**Subject:** IP -- Notice of objection to proprietary/confidentiality designation  
**Date:** Thursday, September 17, 2015 4:38:42 PM  
**Attachments:** [2015 09 17 NYS Notice of Objection to Proprietary Designation FINAL.pdf](#)

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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

Lisa S. Kwong  
Assistant Attorney General  
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New York State Office of the Attorney General  
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**From:** [Kuyler, Raphael Philip](#)  
**To:** [Lisa S. Kwong](#); [Bessette, Paul M.](#)  
**Cc:** [Sutton, Kathryn M.](#); [sherwin.turk@nrc.gov](mailto:sherwin.turk@nrc.gov); [Harris, Brian \(Brian.Harris@nrc.gov\)](mailto:Brian.Harris@nrc.gov); [Deborah Brancato \(DBrancato@riverkeeper.org\)](mailto:DBrancato@riverkeeper.org); [Lisa M. Burianek](#); [John J. Sipos](#); [Mihir Desai](#); [Brian Lusignan](#); [Teresa Manzi](#); [O'Neill, Martin](#)  
**Subject:** RE: IP -- Notice of objection to proprietary/confidentiality designation  
**Date:** Monday, October 05, 2015 1:35:47 PM

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Lisa, we appreciate the productive discussion between Entergy and NYS on this Notice last week. We understand based on our conversation that given Entergy's filing of and NYS's general concurrence with the redacted versions of Entergy's amended Track 2 Testimony and Statements of Position (the first six documents on the list (ENT000615, ENT000616, ENT000678, ENT000679, ENT000698, and ENT000699)), the State has withdrawn its objections with respect to those documents. We also understand that NYS000366 is identical to one of the documents covered by State's April 9, 2015 motion and the Board's July 20 decision on that motion, so the State has withdrawn its new objection to that document as well.

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Entergy remains open to further discussions and cooperation among the parties regarding the conduct of the upcoming Track 2 hearing, so as to maximize public involvement to the extent practicable, given the proprietary nature of the documents listed in the State's Notice and other proprietary exhibits in the Track 2 hearing record.

Regards,

**Ray P. Kuyler**

**Morgan, Lewis & Bockius LLP**

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Assistant: Rhonda D. Rollerson | 202.739.5157 | [rrollerson@morganlewis.com](mailto:rrollerson@morganlewis.com)

---

**From:** Lisa S. Kwong [mailto:[Lisa.Kwong@ag.ny.gov](mailto:Lisa.Kwong@ag.ny.gov)]

**Sent:** Thursday, September 17, 2015 4:39 PM

**To:** Bessette, Paul M.

**Cc:** Sutton, Kathryn M.; Kuyler, Raphael Philip; [sherwin.turk@nrc.gov](mailto: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



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

Lisa S. Kwong  
Assistant Attorney General  
Environmental Protection Bureau  
New York State Office of the Attorney General  
The Capitol  
Albany, NY 12224  
Tel: 518-776-2422  
Fax: 518-650-9363  
[Lisa.Kwong@ny.ag.gov](mailto:Lisa.Kwong@ny.ag.gov)

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**ATTACHMENT 3**

to

**“NRC STAFF’S ANSWER IN OPPOSITION TO  
‘STATE OF NEW YORK MOTION FOR PUBLIC DISCLOSURE  
OF VARIOUS WESTINGHOUSE DOCUMENTS’” (Oct. 29, 2015)**

(E-mail message from Sherwin Turk, Esq. to Lisa Kwong, Esq., October 28, 2015, 3:05PM)

---

**From:** Turk, Sherwin  
**Sent:** Wednesday, October 28, 2015 3:05 PM  
**To:** 'Lisa S. Kwong'  
**Cc:** John J. Sipos; Mihir Desai; pbessette@morganlewis.com; Sutton, Kathryn M. (ksutton@morganlewis.com); Kuyler, Raphael Philip (rkuyler@morganlewis.com); Harris, Brian; Roth(OGC), David  
**Subject:** RE: Consultation on New York's motion for public disclosure

Thanks, Lisa. We have copies of those communications; they are also attached to your motion, as Attachments 13 and 17. We could find no communications that were not attached to your motion. Were there any others?

Sherwin

---

**From:** Lisa S. Kwong [mailto:Lisa.Kwong@ag.ny.gov]  
**Sent:** Wednesday, October 28, 2015 2:50 PM  
**To:** Turk, Sherwin  
**Cc:** John J. Sipos; Mihir Desai; pbessette@morganlewis.com; Sutton, Kathryn M. (ksutton@morganlewis.com); Kuyler, Raphael Philip (rkuyler@morganlewis.com)  
**Subject:** [External\_Sender] Consultation on New York's motion for public disclosure

Hi, Sherwin.

In response to your inquiry regarding pre-motion consultations, I am attaching copies of email correspondence dated September 17 and October 5, 2015, together with the State's Notice of Objection.

Lisa S. Kwong  
Assistant Attorney General  
Environmental Protection Bureau  
New York State Office of the Attorney General  
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[Lisa.Kwong@ny.ag.gov](mailto:Lisa.Kwong@ny.ag.gov)

**ATTACHMENT 4**

to

**“NRC STAFF’S ANSWER IN OPPOSITION TO  
‘STATE OF NEW YORK MOTION FOR PUBLIC DISCLOSURE  
OF VARIOUS WESTINGHOUSE DOCUMENTS’” (Oct. 29, 2015)**

(E-mail message from Lisa Kwong, Esq. to Sherwin Turk, Esq., October 28, 2015, 3:18PM)

**From:** Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>  
**Sent:** Wednesday, October 28, 2015 3:18 PM  
**To:** Turk, Sherwin  
**Cc:** John J. Sipos; Mihir Desai; pbessette@morganlewis.com; Sutton, Kathryn M. (ksutton@morganlewis.com); Kuyler, Raphael Philip (rkuyler@morganlewis.com); Harris, Brian; Roth(OGC), David  
**Subject:** [External\_Sender] RE: Consultation on New York's motion for public disclosure  
**Attachments:** 2015 09 22 Email thread between Kwong and Kuyler re NYS Notice of Objection.pdf

Attached is the only other email exchange.

Lisa S. Kwong  
Assistant Attorney General  
Environmental Protection Bureau  
New York State Office of the Attorney General  
The Capitol  
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Lisa.Kwong@ny.ag.gov

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**From:** Turk, Sherwin [mailto:Sherwin.Turk@nrc.gov]  
**Sent:** Wednesday, October 28, 2015 3:05 PM  
**To:** Lisa S. Kwong  
**Cc:** John J. Sipos; Mihir Desai; pbessette@morganlewis.com; Sutton, Kathryn M. (ksutton@morganlewis.com); Kuyler, Raphael Philip (rkuyler@morganlewis.com); Harris, Brian; Roth(OGC), David  
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**From:** [Lisa S. Kwong](mailto:Lisa.S.Kwong)  
**To:** "[Kuyler, Raphael Philip](mailto:Kuyler.Raphael.Philip)"; [Bessette, Paul M.](mailto:Bessette.Paul.M)  
**Cc:** [Sutton, Kathryn M.](mailto:Sutton.Kathryn.M); [sherwin.turk@nrc.gov](mailto:sherwin.turk@nrc.gov); [Harris, Brian \(Brian.Harris@nrc.gov\)](mailto:Harris.Brian); [Deborah Brancato \(DBrancato@riverkeeper.org\)](mailto:Deborah.Brancato); [Lisa M. Burianek](mailto:Lisa.M.Burianek); [John J. Sipos](mailto:John.J.Sipos); [Mihir Desai](mailto:Mihir.Desai); [Brian Lusignan](mailto:Brian.Lusignan); [Teresa Manzi](mailto:Teresa.Manzi)  
**Subject:** RE: IP -- Notice of objection to proprietary/confidentiality designation  
**Date:** Tuesday, September 22, 2015 6:21:15 PM

---

Thanks for your email, Ray. I'll be out of the office tomorrow but plan to be back in on Thursday and the rest of the week.

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Environmental Protection Bureau  
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**From:** Kuyler, Raphael Philip [<mailto:rkuyler@morganlewis.com>]  
**Sent:** Tuesday, September 22, 2015 8:49 AM  
**To:** Lisa S. Kwong; Bessette, Paul M.  
**Cc:** Sutton, Kathryn M.; [sherwin.turk@nrc.gov](mailto:sherwin.turk@nrc.gov); Harris, Brian ([Brian.Harris@nrc.gov](mailto:Brian.Harris@nrc.gov)); Deborah Brancato ([DBrancato@riverkeeper.org](mailto:DBrancato@riverkeeper.org)); Lisa M. Burianek; John J. Sipos; Mihir Desai; Brian Lusignan; Teresa Manzi  
**Subject:** RE: IP -- Notice of objection to proprietary/confidentiality designation

Good morning, Lisa. We are looking at this notice and will be in touch.

Regards,

**Ray P. Kuyler**  
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**Sent:** Thursday, September 17, 2015 4:39 PM  
**To:** Bessette, Paul M.  
**Cc:** Sutton, Kathryn M.; Kuyler, Raphael Philip; [sherwin.turk@nrc.gov](mailto:sherwin.turk@nrc.gov); Harris, Brian ([Brian.Harris@nrc.gov](mailto:Brian.Harris@nrc.gov)); Deborah Brancato ([DBrancato@riverkeeper.org](mailto:DBrancato@riverkeeper.org)); Lisa M. Burianek; John J. Sipos; Mihir Desai; Brian Lusignan; Teresa Manzi  
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