



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

October 12, 2010

CHAIRMAN

John J. Sipos, Esq.  
Assistant Attorney General  
New York State Department of Law  
Environmental Protection Bureau  
The Capitol  
Albany, NY 12224

Re: Indian Point Units 2 and 3 License Renewal  
Application (Docket Nos. 50-247/50-286-LR)

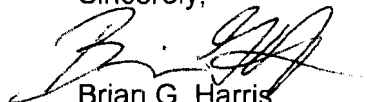
Dear Mr. Sipos:

I am writing in response to your August 31, 2010 letter to Sherwin Turk. Your letter states that since Contentions 35 and 36 have been admitted (pending interlocutory review by the Commission), the staff of the Nuclear Regulatory Commission ("Staff") should have disclosed, if not already produced, all documents related to those contentions in its July 30, 2010 disclosure log. Further, you stated that after reviewing only the disclosure log dated July 30, 2010, you found no documents relating to either Contention 35 or 36. Finally, you requested that the Staff produce "all documents 'available' ... that are relevant to Contentions 35 and/or 36 ...."

The Staff's disclosure obligations are set forth in 10 C.F.R. §§ 2.336(b) and 2.1203. For parties other than the Staff, documents *relevant to the admitted contentions* must be disclosed. See, e.g., 10 C.F.R. 2.336(a)(2)(i). The Staff's disclosure obligations, in contrast, are not limited to admitted contentions, but pertain to the application in general. See 10 C.F.R. § 2.336(b)(3). The Staff has disclosed all documents in its possession pertaining to the Indian Point license renewal application in accordance with 10 C.F.R. § 2.336(b). In particular, the Staff has disclosed the documents in its possession pertaining to Entergy's December 2009 SAMA reanalysis, which is the subject of New York Contentions 35 and 36. For example, such documents were identified in the Staff's 11<sup>th</sup> disclosure supplement, dated December 30, 2009, and its 12<sup>th</sup> disclosure supplement, dated January 29, 2010, among others.

The Staff will continue to identify documents pertaining to the Indian Point license renewal application, including Entergy's December 2009 SAMA reanalysis, in accordance with its obligations under 10 C.F.R. §§ 2.336(b) and 2.1203.

Sincerely,

  
Brian G. Harris  
Counsel for NRC Staff