



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

February 29, 2016

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 85 is appended hereto as Attachment 1.

On or about March 10, 2016, 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 85" 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 February 22, 2016.

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 85
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 85 – February 29, 2016

ID#	Accession Number	Document Date	Title
85-0001	ML16040A004	02/08/2016	2016/02/08 Indian Point LR Hearing - [External_Sender] RE: LRA Audit
85-0002	ML16039A013	02/08/2016	2016/02/08 Indian Point LR Hearing - LRA Audit
85-0003	ML16040A005	02/09/2016	2016/02/09 Indian Point LR Hearing - [External_Sender] FW: LRA Audit
85-0004	ML16040A052	02/09/2016	2016/02/09 Indian Point LR Hearing - RE: FW: LRA Audit
85-0005	ML16048A514	02/17/2016	2016/02/17 Indian Point LR Hearing - [External_Sender] Entrance Briefing for NRC SWS / FWS Audit

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 85 – February 29, 2016

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-85-001	ML15363A260	B. Haagensen, NRC/RGN-H	2015/12/29 Indian Point LR Hearing - RE: Onsite Aging Management Audit	12/29/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding planned onsite aging management audit Attachments: [Energy Condition Report (CR-IP2-2015-05358) regarding small service water leak located in the component cooling water (CCW) heat exchanger in IP2; NRC Resident Inspector's photos of leak in a service water supply line to a containment recirculation fan motor] ¹	79

¹ DPP-85-001 and DPP-85-002 were disclosed in the Staff's Hearing File Supplement 84, Deliberative Process Privilege log (see DPP-84-002 and DPP-84-004), without listing the attachments. The E-mail messages are relisted here, including a description of the attachments.

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 85 – February 29, 2016

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-85-002	ML15363A262	M. Wentzel, NRC/NRR/DLR	2015/12/29 Indian Point LR Hearing - FW: Onsite Aging Management Audit	12/29/2015	E-Mail w/ Attachment	J. Gavula, NRC/NRR/DLR W. Holston, NRC/NRR/DLR B. Allik, NRC/NRR/DLR	Email forwarding internal discussion regarding planned onsite aging management audit Attachments: [Energy Condition Report (CR-IP2-2015-05358) regarding small service water leak located in the component cooling water (CCW) heat exchanger in IP2; NRC Resident Inspector's photos of leak in a service water supply line to a containment recirculation fan motor]	79

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 85 – February 29, 2016

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-85-003	ML16041A507	M. Wentzel, NRC/NRR/DLR	2016/02/10 Indian Point LR Hearing - FW: Turns out we had a public copy (minus the security piece)	02/10/2016	E-Mail w/ Attachment	J. Gavula, NRC/NRR/DLR W. Holston, NRC/NRR/DLR	Email forwarding inspection report noting corrosion in the city water piping in the Unit 1 utility tunnel. Attachment: [Indian Point Nuclear Generating - Problem Identification and Resolution Inspection Report 05000247/2015 012 and 05000286/2015 012, publicly available at ADAMS Accession No. ML16033A342]	21
DPP-85-004	ML16042A596	M. Wentzel, NRC/NRR/DLR	2016/02/11 Indian Point LR Hearing - FW: SWS / FWS Audit	02/11/2016	E-Mail	J. Gavula, NRC/NRR/DLR W. Holston, NRC/NRR/DLR B. Allik, NRC/NRR/DLR	Internal discussion regarding planned onsite aging management audit	2

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 85 – February 29, 2016

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-85-005	ML16048A007	M. Wentzel, NRC/NRR/DLR	2016/02/17 Indian Point LR Hearing - FW: Indian Point LRA Audit	02/17/2016	E-Mail	J. Gavula, NRC/NRR/DLR	Internal discussion regarding planned onsite aging management audit	2

February 29, 2016

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 85.

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 85.

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 29th day of February, 2016

February 29, 2016

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 February 22, 2016.

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 29th day of February 2016

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 85; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 85 – Deliberative Process Privilege; Declaration of Christopher G. Miller, dated February 29, 2016; and Affidavit of Michael J. Wentzel, dated February 29, 2016, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC’s E-Filing System, this 29th day of February, 2016.

/Signed (electronically) by/

Anita Ghosh
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U.S. Nuclear Regulatory Commission
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Date of signature: February 29, 2016