

March 12, 2007

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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) and 2.336(d), the staff of the Nuclear Regulatory Commission ("Staff") herein notifies the Licensing Board and the parties that it has updated the hearing file and disclosures for this proceeding in accordance with the Board's Memorandum and Order of April 19, 2006, and LBP-06-22, 64 NRC 229 (2006). Materials in this 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 Monday, March 12, 2007, materials in this 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 7 will be contained in a sub-folder entitled, "Hearing File Supplement 7" in the "Oyster Creek_50-219-LR" folder of the EHD.

The Staff is also updating its deliberative process privilege log at this time, which is appended hereto as Attachment 2. The Staff will preserve and maintain all privileged documents during the pendency of this proceeding. Also attached, are the Affidavit of Donnie J. Ashley, as required by 10 C.F.R. § 2.336(c), and the Declaration of Pao-Tsin Kuo Director of License Renewal, formally invoking the deliberative process privilege.

As requested by the Board, see April 19 Order at 5, the Staff hereby provides notice that there has been no change to the scheduled issuance of the Final Safety Evaluation Report.

Sincerely,

/RA/

Jody C. Martin
Counsel for the NRC Staff

Enclosures: Attachment 1: Hearing File Index – Supplement 7
Attachment 2: Privilege Log - Deliberative Process – Supplement 7
Declaration of Pao-Tsin Kuo
Affidavit of Donnie J. Ashley

cc: See attached Service List

**ATTACHMENT 1 OYSTER CREEK HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplement 7 –March 12, 2007**

Supp. No.	Accession Number	Document Date	Title/Description:
07-01	ML070590715	10/31/1986	GPU Nuclear Corporation, Oyster Creek Nuclear Generating Station Torus Shell Thickness Margin, MPR-953, 10/86.
07-02	ML070590683	12/4/1986	DRF-44201R1, 50.59 Review of Drywell Core Boring and Repair
07-03	ML070600200	12/11/1986	OCIS-328227-003, Rev 0, "Installation Specification for Oyster Creek Nuclear Generating Station - Repair of Concrete Floor Removed in Drywell for UT Readings."
07-04	ML070590711	6/10/1988	TDR-854, Revision 1, 04/22/1987; "Drywell Sand Bed Region Corrosion Assessment."
07-05	ML070600310	4/11/1991	C-1302-187-5300-016, Rev. 0; OCDW Projected Thickness Using Data Thru 03/03/1991.
07-06	ML070590690	1/28/1993	GPU Internal Memo: Inspection of Drywell Sand Bed Region and Access Holes.
07-07	ML070600397	10/10/2002	SP-1302-52-120, Rev 3, "Quality Specification for Inspection and Localized Repair of the Torus and Vent System Coating, Oyster Creek."
07-08	ML070600211	1/17/2003	GE # Index 9-3, Rev. 1; An ASME Section VIII Evaluation of OC Drywell for Without Sand Case Part 1 Stress Analysis, 2/91.
07-09	ML070590653	1/31/2003	An ASME Section VIII Evaluation of OC Drywell for Without Sand Case Part 2 Stability Analysis, Rev. 2.
07-10	ML070600220	2/25/2005	Report 05-0209, "Radiation and Design Basis Accident Testing of Thin Film Technology's BIO-DUR 561."
07-11	ML070600421	8/1/2006	W. O. R2088546-01, Recurring Task to Check the Poly Bottles on the Sand Bed Drains.

Supp. No.	Accession Number	Document Date	Title/Description:
07-12	ML070600230	8/21/2006	Amergen Fax with Results of 1986 Core Bore Sample Analyses.
07-13	ML070600402	8/28/2006	W. O. R2091019-ACT, Inspect Poly Bottles for Presence of Water.
07-14	ML070600294	9/15/2006	IS-328227-004, Rev 13, "Function Requirements for Drywell Containment Vessel Thickness Examinations" for Oyster Creek.
07-15	ML070600193	9/21/2006	C-1302-187-5320-024, Revision 1, "OC Drywell Ext. UT Evaluation in Sandbed."
07-16	ML070590687	10/15/2006	Pictures of Sand Bed Bay #7.
07-17	ML070600275	10/17/2006	ER-AA-335-004, Revision 2, "Maunal Ultrasonic Measurement of Material Thickness and Interfering Conditions."
07-18	ML070600387	10/17/2006	Photos (9) of Water Found in Bay 5 & 17 Trenches.
07-19	ML070600393	10/17/2006	TQ-AA-122, Revision 3; Qualification and Certification of Nondestructive (NDE) Personnel.
07-20	ML070600423	10/18/2006	Data Sheet 1R21LR-002 Drywell UT
07-21	ML070590691	10/19/2006	AR 00546049 Report, Water Observed Coming Into the Trench in Bay 5 of Drywell.
07-22	ML070600237	10/24/2006	IR 0553792-02, Drywell Structural Integrity Basis from 1R21 Inspections
07-23	ML070600428	10/26/2006	W.O. R2077340 Torus Coating Repair Data Sheets (20) - Oyster Creek.
07-24	ML070600303	10/27/2006	CM ECR A2152754 Eval of Technical Basis for ECR OC-06-00879-001, 10/24/2006; Drywell Floor/Trough/Drainage Inspections and Repairs.
07-25	ML070600599	10/27/2006	Various AR's 03/24/2006 to 10/27/2006 Report.
07-26	ML070600443	10/28/2006	AmerGen QA Review of Underwater Construction Scope
07-27	ML070600427	10/28/2006	Draft Torus Inspection Report & Data Sheets
07-28	ML070600425	10/29/2006	Data Sheets 21R-158 and 21R-154, Drywell Sump VT, Oyster Creek.

Supp. No.	Accession Number	Document Date	Title/Description:
07-29	ML070600447	10/31/2006	1R21 Outage - NRC Inspection Question Log Compiled By Amergen.
07-30	ML070600240	11/5/2006	IR 553792-03 Torus Structural Integrity Basis from 1R21 Inspections -
07-31	ML070600521	11/6/2006	ECR OC-06-00879-001, 10/24/2006; Drywell Floor/Trough/Drainage Inspections and Repairs.
07-32	ML070590666	11/6/2006	IR 0553792-02, Drywell Structural Integrity Basis from 1R21 Inspections
07-33	ML063490306	12/8/2006	Oyster Creek License Renewal Project, Drywell Monitoring Program, Information for ACRS Subcommittee Reference Material, Volume 3, Calculation.
07-34	ML070600499	1/16/2007	Email of 01/16/2007 Kfarrar Received Request to Join Conference Call Between AmerGen, New Jersey, and NRC Regarding Inspection Issues.
07-35	ML070600504	1/16/2007	Email of 01/16/2007_6:15pm_KFarrarReceived_Request to Join Conference Call Between AmerGen, New Jersey, and NRC Regarding Inspection Issues.
07-36	ML070600512	1/16/2007	Karl Farrar Email of 01/16/2007 Re: Request to Join Conference Call Between AmerGen, New Jersey, and NRC Regarding Inspection Issues.
07-37	ML070600505	1/17/2007	Email of 01/17/2007_8:16am_KFarrarSent_Re_Request to Join Conference Call Between AmerGen, New Jersey, and NRC Regarding Inspection Issues.
07-38	ML070360108	1/29/2007	2007/01/29-Letter from Annette L. Vietti-Cook to Congressman Jim Saxton responding to his 01/18/07 letter (enclosed) re Oyster Creek Environmental Impact Statement
07-39	ML070650640	1/30/2007	E-MAIL: Fwd: more OC comments from Michael.
07-40	ML070330063	1/30/2007	Information for ACRS Addressing Public Comments from January 18, 2007 ACRS Plant License Renewal Subcommittee Meeting Related to AmerGen's Application for Renewed Operating License for Oyster Creek.

Supp. No.	Accession Number	Document Date	Title/Description:
07-41	ML070370619	1/31/2007	2007/01/31-Letter from Richard Webster to ACRS urging the committee to recommend that the Safety Evaluation Report for Oyster Creek not be issued until rigorous studies are done that evaluate the current margin with reasonable assurance...
07-42	ML070100234	1/31/2007	NUREG-1437, Vol. 1, Supp. 28, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Supplement 28 Regarding Oyster Creek Nuclear Generating Station Final Report - Main Report."
07-43	ML070100258	1/31/2007	NUREG-1437, Vol. 2, Supp. 28, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Oyster Creek Nuclear Generating Station."
07-44	ML070440100	2/1/2007	Transcript of 539 th ACRS Meeting on February 1, 2007 in Rockville, MD. Pages 1 - 342. With Related Correspondence.
07-45	ML070360233	2/5/2007	02/05/07 Acknowledgement Ltr. To Hon. J. Corzine re the ACRS Meeting on Oyster Creek's License Renewal Application.
07-46	ML070400090	2/6/2007	E-mail: Concurrence Requested for Final Response to Letter from NJ Department of Environmental Protection Concerning Oyster Creek Drywell Corrosion - Expert Review.
07-47	ML070650590	2/7/2007	E-MAIL: Re: ref voice mails.
07-48	ML070190292	2/7/2007	Y020060266 - Relicensing Oyster Creek
07-49	ML070320077	2/7/2007	Y020070033 - State of NJ's Decision to Solicit the Assistance of an Outside Expert in the Field of Corrosion to Review the AmerGen's Technical Bases for Concluding the Drywell Integrity is Sufficient to Restart the OC Reactor from the Refueling Outage
07-50	ML070430429	2/8/2007	G20070105/LTR-07-0104 - Ltr. William J. Shack, re Report on the Safety Aspects of the License Renewal Application for the Oyster Creek Generating Station.

Supp. No.	Accession Number	Document Date	Title/Description:
07-51	ML070430292	2/9/2007	Sandia Letter to Project Manager Oyster Creek License Renewal. Comments on Buckling Limits for the Oyster Creek Drywell.
07-52	ML070520252	2/15/2007	Additional Commitments Related to the Aging Management Program for Oyster Creek Drywell Shell, Associated with AmerGen's License Renewal Application.
07-53	ML070660053	2/21/2007	Comment (1) of John Filippelli on Behalf of U.S. Environmental Protection Agency Regarding Renewal of Operating License for Oyster Creek Nuclear Plant.
07-54	ML070600487	2/23/2007	Various IWE Data Sheets 10/19/2006-10/20/2006
07-55	ML070600492	2/23/2007	Various UT Data Sheets 10/18/2006-10/24/2006
07-56	ML070640238	2/26/2007	LTR-07-0145 - Ltr. William Shack re Summary Report - 539 th Meeting of the ACRS, February 1-3, 2007 and Other Related Activities of the Committee.

**ATTACHMENT 2 OYSTER CREEK HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 7 – March 12, 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
DP-07-01	ML070590702		11/03/2006 Slides, “Oyster Creek 1R21 Outage Update on Drywell Shell Inspections” from Licensee Update Presentation.	11/3/2006	Meeting Briefing Package/H andouts, Slides and Viewgraphs		Handwritten notes	16
DP-07-02	ML070600634	Conte R J, NRC/RGN- I/DRS	PD Email of 12/08/2006 T. O’Hara Received - Delinquent Information - Sump Bypassing.	12/8/2006	E-Mail	Ferdas M, NRC/RGN-I	Discussion of Inspection Results	2
DP-07-03	ML070600609	Kaufman P D, NRC/RGN- I/DRS/PSB 2	PD Email of 12/11/2006 T. O’Hara Received - Re: Delinquent Information - Sump Bypassing.	12/11/2006	E-Mail	Conte R J, NRC/RGN- I/DRS/EB1	Discussion of Inspection Results	2

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-07-04	ML070600616	O'Hara T L, NRC/RGN- I/DRS/PSB 2	PD Email of 12/22/2006 T. O'Hara Received - Re: OpE Info On Nitric Acid.	12/22/2006	E-Mail	Lund L, NRC/NRR	Question re Scope of Review	2
DP-07-05	ML070600544		Notes Taken by Marsha Gamberoni on Documents Related to OC Inspection Report	12/31/2006	Drawing, Inspection Report, Meeting Agenda, Meeting Briefing Package/H andouts, Slides and Viewgraphs		Handwritten notes	21
DP-07-06	ML070290187	Davis J A, NRC/NRR/ ADRO/DLR/ RLRC	E-MAIL: (PD) Code Case N-284 Rev 0.	1/23/2007	E-Mail	Norris W E, NRC/RES/DFER R/DDME/FAITB	Discussion re ACRS question	2
DP-07-07	ML070570184	Conte R J, NRC/RGN- I/DRS/EB1	E-MAIL: (PD) Fwd: Response to Oyster Creek Editorial.	1/23/2007	E-Mail	Ashley D J, Barber G S, Ferdas M S, Schoppy J G, NRC	Question re possible allegation	7

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-07-08	ML070290193	Norris W E, NRC/RES/ DFERR/DD ME/FAITB	E-MAIL: (PD) re: Code Case N-284 Rev 0.	1/23/2007	E-Mail	Davis J A, NRC/NRR/ADRO /DLR/RLRC	Discussion re ACRS question	2
DP-07-09	ML070570185	Sheehan N A, NRC/OPA/ RGN-I/FO	E-MAIL: (PD) Re: PORC Report.	1/25/2007	E-Mail	Ferdas M S, NRC/RGN-I/DRP	Question re possible allegation	2
DP-07-10	ML070570190	Barkley R S, NRC/RGN-I	E-MAIL: (PD) Fwd: Got Your Fax of the Oyster Creek Issue.	1/30/2007	E-Mail	Lamb J G, Sosa B, NRC/EDO/AO	Question re possible allegation	5
DP-07-11	ML070570188	Barkley R S, NRC/RGN-I	E-MAIL: (PD) Fwd: Re: Got Your Fax of the Oyster Creek Issue.	1/30/2007	E-Mail	Bellamy R E, Ferdas M S, NRC/RGN-I	Question re possible allegation	3
DP-07-12	ML070650600	Ashley D J, NRC/NRR/ ADRO/DLR/ RLRA	E-MAIL: (PD) slides ready??.	1/31/2007	E-Mail	Samaddar S K, NRC/NRR/ADES/ DE/EGCB	Question re ACRS meeting responses	2

March 12, 2007

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 PAO-TSIN KUO

I, Pao-Tsin Kuo, 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 March 12, 2007, submission of Supplement 7 to 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 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 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 March 12, 2007, submission of Supplement 7 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/

Pao-Tsin Kuo

Executed in Rockville, MD
this 12th day of March, 2007

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 12th day of March, 2007

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 March 12, 2007, providing notice of the availability of Supplement 7 to the Hearing File, with attachments, together with the Affidavit of Donnie Ashley and the Declaration of P.T. Kuo 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 12th day of March, 2007.

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/RA/

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