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DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

November 12, 2015

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Michael F. Kennedy
Atomic Safety and Licensing Board
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:

Today, the State filed public, redacted, and non-public versions via the NRC's Electronic Information Exchange of its Supplemental Brief on the State of New York Motion for Public Disclosure of Various Westinghouse Documents. Today, the State also served on the parties its Notice of Objection to Entergy's proprietary designation of six additional Westinghouse documents produced by Entergy on Friday, November 6.

Both versions of the State's Supplemental Brief contain a footnote 8 that references Entergy's recent November 6 production of the six new Westinghouse documents, and indicates that the State has served the parties with its Notice of Objection. Footnote 8 also states that the parties could not reach a resolution as to Entergy's proprietary designation of these documents.

Unfortunately, in the midst of the State's preparations for next week's evidentiary hearing, the State inadvertently filed the public, redacted version of the State's Supplemental Brief before serving its Notice of Objection on the parties. Footnote 8 references the State's anticipated service of its objection and the State's expectation that the parties would be unable to resolve the State's challenge -- considering that they have not done so with regard to the State's previous challenges to Entergy's proprietary designation of other Westinghouse documents. Additionally, because of the close timing of Entergy's production of these six Westinghouse documents, and the start of the hearing, the State has had little time to serve its objection and to consult with the parties.

The State will consult the parties and endeavor to resolve its objection to Entergy's proprietary designation of the six new documents. The State regrets its premature filing of the public, redacted version of its Supplemental Brief, and apologizes for any inconvenience or confusion caused to the Board or to the parties.

Respectfully submitted,

Signed (electronically) by

Mihir A. Desai
Assistant Attorney General

cc: All 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. November 12, 2015
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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2015 a public letter to the ASLB was served electronically via the public portal of the NRC's Electronic Information Exchange on the following recipients:

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Dated at Albany, New York
this 12th day of November 2015