

NOVEMBER 12, 2015

NYS NOTICE OF OBJECTION

ATTACHMENT 1

to NYS DECLARATION

**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. November 12, 2015
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**STATE OF NEW YORK'S
OBJECTION TO PROPRIETARY AND/OR CONFIDENTIAL DESIGNATIONS
FOR CERTAIN WESTINGHOUSE DOCUMENTS**

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 are various documents prepared by Entergy's vendor, Westinghouse, relating to metal fatigue evaluations for structures and components at the Indian Point nuclear facilities.

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. At minimum, Entergy should produce public, redacted versions of these documents.

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 at the subject of the State’s Objection are the following:

EXHIBIT NUMBER	DESCRIPTION AND DATE	CONFIDENTIALITY DESIGNATION	STATE OF NEW YORK OBJECTION	STATE OF NEW YORK PROPOSED RESOLUTION
ENTR00681	Westinghouse, WCAP-17199-P, Rev. 2, Environmental Fatigue Evaluation for Indian Point Unit 2, Nov. 2015.	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.
ENTR00682	Westinghouse, WCAP-17200-P, Rev. 2, Environmental Fatigue Evaluation for Indian Point Unit 3, Nov. 2015.	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.
ENTR00683	Westinghouse, Calculation Note CN-PAFM-13-32, Rev. 4 “Indian Point Unit 2 (IP2) and Unit 3 (IP3) Refined EAF Analyses and EAF Screening Evaluations,” Nov. 2015.	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.
ENTR00689	Westinghouse, WCAP-12191, Rev. 5, Transient and Fatigue Cycle Monitoring Program Transient History Evaluation Report for Indian Point Unit 2, Nov. 2015.	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.
ENTR00690	Westinghouse, WCAP-16898-P, Rev. 2, Indian Point Unit 3 Transient and Fatigue Cycle Monitoring Program Transient History Evaluation, Nov. 2015.	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.
ENT000727	Westinghouse, CN-PAFM-09-21, Rev. 4, Indian Point Units 2 and 3 Charging Nozzles Environmental Fatigue Evaluation, Nov. 2015.	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.

These documents were disclosed on November 4, 2015 and produced to the State on Friday, November 6, 2015. Entergy yesterday filed a motion requesting permission to submit these documents as exhibits.

Executed on November 12, 2015

Signed (electronically) by
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