

June 2, 2006

Administrative Judge E. Roy Hawkens, Chair  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, DC 20555-0001

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

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

In the Matter of  
AMERGEN ENERGY COMPANY, LLC  
(License Renewal for Oyster Creek Nuclear Generating Station)  
Docket No. 50-219-LR

Dear Administrative Judges:

Pursuant to 10 C.F.R. § 2.1203(c), the staff of the Nuclear Regulatory Commission ("Staff") herein notifies the Licensing Board and the parties that it has updated the Hearing File for this proceeding in accordance with 10 C.F.R. § 2.336(d) and the Board's Memorandum and Order of April 19, 2006. Materials in this June 2, 2006 Supplement may be accessed through the Agencywide Documents Access and Management System ("ADAMS"). An index containing the ADAMS accession number, date, and title or description of each item in this supplement is appended hereto as Attachment 1. In addition, on or about Friday, June 2, 2006, materials in the June 2 Supplement will be made available via the Electronic Hearing Docket ("EHD"), which may be accessed at the following URL: <http://www.nrc.gov/reading-rm/ehd.html/>. Materials in Supplement 2 will be contained in a sub-folder entitled, "Hearing File Supplement 2" in the "Oyster Creek\_50-219-LR" folder of the EHD.

The Staff is also updating its privilege logs at this time, which are appended hereto as Attachments 2 and 3. The Staff will preserve and maintain all privileged documents during the pendency of this proceeding. Also attached, as required by 10 C.F.R. § 2.336(c), are the Affidavit of Donnie J. Ashley and the Declaration of Frank Gillespie.

It has come to my attention that in the deliberative process log (Attachment 2 to the Staff's April 3, 2006, letter), at pages 4 and 32, a non-privileged document was inadvertently included and an NRC Foreign Assignee was improperly identified. Enclosed as Attachment 4 are corrected pages for the April 3, 2006 deliberative process log.

As requested by the Board, the Staff hereby provides notice that there is no change in the schedule of proposed dates of issuance for the draft SEIS, the SER with open items, the Final SER, or the Final SEIS.

Sincerely,

*/RA/*

Mitzi A. Young  
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index – Supplement 2  
Attachment 2: Privilege Log - Deliberative Process – Supplement 2  
Declaration of Frank Gillespie  
Attachment 3: Privilege Log - Attorney-Client Communications – Supplement 2  
Affidavit of Donnie J. Ashley  
Attachment 4: April 3, 2006 Deliberative Process Log (6/2/06 Corrected Pages 4 and 32)

cc: Service List

## ATTACHMENT 1

**OYSTER CREEK HEARING FILE AND MANDATORY DISCLOSURES  
HEARING FILE INDEX  
Supplement 2 –June 2, 2006**

<b>Supp No.</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
02-1	ML060740354	8/17/2005	E-mail: Long Range Planning Question (PD).
02-2	ML061510300	4/3/2006	E-mail: Drywell Q & As (PA).
02-3	ML061510299	4/4/2006	E-mail: Commitment letter- OC Containment items (PA).
02-4	ML060970288	4/4/2006	Oyster Creek, Commitments Associated with Containment (Drywell and Torus) Condition Monitoring Related to AmerGen Application for Renewed Operating License.
02-5	ML061510298	4/5/2006	E-mail: RE: Audit Q & A (Question Numbers AMP-141, 210, 356) (PA).
02-6	ML061510295	4/5/2006	Email: RE: Audit Q & A ( Question Numbers AMP-141, 210, 356)
02-7	ML061510294	4/5/2006	Email: RE: Audit Q & A (Question Numbers AMP-141, 210, 356).
02-8	ML061510274	4/7/2006	E-mail: RAI response 4/7/06 (LRA Section 4.7) (PA).
02-9	ML061510281	4/7/2006	E-mail: RAI response 4/7/06 (LRA Section 4.7) (PA).
02-10	ML061510280	4/7/2006	E-mail: RAI response 4/7/06 - Attachment 1-B.pdf (PA).
02-11	ML061510296	4/7/2006	E-mail: RAI response 4/7/06 - Attachment 1-C.pdf (PA).
02-12	ML061510301	4/7/2006	E-mail: RAI response 4/7/06 - Attachment 1-D.pdf (PA).
02-13	ML061510261	4/7/2006	Email: RAI Response 4/7/06 (LRA Section 4.7) (PA)
02-14	ML061510288	4/7/2006	Email: RAI response 4/7/06 (LRA Section B.1.12, B.2.3, 2.3 & 3.3).
02-15	ML061510271	4/7/2006	Email: RAI Response 4/7/06 - Attachment 1-A (PA)

<b>Supp No.</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
02-16	ML061010242	4/7/2006	Oyster Creek - Response to NRC Request for Additional Information, dated March 10, 2006, Related to License Renewal Application.
02-17	ML060960563	4/7/2006	Oyster Creek, License Renewal AMP-AMR Audit Questions AMP-141, AMP-356, AMP-210 Set 1 and Cover Email.
02-18	ML060960568	4/7/2006	Oyster Creek, License Renewal AMP-AMR Audit Questions AMP-210 Set 2.
02-19	ML060960602	4/7/2006	Oyster Creek, License Renewal AMP-AMR Audit Questions AMP-210 Set 3.
02-20	ML061020637	4/7/2006	Response to NRC Request for Additional Information, dated March 10, 2006, Related to Oyster Creek License Renewal Application.
02-21	ML060970463	4/7/2006	Transware Request for Withholding Information from Public Disclosure for Fluence Evaluation for Oyster Creek Reactor Pressure Vessel for the Oyster Creek Nuclear Generating Station, License Renewal Application (TAC No. MC7624).
02-22	ML060590260	4/10/2006	2006/04/10-Summary of Telephone Conference Call Held 02/02/2006, Between the U.S. NRC & AmerGen Energy Company, LLC, Concerning Draft Request for Additional Information Pertaining to Oyster Creek Nuclear Generating Station, License Renewal Application.
02-23	ML061510247	4/12/2006	E-mail: Update to Drywell related response AMP-141.
02-24	ML061030419	4/12/2006	Oyster Creek, License Renewal AMP-AMR Audit Questions update to AMP Question AMP-141.
02-25	ML061510245	4/13/2006	Email: Request to add to database.
02-26	ML061160194	4/17/2006	Email from T. Allison, Argonne National Laboratory, to M. Masnik, Subject: "Housing growth controls in Lacey Township", April 17, 2006.
02-27	ML061510243	4/17/2006	Email: Audit Follow-up Letter.
02-28	ML061150320	4/17/2006	Oyster Creek - Responses to Action Items Associated with Plant License Renewal Audits.

Supp No.	Accession Number	Document Date	Title/Description:
02-29	ML061430064	4/17/2006	Email: Housing Growth Controls in Ocean County (PD).
02-30	ML061430388	4/17/2006	Email: OCGNS Employee Locations (PD).
02-31	ML061430061	4/17/2006	Email: OCGNS Taxes and Local Tax Revenues (PD).
02-32	ML061110339	4/18/2006	AmerGen, Response to Request for Additional Information - Application to Use Weighting Factors for External Exposure.
02-33	ML061510254	4/18/2006	E-mail: 2130-06-20298 Response to RAI on 2.5.2 (PA)
02-34	ML061510236	4/18/2006	Email: 2130-06-20298 Response to RAI on 2.4 & 3.5 (PA)
02-35	ML061510240	4/18/2006	Email: 2130-06-20298 response to RAI on 3.1, & B.1-23 (PA).
02-36	ML061420086	4/18/2006	Email: FWD: Oyster Creek Non-Routine Environmental Operating Report (PA)
02-37	ML061100129	4/18/2006	Oyster Creek - Response to NRC Request for Additional Information, dated March 20, 2006, related to Oyster Creek License Renewal Application (TAC No. MC7624).
02-38	ML061100127	4/18/2006	Oyster Creek - Response to NRC Request for Additional Information, dated March 20, 2006.
02-39	ML061100138	4/18/2006	Oyster Creek, Response to NRC Request for Additional Information, dated March 20, 2006, Related to License Renewal Application.
02-40	ML061100131	4/20/2006	Request for Additional Information for the Review of th Oyster Creek Nuclear Generating Station, License Renewal Application (TAC MC7624) - Application Sections 3.6.2
02-41	ML061150479	4/24/2006	E-mail from T. Allison, Argonne National Laboratory to M. Masnik, Subject: "Communication with David McKeon", April 24, 2006.
02-42	ML061150455	4/24/2006	E-mail from T. Allison, Argonne National Laboratory, to M. Masnik, Subject: "Conversation with Alan Avery", April 24, 2006.

Supp No.	Accession Number	Document Date	Title/Description:
02-43	ML061150449	4/24/2006	E-mail from T. Allison, Argonne National Laboratory, to M. Masnik, Subject: "Conversation with W. Maher", April 24, 2006.
02-44	ML061150572	4/24/2006	Email from T. Allison, Argonne National Laboratory, to M. Masnik, "Conversation with W. Maher", with Attachment Containing Employee Residence Location Data, April 24, 2006.
02-45	ML061420106	4/24/2006	Email: Highlights from RLRC (PA).
02-46	ML061150330	4/24/2006	Oyster Creek, License Renewal AMP-AMR Audit Questions update AMP-071, AMP-204, AMP-072 and others.
02-47	ML061420484	4/24/2006	Email: Communication with David McKeon (PD).
02-48	ML061420205	4/24/2006	Email: Conversation with W. Maher (PD).
02-49	ML061500442	4/24/2006	Email: Questions to go over tomorrow (PD).
02-50	ML061160161	4/25/2006	Oyster Creek, License Renewal AMP-AMR Audit Questions Update AMP-072 and AMP-358.
02-51	ML061510249	4/26/2006	Email: 2130-06-20298 response to RAI on 4.2 & 4.7.
02-52	ML061210114	4/26/2006	Oyster Creek - Response to NRC Request for Additional Information, dated March 30, 2006, Related to Plant License Renewal Application.
02-53	ML061510239	4/28/2006	Email: Response to "Mechanical" RAI set (NRC Letter March 30, 2006).
02-54	ML061220306	4/28/2006	Oyster Creek, Response to NRC Request for Additional Information, dated March 30, 2006, related to Plant License Renewal Application.
02-55	ML061510224	5/1/2006	Email: RAI Response on Fatigue or Rebar Corrosion (PA)
02-56	ML061240171	5/1/2006	Oyster Creek Generating Station - Supplemental Commitments Associated with AmerGen Application for Renewed Operating License - (TAC MC7624).

<b>Supp No.</b>	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
02-57	ML061240217	5/1/2006	Response to NRC Request for Additional Information, dated March 30, 2006, Related to Oyster Creek License Renewal Application (TAC No. MC7624).
02-58	ML061500449	5/1/2006	Email: Question to the Applicant (PD).
02-59	ML061510220	5/2/2006	Email: Oyster Creek, Response to NRC Request for Additional Information, dated March 20, 2006, Related to P (PA)
02-60	ML061510214	5/2/2006	Email: Supplemental Commitments Letter (PA)
02-61	ML061250172	5/3/2006	Oyster Creek - Supplemental Response to NRC Request for Additional Information, dated March 20, 2006, related to Plant License Renewal Application.
02-62	ML061380647	5/3/2006	E-mail: Commitment (PD).
02-63	ML061510095	5/3/2006	Email: Notes (PD)
02-64	ML061120003	5/3/2006	Federal Register Notice w/ attachments - re: Proposed License Renewal Interim Staff Guidance LR-ISG-2006-01: Plant-Specific Aging Management Program for Inaccessible Areas of Boiling Water Reactor Mark I Steel Containment Drywell Shell - Public Comment
02-65	ML061510212	5/4/2006	Email: Oyster Creek Generating Station - Supplemental Commitments Associated with Amergen Application for R (PA)
02-66	ML061420089	5/5/2006	Email: OCNGS Reporting Requirements for ESA (PA)
02-67	ML061310139	5/9/2006	Oyster Creek - Response to NRC Request for Additional Information, dated April 20, 2006.
02-68	ML061380109	5/15/2006	Oyster Creek - Supplemental Information for Response to NRC Request for Additional Information, dated March 30, 2006, Related to Plant License Renewal Application.
02-69	ML061500339	5/15/2006	Email: Supplemental letter w/ Upper Shelf Energy Info - RAI 4.2.2-1.

**ATTACHMENT 2**

**OYSTER CREEK HEARING FILE AND MANDATORY DISCLOSURES  
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE  
Supplement 2 – June 2, 2006**

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>
DP-02-1	ML061530265	Lagory K ANL; Allison T ANL	Emails To and From Lagory, Kirk (March 29- April 27) To NRC License Renewal Environmental Staff Regarding OCNGS	3/29/2006 - 4/27/2006	E-Mail	Lagory K Argonne National Lab (ANL); Allison T ANL Lazaro, M ANL	Contractor comments on draft input for the SEIS.	5
DP-02-2	ML060970575	Shum D H, NRC	E-mail: SER Input for Oyster Creek LRA (PD).	4/3/2006	E-Mail, Safety Evaluation Report	Ashley D J, NRC	Provides draft input for SER.	62
DP-02-3	ML061430049	Ward J A, Pacific National Lab	Email: RE: EFH Impact Levels (PD)	4/3/2006	E-Mail	LaGory K E, Nash H L, ANL, NRC	Includes contractor comments to Staff re: SEIS review.	3



<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>
DP-02-4	ML061430050	Nash H L, NRC	Email: RE: EFH Impact Levels (PD)	4/3/2006	E-Mail	LaGory K E, Ward J A, Argonne National Lab (ANL), Pacific National Lab	Staff-contractor discussions of SEIS review.	3
DP-02-5	ML061430053	Ward J A, Pacific National Lab	Email: RE: EFH Impact Levels (PD)	4/3/2006	E-Mail	LaGory K E, Nash H L, Argonne National Lab (ANL), NRC/NRR	Staff-contractor discussions of SEIS review.	6
DP-02-6	ML061430054	Ward J A, Battelle Memorial Institute, Pacific Northwest National Lab	Email: RE: EFH Impact Levels (PD)	4/4/2006	E-Mail	LaGory K E, Nash H L, Argonne National Lab (ANL), NRC	Staff-contractor discussions of SEIS review.	9
DP-02-7	ML060950699	Cranston G V, NRC/NRR/ ADES/DSS/ SBWB	Oyster Creek: License Renewal Application, Vessel Fluence for 50 EFPY of Operation (TAC No. MC7624).	4/5/2006	Memoranda	Lund A L, NRC/NRR/ADR O/DORL	Provides draft input for SER review.	3

<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>
DP-02-8	ML061070414	Lofaro R J, Brookhaven National Lab (BNL)	EMAIL: RE: Reconciliation (PD)	4/5/2006	E-Mail	Mathew R K, NRC	Staff-contractor discussions of SEIS review.	2
DP-02-9	ML061070423	Lofaro R J, Brookhaven National Lab (BNL)	EMAIL: Section A7.3.3 of the OCGS Audit Report (PD)	4/5/2006	E-Mail	Mathew R K, NRC	Provides draft input for audit report.	9
DP-02-10	ML061070409	Morante R J, Brookhaven National Lab (BNL)	EMAIL:FWD: BWRVIP-25 Inspection Requirements (PD)	4/6/2006	E-Mail	Mathew R K, NRC	Staff-contractor discussions of SEIS review.	3
DP-02-11	ML061070416	Lofaro R J, Brookhaven National Lab (BNL)	EMAIL: OCGS AMP B.1.31 Write-up (PD)	4/6/2006	E-Mail	Mathew R K, NRC	Provides draft input for audit report.	19
DP-02-12	ML061070427	Mathew R K, NRC	EMAIL: Electrical Section - Peer Review Comments (PD)	4/6/2006	E-Mail	Lofaro R J, Brookhaven National Lab (BNL)	Provides draft input for audit report.	17
DP-02-13	ML061070407	Morante R J, Brookhaven National Lab (BNL)	Email: OCGS Containment Degradation Q/R No. AMR-164 (PD)	4/11/2006	E-Mail	Ashar H G, NRC	Discusses audit report review.	5

<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>
DP-02-14	ML061430047	LaGory K E, Argonne National Lab (ANL)	Email: RE: Air Quality - Oyster Creek (PD)	4/11/2006	E-Mail	Keto E M, Masnik M T, NRC/NRR	Staff-contractor discussions of SEIS review.	4
DP-02-15	ML061070411	Morante R J, Brookhaven National Lab (BNL)	EMAIL: RE: Exit Meeting (PD)	4/12/2006	E-Mail	Mathew R K, NRC	Staff-contractor discussions of audit review.	2
DP-02-16	ML061380390	Morante R J, Brookhaven National Lab (BNL)	Email: OCGS - Applicant response to AMR - 356 (PD).	4/12/2006	E-Mail	Ashar H G, Chang K C, Mathew R K, NRC/NRR/ADE S/DE, NRC/NRR/ADR O/DLR	Provides questions and views re: applicant response.	2
DP-02-17	ML061500379	Davis J A, NRC	Email: New Question for Q & A Data Base.	4/13/2006	E-Mail	Ashley D J, NRC	Provides draft questions for database.	3
DP-02-18	ML061430071	LaGory K E, Argonne National Lab (ANL)	Email: RE: Oyster Creek Followup questions (PD).	4/17/2006	E-Mail	Masnik M T, Nash H L, NRC/NRR	Staff-contractor discussions of SEIS review.	3
DP-02-19	ML061430074	Masnik M T, NRC/NRR	Email: RE: Visual Aesthetics (PD)	4/17/2006	E-Mail	Keto E M, LaGory K E, Argonne National Lab (ANL)	Staff-contractor discussions of draft SEIS.	2

<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>
DP-02-20	ML061430107	Masnik M T, NRC/NRR	Email: Oyster Creek Followup questions/comments #1 (PD)	4/17/2006	E-Mail	LaGory K E, Argonne National Lab (ANL)	Staff-contractor discussions of draft SEIS.	2
DP-02-21	ML061430115	Masnik M T, NRC/NRR	Email: RE: OC Question/Comment 2 (PD)	4/17/2006	E-Mail	LaGory K E, Argonne National Lab (ANL)	Staff guidance re: documentation of SEIS review.	3
DP-02-22	ML061430122	Masnik M T, NRC	Email: RE: OC Question 4 (with 5 Subquestions) (PD)	4/17/2006	E-Mail	LaGory K E, Argonne National Lab (ANL)	Questions for SEIS review.	3
DP-02-23	ML061430400	Keto E M, NRC	Email: Turbine Acreage (PD).	4/17/2006	E-Mail	Masnik M T, NRC	Discussion of SEIS review.	2
DP-02-24	ML061430403	Keto E M, NRC	Email: Titanium Tubes (PD).	4/17/2006	E-Mail	Masnik M T, NRC	Discussion of SEIS review.	2
DP-02-25	ML061430407	Nash H L, NRC	Email: RE: Oyster Creek (PD)	4/17/2006	E-Mail	Masnik M T, NRC	Discussion of draft SEIS.	2
DP-02-26	ML061420212	Masnik M T, NRC	Email: Oyster Creek Question 5 (PD)	4/18/2006	E-Mail	LaGory K E, Ward J A, Argonne National Lab (ANL), Pacific National Lab	Staff comment on draft SEIS review.	2

<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>
DP-02-27	ML061430085	Ward J A, Pacific National Lab	Email: RE: Oyster Creek question 5 (PD)	4/18/2006	E-Mail	Masnik M T, Argonne National Lab (ANL), NRC/NRR	Staff-contractor discussion of SEIS review (entrainment and impingement).	2
DP-02-28	ML061430395	Masnik M T, NRC	Email: RE: Oyster Creek (PD).	4/18/2006	E-Mail	Keto E M, NRC	Staff-contractor discussion of SEIS review.	2
DP-02-29	ML061380483	Lofaro R J, Brookhaven National Lab (BNL)	Email: Peer Review Comments on OCGS Audit Report (PD)	4/19/2006	E-Mail	Mathew R K, Morante R J, Brookhaven National Lab (BNL), NRC	Comments on inputs to draft audit report.	1
DP-02-30	ML061420206	Wescott K L, Argonne National Lab (ANL)	Email: RE: Emailing: Revised wind_April 14 2006.wpd (PD)	4/19/2006	E-Mail	LaGory K E, Masnik M T, Pham B M, Schaaf R G, Argonne National Lab (ANL), NRC	Staff-contractor discussion of SEIS review.	4
DP-02-31	ML061420208	Lazaro M A, Argonne National Lab (ANL)	Email: RE: Oyster Creek Question 7 (PD)	4/19/2006	E-Mail	Masnik M T, NRC	Staff-contractor discussion of draft input to SEIS review.	3

<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>
DP-02-32	ML061440325	Wescott K L, Argonne National Lab (ANL)	Email: RE: Oyster Creek Question 6 (CNU)	4/19/2006	E-Mail	LaGory K E, Masnik M T, Argonne National Lab (ANL), NRC	Comments on draft input to SEIS review.	2
DP-02-33	ML061420218	Lazaro M A, Argonne National Lab (ANL)	Email: RE: Oyster Creek Question 7 (PD)	4/20/2006	E-Mail	Masnik M T, NRC	Staff-contractor discussion of draft input to SEIS review.	3
DP-02-34	ML061420199	Ward J A, Battelle Memorial Institute, Pacific Northwest National Lab	Email: RE: EFH Questions (PD).	4/21/2006	E-Mail	Masnik M T, NRC	Staff-contractor discussion of draft input to SEIS review (impingement).	4
DP-02-35	ML061420481	Ward J A, Battelle Memorial Institute, Pacific Northwest National Lab	Email: RE: Oyster Creek Question. (PD).	4/21/2006	E-Mail	Masnik M T, NRC/NRR	Staff-contractor discussion of draft input to SEIS review.	2
DP-02-36	ML061440328	Nash H L, NRC	Email: RE: OC Discharge Question (CNU)	4/21/2006	E-Mail	Masnik M T, NRC	Discussion of SEIS review topic.	2

<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>
DP-02-37	ML061500327	Cherukeni G S, NRC	E-mail: Additional RAIs on Iso Condenser (PD).	4/21/2006	E-Mail	Ashley D J, NRC	Staff discussion of draft input for audit review.	4
DP-02-38	ML061420472	Ward J A, Battelle Memorial Institute, Pacific Northwest National Lab	Email: RE: EFH & egg entrainment (PD).	4/23/2006	E-Mail	Nash H L, NRC/NRR	Staff-contractor discussion of SEIS review.	2
DP-02-39	ML061420203	LaGory K E, Argonne National Lab (ANL)	Email: Re: OC Question 9 (PD).	4/24/2006	E-Mail	Masnik M T, NRC	Staff-contractor comment on draft input to SEIS review.	2
DP-02-40	ML061420216	Nash H L, NRC	Email: RE: Oyster Creek (PD)	4/24/2006	E-Mail	Masnik M T,	Discusses draft input for SEIS review.	2
DP-02-41	ML061420219	Ward J A, Battelle Memorial Institute, Pacific Northwest National Lab	Email: RE: OC Question 9 (PD).	4/24/2006	E-Mail	LaGory K E, Masnik M T, Argonne National Lab (ANL), NRC	Staff-contractor discussion of draft input to SEIS review.	3

<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>
DP-02-42	ML061420221	LaGory K E, Argonne National Lab (ANL)	Email: RE: Oyster Creek Question 8 (PD).	4/24/2006	E-Mail	Masnik M T, NRC	Discusses draft input for SEIS review.	3
DP-02-43	ML061420485	LaGory K E, Argonne National Lab (ANL)	Email: RE: OC Question 9 (PD).	4/24/2006	E-Mail	Masnik M T, Ward J A, Battelle Memorial Institute, Pacific Northwest National Lab, NRC/NRR	Provides comments on draft input to SEIS review.	3
DP-02-44	ML061420487	Masnik M T, NRC/NRR	Email: RE: Oyster Creek Followup Questions/Comments #1 (PD).	4/24/2006	E-Mail	Monette F A, Argonne National Lab (ANL)	Discusses draft input for SEIS review.	3
DP-02-45	ML061420501	Nash H L, NRC/NRR	Email: RE: OC EFH eggs (PD).	4/24/2006	E-Mail	Masnik M T, NRC/NRR	Discusses revision to draft input for SEIS review.	2
DP-02-46	ML061510264	Lofaro R J, Brookhaven National Lab (BNL)	Email: OCGS Audit Report.	4/24/2006	Audit Report, E-Mail	Mathew R K, NRC	Provides draft input for SEIS review.	52



<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>
DP-02-47	ML061420247	Masnik M T, NRC	Email: RE: OC Question (PD)	4/25/2006	E-Mail	LaGory K E, Ward J A, Argonne National Lab (ANL), Pacific National Lab	Staff-contractor discussion of draft input for SEIS review.	3
DP-02-48	ML061380644	Morante R J, Brookhaven National Lab (BNL)	E-mail: RE: Comments on OCGS AMP B.1.33 (PD).	5/2/2006	E-Mail	Lofaro R J, Brookhaven National Lab (BNL)	Contractor discussion of draft input for audit review.	3
DP-02-49	ML061420252	Pham, B NRC	E-mail: Question about OCNGS DSEIS chapter 8	5/2/2006	E-Mail	LaGory K E, Wescott KL, ANL	Staff-contractor discussion of draft input for SEIS review.	2
DP-02-50	ML061380486	Lofaro R J, Brookhaven National Lab (BNL)	Email: OCGS Audit Report Section 3.5 (PD)	5/3/2006	E-Mail	Mathew R K, NRC	Provides draft input for audit review.	49
DP-02-51	ML061510275	Mathew R K, NRC	Email: RPT.	5/3/2006	E-Mail	Lofaro R, Brookhaven National Lab (BNL)	Provides draft input for audit review.	8
DP-02-52	ML061420517	Mathew R K, NRC/NRR	Email: FWD: Revised OCGS B.1.27 and B.1.33 (PD).	5/4/2006	E-Mail	Ashar H G, NRC/NRR	Provides draft input for audit review.	56

<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>
DP-02-53	ML061290151	Bloomer T E, NRC/NRR/ ADES/DCI/ CSGB	Oyster Creek Generating Station, Unit 1 - Safety Evaluation Of License Renewal Application Regarding Generator Stator Water Chemistry And Boral Neutron Absorbing Material In Spent Fuel Racks.	5/5/2006	Memoranda, Safety Evaluation	Lund L A, NRC/NRR/ADR O/DLR	Provides draft input for SER review.	6
DP-02-54	ML061500329	Parczewski K I, NRC	Email: SER for Oyster Creek (PD)	5/5/2006	E-Mail, Memoranda, Safety Evaluation	Ashley D J, NRC	Provides draft input for SER review.	9
DP-02-55	ML061500332	Mathew R K, NRC	Email: SER Input - pkg. 37.	5/5/2006	E-Mail	Ashley D J, NRC	Provides draft input for SER.	3
DP-02-56	ML061420353	Lofaro R J, Brookhaven National Lab (BNL)	Email: Draft Executive Summary for the OCGS Audit Report (PD)	5/8/2006	E-Mail	Mathew R K, NRC/NRR	Provides draft input for audit report.	9
DP-02-57	ML061420254	LaGory K E, Argonne National Lab (ANL)	Email: RE: Oyster Creek Question 10 (PD).	5/9/2006	E-Mail	Masnik M T, Ward J A, NRC, Pacific National Lab	Staff-contractor discussion of draft input for SEIS review.	2

<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>
DP-02-58	ML061420270	Masnik M T, NRC/NRR	Email: RE: Last Question (Number11) (PD)	5/9/2006	E-Mail	LaGory K E,	Staff-contractor discussion of draft input for SEIS review.	2
DP-02-59	ML061420271	Masnik M T, NRC	Email: RE: Wording on EJ-Question12 (PD)	5/9/2006	E-Mail	LaGory K E, Argonne National Lab (ANL)	Discusses revision of draft input for SEIS review.	2
DP-02-60	ML061420272	Ward J A, Battelle Memorial Institute, Pacific Northwest National Lab	Email: RE: Oyster Creek Question 10 (PD).	5/9/2006	E-Mail	LaGory K E, Masnik M T, Argonne National Lab (ANL), NRC	Staff-contractor discussion of revision to draft input for SEIS review.	2
DP-02-61	ML061420279	Ward J A, NRC/NMSS	Email: RE: Last Question (Number11) (PD)	5/9/2006	E-Mail	Masnik M T, NRC/NRR	Staff-contractor discussion of revision to draft input for SEIS review.	2
DP-02-62	ML061420282	LaGory K E, Argonne National Lab (ANL)	Email: FW: Last Question (Number11) (PD)	5/9/2006	E-Mail	Masnik M T, NRC	Staff-contractor discussion of revision to draft input for SEIS review.	3

<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>
DP-02-63	ML061420285	Lofaro R J, Brookhaven National Lab (BNL)	Email: Revised OCGS Audit Report (PD)	5/9/2006 (attaches 4/21 draft)	E-Mail	Mathew R K, NRC	Provides draft input for audit review.	2
DP-02-64	ML061420342	Morante R J, Brookhaven National Lab (BNL)	Email: MPR-953 (PD)	5/9/2006	E-Mail	Lofaro R J, Mathew R K, Brookhaven National Lab (BNL), NRC/NRR	Contractor discussion of draft input for audit review.	2
DP-02-65	ML061420343	Morante R J, Brookhaven National Lab (BNL)	Email: RE: Revised OCGS Audit Report (PD).	5/10/2006	E-Mail	Lofaro R J, Mathew R K, Brookhaven National Lab (BNL), NRC/NRR	Staff-contractor discussion of draft input for audit review.	3
DP-02-66	ML061420099	Masnik M T, NRC/NRR	Email: Another QA Check	5/10/2006	E-Mail	Keto E M, NRC	Staff discussion of draft input for audit review.	2
DP-02-67	ML061420349	Morante R J, - No Known Affiliation	Email: RE: Revised OCGS Audit Report	5/10/2006	E-Mail	Lofaro R J, Mathew R K, Brookhaven National Lab (BNL), NRC/NRR	Provides comments on draft input for audit review.	3

<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>
DP-02-68	ML061420350	Morante R J, Brookhaven National Lab (BNL)	Email: RE: Revised OCGS Audit Report (PD).	5/10/2006	E-Mail	Lofaro R J, Mathew R K, Brookhaven National Lab (BNL), NRC/NRR	Contractor-staff discussion of revision to draft input for audit review.	3
DP-02-69	ML061420354	Masnik M T, NRC/NRR	Email: RE: Oyster Creek Question 13 (PD).	5/10/2006	E-Mail	LaGory K E, Argonne National Lab (ANL)	Staff-contractor discussion of draft input for SEIS review.	2
DP-02-70	ML061420346	Lofaro R J, Brookhaven National Lab (BNL)	Email: Draft OCGS SER Section 3.6 (PD)	5/11/2006	E-Mail	Mathew R K, NRC	Provides comments and draft input for SER review.	12
DP-02-71	ML061420508	Lofaro R J, Brookhaven National Lab (BNL)	Email: OCGS Ser Input - Draft Sections 3.1 & 3.2 (PD).	5/12/2006	E-Mail, Safety Evaluation	Mathew R K, NRC/NRR	Provides draft input for SER review.	55
DP-02-72	ML061510309	Lofaro R J, Brookhaven National Lab (BNL)	Email: OCGS SER Input - Draft Sections 3.1 and 3.2.	5/12/2006	E-Mail	Mathew R K, NRC	Provides comments and draft input for SER review.	55
DP-02-73	ML061420347	Chang K C, NRC/NRR	Email: RE: Please Take A look at it. (PD)	5/14/2006	E-Mail	Mathew R K, NRC/NRR	Discusses comments re: draft input for audit review.	3

June 1, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
AMERGEN ENERGY COMPANY, LLC ) Docket No. 50-219-LR  
 )  
(License Renewal for Oyster Creek )  
Nuclear Generating Station) )

DECLARATION OF FRANK GILLESPIE

I, Frank Gillespie, 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 Oyster Creek Nuclear Generating 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 June 2, 2006, submission of Supplement 2 to the Staff’s Hearing File.

3. I have personally reviewed the 73 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 the 73 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 73 documents listed in Attachment 2 to the June 2, 2006, submission of Supplement 2 to the Staff's Hearing File.

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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Frank Gillespie

Executed in Rockville, MD  
this 1<sup>st</sup> day of June, 2006.

**ATTACHMENT 3****OYSTER CREEK HEARING FILE AND MANDATORY DISCLOSURES  
PRIVILEGE LOG - ATTORNEY-CLIENT PRIVILEGE  
Supplement 2 –June 2, 2006**

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 attorney-client communications. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following document withheld under the “attorney-client” 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>
AC-02-1	ML061450007	Nash H L, NRC	Email: OCNCS BO Requirements (AC).	5/9/2006	E-Mail	Masnik M T, Moore J E, NRC	Communication to counsel for the purpose of seeking advice.	2



June 2, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
AMERGEN ENERGY COMPANY, LLC ) Docket No. 50-219-LR  
 )  
(License Renewal for Oyster Creek )  
Nuclear Generating Station) )

AFFIDAVIT OF DONNIE J. ASHLEY CONCERNING MANDATORY DISCLOSURE  
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, Donnie J. Ashley, 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 Oyster Creek Nuclear Generating Station's license renewal application ("LRA"). Among other things, I am managing the preparation of the hearing file and mandatory disclosures in connection with the LRA at issue in this proceeding.

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/***

\_\_\_\_\_  
Donnie J. Ashley

Executed in Rockville, MD  
this 2nd day of June, 2006.

**ATTACHMENT 4: April 3, 2006 Deliberative Process Log (6/2/06 Corrected Pages 4 and 32)**

<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>
DP-00-15	ML0608005 96	Masnik M T, NRC	E-mail: Oyster Creek Environmental Review (PD)	08/08/2005	E-Mail	Ashley D J, Eads J H, NRC	Discusses Staff's review of Oyster Creek Environmental Report	2
DP-00-16	ML0608006 33	LaGory K E, Argonne National Lab (ANL)	E-mail: FW: Oyster Creek Acceptance Review (PD)	08/15/2005	E-Mail	Masnik M T, NRC	Identifies information needs to review Environmental Report	11
<del>DP-00-17</del>	<del>ML0607403 54</del>	<del>Hufnagel J, Exelon Corp</del>	<del>E-mail: Long Range Planning Question (PD).</del>	<del>08/17/2005</del>	<del>E-Mail</del>	<del>Ashley D J, NRC</del>	<del>Inquires about schedule for CLB changes</del>	<del>2</del>
DP-00-18	ML0607403 52	Zimmerman J I, NRC	E-mail: FWD: RE: Oyster Creek (PD).	08/19/2005	E-Mail	Cranston G V, Tran L N, NRC	Discusses plan for review of buried cables	2
DP-00-19	ML0523402 84	Dyer J E, NRC/NRR	Memo to W. Outlaw from J. E. Dyer - Communication Plan for the Oyster Creek Nuclear Generating Station License Renewal Application Review (Tac Nos. MC7624 and MC7625).	08/23/2005	Memoranda	Outlaw W N, NRC	Plan for communicating with public about license renewal	22

<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>
DP-00-141	ML060520033	Manoly K A, NRC/NRR/ADES/DE/EEMB	Request for Additional Information (RAI) Regarding Time Limited Aging Analyses for the Oyster Creek Generating Station License Renewal Application.	02/15/2006	Memoranda , Request for Additional Information (RAI)	Lund L A, NRC/NRR/ADRO/DLR/REBA	Preliminary draft of Staff Request for Additional Information (RAI) concerning license renewal application	4
DP-00-142	ML060810040	Green K, ISL, Inc	E-mail: NRC Contract 03-03-038, Task Order 17, Sub-task 6 (PD)	02/17/2006	E-Mail	Shum D H, NRC	Communication between Staff and contractor concerning analysis in draft Safety Evaluation	56
DP-00-143	ML060750594	Tanabe K, - <del>No Known Affiliation</del> Foreign Assignee to NRC	E-mail: OCGS_List of Documents (PD)	02/21/2006	Audit Report, E-Mail	Mathew R K, NRC	Communication between Staff and contractor concerning draft input to Audit Report	45
DP-00-144	ML060750682	Green K, ISL, Inc	E-Mail: NRC Contract 03-03-038, Task Order 20, Sub-task A-2 "Updated TER for Oyster Creek" (PD)	02/22/2006	E-Mail	Palla R L, NRC	Communication between Staff and contractor concerning draft input to OC SEIS	35

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
AMERGEN ENERGY COMPANY, LLC ) Docket No. 50-219-LR  
 )  
(Oyster Creek Nuclear Generating Station) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated June 2, 2006, providing notice of the availability of Supplement 2 to the hearing file, with attachments, together with the affidavit of Donnie Ashley and the declaration of Frank Gillespie in the above-captioned proceeding have been served on the following by electronic mail with copies by deposit in the NRC's internal mail system or, as indicated by an asterisk, by electronic mail, with copies by U.S. mail, first class, this 2nd day of June, 2006.

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