



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 27, 2009

DOCKETED
USNRC

SECRETARY

April 27, 2009 (5:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED APRIL 28, 2009

Ms. Mary Lampert
Pilgrim Watch
148 Washington Street
Duxbury, MA 02332

Dear Ms. Lampert:

I am writing in response to your April 6, 2009, filing, in which you request all correspondence and records of conversation between Dr. Vinod Mubayi and the Commission regarding "any fact or opinion that might be viewed as not already in the record." Dr. Mubayi was recently appointed as a Commission adjudicatory employee pursuant to 10 C.F.R. § 2.4. The role of an adjudicatory employee is to assist the Commission in reviewing the technical information contained in the record as the Commission deliberates on its adjudicatory decision. In this case, Dr. Mubayi, who has had no role in the Pilgrim license renewal application review, will advise the Commission with respect to technical issues relating to Pilgrim Watch's pending petition for review in the license renewal proceeding.

As is the case in all adjudications, the issues in the *Pilgrim* case must be decided solely on the basis of information in the record. To use information not in the official record of the proceeding would be unfair to the parties to the proceeding, who may not have had an opportunity to examine, critique, or dispute such information. Therefore, neither Dr. Mubayi, nor any other employee advising the Commission in this matter, may base their recommendations on facts or opinions other than those already in the record of the proceeding.

A copy of this letter will be served on the participants in the *Pilgrim* license renewal proceeding.

Sincerely,

A handwritten signature in black ink, reading "Annette Vietti-Cook".

Annette L. Vietti-Cook

cc: Service list

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

ENTERGY NUCLEAR GENERATION CO.)

AND)

ENTERGY NUCLEAR OPERATIONS, INC.)

(Pilgrim Nuclear Power Station))

Docket No. 50-293-LR

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION RESPONSE TO PILGRIM WATCH'S REQUEST FOR INFORMATION REGARDING THE APPOINTMENT OF AN ADJUDICATORY EMPLOYEE in the above captioned proceeding have been served upon the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail.

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

Administrative Judge
Ann Marshall Young, Chair
E-mail: Ann.Young@nrc.gov

Administrative Judge
Richard F. Cole
E-mail: Richard.Cole@nrc.gov

Administrative Judge
Paul B. Abramson
E-mail: Paul.Abramson@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16C1
Washington, DC 20555-0001

E-mail: OCAAMail.Resource@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15 D21
Washington, DC 20555-0001

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U.S. Nuclear Regulatory Commission
Office of Secretary of the Commission
Mail Stop: O-16C1
Washington, DC 20555-0001

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Docket No. 50-293-LR
 COMMISSION RESPONSE TO PILGRIM WATCH'S REQUEST FOR
 INFORMATION REGARDING THE APPOINTMENT OF AN ADJUDICATORY EMPLOYEE

U.S. Nuclear Regulatory Commission
 Office of Nuclear Reactor Regulation
 Mail Stop: O11-F1
 Washington, DC 20555-0001

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 Office of the Secretary of the Commission

Dated at Rockville, Maryland
 this 28th day of April 2009