

E-mail Thread

between J. Sipos, et al. and R. Kuyler, S. Turk, et al.

dated January 20, 2016 to February 5, 2016

ATTACHMENT 2

to State of New York Kwong Declaration

dated February 5, 2016

From: [John J. Sipos](mailto:John.J.Sipos)
To: "[Kuyler, Raphael Phillip](mailto:Kuyler.Raphael.Phillip)"; "[Turk, Sherwin](mailto:Turk.Sherwin)"
Cc: [Bessette, Paul M.](mailto:Bessette.Paul.M.); [Sutton, Kathryn M.](mailto:Sutton.Kathryn.M.); [O'Neill, Martin](mailto:O'Neill.Martin); [Roth\(OGC\), David](mailto:Roth(OGC).David); [Harris, Brian](mailto:Harris.Brian); "(Riverkeeper) [Len Christopher \(clen@riverkeeper.org\)](mailto:Len.Christopher.clen@riverkeeper.org)"; [Gallay Paul \(Riverkeeper\)](mailto:Gallay.Paul); [Lisa S. Kwong](mailto:Lisa.S.Kwong); [Mihir Desai](mailto:Mihir.Desai)
Subject: RE: Indian Point - § 2.323 Consultation
Date: Friday, February 05, 2016 2:58:22 PM

Hello Ray:

Thank you for your email.

At present, the State contemplates submitting the 6 documents, an updated exhibit list, an attorney declaration and possible attachment(s), and a motion/memorandum of law.

Hello Sherwin:

Responding to your e-mail of this morning, earlier this week, the State revisited the list of its documents of interest and narrowed this list down to the six documents that continue to form a basis of the State's proposed motion and which the State continues to believe present new information that is relevant to the State's Track 2 contentions. We have attempted to explain the State's view of these six documents to you, for example, by my email to you of January 28, and also during last Friday's consultation call. The documents were not known or available to the State until after the November evidentiary hearing. Four of the six documents are Westinghouse WCAP documents, which Entergy disclosed to the parties in mid-January. Turning to the Eason article, as the State has previously explained, the paper suggests that the crack growth rates in MRP-227-A are not conservative.

Conclusion

The State respectfully believes that it has explained its understanding of the documents and their relevancy to the Track 2 contentions and the proceeding.

It appears that there is a bona fide dispute among the parties concerning the State's proposed motion. Accordingly, the State plans to move forward, complete the motion, and file it.

Thank you for your consultation efforts.

Regards,

John

From: Kuyler, Raphael Phillip [mailto:rkuyler@morganlewis.com]
Sent: Friday, February 05, 2016 11:56 AM
To: John J. Sipos; 'Turk, Sherwin'
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; Gallay Paul (Riverkeeper); Lisa S. Kwong; Mihir Desai
Subject: RE: Indian Point - § 2.323 Consultation

John and Sherwin,

Entergy does not believe that another conference call would be productive. It is still unclear to us what the State intends to provide to the Board. Based on the information the State has provided, Entergy does not agree to the motion. We will not further consider this motion without a complete written explanation of the bases and arguments that the State will present.

Regards,

Ray P. Kuyler
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Direct: +1.202.739.5146 | Main: 202.739.3000 | Fax: 202.739.3001
rkuyler@morganlewis.com | www.morganlewis.com

From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]
Sent: Friday, February 05, 2016 7:58 AM
To: 'Turk, Sherwin'
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Gallay Paul (Riverkeeper); Lisa S. Kwong; Mihir Desai; Kuyler, Raphael Philip
Subject: RE: Indian Point - § 2.323 Consultation

Hi Sherwin:

Thanks very much for your email.

During our previous telephone conference, counsel discussed various documents -- including the documents listed yesterday, and the State's attorneys responded to questions about the documents.

Staff has previously asserted that the standard that applies to the contemplated motion is that the documents "change the Board's decision," but that standard is inapplicable to this context. This is not a § 2.326 situation.

You asked that the State provide the documents. One document is a Staff document. Four of the documents Entergy has disclosed to the parties, so the State understands that Staff has access to those four Entergy documents. The last document is the Eason article. Given your request, it appears that neither you nor NRC has the document. We will provide the Eason article via a separate email; it is copyrighted.

Should you and Staff believe that a conference call today would worthwhile, the State's representatives are available today starting at 8:00 AM up to 2:00 PM.

Best regards,

John

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]
Sent: Thursday, February 04, 2016 5:04 PM
To: John J. Sipos; Kuyler, Raphael Philip
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Gallay Paul (Riverkeeper); Lisa S. Kwong; Mihir Desai
Subject: RE: Indian Point - § 2.323 Consultation

John –

Thanks for your message, and for eliminating 12 of the 18 documents you cited previously. Still, before I can respond to your request, I will need to know the relevance and materiality of these documents. As I stated in my E-mail message of January 28:

Please identify the dates of these 12 additional documents, when you received them, and their relevance. Also, please explain why the record needs to include them, and what they purportedly show.

We discussed this issue in our telephone conference call last week, in which I stated my view that you have had 8 years to gather and present relevant documents as exhibits, and since the hearings have now concluded, I will need to understand whether you believe the documents are so important that they could affect the outcome of the Board's decision. In sum, if you want these documents to be included in the record, I need to know why you believe they are important, whether they could affect the Board's decision. If you file a motion seeking their admission, I will probably need to have our experts examine them, and would need you to provide copies of the documents to me. We then might need to present expert opinion on the relevance and effect of the documents. Frankly, I also don't see how that could happen at this late date, as we are all busy writing proposed findings of fact and are due to file just 25 days from today

I would be happy to discuss this further in a phone conversation this week.

Sherwin

From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]

Sent: Thursday, February 04, 2016 3:37 PM

To: Turk, Sherwin <Sherwin.Turk@nrc.gov>; Kuyler, Raphael Philip <rkuyler@morganlewis.com>

Cc: Bessette, Paul M. <pbessette@morganlewis.com>; Sutton, Kathryn M. <ksutton@morganlewis.com>; O'Neill, Martin

<martin.o'neill@morganlewis.com>; Roth(OGC), David <David.Roth@nrc.gov>; Harris, Brian <Brian.Harris@nrc.gov>;

'(Riverkeeper) Len Christopher (clen@riverkeeper.org)' <clen@riverkeeper.org>; 'mannajo@clearwater.org'

<mannajo@clearwater.org>; Gallyay Paul (Riverkeeper) <pgallyay@riverkeeper.org>; Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>;

Mihir Desai <Mihir.Desai@ag.ny.gov>

Subject: [External_Sender] Indian Point - § 2.323 Consultation

Hello Ray and Sherwin,

In an effort to resolve this dispute and as part of the consultation process, the State has undertaken further examination of the documents raised in the recent consultations by the parties. Though the State believes that each of the identified documents is relevant to the State's contentions in this proceeding and should be received as an exhibit and into evidence, we have decided to narrow the request and intend to move with respect to only a small set of the documents. The documents include four WCAP documents, each specific to IP2 and IP3, which were recently disclosed by Entergy. The State also intends to move with respect to two other documents that the State learned of only after the close of the hearing in November. Each document discloses relevant information that the State believes is material to the issues in this proceeding and important for inclusion in the record.

These documents are:

1. Eason and Pathania, Disposition Curves for Irradiation-Assisted Stress Corrosion Cracking of Austenitic Stainless Steels in Light Water Reactor Environments, ASME PVP2015-45323, Proceedings of the ASME 2015 Pressure Vessels and Piping Conference;
2. WCAP-17941-P, Rev. 1, Indian Point Units 2 and 3 Inspection Response Plan for Aging Management of MRP-227-A Primary and Expansion Components (IPECPROP00085900);
3. WCAP-17949-P, Rev. 0, Background and Technical Basis Supporting Engineering Flaw Acceptance Criteria for Indian Point Unit 2 Reactor Vessels Internals MRP-227-A Primary and Expansion Components (IPECPROP00085359);
4. WCAP-17951-P, Rev. 0, Background and Technical Basis Supporting Engineering Flaw Acceptance Criteria for Indian Point Unit 3 Reactor Vessels Internals MRP-227-A Primary and Expansion Components (IPECPROP000856629);
5. WCAP-18048-P, Rev. 0, Determination of Acceptable Baffle-Former Bolting for Indian Point Units 2 and 3 (IPECPROP00086434);
6. IP Unit 3 License Renewal Inspection Report (ML15323A026)

The State is hopeful that Entergy and NRC Staff will support the State's motion with respect to this more streamlined set of documents. Riverkeeper and Clearwater are in support of the State's proposed motion.

Separately, there are a number of Westinghouse reports referenced in WCAP-18084-P, Westinghouse's baffle-former bolting analysis for Indian Point, that apparently have not been included in Entergy's disclosures to the State or the other parties. Many of these references include 2015 reports prepared specifically for Indian Point in connection with the bolting analysis. See Reference Documents Nos. 5-10, 20-23, 25. Can you please advise on the availability and disclosure status of those documents?

Finally, the State appreciates the efforts of Entergy and NRC Staff with respect to the two EPRI documents that the State identified last week, i.e., Irradiation-Assisted Stress Corrosion Cracking (IASCC) Initiation Model for Stainless Steels (Product ID: 3002005474), and Models of Irradiation-Assisted Stress Corrosion Cracking of Austenitic Stainless Steels in Light Water Reactor Environments: Volume 1: Disposition Curves Development; Volume 2: Disposition Curves Application (Product ID: 3002003103). In response to Sherwin's question, as far as we can tell, neither of these documents is available on public ADAMS, though they appear to concern the issue of IASCC crack growth rates.

Regards,

John

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]
Sent: Wednesday, February 03, 2016 5:38 PM
To: Kuyler, Raphael Philip; Lisa S. Kwong; John J. Sipos
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Mihir Desai; Harris, Brian
Subject: RE: RE: Indian Point - § 2.323 Consultation

Lisa,

I have heard from our two principal witnesses on RVI issues. Neither of them has seen the two documents. I was informed that EPRI does not appear to have submitted them to the NRC, and that you might be able to get them on the EPRI website. You can always do an ADAMS search, if you want, just to be sure.

Sherwin

*Sherwin E. Turk
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Rockville, MD 20852
(301) 415-1533*

From: Kuyler, Raphael Philip [<mailto:rkuyler@morganlewis.com>]
Sent: Wednesday, February 03, 2016 4:17 PM
To: Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>; John J. Sipos <John.Sipos@ag.ny.gov>; Turk, Sherwin <Sherwin.Turk@nrc.gov>
Cc: Bessette, Paul M. <pbessette@morganlewis.com>; Sutton, Kathryn M. <ksutton@morganlewis.com>; O'Neill, Martin <martin.o'neill@morganlewis.com>; Roth(OGC), David <David.Roth@nrc.gov>; Harris, Brian <Brian.Harris@nrc.gov>; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)' <clen@riverkeeper.org>; 'mannajo@clearwater.org' <mannaajo@clearwater.org>; Mihir Desai <Mihir.Desai@ag.ny.gov>
Subject: [External_Sender] RE: Indian Point - § 2.323 Consultation

Thank you for this e-mail, Lisa. Entergy does not have copies of these documents.

Regards,

Ray P. Kuyler
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Direct: +1.202.739.5146 | Main: 202.739.3000 | Fax: 202.739.3001
rkuyler@morganlewis.com | www.morganlewis.com
Assistant: Rhonda D. Rollerson | 202.739.5157 | rrollerson@morganlewis.com

From: Lisa S. Kwong [<mailto:Lisa.Kwong@ag.ny.gov>]
Sent: Friday, January 29, 2016 4:47 PM
To: John J. Sipos; Kuyler, Raphael Philip; Turk, Sherwin
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Mihir Desai
Subject: RE: Indian Point - § 2.323 Consultation

Hello Ray, Kathryn, and Sherwin:

Identified below are the two EPRI reports that I mentioned during our call. Based on this information, it appears to us that these reports relate directly to irradiation assisted stress corrosion cracking in stainless steel reactor vessel internals, which is an issue in this proceeding. Please advise whether Entergy or NRC are familiar with these reports and whether they have access to them. If so, we ask that you please disclose copies of these reports for the State's review.

Irradiation-Assisted Stress Corrosion Cracking (IASCC) Initiation Model for Stainless Steels
Product ID: 3002005474
Pages: 104
Published: 28-May-2015
Type: Technical Results

Models of Irradiation-Assisted Stress Corrosion Cracking of Austenitic Stainless Steels in Light Water Reactor Environments:
Volume 1: Disposition Curves Development; Volume 2: Disposition Curves Application
Product ID: 3002003103
Pages: 484
Published: 24-Oct-2014
Type: Technical Results

Regards,

Lisa

Lisa S. Kwong
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New York State Office of the Attorney General
The Capitol
Albany, NY 12224
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Lisa.Kwong@ny.ag.gov

From: John J. Sipos
Sent: Friday, January 29, 2016 11:59 AM
To: 'Kuyler, Raphael Philip'; Turk, Sherwin
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Lisa S. Kwong; Mihir Desai
Subject: RE: Indian Point - § 2.323 Consultation

Thank you, Sherwin and Ray.

Let's convene the conference call to start at 2:30 PM.

Here is the call in information:

Call in # = **(866) 394-2346**

Access = **635 879 7930 #**

John

From: Kuyler, Raphael Philip [<mailto:rkuyl@morganlewis.com>]
Sent: Friday, January 29, 2016 11:17 AM
To: Turk, Sherwin; John J. Sipos
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Lisa S. Kwong; Mihir Desai
Subject: RE: Indian Point - § 2.323 Consultation

Entergy is available for a call today between 2:30 and 4 pm.

Regards,

Ray P. Kuyler
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Direct: +1.202.739.5146 | Main: 202.739.3000 | Fax: 202.739.3001
rkuyler@morganlewis.com | www.morganlewis.com
Assistant: Rhonda D. Rollerson | 202.739.5157 | rrollerson@morganlewis.com

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]
Sent: Friday, January 29, 2016 11:10 AM
To: John J. Sipos; Kuyler, Raphael Philip
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Lisa S. Kwong; Mihir Desai
Subject: RE: RE: Indian Point - § 2.323 Consultation

I'm available after 2:30.
Sherwin

From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]
Sent: Friday, January 29, 2016 9:57 AM
To: 'Kuyler, Raphael Philip' <rkuyler@morganlewis.com>; Turk, Sherwin <Sherwin.Turk@nrc.gov>
Cc: Bessette, Paul M. <pbessette@morganlewis.com>; Sutton, Kathryn M. <ksutton@morganlewis.com>; O'Neill, Martin <martin.o'neill@morganlewis.com>; Roth(OGC), David <David.Roth@nrc.gov>; Harris, Brian <Brian.Harris@nrc.gov>; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)' <clen@riverkeeper.org>; 'mannajo@clearwater.org' <mannaajo@clearwater.org>; Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>; Mihir Desai <Mihir.Desai@ag.ny.gov>
Subject: [External_Sender] RE: Indian Point - § 2.323 Consultation

Thank you, Ray.

We will stand by to hear from Staff regarding their availability.

John

From: Kuyler, Raphael Philip [<mailto:rkuyler@morganlewis.com>]
Sent: Friday, January 29, 2016 9:54 AM
To: John J. Sipos; 'Turk, Sherwin'
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; 'Roth(OGC), David'; 'Harris, Brian'; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Lisa S. Kwong; Mihir Desai
Subject: RE: Indian Point - § 2.323 Consultation

John,

Entergy is available at 10 but a single call would be best, so we defer to the Staff on its availability.

Regards,

Ray P. Kuyler
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Direct: +1.202.739.5146 | Main: 202.739.3000 | Fax: 202.739.3001
rkuyler@morganlewis.com | www.morganlewis.com
Assistant: Rhonda D. Rollerson | 202.739.5157 | rrollerson@morganlewis.com

From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]
Sent: Friday, January 29, 2016 9:49 AM
To: 'Turk, Sherwin'; Kuyler, Raphael Philip
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; 'Roth(OGC), David'; 'Harris, Brian'; '(Riverkeeper) Len Christopher (clen@riverkeeper.org)'; 'mannajo@clearwater.org'; Lisa S. Kwong; Mihir Desai
Subject: RE: RE: Indian Point - § 2.323 Consultation

Good morning Ray and Sherwin:

Checking in -- would you like to have a call at 10:00 this morning? Or another time?

John

From: John J. Sipos
Sent: Thursday, January 28, 2016 6:16 PM
To: 'Turk, Sherwin'
Cc: 'Kuyler, Raphael Philip'; Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; (Riverkeeper) Len Christopher (clen@riverkeeper.org); mannajo@clearwater.org; Lisa S. Kwong; Mihir Desai
Subject: RE: RE: Indian Point - § 2.323 Consultation

Hello Sherwin:

Thank you for your email in which you asked questions about the relevance and timing of the additional documents that the State identified yesterday. The documents recently came to the State's attention this month. In mid-January, Entergy disclosed and then produced the IPEC-designated documents, which appear to detail plant-specific information pertaining to inspection criteria at IP2 and IP3. The ACRS transcript was placed on ADAMS in mid-January, and presents information from NRC Staff and others on a range of aging management issues relevant to extended operations (e.g., fluence, IASCC, embrittlement, etc.), while also providing a summary of information regarding research and/or regulatory responses. Similarly, we obtained the Eason and Pathania paper in January. This document summarizes recent data on IASCC crack growth rates, and identifies new IASCC disposition curves for PWRs that reflect greater crack growth rates than those identified in MRP-227-A. The State submits that the documents pertain to issues within the scope of Contentions NYS-25, NYS-26, and NYS-38, and related embrittlement, fluence, fatigue, and corrosion matters. They contain either new information or updates to information contained in other evidence received in this proceeding.

Regarding a follow-on conference call, Ray has indicated that he is available tomorrow. Please let us know if you are also available to participate. We suggest 10:00 AM as a time for the call.

John

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]
Sent: Thursday, January 28, 2016 1:05 PM
To: John J. Sipos; 'Kuyler, Raphael Philip'
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; Roth(OGC), David; Harris, Brian; (Riverkeeper) Len Christopher (clen@riverkeeper.org); mannajo@clearwater.org; Lisa S. Kwong; Mihir Desai
Subject: RE: RE: Indian Point - § 2.323 Consultation

John, based on your list, only one of the additional documents appears to be in ADAMS. Please identify the dates of these 12 additional documents, when you received them, and their relevance. Also, please explain why the record needs to include them, and what they purportedly show.

Sherwin

From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]
Sent: Wednesday, January 27, 2016 7:57 PM
To: 'Kuyler, Raphael Philip' <rkuyler@morganlewis.com>
Cc: Bessette, Paul M. <pbessette@morganlewis.com>; Sutton, Kathryn M. <ksutton@morganlewis.com>; O'Neill, Martin <martin.o'neill@morganlewis.com>; Turk, Sherwin <Sherwin.Turk@nrc.gov>; Roth(OGC), David <David.Roth@nrc.gov>; Harris, Brian <Brian.Harris@nrc.gov>; (Riverkeeper) Len Christopher (clen@riverkeeper.org) <clen@riverkeeper.org>; mannajo@clearwater.org; Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>; Mihir Desai <Mihir.Desai@ag.ny.gov>
Subject: [External_Sender] RE: Indian Point - § 2.323 Consultation

Hello Ray:

Thank you for your email of this morning. Upon further consideration, we are considering amending our earlier proposal and not including the following documents in the motion:

- NUREG-2191, Vol. 1, ML15348A111;

- NUREG-2192, ML15348A265; and
- EPRI, Letter to NRC requesting exemption of NRC Review Fees for MRP-227, Revision 1, ML15358A006.

In addition based on our continued review, we propose to also seek permission to submit the following documents as exhibits:

Document Author& Type	Document Title	ADAMS Accession No. Entergy Production No.
Ernest D. Eason & Raj Pathania, Paper	Disposition Curves for Irradiation-Assisted Stress Corrosion Cracking of Austenitic Stainless Steels in Light Water Reactor Environments, ASME PVP2015-45323, Proceedings of the ASME 2015 Pressure Vessels and Piping Conference	
NRC ACRS, Transcript of Proceedings	Advisory Committee on Reactor Safeguards, Plant License Renewal Subcommittee	ML16011A228
Westdyne, Standard Internal Review Sheet	WDI-TJ-1100, Rev. 0, Technical Justification for the Ultrasonic Inspection of Baffle-Former Bolts for Indian Point Units 2 & 3	IPECPROP00085270
Entergy, Request for Proposal	IPEC_3R19_SGI, Unit 3 Steam Generator Inspection, Indian Point Nuclear Plant	IPECPROP00085346
Entergy, Nuclear Management Manual, EN-DC-149, Vendor Review Status	WCAP-17894-NP, Rev. 2, Component Inspection Details Supporting Aging Management of Reactor Internals at Indian Point Unit 2	IPEC00279012
Entergy, Nuclear Management Manual, EN-DC-149, Vendor Review Status	WCAP-17901-NP, Rev. 3, Component Inspection Details Supporting Aging Management of Reactor Internals at Indian Point Unit 3	IPEC00279065
Entergy, Nuclear Management Manual, EN-DC-149, Vendor Review Status	WCAP-17941-P, Rev. 1, Indian Point Units 2 and 3 Inspection Response Plan for Aging Management of MRP-227-A Primary and Expansion Components	IPECPROP00085900
Entergy, Nuclear Management Manual, EN-DC-149, Vendor Review Status	WCAP-17949-P, Rev. 0, Background and Technical Basis Supporting Engineering Flaw Acceptance Criteria for Indian Point Unit 2 Reactor Vessels Internals MRP-227-A Primary and Expansion Components	IPECPROP00085359
Entergy, Nuclear Management Manual, EN-DC-149, Vendor Review Status	WCAP-17950-NP, Rev. 0, Inspection Flaw Acceptance Criteria of Indian Point 2 Reactor Vessel Internals MRP-227-A Primary and Expansion Components	IPEC00278872
Entergy, Nuclear Management Manual, EN-DC-149, Vendor Review Status	WCAP-17951-P, Rev. 0, Background and Technical Basis Supporting Engineering Flaw Acceptance Criteria for Indian Point Unit 3 Reactor Vessels Internals MRP-227-A Primary and Expansion Components	IPECPROP000856629
Entergy, Nuclear Management Manual, EN-DC-149, Vendor	WCAP-17952-NP, Rev. 0, Inspection Flaw Acceptance Criteria of Indian Point 3 Reactor Vessel Internals MRP-227-A Primary and	PEC00278942

Review Status	Expansion Components	
Entergy, Nuclear Management Manual, EN-DC-149, Vendor Review Status	WCAP-18048-P, Rev. 0, Determination of Acceptable Baffle-Former Bolting for Indian Point Units 2 and 3	IPECPROP00086434

We are generally available to convene a conference call should Entergy or NRC Staff wish to discuss.

Good to know that you made it through the blizzard.

Best regards,

John

From: Kuyler, Raphael Philip [<mailto:rkuyler@morganlewis.com>]
Sent: Wednesday, January 27, 2016 9:27 AM
To: John J. Sipos
Cc: Bessette, Paul M.; Sutton, Kathryn M.; O'Neill, Martin; 'Turk, Sherwin'; Roth(OGC), David; Harris, Brian; (Riverkeeper) Len Christopher (clen@riverkeeper.org); Lisa S. Kwong; Mihir Desai
Subject: FW: Indian Point - § 2.323 Consultation

Good morning, John. Thought we would follow up this morning to see if the State is still considering filing a motion related to these documents or not.

Regards,

Ray P. Kuyler
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From: Kuyler, Raphael Philip
Sent: Friday, January 22, 2016 9:27 AM
To: 'John J. Sipos'; Bessette, Paul M.; 'Turk, Sherwin'
Cc: Sutton, Kathryn M.; Roth(OGC), David; O'Neill, Martin; Harris, Brian; Eskelsen, Grant W.; mannajo@clearwater.org; (Riverkeeper) Len Christopher (clen@riverkeeper.org); Lisa S. Kwong; Mihir Desai; Teresa Manzi; Siobhan C. Blank
Subject: RE: Indian Point - § 2.323 Consultation

Thanks, John. It would be more productive to have a single consultation call after all of the documents are identified and after the basis for the motion is articulated.

Regards,

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rkuyler@morganlewis.com | www.morganlewis.com
Assistant: Rhonda D. Rollerson | 202.739.5157 | rrollerson@morganlewis.com

From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]
Sent: Thursday, January 21, 2016 5:59 PM
To: Bessette, Paul M.; Kuyler, Raphael Philip; 'Turk, Sherwin'
Cc: Sutton, Kathryn M.; Roth(OGC), David; O'Neill, Martin; Harris, Brian; Eskelsen, Grant W.; mannajo@clearwater.org; (Riverkeeper) Len Christopher (clen@riverkeeper.org); Lisa S. Kwong; Mihir Desai; Teresa Manzi; Siobhan C. Blank
Subject: RE: RE: Indian Point - § 2.323 Consultation

Hello Paul, Ray, and Sherwin:

Thank you for today's e-mails, and for identifying issues that your clients would like to discuss.

We are tentatively thinking of offering to convene a telephone conference call for tomorrow afternoon. The State would be in a position to discuss the documents identified in yesterday's e-mail. However, because the State's review of certain documents is not yet complete, the State will not be in a position to provide a finalized list of documents by tomorrow afternoon. Alternatively, if the parties wish to have only one call, then we could convene the call next week.

Regards,

John

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]

Sent: Thursday, January 21, 2016 2:33 PM

To: John J. Sipos

Cc: Roth(OGC), David; O'Neill, Martin; Harris, Brian; Eskelsen, Grant W.; mannajo@clearwater.org; (Riverkeeper) Len Christopher (clen@riverkeeper.org); Lisa S. Kwong; Mihir Desai; Teresa Manzi; Siobhan C. Blank; Bessette, Paul M.; Sutton, Kathryn M.; Kuyler, Raphael Philip

Subject: RE: RE: Indian Point - § 2.323 Consultation

John, I may be leaving early today and may not be available to speak with you after 4PM today or tomorrow, as you suggested.

I have looked briefly at the nine documents you listed. My initial thoughts (subject to amplification and supplementation in any response we file to a motion seeking their admission) are as follows:

1. Three of the documents relate to the Staff's assessment of "subsequent license renewal," i.e., license renewal after 60 years of operation. Those are draft documents, are not relevant to license renewal after 40 years, and were not used in the Staff's review of the adequacy of the IP2/IP3 LRA. If admitted, they would be out of context, and lack a proper sponsoring witness to explain them. We would oppose their introduction.
2. Four of the documents appear to relate to MRP-227, Rev. 1, and/or ongoing or future research by EPRI. These documents were not used in the Staff's review of the Indian Point LRA, and do not appear to be relevant to the adequacy of the IP2/IP3 AMPs. We would oppose their introduction.
3. One document relates to Entergy's recent relief request from certain testing requirements under the current license. It does not appear to be relevant to the LRA or the adequacy of the IP2/IP3 AMP. We would oppose its introduction.
4. We would not oppose introduction of the IP3 license renewal inspection report.

From: Kuyler, Raphael Philip [<mailto:rkuyler@morganlewis.com>]

Sent: Thursday, January 21, 2016 10:42 AM

To: John J. Sipos <John.Sipos@ag.ny.gov>; Turk, Sherwin <Sherwin.Turk@nrc.gov>

Cc: Roth(OGC), David <David.Roth@nrc.gov>; O'Neill, Martin <martin.o'neill@morganlewis.com>; Harris, Brian <Brian.Harris@nrc.gov>; Eskelsen, Grant W. <geskelsen@morganlewis.com>; mannajo@clearwater.org; (Riverkeeper) Len Christopher (clen@riverkeeper.org) <clen@riverkeeper.org>; Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>; Mihir Desai <Mihir.Desai@ag.ny.gov>; Teresa Manzi <Teresa.Manzi@ag.ny.gov>; Siobhan C. Blank <Siobhan.Blank@ag.ny.gov>; Bessette, Paul M. <pbessette@morganlewis.com>; Sutton, Kathryn M. <ksutton@morganlewis.com>

Subject: [External_Sender] RE: Indian Point - § 2.323 Consultation

John, Entergy is available for a call today when you become available after 4 pm or any time tomorrow. On the call, in addition to the question of timing Sherwin raised, we would like to hear the purpose for introducing each document. To make an informed assessment at this late stage, we will need more information than what is in the list. And we will need to have a better understanding of when you intend to send us the final list of proposed exhibits.

Regards,

Ray P. Kuyler

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From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]

Sent: Wednesday, January 20, 2016 5:36 PM

To: 'Turk, Sherwin'

Cc: Kuyler, Raphael Philip; Roth(OGC), David; O'Neill, Martin; Harris, Brian; Eskelsen, Grant W.; mannajo@clearwater.org; (Riverkeeper) Len Christopher (clen@riverkeeper.org); Lisa S. Kwong; Mihir Desai; Teresa Manzi; Siobhan C. Blank; Bessette, Paul M.

Subject: RE: Indian Point - § 2.323 Consultation

Hello and Happy New Year Sherwin:

The documents post-date the hearing, or were disclosed after the hearing, or became publicly available after the hearing.

Regarding the availability of NY AAGs for a call on Thursday, Lisa, Mihir, and I are off-site from 9:40 AM to 4:00 PM.

John

From: Turk, Sherwin [<mailto:Sherwin.Turk@nrc.gov>]

Sent: Wednesday, January 20, 2016 5:11 PM

To: John J. Sipos; pbessette@morganlewis.com

Cc: Kuyler, Raphael; Roth(OGC), David; martin.o'neill@morganlewis.com; Harris, Brian; Eskelsen, Grant W. <geskelsen@morganlewis.com> (<geskelsen@morganlewis.com>); mannajo@clearwater.org; (Riverkeeper) Len Christopher (<clen@riverkeeper.org>); Lisa S. Kwong; Mihir Desai; Teresa Manzi; Siobhan C. Blank

Subject: RE: Indian Point - § 2.323 Consultation

John – please disregard my previous request – I've obtained the dates.
Sherwin

From: Turk, Sherwin

Sent: Wednesday, January 20, 2016 4:39 PM

To: 'John J. Sipos' <John.Sipos@ag.ny.gov>; pbessette@morganlewis.com

Cc: Kuyler, Raphael <rkuyler@morganlewis.com>; Roth(OGC), David <David.Roth@nrc.gov>; martin.o'neill@morganlewis.com; Harris, Brian <Brian.Harris@nrc.gov>; Eskelsen, Grant W. <geskelsen@morganlewis.com> (<geskelsen@morganlewis.com>); mannajo@clearwater.org; (Riverkeeper) Len Christopher (<clen@riverkeeper.org> <clen@riverkeeper.org>); Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>; Mihir Desai <Mihir.Desai@ag.ny.gov>; Teresa Manzi <Teresa.Manzi@ag.ny.gov>; Siobhan C. Blank <Siobhan.Blank@ag.ny.gov>

Subject: RE: Indian Point - § 2.323 Consultation

Hi John,

Without going onto each file, there all seem to be older documents that were available at the time of the hearings. Am I wrong? Can you insert the document dates into your table, so we can discuss them?

Sherwin

Sherwin E. Turk

Special Counsel for Litigation

Office of the General Counsel

U.S. Nuclear Regulatory Commission

11555 Rockville Pike

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(301) 415-1533

From: John J. Sipos [<mailto:John.Sipos@ag.ny.gov>]
Sent: Wednesday, January 20, 2016 4:21 PM
To: pbessette@morganlewis.com; Turk, Sherwin <Sherwin.Turk@nrc.gov>
Cc: Kuyler, Raphael <rkuyler@morganlewis.com>; Roth(OGC), David <David.Roth@nrc.gov>; martin.o'neill@morganlewis.com; Harris, Brian <Brian.Harris@nrc.gov>; Eskelsen, Grant W. <geskelsen@morganlewis.com> (geskelsen@morganlewis.com) <geskelsen@morganlewis.com>; mannajo@clearwater.org; (Riverkeeper) Len Christopher (clen@riverkeeper.org) <clen@riverkeeper.org>; Lisa S. Kwong <Lisa.Kwong@ag.ny.gov>; Mihir Desai <Mihir.Desai@ag.ny.gov>; Teresa Manzi <Teresa.Manzi@ag.ny.gov>; Siobhan C. Blank <Siobhan.Blank@ag.ny.gov>
Subject: [External_Sender] Indian Point - § 2.323 Consultation

Dear Paul and Sherwin:

The State of New York and its expert, Dr. Lahey, are in the process of reviewing documents disclosed by Entergy, on January 13, as well as related documents recently posted on ADAMS. Though this review is ongoing, the State wishes to inform Entergy and NRC Staff that the State is contemplating preparing a motion to the Atomic Safety and Licensing Board seeking permission to submit certain of these documents as exhibits. The documents include:

Document Author & Type	Document Title	ADAMS Accession No.
EPRI Report & Cover Letter	MRP-227, Revision 1	ML15358A046
EPRI Letter	Letter to U.S. NRC requesting exemption of NRC Review Fees for MRP-227, Revision 1	ML15358A006
NRC Power Point Slides	Fluence Issues for PWR Internals Public Meeting on MRP-227, Rev. 1	ML15049A615
EPRI Power Point Slides	EPRI/NRC-Industry Materials Management Meetings Slides	ML15230A163
NRC Staff, including Dr. Hiser, et al.	NUREG-2191, Vol. 1, Generic Aging Lessons Learned for Subsequent License Renewal (GALL-SLR) Report (draft report for comment)	ML15348A111
NRC Staff, including Dr. Hiser, et al.	NUREG-2191, Vol. 2 Generic Aging Lessons Learned for Subsequent License Renewal (GALL-SLR) Report (draft report for comment)	ML15348A153
NRC Staff, including Dr. Hiser, et al.	NUREG-2192, Standard Review Plan for Review of Subsequent License Renewal Applications (draft report for comment)	ML15348A265
Entergy Letter	NL-15-143, Letter Requesting Relief from System Test Requirements for Large Bore ASME Code Class 1 Reactor Coolant Pressure Boundary Process, Drain, Test and Flush Lines and Connections at IP Unit 2	ML15342A027
NRC Staff	IP Unit 3 License Renewal Inspection Report	ML15323A026

Additionally, the State and its expert expect to review other documents disclosed by Entergy on January 13,

and designated as proprietary, once they are produced to the State. Accordingly, the State may revise or supplement the above list of documents based on its review. Certain Entergy documents arrived in the Albany office today via courier, and we anticipate finalizing the list by next Monday or Tuesday.

The State is interested in learning Entergy and Staff's position on this issue and the proposed motion. If your client believes a conference call is necessary, I would be happy to make arrangements for such a call. Lisa, Mihir, or I are generally available this afternoon and Friday for such a call; our availability is limited on Thursday due to a previously-scheduled commitment.

Thank you.

John

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



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