



OFFICE OF THE
GENERAL COUNSEL

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

May 12, 2011

Lawrence G. McDade, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

Dr. Kaye D. Lathrop
Administrative Judge
Atomic Safety and Licensing Board
190 Cedar Lane E.
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Dr. Richard E. Wardwell
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
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In the Matter of
ENERGY NUCLEAR OPERATIONS, INC.
(Indian Point Nuclear Generating Unit Nos. 2 and 3)
Docket Nos. 50-247-LR/286-LR

Dear Administrative Judges:

On May 9, 2011, the NRC Staff ("Staff") transmitted to the Board and parties the "NRC Staff's Answer to the State of New York's Motion to Compel the Production of Documents," together with various documents and attachments, including Appendices A, B and C; in addition, the Staff transmitted, to members of the Board and the Board's Law Clerk, two CDs containing electronic copies of the documents requested by the Board for in camera review.

It has come to the Staff's attention that certain of the "DPP" identification numbers ("ID #") listed in Column 1 of Appendix A (tabulating the potentially responsive documents which the Staff had previously identified as subject to the deliberative process privilege) may be incorrect – although the list of specific documents (and their associated ADAMS accession numbers) in Appendix A is correct. This error appears to have occurred in the preparation of Appendix A, as the Staff performed the administrative task of electronically copying documents and log numbers from its previous privilege logs into Appendix A.

The Staff has discussed this matter with Counsel for the State, and is undertaking to review its prior privilege logs to ascertain any changes that should be made to Appendix A to correct this problem. The Staff will forward a corrected Appendix A to the Board and parties shortly.

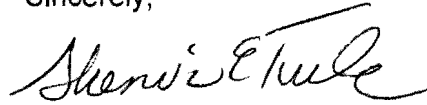
Judge McDade
Judge Lathrop
Judge Wardwell

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The Staff regrets any inconvenience this inadvertent error may have occasioned.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherwin E. Turk". The signature is written in a cursive, flowing style.

Sherwin E. Turk
Counsel for NRC Staff

cc: Service List