

Attachment 4

NRC Staff's Response Letter
dated December 30, 2011



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 30, 2011

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

In the Matter of
ENERGY NUCLEAR OPERATIONS, INC.
(Indian Point Nuclear Generating Units 2 and 3)
Docket Nos. 50-247-LR/286-LR

John
Dear Mr. Sipos:

I am writing in response to your letter of November 30, 2011, in which you inquired about certain documents which the State of New York ("State") has obtained, and which the NRC Staff ("Staff") has not identified in its mandatory disclosures/hearing file supplements to date. Specifically, you inquired about the following documents which you state "relate to aging and degradation of pipes, cables, and reactor pressure vessels – components that are at issue in the Indian Point adjudicatory proceeding":

<u>DOCUMENT</u>	<u>DATE</u>	<u>ACCESSION NO.</u>
Slides, Crevice Corrosion Pitting Corrosion IGA	8/17/2011	ML11229A050
Slides, PWSCC/LPSCC in PWRs (+ Steam Generator Corrosion)	9/23/2011	ML11266A011
Slides, Buried/Underground Piping Activities Update (NRC/ Industry Meeting on Buried Pipe)	10/20/2011	ML11297A002
Slides, NRC Aging Management Program Including Long Term Operation (LTO), Workshop on Challenges on the Long Term Operation, New Delhi, India	11/8/2011	ML111801154

We have reviewed the documents in question and are satisfied that the documents properly were not identified in the Staff's hearing file/mandatory disclosures. In this regard, the documents constitute generically applicable documents that do not relate to the Indian Point license renewal application ("LRA") and/or were not utilized by the Staff in its review of that application. Accordingly, the documents were not required to be identified in the Staff's hearing file/mandatory disclosures pursuant to 10 C.F.R. § 2.336(b) or 10 C.F.R. § 2.1203.

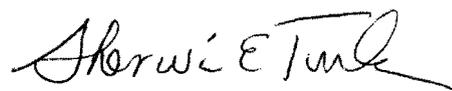
More specifically, the first two documents cited in your letter (ML11229A050, ML11266A011) consist of slides prepared by Structural Integrity Associates, Inc. for presentation at an NRC Staff training course on "Corrosion and Corrosion Control in Light Water Nuclear Reactors"; the third document (ML11297A002) consists of slides presented by the Electric Power Research Institute (EPRI) at a meeting of NRC Staff and industry representatives in October 2011 concerning industry initiatives on buried and underground piping; the fourth document (ML111801154) consists of slides presented by members of the NRC Office of Nuclear Regulatory Research (NRR) at a November 2011 conference in New Delhi, India. None of these documents was utilized in the Staff's review of the Indian Point LRA, and none of them pertains specifically to the Indian Point facility. For this reason, they properly were not disclosed in the hearing file for the Indian Point LRA. Further, these documents are available to the State and members of the public through the NRC website, the NRC's Public Document Room ("PDR"), and/or in the NRC's "Agencywide Documents Access and Management System" ("ADAMS"); indeed, your letter cites the ADAMS accession numbers for each of the documents, demonstrating that the State and its experts have been able to identify and review them.

In a letter dated October 21, 2009, you presented the same question regarding other documents of a generic nature, which the Staff had not identified in its hearing file/mandatory disclosures. As I explained in my letter to you of December 31, 2009, the Staff includes specific categories of documents that relate to individual licensing actions in its mandatory disclosures pursuant to 10 C.F.R. § 2.336, and in the Staff's hearing file pursuant to 10 C.F.R. § 2.1203. Further, the NRC has adopted extensive procedures to assure that members of the public and litigants in NRC proceedings are able to obtain access to documents which may be relevant to the NRC's regulatory and licensing actions, beyond the documents required to be identified in the Staff's mandatory disclosures/ hearing file. For example, the NRC publishes its regulatory guidance documents in paper and electronic format, and makes those documents available on the NRC public Web site and in the PDR. In addition, a vast array of other generic and plant-specific documents may be found in ADAMS.

As I stated in my letter of December 31, 2009, the Staff expends considerable effort to fulfill its mandatory disclosure and hearing file obligations in accordance with NRC regulatory requirements. Those requirements do not require the disclosure, in each individual adjudicatory proceeding, of the numerous generic regulatory guidance documents or other generically applicable documents that may apply to the type of licensing action involved in the proceeding, nor is the Staff required to identify documents that are not related to the licensing action at issue in the proceeding. Such documents may be obtained through other means – as you have done in this instance – including ADAMS, the NRC website, the PDR, and other sources.

Thank you for bringing this issue to my attention.

Sincerely,



Sherwin E. Turk
Counsel for NRC Staff