

October 11, 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 Samson Lee, Acting Deputy 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 Perry Buckberg
Declaration of Samson Lee

cc: Attached Service List

**ATTACHMENT 1: PILGRIM LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplement 13 – October 11, 2007**

	Accession Number	Document Date	Title/Description:
13-01	ML072700723	9/12/2007	Pilgrim, License Renewal Application Commitment 47 Response.
13-02	ML072530637	9/26/2007	Report on the Safety Aspects of the License Renewal Application for the Pilgrim Nuclear Power Station
13-03	ML072140328	9/27/2007	Ltr. To M. Balduzzi Re: Supplemental Safety Evaluation Report Related to the License Renewal of Pilgrim Nuclear Power Station.
13-04	ML072210487	9/28/2007	Supplement 1, 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 13: October 11, 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
13-01	ML072840006	NRC	2007/09/17 Pilgrim Renewal Hearing - Pilgrim Dosimetry	9/17/2007	E-Mail	NRR/DLR	Internal Staff comments on Licensee's plan to meet a license condition	2

October 11, 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 11th day of October, 2007

October 11, 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"). 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 one document as privileged because it contained information concerning the Staff's deliberative process. This document is listed in Attachment 2 to the October 11, 2007, submission of the Staff's Hearing File.

3. I have personally reviewed the document identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains predecisional information concerning the Staff's review of the license renewal application. The document contains 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. The document 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 this document 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 the document listed in Attachment 2 to the October 11, 2007 submission of the Hearing File Supplement 13.

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 11th day of October, 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 11th day of October 2007.

Administrative Judge*
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Administrative Judge*
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Office of Commission Appellate *
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/RA/

Andrea L. Silvia
Counsel for the NRC Staff