



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

November 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 82 is appended hereto as Attachment 1.

On or about December 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 82" 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 November 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 82
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 82 – November 30, 2015

ID#	Accession Number	Document Date	Title
82-0001	ML15314A013	11/06/2015	2015/11/06 Indian Point LR Hearing - [External_Sender] Re: Indian Point Consistency Decision
82-0002	ML15327A050	11/17/2015	2015/11/17 Indian Point LR Hearing - [External_Sender] RE: Draft Audit Plan
82-0003	ML15321A470	11/17/2015	2015/11/17 Indian Point LR Hearing - Draft Audit Plan
82-0004	ML15327A049	11/20/2015	2015/11/20 Indian Point LR Hearing - [External_Sender] RE: Draft Audit Plan
82-0005	ML15327A099	11/23/2015	2015/11/23 Indian Point LR Hearing - [External_Sender] RE: RE: Draft Audit Plan
82-0006	ML15327A369	11/23/2015	2015/11/23 Indian Point LR Hearing - RE: RE: Draft Audit Plan
82-0007	ML15327A097	11/23/2015	2015/11/23 Indian Point LR Hearing - RE: RE: Draft Audit Plan

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 82 – November 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-82-001	ML15328A013	M. Wentzel, NRC/NRR/DLR	2015/10/30 Indian Point LR Hearing - Final OGC and BC Comments on the IP FSEIS Supplement	10/30/2015	E-Mail w/ Attachment	D. Logan, NRC/NRR/DLR D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input and OGC comments Attachment: draft FSEIS Supplement Input [Also withheld under Attorney-Client privilege]	87

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 82 – November 30, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-82-002	ML15316A799	D. Logan, NRC/NRR/DLR	2015/11/03 Indian Point LR Hearing - Indian Point: Entrainment and Impingement Impact files for new supplement - response to internal comments	11/03/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input and OGC comments Attachment: draft FSEIS Supplement Input [Also withheld under Attorney-Client privilege]	91
DPP-82-003	ML15316A804	J. Gavula, NRC/NRR/DLR	2015/11/05 Indian Point LR Hearing - Draft Enforcement Action Worksheet for Indian Point - Revised per Discussion	11/05/2015	E-Mail w/ Attachment	D. Morey, NRC/NRR/DLR	Internal discussion regarding RAI response for recurring internal corrosion Attachment: Internal worksheet regarding RAI response for recurring internal corrosion	8

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-82-004	ML15314A016	M. Wentzel, NRC/NRR/DLR	2015/11/09 Indian Point LR Hearing - Draft Audit Needs	11/09/2015	E-Mail	J. Gavula, NRC/NRR/DLR W. Holston, NRC/NRR/DLR	Internal discussion regarding draft of audit needs	2
DPP-82-005	ML15314A014	M. Wentzel, NRC/NRR/DLR	2015/11/09 Indian Point LR Hearing - FW: Re: Indian Point Consistency Decision	11/09/2015	E-Mail w/ Attachment	C. Miller, NRC/NRR/DLR J. Marshall, NRC/NRR/DLR J. Danna, NRC/NRR/DLR Y. Diaz-Sanabria, NRC/NRR/DLR D. Wrona, NRC/NRR/DLR	Internal discussion regarding New York's Indian Point Consistency Decision Attachment: Indian Point Consistency Decision [See public disclosures at 82-0001 (ADAMS Accession No. ML15314A013)]	49

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ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-82-006	ML15314A015	M. Wentzel, NRC/NRR/DLR	2015/11/09 Indian Point LR Hearing - FW: Re: Indian Point Consistency Decision	11/09/2015	E-Mail w/ Attachment	D. Logan, NRC/NRR/DLR	Internal discussion regarding New York's Indian Point Consistency Decision Attachment: Indian Point Consistency Decision [See public disclosures at 82-0001 (ADAMS Accession No. ML15314A013)]	49
DPP-82-007	ML15314A027	W. Holston, NRC/NRR/DLR	2015/11/10 Indian Point LR Hearing - RE: Draft Audit Needs	11/10/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR J. Gavula, NRC/NRR/DLR	Email forwarding input for draft of audit needs Attachment: input for draft audit needs	4

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-82-008	ML15314A882	J. Gavula, NRC/NRR/DLR	2015/11/10 Indian Point LR Hearing - Recent SW Leak at IP	11/10/2015	E-Mail w/ Attachment	W. Holston, NRC/NRR/DLR	Internal discussion regarding Service Water Integrity Program Attachment: [Entergy Letter, NL-15-124, publically available at ADAMS Accession No. ML15292A217]	9
DPP-82-009	ML15316A786	M. Wentzel, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - Draft Audit Plan	11/12/2015	E-Mail w/ Attachment	J. Gavula, NRC/NRR/DLR W. Holston, NRC/NRR/DLR	Internal discussion regarding draft audit plan Attachment: draft audit plan	11
DPP-82-010	ML15316A003	M. Wentzel, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - FW: Re: Entergy Letter Concerning Purported Objection of New York State Department of State dated Nov. 6, 2015, Pursuant to the Coastal Zone Management Act	11/12/2015	E-Mail	J. Danna, NRC/NRR/DLR D. Wrona, NRC/NRR/DLR M. Moser, NRC/NRR/DLR	Email forwarding OGC comments on New York's Indian Point Consistency Decision [Also withheld under Attorney-Client privilege]	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-82-011	ML15316A531	J. Gavula, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - Issues related to Service Water Integrity Program	11/12/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding Service Water Integrity Program Attachment: draft discussion of issues related to Service Water Integrity Program	4
DPP-82-012	ML15316A814	W. Holston, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - One minor change to my audit input. Highlighted in Word track. Bill	11/12/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Email forwarding input for draft audit needs Attachment: input for draft audit needs	4
DPP-82-013	ML15316A825	W. Holston, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - Re: Draft Audit Plan	11/12/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft audit plan	2
DPP-82-014	ML15316A533	M. Wentzel, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - RE: Issues related to Service Water Integrity Program	11/12/2015	E-Mail	J. Gavula, NRC/NRR/DLR	Internal discussion regarding Service Water Integrity Program	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-82-015	ML15316A811	W. Holston, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - RE: Issues related to Service Water Integrity Program	11/12/2015	E-Mail w/ Attachment	J. Gavula, NRC/NRR/DLR	Internal discussion regarding Service Water Integrity Program Attachment: draft discussion of issues related to Service Water Integrity Program	4
DPP-82-016	ML15316A537	M. Wentzel, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - RE: One minor change to my audit input. Highlighted in Word track. Bill	11/12/2015	E-Mail	W. Holston, NRC/NRR/DLR	Internal discussion regarding input for draft audit needs	2
DPP-82-017	ML15316A538	M. Wentzel, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - RE: One minor change to my audit input. Highlighted in Word track. Bill	11/12/2015	E-Mail	W. Holston, NRC/NRR/DLR	Internal discussion regarding input for draft audit needs	2
DPP-82-018	ML15316A005	W. Holston, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - RE: Recent SW Leak at IP	11/12/2015	E-Mail	J. Gavula, NRC/NRR/DLR	Internal discussion regarding Service Water Integrity Program	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-82-019	ML15316A535	J. Gavula, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - RE: Recent SW Leak at IP	11/12/2015	E-Mail w/ Attachment	W. Holston, NRC/NRR/DLR	Internal discussion regarding Service Water Integrity Program Attachment: [Energy Letter dated 12/21/2001, publicly available at ADAMS Accession No. ML020090594]	7
DPP-82-020	ML15327A052	J. Gavula, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - Recent SW Leak at IP	11/12/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding Service Water Integrity Program Attachment: [Energy Letter, NL-15-124, publicly available at ADAMS Accession No. ML15292A217]	9

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-82-021	ML15316A822	W. Holston, NRC/NRR/DLR	2015/11/12 Indian Point LR Hearing - Revised IP Audit Plan Input	11/12/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding input for draft audit plan Attachment: input for draft audit plan	4
DPP-82-022	ML15321A417	M. Wentzel, NRC/NRR/DLR	2015/11/17 Indian Point LR Hearing - Audit Need Clarification	11/17/2015	E-Mail	J. Gavula, NRC/NRR/DLR	Internal discussion regarding draft audit plan	2
DPP-82-023	ML15327A051	J. Gavula, NRC/NRR/DLR	2015/11/17 Indian Point LR Hearing - RE: Audit Need Clarification	11/17/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft audit plan	5
DPP-82-024	ML15321A469	M. Wentzel, NRC/NRR/DLR	2015/11/17 Indian Point LR Hearing - RE: Audit Need Clarification	11/17/2015	E-Mail	J. Gavula, NRC/NRR/DLR	Internal discussion regarding draft audit plan	5

November 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 82.

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 82.

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 November, 2015

November 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 November 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 November 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 82; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 82 – Deliberative Process Privilege; Declaration of Christopher G. Miller, dated November 30, 2015; and Affidavit of Michael J. Wentzel, dated November 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 November, 2015.

/Signed (electronically) by/

Anita Ghosh
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Date of signature: November 30, 2015