



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

July 31, 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 78 is appended hereto as Attachment 1.

On or about August 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. The hearing file will be contained in a sub-folder entitled, "Indian PT Hearing File, Update 78" 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 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

- 2 -

July 31, 2015

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 July 24, 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 78
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 78 – July 31, 2015

ID#	Accession Number	Document Date	Title
78-0001	ML15180A204	06/29/2015	2015/06/29 Indian Point LR Hearing - [External_Sender] RE: Draft RAI Set 2015-02
78-0002	ML15180A316	06/29/2015	2015/06/29 Indian Point LR Hearing - [External_Sender] RE: RE: Draft RAI Set 2015-02
78-0003	ML15180A205	06/29/2015	2015/06/29 Indian Point LR Hearing - RE: RE: Draft RAI Set 2015-02
78-0004	ML15180A317	06/29/2015	2015/06/29 Indian Point LR Hearing - RE: RE: Draft RAI Set 2015-02
78-0005	ML15182A446	06/30/2015	2015/06/30 Indian Point LR Hearing - [External_Sender] Agreement- New York State Department of State File #F-2012-1028
78-0006	ML15182A456	07/01/2015	2015/07/01 Indian Point LR Hearing - [External_Sender] RE: RE: Draft RAI Set 2015-02
78-0007	ML15182A457	07/01/2015	2015/07/01 Indian Point LR Hearing - RE: Draft RAI Set 2015-02
78-0008	ML15161A086	07/01/2015	Biological Assessment on the Northern Long-eared bat and Indiana bat for Indian Point License Renewal.
78-0009	ML15161A066	07/01/2015	NRC to FWS, Request for concurrence with the NRC's determination that license renewal of Indian Point would not adversely affect the northern long-eared bat or Indiana Bat.
78-0010	ML15189A332	07/07/2015	2015/07/07 Indian Point LR Hearing - [External_Sender] RE: Draft Phone Call Summary
78-0011	ML15189A478	07/07/2015	2015/07/07 Indian Point LR Hearing - [External_Sender] RE: NUREG-1930, Sup. 2
78-0012	ML15189A330	07/07/2015	2015/07/07 Indian Point LR Hearing - Draft Phone Call Summary
78-0013	ML15189A335	07/07/2015	2015/07/07 Indian Point LR Hearing - RE: NUREG-1930, Sup. 2
78-0014	ML15189A333	07/07/2015	2015/07/07 Indian Point LR Hearing - RE: RE: Draft Phone Call Summary
78-0015	ML15189A336	07/07/2015	2015/07/07 Indian Point LR Hearing - RE: RE: NUREG-1930, Sup. 2
78-0016	ML15170A456	07/07/2015	RAI for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application, Set 2015-02.
78-0017	ML15189A479	07/08/2015	2015/07/08 Indian Point LR Hearing - RE: RE: Draft Phone Call Summary
78-0018	ML15195A193	07/13/2015	2015/07/13 Indian Point LR Hearing - [External_Sender] FW: Draft Phone Call Summary - IPEC LRA
78-0019	ML15195A618	07/14/2015	2015/07/14 Indian Point LR Hearing - RE: FW: Draft Phone Call Summary - IPEC LRA
78-0020	ML15196A013	07/14/2015	Letter from D. Stilwell, FWS, to D. Wrona, NRC, Concurrence with Determination that Indian Point License Renewal is not likely to Adversely affect the Indiana Bat or Northern Long-Eared Bat.
78-0021	ML15196A096	07/15/2015	2015/07/15 Indian Point LR Hearing - [External_Sender] RE: FW: Draft Phone Call Summary - IPEC LRA
78-0022	ML15196A102	07/15/2015	2015/07/15 Indian Point LR Hearing - [External_Sender] RE: FWS Concurrence re: Biological Assessment
78-0023	ML15196A098	07/15/2015	2015/07/15 Indian Point LR Hearing - FWS Concurrence re: Biological Assessment
78-0024	ML15201A137	07/20/2015	2015/07/20 Indian Point LR Hearing - [External_Sender] RE: RE: FW: Draft Phone Call Summary - IPEC LRA
78-0025	ML15201A020	07/20/2015	2015/07/20 Indian Point LR Hearing - RE: RE: FW: Draft Phone Call Summary - IPEC LRA

Attachment 1 - Indian Point License Renewal Hearing File Index
Supplement 78 – July 31, 2015

ID#	Accession Number	Document Date	Title
78-0026	ML15190A291	07/22/2015	070115, Summary of Telephone Conference Call Held Between NRC and Entergy Concerning the RAs Pertaining to the Indian Point LRA Safety Review
78-0027	ML15188A383	07/31/2015	NUREG-1930, Supplement 2, "Safety Evaluation Report Related to the License Renewal of Indian Point Nuclear Generating Plant, Units 2 and 3."

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 78 – July 31, 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.

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-78-001	ML15180A319	M. Wentzel, NRC/NRR/DLR	2015/06/29 Indian Point LR Hearing - Draft IP RAls	06/29/2015	E-Mail w/ Attachment	B. Fu, NRC/NRR/DLR W. Holston, NRC/NRR/DLR	Internal discussion regarding draft RAls Attachment: draft RAls	8
DPP-78-002	ML15189A322	B. Fu, NRC/NRR/DLR	2015/07/02 Indian Point LR Hearing - FW: Draft IP RAls	07/02/2015	E-Mail w/ Attachment	W. Holston, NRC/NRR/DLR	Internal discussion regarding draft RAls Attachment: draft RAls	14
DPP-78-003	ML15189A324	W. Holston, NRC/NRR/DLR	2015/07/02 Indian Point LR Hearing - Re: Draft IP RAls	07/02/2015	E-Mail	B. Fu, NRC/NRR/DLR	Internal discussion regarding draft RAls	2
DPP-78-004	ML15189A326	B. Fu, NRC/NRR/DLR	2015/07/02 Indian Point LR Hearing - Updated RAI, regarding IP SIG	07/02/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft RAls Attachment: draft RAls	7

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 78 – July 31, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-78-005	ML15189A334	M. Wentzel, NRC/NRR/DLR	2015/07/07 Indian Point LR Hearing - Indian Point FSEIS Supplement Ready for Branch Chief Concurrence	07/07/2015	E-Mail	J. Danna, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement	2
DPP-78-006	ML15189A328	M. Wentzel, NRC/NRR/DLR	2015/07/07 Indian Point LR Hearing - Phone Call Summary	07/07/2015	E-Mail w/ Attachment	W. Holston, NRC/NRR/DLR	Internal discussion regarding draft summary of conference call between NRC and Entergy Attachment: draft phone call summary	9
DPP-78-007	ML15189A329	W. Holston, NRC/NRR/DLR	2015/07/07 Indian Point LR Hearing - RE: Phone Call Summary	07/07/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft summary of conference call between NRC and Entergy Attachment: draft phone call summary	9

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 78 – July 31, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-78-008	ML15196A521	D. Wrona, NRC/NRR/DLR	2015/07/15 Indian Point LR Hearing - FW: INPUT: Indian Point FSEIS supplement - FWS consultation discussion	07/15/2015	E-Mail w/ Attachment	M. Wentzel, NRC/NRR/DLR B. Grange, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input Attachment: draft FSEIS Supplement input	4
DPP-78-009	ML15196A371	B. Grange, NRC/NRR/DLR	2015/07/15 Indian Point LR Hearing - INPUT: Indian Point FSEIS supplement - FWS consultation discussion	07/15/2015	E-Mail w/ Attachment	D. Wrona, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input Attachment: draft FSEIS Supplement input	4
DPP-78-010	ML15196A523	M. Wentzel, NRC/NRR/DLR	2015/07/15 Indian Point LR Hearing - RE: INPUT: Indian Point FSEIS supplement - FWS consultation discussion	07/15/2015	E-Mail	D. Wrona, NRC/NRR/DLR B. Grange, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement input	2

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 78 – July 31, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-78-011	ML15197A010	M. Wentzel, NRC/NRR/DLR	2015/07/16 Indian Point LR Hearing - FW: FW: Draft Phone Call Summary - IPEC LRA	07/16/2015	E-Mail	B. Fu, NRC/NRR/DLR	Internal discussion regarding draft RAI and draft summary of conference call between NRC and Entergy	3
DPP-78-012	ML15197A082	M. Wentzel, NRC/NRR/DLR	2015/07/16 Indian Point LR Hearing - RE: FW: Draft Phone Call Summary - IPEC LRA	07/16/2015	E-Mail	B. Fu, NRC/NRR/DLR	Internal discussion regarding draft RAI and draft summary of conference call between NRC and Entergy	3
DPP-78-013	ML15201A004	M. Wentzel, NRC/NRR/DLR	2015/07/20 Indian Point LR Hearing - FW: FW: Draft Phone Call Summary - IPEC LRA	07/20/2015	E-Mail	W. Holston, NRC/NRR/DLR	Internal discussion regarding draft RAI and draft summary of conference call between NRC and Entergy	3
DPP-78-014	ML15201A005	M. Wentzel, NRC/NRR/DLR	2015/07/20 Indian Point LR Hearing - RE: FW: Draft Phone Call Summary - IPEC LRA	07/20/2015	E-Mail	W. Holston, NRC/NRR/DLR	Internal discussion regarding draft summary of conference call between NRC and Entergy	3

Attachment 2 - Indian Point License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 78 – July 31, 2015

ID #	Accession Number	Author Name & Author Affiliation	Title	Document Date	Document Type	Addressee Name & Addressee Affiliation	Comment	Page Count
DPP-78-015	ML15201A007	W. Holston, NRC/NRR/DLR	2015/07/20 Indian Point LR Hearing - RE: FW: Draft Phone Call Summary - IPEC LRA	07/20/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft summary of conference call between NRC and Entergy	3
DPP-78-016	ML15203A126	M. Gray, NRC/R-I	2015/07/22 Indian Point LR Hearing - FW: Last Indian Point 2 and 3 Steam Generator Inspections	07/22/2015	E-Mail	H. Gray, NRC/R-I	Internal discussion regarding draft summary of conference call between NRC and Entergy	2
DPP-78-017	ML15204A895	M. Wentzel, NRC/NRR/DLR	2015/07/23 Indian Point LR Hearing - IP Reference	07/23/2015	E-Mail	N. Martinez, NRC/NRR/DLR	Internal discussion regarding steam generator inspections	2
DPP-78-018	ML15204A896	N. Martinez, NRC/NRR/DLR	2015/07/23 Indian Point LR Hearing - RE: IP Reference	07/23/2015	E-Mail	M. Wentzel, NRC/NRR/DLR	Internal discussion regarding draft FSEIS Supplement	2

July 31, 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 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 78.

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 78.

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 July, 2015

July 31, 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 July 24, 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 31st day of July 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 78; Attachment 2 – Indian Point License Renewal Hearing File Index Supplement 78 – Deliberative Process Privilege; Declaration of Christopher G. Miller, dated July 31, 2015; and Affidavit of Michael J. Wentzel, dated July 31, 2015, in the above-captioned proceeding have been served upon the Electronic Information Exchange, the NRC's E-Filing System, this 31st day of July, 2015.

/Signed (electronically) by/

Anita Ghosh
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U.S. Nuclear Regulatory Commission
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Date of signature: July 31, 2015