



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555 - 0001

June 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 77 is appended hereto as Attachment 1.

On or about July 10, 2015, 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](http://ehd.nrc.gov/EHD_Proceeding/home.asp). The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Update 77" 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 a privilege log, identifying documents withheld under the deliberative process; appended hereto as Attachment 2. Also attached is the Declaration of Jane E. Marshall 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 June 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 77  
Attachment 2 - Deliberative Process Privilege Log  
Declaration of Jane E. Marshall  
Affidavit of Michael J. Wentzel

cc w/Encls.: Service List

Attachment 1 - Indian Point License Renewal Hearing File Index  
Supplement 77 – June 30, 2015

ID#	Accession Number	Document Date	Title
77-0001	ML15166A070	08/31/2014	Algonquin Incremental Market (AIM) Project, Phase 2 Acoustic Survey for Indiana Bats (Myotis sodalis) and Northern Long-Eared Bats (Myotis septentrionalis), August 2014.
77-0002	ML15166A069	06/08/2015	Indian Point, Units 2 and 3 - Reply to Request for Additional Information Regarding the License Renewal Application Environmental Review.
77-0003	ML15160A030	06/09/2015	2015/06/09 Indian Point LR Hearing - Outgoing Letter NL-15-075 Reply to RAI Regarding the License Renewal Application Environmental Review
77-0004	ML15162A517	06/11/2015	2015/06/11 Indian Point LR Hearing - RE: Change in Deadline
77-0005	ML15147A199	06/11/2015	Schedule Revision For The Environmental Review Of The Indian Point Nuclear Generating Unit Nos. 2 And 3 License Renewal Application (TAC Nos. MD5411, And MD5412).
77-0006	ML15169A758	06/18/2015	2015/06/18 Indian Point LR Hearing - Draft RAI Set 2015-02
77-0007	ML15169B038	06/18/2015	2015/06/18 Indian Point LR Hearing - RE: Draft RAI Set 2015-02

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 77 – June 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.

<b>ID #</b>	<b>Accession Number</b>	<b>Author Name &amp; Author Affiliation</b>	<b>Title</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee Name &amp; Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
DPP-77-001	ML15146A375	D. Wrona, NRC/NRR/DLR	2015/05/26 Indian Point LR Hearing - INPUT: Indian Point Supplement (Cumulative impacts, except aquatic and groundwater)	05/26/2015	E-Mail w/ Attachment	B. Wittick, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input  Attachment: draft FSEIS Supplement input	25
DPP-77-002	ML15146A257	R. Hoffman, NRC/NRR/DLR	2015/05/26 Indian Point LR Hearing - RE: Comments IP Cumulative	05/26/2015	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input  Attachment: draft FSEIS Supplement input	25
DPP-77-003	ML15147A135	M. Wentzel, NRC/NRR/DLR	2015/05/27 Indian Point LR Hearing - IP Cumulative Impacts for Noise	05/27/2015	E-Mail	N. Martinez, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 77 – June 30, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-77-004	ML15147A692	W. Ford, NRC/NRR/DLR	2015/05/27 Indian Point LR Hearing - May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	05/27/2015	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input  Attachment: draft FSEIS Supplement input	34
DPP-77-005	ML15147A450	N. Martinez, NRC/NRR/DLR	2015/05/27 Indian Point LR Hearing - RE: IP Cumulative Impacts for Noise	05/27/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-006	ML15148A467	K. Folk, NRC/NRR/DLR	2015/05/28 Indian Point LR Hearing - RE: References	05/28/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-007	ML15148A431	M. Wentzel, NRC/NRR/DLR	2015/05/28 Indian Point LR Hearing - References	05/28/2015	E-Mail	K. Folk, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-008	ML15152A244	W. Holston, NRC/NRR/DLR	2015/06/01 Indian Point LR Hearing - FW: IP Loss of Coating Integrity	06/01/2015	E-Mail	B. Fu, NRC/NRR/DLR	Internal discussion regarding draft RAIs	2

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 77 – June 30, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-77-009	ML15152A237	W. Ford, NRC/NRR/DLR	2015/06/01 Indian Point LR Hearing - FW: May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	06/01/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input  Attachment: draft FSEIS Supplement input	34
DPP-77-010	ML15152A243	R. Hoffman, NRC/NRR/DLR	2015/06/01 Indian Point LR Hearing - RE: May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	06/01/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input  Attachment: draft FSEIS Supplement input	4
DPP-77-011	ML15152A515	M. Wentzel, NRC/NRR/DLR	2015/06/01 Indian Point LR Hearing - RE: May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	06/01/2015	E-Mail w/ Attachment	W. Ford, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input  Attachment: draft FSEIS Supplement input	5

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 77 – June 30, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-77-012	ML15152A240	M. Wentzel, NRC/NRR	2015/06/01 Indian Point LR Hearing - RE: May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	06/01/2015	E-Mail	W. Ford, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-013	ML15152A516	W. Ford, NRC/NRR/DLR	2015/06/01 Indian Point LR Hearing - RE: May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	06/01/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	3
DPP-77-014	ML15152A238	W. Wentzel, NRC/NRR/LR	2015/06/01 Indian Point LR Hearing - RE: May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	06/01/2015	E-Mail	W. Ford, NRC/NRR/DLR R. Hoffman, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	3
DPP-77-015	ML15152A242	W. Ford, NRC/NRR/DLR	2015/06/01 Indian Point LR Hearing - RE: May 27 Draft Indian Point of "Radionuclides Released to Groundwater"	06/01/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input Attachment: draft FSEIS Supplement input	34

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 77 – June 30, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-77-016	ML15153A203	M. Wentzel, NRC/NRR/DLR	2015/06/02 Indian Point LR Hearing - Category 1 Conclusions in the IP FSEIS Supplement	06/02/2015	E-Mail	B. Grange, NRC/NRR/DLR D. Logan, NRC/NRR/DLR K. Folk, NRC/NRR/DLR W. Ford, NRC/NRR/DLR N. Martinez, NRC/NRR/DLR S. Klementowicz, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-017	ML15153A707	D. Logan, NRC/NRR/DLR	2015/06/02 Indian Point LR Hearing - RE: Category 1 Conclusions in the IP FSEIS Supplement	06/02/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-018	ML15153A706	S. Klementowicz, NRC/NRR/DLR	2015/06/02 Indian Point LR Hearing - RE: Category 1 Conclusions in the IP FSEIS Supplement	06/02/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	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-77-019	ML15153A204	B. Grange, NRC/NRR/DLR	2015/06/02 Indian Point LR Hearing - RE: Category 1 Conclusions in the IP FSEIS Supplement	06/02/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-020	ML15154A487	M. Wentzel, NRC/NRR/DLR	2015/06/03 Indian Point LR Hearing - IP FSEIS Supplement Ready for BC Review	06/03/2015	E-Mail	B. Wittick, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2
DPP-77-021	ML15160A042	M. Wentzel, NRC/NRR/DLR	2015/06/09 Indian Point LR Hearing - Indian Point RAI Responses	06/09/2015	E-Mail w/ Attachment	B. Grange, NRC/NRR/DLR	Internal discussion regarding RAI responses  Attachment: Entergy letter NL-15-075 [See public disclosures at 77-0003, ADAMS Accession No. ML15160A030]	107
DPP-77-022	ML15161A497	B. Grange, NRC/NRR/DLR	2015/06/10 Indian Point LR Hearing - Indian Point biological assessment	06/10/2015	E-Mail	D. Logan, NRC/NRR/DLR	Internal discussion regarding draft biological assessment	2

Attachment 2 - Indian Point License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 77 – June 30, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-77-023	ML15162A957	M. Wentzel, NRC/NRR/DLR	2015/06/11 Indian Point LR Hearing - Draft Email to FWS	06/11/2015	E-Mail	B. Grange, NRC/NRR/DLR	Internal discussion regarding draft email to FWS	2
DPP-77-024	ML15162A958	M. Wentzel, NRC/NRR/DLR	2015/06/11 Indian Point LR Hearing – NRC Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3 License Renewal Application	06/11/2015	E-Mail	U.S. Fish & Wildlife Service	Internal inter-agency discussion regarding draft biological assessment	2
DPP-77-025	ML15173A005	W. Holston, NRC/NRR/DLR	2015/06/15 Indian Point LR Hearing - RE: IP ISG Followup RAI Ready for Peer-Review	06/15/2015	E-Mail w/ Attachment	B. Fu, NRC/NRR/DLR	Internal discussion regarding draft RAI Attachment: draft RAI	4
DPP-77-026	ML15167A430	B. Fu, NRC/NRR/DLR	2015/06/16 Indian Point LR Hearing - Follow-up RAI's regarding Indian Point Response to RAI 3.0.3-2 Set 2014-1., BC Concurred	06/16/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft RAI Attachment: draft RAI	4
DPP-77-027	ML15173A003	V. Cullinan, PNNL	2015/06/19 Indian Point LR Hearing - [External_Sender] RE: Indian Point Aquatic RAI Responses: Partial transfer of files to you	06/19/2015	E-Mail	D. Logan, NRC/NRR/DLR	Internal discussion regarding RAI responses	2

June 29, 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 JANE E. MARSHALL

I, Jane E. Marshall, do hereby state as follows:

1. I am employed as the Deputy Director of the Division of License Renewal ("DLR") in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation ("NRR"). I am serving as the Acting Director for DLR. 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 77.

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 77.

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)**

Jane E. Marshall

Executed in Rockville, Maryland  
this 29th day of June, 2015

June 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 June 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 June 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 77; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 77 – Deliberative Process Privilege; Declaration of Jane E. Marshall, dated June 29, 2015; and Affidavit of Michael J. Wentzel, dated June 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 June, 2015.

**/Signed (electronically) by/**

Anita Ghosh  
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U.S. Nuclear Regulatory Commission  
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Date of signature: June 30, 2015