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OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

September 14, 2012

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U.S. Nuclear Regulatory Commission
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Re: Indian Point Nuclear Generating Station, Unit 2 and Unit 3
Docket Nos. 50-247-LR/50-286-LR; ASLBP No. 07-858-03-LR-BD01

Dear Administrative Judges:

I am pleased to report that the State of New York and Entergy have resolved an issue concerning the confidential and proprietary designation for four exhibits submitted in connection with Contentions NYS-6 and NYS-7. Four documents, Entergy Exhibits ENT000233, ENT000238, ENT000253, and ENT000256, had been designated as containing proprietary material and withheld from the public. Pursuant to the Board's September 4, 2009 Protective Order (¶ D), the State objected to the continued proprietary designation of the documents. Following consultations, the State and Entergy have now agreed to the following:

1. ENT000233 (Pre-filed Testimony by Entergy Witnesses on Contentions NYS-6 and NYS-7): proprietary designation removed;
2. ENT000253 (IEEEP400.3-2006, IEEE Guide for Partial Discharge Testing of Shielded Power Cable Systems in a Field Environment): proprietary designations removed, and replaced by copyright banners;
3. ENT000256 (IEEE 400.2-2004, IEEE Guide for Field Testing of Shielded Power Cable Systems Using Very Low Frequency): proprietary designations removed, and replaced by copyright banners; and
4. ENT000238 (EPRI Report 10210701 Medium-Voltage Cable Aging Management Guide): will retain proprietary, confidential designation. The parties anticipate that they will be able to resolve any confidentiality concerns with respect to this document on an as needed basis during the hearing.

In light of this above, the State of New York submits that the upcoming adjudicatory evidentiary hearing on NYS-6 and NYS-7 should be open to the public.

Entergy will submit revised exhibits in the coming days reflecting the above agreement.

Respectfully submitted,

Signed (electronically) by

John J. Sipos
Assistant Attorney General

cc: Martin O'Neill, Esq. counsel for Entergy and
all other individuals, parties, or NRC offices on the Service List

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

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In re: Docket Nos. 50-247-LR and 50-286-LR

License Renewal Application Submitted by ASLBP No. 07-858-03-LR-BD01

Entergy Nuclear Indian Point 2, LLC, DPR-26, DPR-64
Entergy Nuclear Indian Point 3, LLC, and
Entergy Nuclear Operations, Inc. September 14, 2012
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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2012, copies of a letter regarding resolution to the issue of confidential and proprietary designations for four Entergy exhibits was served electronically via the Electronic Information Exchange on the following recipients:

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Signed (electronically) by

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Dated at Albany, New York
this 14th day of September 2012