



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

October 31, 2014

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 69 is appended hereto as Attachment 1.

On or about November 10, 2014, the documents identified in the hearing file will be made available via the Electronic Hearing Docket ("EHD"), which may be accessed at the following URL: http://ehd.nrc.gov/EHD_Proceeding/home.asp. The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Update 69" in the "Indian_PT_2&3_50-247&50-286-LR" folder of the EHD.

In addition, as required by 10 C.F.R. § 2.336(b)(5), the Staff is producing two logs, identifying documents withheld under the deliberative process and documents containing proprietary information; appended hereto as Attachment 2 and 3, respectively. Also attached is the Declaration of Christopher G. Miller formally invoking the deliberative process privilege with

Judge McDade
Judge Kennedy
Judge Wardwell

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respect to the documents in Attachment 2. The Staff will preserve and 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 October 24, 2014.

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 69
Attachment 2 - Deliberative Process Privilege Log
Attachment 3 - Proprietary Information 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 69 – October 31, 2014

ID#	Accession Number	Document Date	Title
69-0001	ML14268A476	10/15/2014	Indian Point Nuclear Generating, Units 2 and 3 - Request For Withholding Information From Public Disclosure (TACs MD5407 and MD5408).
69-0002	ML14280A281	10/07/2014	2014/10/07 Indian Point LR Hearing - Indian Point SAMA RAIs
69-0003	ML14281A008	10/08/2014	2014/10/08 Indian Point LR Hearing - RE: Indian Point SAMA RAIs
69-0004	ML14268A571	10/06/2014	09/16/2014 Summary of Telephone Conference Call Held between NRC and Entergy Nuclear Operations, Inc., Concerning the Request for Additional Information Pertaining to Indian Point, Units 2 & 3 License Renewal Application Environmental Review.
69-0005	ML14266A273	10/06/2014	Reactor Vessel Internals Audit Report - NON-PROPRIETARY (ENCLOSURE 2)
69-0006	ML14239A380	10/06/2014	Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application Environmental Review - Refined Cost Estimate (TAC Nos. MD5411 and MD5412).
69-0007	ML14279A204	10/06/2014	2014/10/06 Indian Point LR Hearing - RE: Revised RAI Letter
69-0008	ML14266A256	10/06/2014	Indian Point Nuclear Generating, Units 2 and 3 - Audit Report Related to Amendment 9 to License Renewal Application - Reactor Vessel Internals Program and the Reactor Vessel Internals Inspection Plan.
69-0009	ML14279A006	10/06/2014	2014/10/06 Indian Point LR Hearing - RE: Revised RAI Letter
69-0010	ML14279A005	10/02/2014	2014/10/02 Indian Point LR Hearing - RE: Revised RAI Letter
69-0011	ML14273A380	09/30/2014	2014/09/30 Indian Point LR Hearing - Revised RAI Letter
69-0012	ML14261A031	09/26/2014	Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application Environmental Review (TAC Nos. MD5411 and MD5412)
69-0013	ML14265A226	09/25/2014	Request for Withholding Information from Public Disclosure Regarding the Aging Management Audit Report Associated with Indian Point, Units 2 and 3 License Renewal Application (TACs MD5407 and MD5408).
69-0014	ML14267A270	09/08/2014	Indian Point, Units 2 and 3 - Reply to Request for Additional Information Regarding the License Renewal Application.

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 69 – October 31, 2014

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	Estimated Page Count
DP-69-001	ML14269A422	N. Martinez, NRC/NRR	2014/08/29 Indian Point LR Hearing - IP FSEIS supplement_RAIs	08/29/2014	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion of draft FSEIS supplement and RAIs	2
DP-69-002	ML14269A424	N. Martinez, NRC/NRR	2014/09/08 Indian Point LR Hearing - REVIEW: IP FSEIS supplement_RAIs	09/08/2014	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Email sending draft RAI for review Attachment: draft RAI	3

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 69 – October 31, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-69-003	ML14273A377	M. Wentzel, NRC/NRR	2014/09/30 Indian Point LR Hearing - Summary of September 23, 2014 Kick-off Meeting Re: Indian Point FSEIS Supplement	09/30/2014	E-Mail	N. Martinez, NRC/NRR/DLR W. Ford, NRC/NRR/DLR K. Folk, NRC/NRR/DLR D. Logan, NRC/NRR/DLR R. Chazell, NRC/NRR/DLR R. Hoffman, NRC/NRR/DLR J. Rikhoff, NRC/NRR/DLR S. Klementowicz, NRC/NRR/DLR	Internal discussion regarding draft FSEIS supplement	3
DP-69-004	ML14275A181	M. Wentzel, NRC/NRR	2014/10/02 Indian Point LR Hearing - FW: New York State Department of State File #F-2012-1028: Consistency Certification for Indian Point	10/02/2014	E-Mail w/ Attachment	M. Moser, NRC/NRR/DLR	Internal discussion regarding CZMA review Attachment: Email and letter from Martin Healy (Goodwin Proctor) to Linda Baldwin (NYS DOS) (09/29/2014)	156

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 69 – October 31, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-69-005	ML14295A790	K. Folk, NRC/NRR	2014/10/03 Indian Point LR Hearing - RE: Summary of September 23, 2014 Kick-off Meeting Re: Indian Point FSEIS Supplement	10/03/2014	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR S. Klementowicz, NRC/NRR/DLR M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft RAI Attachment: draft RAI	4
DP-69-006	ML14281A781	W. Ford, NRC/NRR	2014/10/08 Indian Point LR Hearing - Draft Indian Point Requests for Additional Information Attached	10/08/2014	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Email sending draft RAIs Attachment: draft RAIs	5
DP-69-007	ML14281A330	M. Wentzel, NRC/NRR	2014/10/08 Indian Point LR Hearing - FW: Summary of September 23, 2014 Kick-off Meeting Re: Indian Point FSEIS Supplement	10/08/2014	E-Mail w/ Attachment	D. Logan, NRC/NRR/DLR	Internal discussion regarding draft RAI Attachment: draft RAI	5
DP-69-008	ML14287A742	M. Marshall, NRC/NRR	2014/10/14 Indian Point LR Hearing - RE: Supplement 2 to the SER for Indian Point Nuclear Generating Unit Nos. 2 and 3	10/14/2014	E-Mail	K. Green, NRC/NRR/DLR	Internal discussion of draft SER Supplement 2 Attachment: draft RAI	2
DP-69-009	ML14287A741	K. Green, NRC/NRR	2014/10/14 Indian Point LR Hearing - Supplement 2 to the SER for Indian Point Nuclear Generating Unit Nos. 2 and 3	10/14/2014	E-Mail w/ Attachment	M. Marshall, NRC/NRR/DLR D. Morey, NRC/NRR/DLR Y. Diaz-Sanabria, NRC/NRR/DLR S. Rosenberg, NRC/NRR/DE	Internal discussion of draft SER Supplement 2 Attachment: draft SER Supplement 2	161

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 69 – October 31, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-69-010	ML14289A614	K. Green, NRC/NRR	2014/10/16 Indian Point LR Hearing - FW: PRE-DECISIONAL: SSER 2 for review	10/16/2014	E-Mail w/ Attachment	S. Rosenberg, NRC/NRR/DLR	Internal discussion of draft SER Supplement 2 Attachment: draft SER Supplement 2	161
DP-69-011	ML14289A613	K. Green, NRC/NRR	2014/10/16 Indian Point LR Hearing - PRE-DECISIONAL: SSER 2 for review	10/16/2014	E-Mail w/ Attachment	J. Poehler, NRC/NRR/DLR	Internal discussion of draft SER Supplement 2 Attachment: draft SER Supplement 2	161
DP-69-012	ML14290A406	S. Rosenberg, NRC/NRR	2014/10/17 Indian Point LR Hearing - RE: PRE-DECISIONAL: SSER 2 for review	10/17/2014	E-Mail	K. Green, NRC/NRR/DLR	Internal discussion of draft SER Supplement 2	2
DP-69-013	ML14294A001	W. Ford, NRC/NRR	2014/10/20 Indian Point LR Hearing - FW: Draft Indian Point Requests for Additional Information Attached	10/20/2014	E-Mail w/ Attachment	S. Klementowicz, NRC/NRR/DLR	Email forwarding draft RAIs Attachment: draft RAIs	5

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 69 – October 31, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-69-014	ML14293A863	D. Wrona, NRC/NRR	2014/10/20 Indian Point LR Hearing - Indian Point RAIs	10/20/2014	E-Mail	R. Chazell, NRC/NRR/DLR K. Folk, NRC/NRR/DLR W. Ford, NRC/NRR/DLR B. Grange, NRC/NRR/DLR R. Hoffman, NRC/NRR/DLR S. Klementowicz, NRC/NRR/DLR D. Logan, NRC/NRR/DLR N. Martinez, NRC/NRR/DLR M. Moser, NRC/NRR/DLR J. Rikhoff, NRC/NRR/DLR D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft RAI	2

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 69 – October 31, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-69-015	ML14293A865	R. Chazell, NRC/NRR	2014/10/20 Indian Point LR Hearing - RE: Indian Point RAIs	10/20/2014	E-Mail w/ Attachment	S. Klementowicz, NRC/NRR/DLR	Email sending draft RAIs Attachment: draft RAIs	3
DP-69-016	ML14293A864	J. Rikhoff, NRC/NRR	2014/10/20 Indian Point LR Hearing - RE: Indian Point RAIs	10/20/2014	E-Mail	D. Wrona, NRC/NRR/DLR S. Klementowicz, NRC/NRR/DLR	Internal discussion of NRC staff review	2
DP-69-017	ML14294A592	N. Martinez, NRC/NRR	2014/10/21 Indian Point LR Hearing - FW: Indian Point RAIs	10/21/2014	E-Mail w/ Attachment	S. Klementowicz, NRC/NRR/DLR	Email sending draft RAI Attachment: draft RAI	3
DP-69-018	ML14295A268	N. Martinez, NRC/NRR	2014/10/22 Indian Point LR Hearing - Indian Point RAIs	10/22/2014	E-Mail w/ Attachment	S. Klementowicz, NRC/NRR/DLR	Internal discussion regarding draft RAIs Attachment: draft RAIs	3
DP-69-019	ML14295A789	W. Ford, NRC/NRR	2014/10/22 Indian Point LR Hearing - Revised Draft Geology and Soils: Indian Point Request for Additional Information Attached	10/22/2014	E-Mail w/ Attachment	S. Klementowicz, NRC/NRR/DLR	Internal discussion regarding draft RAI Attachment: draft RAI	3
DP-69-020	ML14295A791	S. Klementowicz, NRC/NRR	2014/10/22 Indian Point LR Hearing - For your Review - Draft RAIs for Indian Point FSEIS Supplement	10/22/2014	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft RAI Attachment: draft RAI	6

Attachment 2 - Indian Point License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 69 – October 31, 2014

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
DP-69-021	ML14297A421	D. Morey, NRC	2014/10/24 Indian Point LR Hearing - RE: Supplement 2 to the SER for Indian Point Nuclear Generating Unit Nos. 2 and 3	10/24/2014	E-Mail	K. Green, NRC/NRR/DLR M. Marshall, NRC/NRR/DLR Y. Diaz-Sanabria, NRC/NRR/DLR S. Rosenberg, NRC/NRR/DLR	Internal discussion of draft SER Supplement 2	2

Attachment 3 - Indian Point License Renewal Hearing File Index
 Proprietary Information, Supplement 69 – October 31, 2014

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 trade secrets, privileged or confidential commercial or financial information or personally identifiable information (PII). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, which are designated proprietary and are subject to protected status under Section 2.390.

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Estimated Page Count
PPI-69-001	ML14266A260	N. Ferrer, NRC/NRR/DLR J. Poehler, NRC/NRR/DE P. Purtscher, NRC/NRR/DE/E VIB	Reactor Vessel Internals Audit Report - PROPRIETARY (ENCLOSURE 1)	10/06/2014	Audit Report		Audit Report Related to Amendment 9 to License Renewal Application - Reactor Vessel Internals Program and the Reactor Vessel Internals Inspection Plan. [Non-Proprietary version available in public disclosures 69-0005, ADAMS Accession No. ML14266A273]	5

October 31, 2014

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 69.

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 69.

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 31st day of October, 2014

October 31, 2014

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 October 24, 2014.

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 31st day of October 2014

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 69; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 69 – Deliberative Process Privilege; Attachment 3 – Indian Point License Renewal Hearing File Index Supplement 69 – Proprietary Information; Declaration of Christopher G. Miller, dated October 31, 2014; and Affidavit of Michael J. Wentzel, dated October 31, 2014, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC’s E-Filing System, this 31st day of October, 2014.

/Signed (electronically) by/

Anita Ghosh
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Date of signature: October 31, 2014