

June 13, 2010 (3:10 p.m.)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**  
**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of

Docket # 50-293-LR

Entergy Corporation

ASLB No. 06-848-02-LR

Pilgrim Nuclear Power Station

License Renewal Application

June 13, 2010

Pilgrim Watch responds to Entergy's letter of June 10, 2010 where Mr. Gaukler noted that the Pilgrim Watch's sixth disclosure was not accompanied by a sworn affidavit, citing 10 C.F.R. 2.336 (c).<sup>1</sup> Pilgrim Watch notes that this had not been prior practice in filing disclosures in Contention 1, nor previously in Contention 3, unless the disclosures were submitted by a party's expert or in Entergy's case a Pilgrim Station employee. However Pilgrim Watch now provides a supplement to this disclosure with an affidavit and will continue in subsequent disclosures.

**SUPPLEMENT TO SIXTH DISCLOSURE STATEMENT BY PILGRIM WATCH**

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<sup>1</sup> 10 C.F.R 2.336(c) Each party and the NRC staff shall make its initial disclosures under paragraphs (a) and (b) of this section, based on the information and documentation then reasonably available to it. A party, including the NRC staff, is not excused from making the required disclosures because it has not fully completed its investigation of the case, it challenges the sufficiency of another entity's disclosures, or that another entity has not yet made its disclosures. All disclosures under this section must be accompanied by a certification (by sworn affidavit) that all relevant materials required by this section have been disclosed, and that the disclosures are accurate and complete as of the date of the certification.

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I swear under penalty of perjury that all relevant materials required have been disclosed, and that the disclosures are accurate and complete as of the date of certification.

Respectfully Submitted,



Mary Lampert  
Pilgrim Watch, pro se  
148 Washington Street  
Duxbury, MA 02332

June 13, 2010

June 13, 2010

Paul A. Gaukler  
Counsel for Entergy  
Pillsbury Winthrop Shaw Pittman, LLP  
2300 N Street, NW  
Washington, D.C. 20037-1122

Dear Paul:

Your letter of June 10, 2010 noted that Pilgrim Watch had tentatively identified potential witnesses during the May 4, 2010 telephone conference, but that this was not repeated in Pilgrim Watch's sixth disclosure. However, identifying witnesses at this stage and providing a copy of the analysis and/or other authority upon which that person bases his or her opinion in the proceeding is premature because the board has not issued an order regarding the scope of the proceeding or the proposed schedule for hearing. You referenced 10 C.F.R. 2.336(a)(1), it says that witnesses shall be disclosed unless otherwise ordered by the ASLB assigned to the proceeding.

During the May 4, 2010 Teleconference, it was made clear that the timing for parties to issue a witness list will be set after it is decided what exactly is going to be heard in this proceeding<sup>1</sup>; and an Order to that effect would be issued.<sup>2</sup> The board has not yet issued its order. When the Order is issued, I will send to you the information requested and required.

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<sup>1</sup> ADMIN. JUDGE ABRAMSON: Judge Young, Judge Abramson here. Let me say that I'm sympathetic to the inability, particularly of Pilgrim Watch, to figure out which experts it will need until we issue an order laying out exactly what's going to be heard. And I think that the Board will try to do that rapidly; is that right? CHAIR YOUNG: I think that's right. (Neal Gross & Co., Inc., Washington DC, Transcript Teleconference May 4, 2010, p. 661, lines 14-20) Emphasis added

<sup>2</sup> MS. LAMPERT: Are you going to put that out in an order? I'd prefer things in orders. I'm not trying to put work on you but . . . CHAIR YOUNG: Right. We'll try to do that. (Ibid, p. 666, line 12) Emphasis added

The tentative list of potential witnesses provided during the Teleconference call (Teleconference Transcript, p. 653) included: David I. Chanin; Dr. Richard Clapp; Dr. Bruce Egan, Arnold Gundersen, Dr. Edwin Lyman; Dr. Gordon Thompson. You received Dr. Bruce Egan's and David Chanin's CV in Support of Pilgrim Watch's Response Opposing Entergy's Motion for Summary Disposition of Pilgrim Watch's Contention 3 in June 2007.

You also noted that the Sixth Disclosure was not accompanied by a sworn affidavit; and requested that we provide such a certification. Pilgrim Watch notes that this had not been the prior practice. However, Pilgrim Watch has complied in the concluding paragraph of the attached Supplement to the Sixth Disclosure Statement by Pilgrim Watch.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary Lampert". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Mary Lampert  
Pilgrim Watch, pro se  
148 Washington Street  
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CC: Server List



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June 10, 2010

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**BY FEDERAL EXPRESS**

Ms. Mary Lampert  
148 Washington Street  
Duxbury, MA 02332

Dear Ms. Lampert:

Thank you for your Sixth Supplemental Disclosure which we received Monday. We note, however, that your disclosure did not identify any experts or other persons upon whom Pilgrim Watch may rely as witnesses at hearing. At the May 4 telephone conference with the Board, you identified several persons that Pilgrim Watch intends to use as witnesses at the hearing. The Commission's disclosure regulation, 10 CFR § 2.336(a)(1), requires a party to identify "any person, including any expert, upon whose opinion the party bases its claims and contentions and may rely upon as a witness, and a copy of the analysis or other authority upon which that person bases his or her opinion." In view of this requirement and your representations to the Board, we would have expected your Sixth Supplemental Disclosure Statement to provide the identity and the related information for the witnesses you identified to the Board in the May 4 telephone conference. We look forward to receiving that information.

Also, we note that your disclosure was not accompanied by a sworn affidavit, as required by 10 CFR § 2.336(c), that "all relevant materials . . . have been disclosed, and that the disclosures are accurate and complete." We request that you provide such a certification as required by the Commission's rules.

Sincerely,

Paul Gaukler  
Counsel for Entergy

cc: Service List

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**  
**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of

Docket # 50-293-LR

Entergy Corporation

Pilgrim Nuclear Power Station

License Renewal Application

June 13, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that Supplement To Sixth Disclosure Statement by Pilgrim Watch and Letter to Paul Gaukler, Counsel for Entergy, was served June 13, 2010 in the above captioned proceeding to the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class.

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Attn: Rulemakings and Adjudications  
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