

September 14, 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 Perry Buckberg, 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. Materials in the hearing file may be accessed through ADAMS on or about September 15, 2007. These documents are also on the enclosed CD-ROM.

Sincerely,

/RA/

Andrea L. Silvia
Counsel for the NRC Staff

Enclosures: Hearing File Index
Privilege Log - Deliberative Process
Affidavit of Perry Buckberg
Declaration of Pao-Tsin Kuo
CD-ROM: Pilgrim Hearing File Supplement 11

cc: Attached Service List

ATTACHMENT 1: PILGRIM LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplement 11 – September 14, 2007

	Accession Number	Document Date	Title/Description:
11-01	ML072530032	8/22/2007	2007/08/22 Pilgrim Renewal Hearing - RE: Conference number for NRC/Entergy call Thursday at 1pmeastern
11-02	ML072530030	8/23/2007	2007/08/23 Pilgrim Renewal Hearing - Entergy Letter transmitting response for Pilgrim LRA commitment 47
11-03	ML072530029	8/23/2007	2007/08/23 Pilgrim Renewal Hearing - RE: Entergy Letter transmitting response for Pilgrim LRA commitment 47
11-04	ML072530028	8/24/2007	2007/08/24 Pilgrim Renewal Hearing - Meeting (Conference Call) Summary
11-05	ML072530025	8/27/2007	2007/08/27 Pilgrim Renewal Hearing - Copy of Pilgrim ACRS slides
11-06	ML072530027	8/27/2007	2007/08/27 Pilgrim Renewal Hearing - FW: AT&T reservationless teleconference
11-07	ML072530023	8/27/2007	2007/08/27 Pilgrim Renewal Hearing - FW: Fluence Plan
11-08	ML072530021	8/28/2007	2007/08/28 Pilgrim Renewal Hearing - Pilgrim LRA Amendment 20
11-09	ML072530019	8/30/2007	2007/08/30 Pilgrim Renewal Hearing - 8/23 and 8/27 Conference Call Record
11-10	ML072530018	8/30/2007	2007/08/30 Pilgrim Renewal Hearing - August 30 2007 phone conference
11-11	ML072530020	8/30/2007	2007/08/30 Pilgrim Renewal Hearing - Clarification of Entergy Pilgrim letter dated 8/23/07

**ATTACHMENT 2: PILGRIM NUCLEAR POWER STATION LICENSE RENEWAL HEARING FILE AND
MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 11: September 14, 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.

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
11-01	ML072530067	NRC	2007/08/16 Pilgrim Renewal Hearing - A MINI-SURVEY	8/16/2007	E-Mail	NRR/DLR	Internal staff discussion and comments	3
11-02	ML072530065	NRC	2007/08/17 Pilgrim Renewal Hearing	8/17/2007	E-Mail	NRR/DLR	Internal staff discussion and comments	2
11-03	ML072530052	NRC	2007/08/27 Pilgrim Renewal Hearing - Fwd: Pilgrim LRA Commitment 47	8/27/2007	E-Mail	NRR/DLR	Internal discussion relating to Commitment 47	5

September 14, 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 PERRY BUCKBERG CONCERNING MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, Perry Buckberg, do hereby state as follows:

1. I am employed as a Project Manager in the Division of License Renewal in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I serve as a 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/

Perry Buckberg

Executed in Rockville, MD
this 14th day of September, 2007

September 14, 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 September 14, 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 September 14, 2007 submission of the Hearing File Supplement 11.

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/

Pao-Tsin Kuo

Executed in Rockville, MD
this 14th day of September, 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 14th day of September 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
E-mail: rhc1@nrc.gov

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

Administrative Judge*
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: amy@nrc.gov

Office of Commission Appellate *
Adjudication
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: OCAAMail@nrc.gov

Sheila Slocum Hollis**
Duane Morris LLP
1667 K Street, NW, Suite 700
Washington, DC 20006
E-mail: sshollis@duanemorris.com

Office of the Secretary*
Attn: Rulemaking and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board*
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mary Lampert**
Pilgrim Watch
148 Washington Street
Duxbury, MA 02332
E-mail: mary.lampert@comcast.net

Chief Kevin M. Nord**
Fire Chief & Director Duxbury Emergency
Management Agency
668 Tremont Street
Duxbury, MA 02332
E-mail: nord@town.duxbury.ma.us
Fax: 781-934-6530

Terence A. Burke, Esq.**
Entergy Nuclear
1340 Echelon Parkway
Mail Stop: M-ECH-62
Jackson, MS 39213

David R. Lewis, Esq.**
Paul A. Gaukler, Esq.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1137
E-mail: david.lewis@pillsburylaw.com
paul.gaukler@pillsburylaw.com

Town Manager**
Town of Plymouth
11 Lincoln St.
Plymouth, MA 02360
E-mail: msylvia@townhall.plymouth.ma.us

/RA/

Andrea L. Silvia
Counsel for the NRC Staff