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VIA U.S. NRC EIE

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**Re: Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3),  
Docket Nos. 50-247-LR, 50-286-LR**

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Dear Administrative Judges:

I am writing to inform you that Riverkeeper, Inc. (“Riverkeeper”), and Entergy Nuclear Operations, Inc. (“Entergy”) have reached a resolution with respect to the repeal of the proprietary designation of Riverkeeper hearing exhibit RIV000005 (Report of Dr. Joram Hopenfeld in Support of Riverkeeper Contention TC-2 – Flow Accelerated Corrosion).

In accordance with the Atomic Safety and Licensing Board’s (“ASLB”) September 4, 2009 Protective Order, ¶.D,<sup>1</sup> on August 16, 2012 Riverkeeper objected to the proprietary designation of material contained in Riverkeeper hearing exhibit RIV000005. In particular, Riverkeeper had originally redacted two sentences in this exhibit because this information was derived and quoted from an Entergy document that had been designated as proprietary. However, in light of Entergy’s hearing submissions on Contention RK-TC-2, which were entirely non-confidential and which contained testimony and statements that appeared to agree with and confirm the

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<sup>1</sup> Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-0247-LR and 50-286-LR, ASLBP No. 07-858-03-LR-BD01, Protective Order (Sept. 4, 2009) at ¶.D. (“Any Participant that objects to the designation of a document as proprietary shall provide a notice of objection to the Initial Holder stating the Participant’s objection, and specifying the portions of the document that should be disclosed. Any such objections shall be submitted no later than sixty (60) days before the first scheduled day of hearing.”)).

redacted information, it no longer appeared necessary to maintain the proprietary designation for the statements originally redacted by Riverkeeper. Counsel for Entergy has indicated that Entergy has no objection to Riverkeeper's proposed proprietary de-designation of hearing exhibit RIV000005.

Riverkeeper, thus, submits herewith a non-redacted, public version of hearing exhibit RIV000005.

In light of this re-designation, Riverkeeper submits that it does not appear necessary to close any portion of the upcoming adjudicatory hearing related to Contention RK-TC-2 to the public.

Please do not hesitate to contact me with any questions concerning this transmittal.

Respectfully submitted,

**Signed electronically by Deborah Brancato**

Deborah Brancato  
Staff Attorney

**Signed electronically by Phillip Musegaas**

Phillip Musegaas, Esq.  
Hudson River Program Director

cc: Indian Point Service List via NRC EIE