



OFFICE OF THE  
GENERAL COUNSEL

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

November 2, 2011

Janice A. Dean  
Assistant Attorney General  
Office of the Attorney General  
of the State of New York  
120 Broadway, 26th Floor  
New York, New York 10271

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 Ms. Dean:

By letter dated May 25, 2011, I sent you a CD containing electronic copies of various NRC Staff ("Staff") documents, in accordance with the agreement reached by the Staff and the State of New York ("New York"), concerning your motion to compel the production of documents dated April 22, 2011. As I stated in that letter, in producing those documents, the Staff did not waive any privileges it had asserted with respect to the disclosure of those or any other documents. I further stated, nonetheless, that "in order to facilitate the parties' use of these documents in the preparation of testimony and at hearing, the Staff will consider making these documents publicly available."

The Staff has reviewed the documents it produced on May 25, 2011, and has determined to waive the deliberative process privilege it had asserted with respect to the disclosure of those documents in order to facilitate the use of the documents at hearing by the Atomic Safety and Licensing Board and parties in this proceeding. Accordingly, the documents have now been released to the public, as shown in Supplement 33 to the Staff's hearing file/mandatory disclosures filed on October 31, 2011. A list of the subject documents with their corresponding Hearing File Supplement 33 and ADAMS identification numbers is provided in the Attachment hereto. Please note that in agreeing to make these documents publicly available, the Staff does not waive any privileges it may have concerning the disclosure of any other documents.

Thank you for your cooperation in this matter. With best wishes,

Sincerely,

A handwritten signature in cursive script that reads "Sherwin E. Turk".

Sherwin E. Turk  
Special Counsel for Litigation

cc w/Encl.: Service List