

August 31, 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

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proceeding. Also attached are the Affidavit of Perry Buckberg, as required by 10 C.F.R. § 2.336(c), and the Declaration of Samson Lee, Deputy Director of the Division of License Renewal, formally invoking the deliberative process privilege.

Sincerely,

***/RA/***

David E. Roth  
Counsel for the NRC Staff

Enclosures: Hearing File Index  
Privilege Log - Deliberative Process  
Affidavit of Perry Buckberg  
Declaration of Samson Lee

cc: Attached Service List

**ATTACHMENT 1: PILGRIM NUCLEAR POWER STATION LICENSE RENEWAL HEARING FILE AND  
MANDATORY DISCLOSURES  
Supplement 10: August 31, 2007**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
HF-1	ML071030093	5/1/2007	03/14-15/2007 Summary of Conference Calls With Entergy Nuclear Operations Inc., re: Pilgrim License Renewal Application, Pilgrim Request for Additional Information B.1.16.1, and Neutron Fluence.
HF-2	ML071730467	6/21/2007	Pilgrim Nuclear Power Station License Renewal Application Amendment 18.
HF-3	ML072190611	7/30/2007	Pilgrim Nuclear Power Station, License Renewal Application Amendment 19.
HF-4	ML061940015	7/31/2006	Requests for Additional Information for the Review of the Pilgrim Nuclear Power Station License Renewal Application.
HF-5	ML071410455	6/28/2007	Safety Evaluation Report Related to the License Renewal of Pilgrim Nuclear Power Station.
HF-6	ML071310069	6/8/2007	Summary of Conference Call on May 10, 2007, with Entergy Nuclear Operations, Inc., Regarding the Pilgrim License Renewal Application (TAC No. MC9669).
HF-7	ML071410036	6/28/2007	Transmittal Letter to M. Kansler Re: Safety Evaluation Report Related to the License Renewal of Pilgrim Nuclear Power Station.

**ATTACHMENT 2: PILGRIM NUCLEAR POWER STATION LICENSE RENEWAL HEARING FILE AND  
MANDATORY DISCLOSURES  
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE  
Supplement 10: August 31, 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>
PDP-1	ML0724000 11	P Buckberg, NRC	2007/08/02 Pilgrim Renewal Hearing	8/2/2007	E-Mail	ME Crespo, Legin	Predecisional draft	75
PDP-2	ML0724000 17	R Conte, NRC	2007/08/08 Pilgrim Renewal Hearing	8/8/2007	E-Mail	L Lund, NRR/DLR	Staff comments on draft document	2
PDP-3	ML0724000 18	P Buckberg, NRC	2007/08/09 Pilgrim Renewal Hearing - Fwd: Re: Meeting with PT yesterday	8/9/2007	E-Mail	K Hsu, P Wen, NRR	Staff comments on draft document	3
PDP-4	ML0724000 16	R Conte, NRC	2007/08/15 Pilgrim Renewal Hearing - A MINI-SURVEY	8/15/2007	E-Mail	L Smith, C Julian, AM Stone, NRR	Staff discussion and comments	2

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August 31, 2007

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ENERGY NUCLEAR GENERATION	)	Docket No. 50-293-LR
COMPANY AND ENERGY 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 31<sup>st</sup> day of August, 2007

R. Cole  
P. Abramson  
A. Young

August 31, 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 SAMSON LEE

I, Samson Lee, do hereby state as follows:

1. I am employed as the Acting Deputy Director of the Division of Licensing Renewal (“DLR”) in the Nuclear Regulatory Commission’s (“NRC”) Office of Nuclear Reactor Regulation (“NRR”), and I am the Acting Director. 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 31, 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

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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 31, 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

\_\_\_\_\_  
Samson Lee

Executed in Rockville, MD  
this 31st 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 31st day of August 2007.

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Office of Commission Appellate \*  
Adjudication  
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Office of the Secretary\*  
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***/RA/***

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David E. Roth  
Counsel for the NRC Staff