

August 17, 2007

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Paul B. Abramson  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Ann Marshall Young, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

In the Matter of  
Entergy Nuclear Generation Company and  
Entergy Nuclear Operations, Inc.  
(Pilgrim Nuclear Power Station)  
Docket No. 50-293-LR; ASLBP No. 06-848-02-LR

Dear Administrative Judges:

The NRC Staff hereby provides its notice that it has updated the hearing file for this proceeding pursuant to 10 C.F.R. § 2.336(d) as modified by the Board's Order Regarding Schedule for Proceeding and Related Matters (November 29, 2006). An index containing the ADAMS accession number, date, and title or description of each item in the hearing file is appended hereto as Attachment 1. The Staff is also producing, as Attachment 2, updates to its privilege logs as required by 10 C.F.R. § 2.336(b)(5), and is continuing to preserve and maintain all privileged documents during the pendency of this

R. Cole  
P. Abramson  
A. Young

proceeding. Also attached are the Affidavit of David Wrona, as required by 10 C.F.R.  
§ 2.336(c), and the Declaration of Pao-Tsin Kuo, Director of the Division of License Renewal,  
formally invoking the deliberative process privilege.

Sincerely,

**/RA/**

Andrea L. Silvia  
Counsel for the NRC Staff

Enclosures: Hearing File Index  
Privilege Log - Deliberative Process  
Affidavit of David Wrona  
Declaration of Pao-Tsin Kuo

cc: Attached Service List

**ATTACHMENT 1: PILGRIM LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES**  
**HEARING FILE INDEX**  
**Supplement 9 – August 17, 2007**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
09-01	ML072060320		Final Supplement 29 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Pilgrim Nuclear Power Station.
09-02	ML072060399		Notice of Availability of the Final Plant-Specific Supplement 29 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Pilgrim Nuclear Power Station (TAC No. MC9676).
09-03	ML072150602	7/30/2007	E-MAIL: Pilgrim LRA Amendment 19 - 7/30/2007.
09-04	ML072150600	7/30/2007	E-MAIL: Pilgrim LRA Amendment 19.

**ATTACHMENT 2: PILGRIM NUCLEAR POWER STATION LICENSE RENEWAL HEARING FILE AND  
MANDATORY DISCLOSURES  
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE  
Supplement 9: August 17, 2007**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain information subject to withholding from public disclosure as predecisional, deliberative information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, withheld under the “deliberative process” privilege.

<b>PDP No.</b>	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
09-01	ML072150605	Medoff J, NRC/NRR/ ADRO/DLR	E-MAIL: ACTION: Generic Fracture Toughness Issues with the Pilgrim, VY, and FitzPatrick LRAs.	5/9/2007	E-Mail	Buckberg P H, Howard K, Le N B, Rowley J G, NRC	Internal discussion of SER	3
09-02	ML072270371	Williamson A R, NRC/NRO/ DSER	E-MAIL: EPA and Bald Eagle Info.	7/2/2007	E-Mail	Emch R L, Muir J M, NRC/NRR/ADR O/DLR/REBA	Draft input to FSEIS	2
09-03	ML072010142	Palla R L, NRC/NRR/ ADES/DRA	E-MAIL: FSEIS Insert Based on Sandia Summary Assessment.	7/3/2007	E-Mail	Bixler N, Greene N A, Jones J A, Mitchell J A, Moody R E, Rikhoff J J, NRC, Sandia National Labs (SNL)	Draft input to FSEIS	13

<b>PDP No.</b>	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
09-04	ML072010140	Greene N A, NRC/NRR/ ADES/DRA/ ADB	E-MAIL: Re: FSEIS Insert based on Sandia Summary Assessment.	7/3/2007	E-Mail	Palla R L, NRC/NRR/ADE S/DRA	Draft input to FSEIS	14
09-05	ML072000491	Palla R L, NRC/NRR	E-MAIL: Input to FSEIS Re: SAMA.	7/5/2007	E-Mail	Greene N A, Mitchell J A, Moody R E, Rikhoff J J, Uttal S L, NRC, Sandia National Labs (SNL)	Draft input to FSEIS	11
09-06	ML072010137	Jones J A, Sandia National Labs (SNL)	E-MAIL: FEIS	7/5/2007	E-Mail	Palla R L, NRC/NRR	Draft input to FSEIS	13
09-07	ML072010138	Palla R L, NRC/NRR/ ADES/DRA	E-MAIL: Fwd: Re: FSEIS Insert based on Sandia Summary Assessment.	7/5/2007	E-Mail	Mitchell J A, NRC/RES/DRA SP/DDNRCA	Draft input to FSEIS	14
09-08	ML072150604	Mitchell J A, NRC/RES	E-MAIL: Fwd: Water Zo Value!	7/5/2007	E-Mail	Palla R L, NRC/NRR	Draft input to FSEIS	4

<b>PDP No.</b>	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
09-09	ML072000492	Bixler N E, Sandia National Labs (SNL)	E-mail: Re: Input to FSEIS Re: SAMA.	7/6/2007	E-Mail	Greene N A, Mitchell J A, Moody R E, Palla R L, Rikhoff J J, Uttal S L, NRC	Draft input to FSEIS	11
09-10	ML072150569	Chang K C, NRC/NRR/ ADRO/DLR/ RLRA	E-MAIL: Fwd: Past Precedents for License Renewal.	7/12/2007	E-Mail	Davis J A, Hsu K R, Kuo P T, Lee S S, Mathew R K, Medoff J, Wen P C, NRC	Internal discussion of SERs	4
09-11	ML072270373	Williamson A R, NRC/NRO/ DSER	E-MAIL: Pilgrim Final SEIS.	7/23/2007	E-Mail	McIntyre D T, NRC/OPA	Draft Federal Register notice	4
09-12	ML072270370	Palla R L, NRC/NRR/ ADRA/DRA/ APLA	E-MAIL: Fwd: Pilgrim Final SEIS.	7/30/2007	E-Mail	Greene N A, Mitchell J A, Moody R E, Rikhoff J J, NRC/NRR/ADR O/DLR/REBB, NRC/NSIR/DP R/DDEP/RIOB, NRC/RES/DRA SP/NRCA	Internal discussion of FSEIS	3

August 16, 2007

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ENTERGY NUCLEAR GENERATION	)	Docket No. 50-293-LR
COMPANY AND ENTERGY NUCLEAR	)	
OPERATIONS, INC.	)	ASLBP No. 06-848-02-LR
	)	
(Pilgrim Nuclear Power Station)	)	

AFFIDAVIT OF DAVID WRONA CONCERNING MANDATORY DISCLOSURE  
REQUIREMENT OF 10 C.F.R. § 2.336(c)

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I, David Wrona, do hereby state as follows:

1. I am employed as a Senior Project Manager in the Division of License Renewal in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I am serving as acting project manager for the Pilgrim Nuclear Power Station's license renewal application ("LRA").

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

***/Original Signed By/***

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David Wrona

Executed in Rockville, MD  
this 16<sup>th</sup> day of August, 2007

August 17, 2007

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ENTERGY NUCLEAR GENERATION	)	Docket No. 50-293-LR
COMPANY AND ENTERGY NUCLEAR	)	
OPERATIONS, INC.	)	ASLBP No. 06-848-02-LR
	)	
(Pilgrim Nuclear Power Station)	)	

DECLARATION OF PAO-TSIN KUO

I, Pao-Tsin Kuo, do hereby state as follows:

1. I am employed as the Director of the Division of Licensing Renewal ("DLR") in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation ("NRR"). My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of the Pilgrim Nuclear Power Station license renewal application.

2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified several documents as privileged because they contained information concerning the Staff's deliberative process. Those documents are listed in Attachment 2 to the August 17, 2007, submission of the Staff's Hearing File.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain predecisional information concerning the Staff's review of the license renewal application. All documents contain either the Staff's analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to the matters discussed therein. Each of the documents comprises part of the deliberative process necessary



to the Staff's review of the pending license renewal application.

4. Further, I have determined that disclosure of these documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 to the August 17, 2007 submission of the Hearing File Supplement 9.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

***/Original Signed By/***

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Pao-Tsin Kuo

Executed in Rockville, MD  
this 17<sup>th</sup> day of August, 2007

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ENTERGY NUCLEAR OPERATIONS, INC.	)	Docket No. 50-293-LR
	)	
(Pilgrim Nuclear Power Station)	)	ASLBP No. 06-848-02-LR
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the letter notifying the administrative judges and the parties that the hearing file and mandatory disclosures, privilege log, accompanying declaration, and affidavit in the above-captioned proceeding have been served on the following by electronic mail and deposit in the U.S. Mail Service or by deposit in the U.S. Nuclear Regulatory Commission's internal mail system as indicated by a single asterisk(\*), or by deposit in the U.S. mail system, as indicated by a double asterisk (\*\*) this 17<sup>th</sup> day of August 2007.

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**/RA/**

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Andrea L. Silvia  
Counsel for the NRC Staff