

November 9, 2006

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

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

Paul B. Abramson
Administrative Judge
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), the Board's Memorandum and Order of April 19, 2006, and LBP-06-22, 64 NRC ___ (Oct. 10, 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 Thursday, November 9, 2006, 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 3 will be contained in a sub-folder entitled, "Hearing File Supplement 3" in the "Oyster Creek_50-219-LR" folder of the EHD.

The Staff is also updating its pre-decisional 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, as required by 10 C.F.R. § 2.336(c), are the Affidavit of Donnie J. Ashley and the Declaration of Frank Gillespie.

– 2 –

As requested by the Board, see April 19 Order at 5, the Staff hereby provides notice that the Final SER is now scheduled to be issued by December 29, 2006. There is no change to the schedule for the Final SEIS.

Sincerely,

/RA/

Jody C. Martin
Counsel for NRC Staff

Enclosures: Attachment 1: Hearing File Index – Supplement 3
Attachment 2: Privilege Log - Deliberative Process – Supplement 3
Declaration of Frank Gillespie
Affidavit of Donnie J. Ashley

cc: See attached Service List

ATTACHMENT 1

**OYSTER CREEK HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplement 3 –November 9, 2006**

Supp No.	Accession Number	Document Date	Title/Description:
03-1	ML063120489	4/15/1966	Co REPORT No. 219/66-1, Construction Inspection Report including Drywell Testing
03-2	ML061230406	5/16/2006	G20060447/LTR-06-0208 - Maureen E. Flach Ltr re Renewal of Oyster Creek.
03-3	ML061380579	5/17/2006	06/01/2006 - Forthcoming Meeting with AmerGen Energy Company, LLC on License Renewal for Oyster Creek Nuclear Generating Station.
03-4	ML061640333	5/17/2006	Y020060110 - Oyster Creek Nuclear Generating Station Relicensing Lacey Township, New Jersey.
03-5	ML061440152	5/18/2006	Oyster Creek - Supplemental Information Addressing the Forked River Combustion Turbine Quality Assurance Attributes, Related to the Plant License Renewal Application.
03-6	ML061500071	5/24/2006	05/24/2006 - Phone Conversation Record by Mr. Marc Ferdas, NRC, Oyster Creek, Speaking to a Public Stakeholder, Mr. Donald Warren in Regards to Questions Asked at Annual Assessment Public Meeting.
03-7	ML061430377	5/24/2006	06/01/2006 Revised Notice (Location/Time Change) - Forthcoming Meeting with AmerGen Energy Company, LLC on License Renewal for Oyster Creek Nuclear Generating Station.
03-8	ML062960220	5/25/2006	E-MAIL: (PA) Oyster Creek FW: Bolting Follow-up.
03-9	ML061520231	6/1/2006	NUREG-1437, Supp 28, DFC " Generic Environmental Impact Statement for the License Renewal of Nuclear Plants: Regarding Oyster Creek Nuclear Generating Station."
03-10	ML061580242	6/1/2006	Official Transcript of Proceedings - Oyster Creek Nuclear Generating Station

Supp No.	Accession Number	Document Date	Title/Description:
			License Renewal - Public Meeting to discuss drywell issues.
03-11	ML062890359	6/2/2006	EMAIL: (PA) FW: Oyster Creek LR - Electrical RAI Supplement
03-12	ML061570333	6/2/2006	Oyster Creek Generating Station, Supplemental Information Related to Oyster Creek Generating Station License Renewal Application (TAC MC7624).
03-13	ML062960221	6/5/2006	E-MAIL: (PA) Oyster Creek Supplemental Information RAI 4.3-4.
03-14	ML061420240	6/5/2006	G20060495 - Rep. Robert Andrews Ltr. EDO re License Renewal Application of Oyster Creek.
03-15	ML061580543	6/7/2006	06/22/2006 Forthcoming Meeting with Amergen Energy Company, LLC, on Licensing Renewal for Oyster Creek Nuclear Generating Station.
03-16	ML061600246	6/7/2006	Supplement Information Related to Oyster Creek Generating Station License Renewal Application.
03-17	ML061590524	6/8/2006	Oyster Creek Generating Station, 10 CFR 50.46 Annual Report.
03-18	ML061600368	6/9/2006	June 1, 2006, Summary of Meeting With Amergen Energy Company, LLC, Representatives to Discuss the Staff's Concerns on the Drywell Shell and the Oyster Creek Nuclear Generating Station LRA.
03-19	ML061560230	6/9/2006	Letter to C.N. Swenson: Notice of Availability of Draft Environmental Impact Statement for Oyster Creek Nuclear Generating Station.
03-20	ML061570447	6/9/2006	Notice of Availability of the Draft Plant - Specific Supplement 28 to the Generic Environmental Impact Statement For License Renewal of Nuclear Plants (GEIS) Regarding Oyster Creek Nuclear Generating Station.
03-21	ML061500190	6/9/2006	Request Initiation of a Section 7 Consultation Regarding License Renewal of Oyster Creek Nuclear Generating Station.
03-22	ML061500192	6/9/2006	Request Initiation of an Essential Fish Habitat Consultation Regarding License

Supp No.	Accession Number	Document Date	Title/Description:
			Renewal of Oyster Creek Nuclear Generating Station.
03-23	ML061660072	6/12/2006	Supplement to AmerGen Response to NRC Request for Additional Information RAI 4.3-4, Related to Oyster Creek License Renewal Application.
03-24	ML061580022	6/13/2006	Oyster Creek License Renewal Application Review (TAC No. MC7625) (HPO-J2004-7021).
03-25	ML061710405	6/20/2006	06/22/2006 Cancelled - Forthcoming Meeting with AmerGen Energy Company, LLC, on License Renewal for Oyster Creek Nuclear Generating Station.
03-26	ML062970195	6/20/2006	E-mail: Oyster Creek Acrobat "Distilled" version of letter from AmerGen.
03-27	ML062960073	6/20/2006	E-mail: Oyster Creek Supplemental Information Pursuant to 6/1/06 Meeting.
03-28	ML061740573	6/20/2006	Oyster Creek, Supplemental Information Related to the Aging Management Program for the Oyster Creek Drywell Shell, Associated with AmerGen's License Renewal Application.
03-29	ML062960087	6/22/2006	E-mail: Oyster Creek Items from the 6-21 Telecon.
03-30	ML061650168	6/22/2006	Y020060110 - Oyster Creek Nuclear Generating Station Relicensing Lacey Township, New Jersey.
03-31	ML061800302	6/23/2006	Oyster Creek - Updated UFSAR Supplement Information Supporting the Plant License Renewal Application.
03-32	ML061770477	6/23/2006	Oyster Creek, Response to Request for Additional Information - Proposed Alternative Repair of Control Rod Drive Housing Interface with Reactor Vessel.
03-33	ML061790027	6/28/2006	07/12/2006 Notice of Forthcoming Meeting to Discuss the Draft Environmental Impact Statement for License Renewal of Oyster Creek Nuclear Generating Station
03-34	ML061660475	6/28/2006	G20060508/Oyster Creek Nuclear Generating Station Airspace- EDATS:

Supp No.	Accession Number	Document Date	Title/Description:
			SECY-2006-0094 (Ltr to Gerry P. Little).
03-35	ML061660468	6/28/2006	Ltr to Joseph H. Vicari Re: G20060508/Oyster Creek Nuclear Generating Station Airspace- EDATS: SECY-2006-0094.
03-36	ML062060436	7/5/2006	Email from Dotty Reynolds Regarding Environmental Review of Oyster Creek.
03-37	ML061930232	7/7/2006	06/20/2006 - Conversation Record of Response to Questions from Oyster Creek 2005 Annual Assessment Public Meeting on April 24, 2006.
03-38	ML061940020	7/7/2006	Oyster Creek - Additional Information Concerning FSAR Supplement Supporting the License Renewal Application.
03-39	ML061930401	7/7/2006	Oyster Creek - Supplemental Information Related to the Aging Management Program for the Plant Drywell Shell, Associated with Amergen's License Renewal Application.
03-40	ML062080053	7/7/2006	Section 7 Consultation Commencement with NMFS re: OCNCS License Renewal.
03-41	ML061940019	7/10/2006	Oyster Creek - Supplemental Information Related to License Renewal Application.
03-42	ML062060441	7/11/2006	Email from Bill Hering regarding Environmental Review of Oyster Creek NGS.
03-43	ML061980142	7/12/2006	Handwritten Notes & Comments Received During Draft Environmental Impact Statement Meetings for Oyster Creek Nuclear Generating Station.
03-44	ML062230129	7/12/2006	PowerPoint Presentation Associated with Oyster Creek Draft EIS Public Meetings.
03-45	ML062220458	7/12/2006	Transcript of Oyster Creek DSEIS Meeting 07/12/2006, (Afternoon Session) pp. 1-105.
03-46	ML062220526	7/12/2006	Transcript of Oyster Creek DSEIS Meeting 07/12/2006, (Evening Session) pp.

Supp No.	Accession Number	Document Date	Title/Description:
			1-118.
03-47	ML063030542	7/13/2006	E-Mail: (PA) FYI: Letter to OC From State of NJ Regarding Licensing Renewal.
03-48	ML062060443	7/13/2006	Email from Pat Crocker regarding Environmental Review of Oyster Creek NGS.
03-49	ML061950007	7/13/2006	IR 05000219-06-003; 04/01/06 - 06/30/06; AmerGen Energy Company, LLC, Oyster Creek Generating Station; Maintenance Effectiveness, and Event Follow-up.
03-50	ML062050309	7/14/2006	Comment (1) of Joseph Mangano on Renewal of Oyster Creek License for another 20 Years. Urges NRC to thoroughly examine potential health risks from plant using available data.
03-51	ML061930320	7/17/2006	G20060598/LTR-06-0316 - Russell W. Goyette Ltr re. Oyster Creek.
03-52	ML062010142	7/18/2006	Oyster Creek, 10 CFR 54.21(b) Annual Amendment to License Renewal Application.
03-53	ML062050225	7/21/2006	Summary of Meeting Held on April 20, 2006, Between NRC Staff and AmerGen Representatives to Discuss results of Aging Management Review and Aging Management Program Audits for Oyster Creek License Renewal Application.
03-54	ML062190217	7/24/2006	Oyster Creek, Sea Turtle Incidental Capture Report 2006-1.
03-55	ML063040635	7/26/2006	E-MAIL: (PA) Interim Staff Guidance on AMR of Embedded Steel Containment at Oyster Creek.
03-56	ML063040640	7/26/2006	E-MAIL: (PA) Re: Letter on Oyster Creek Embedded Drywell Liner.
03-57	ML062160052	7/28/2006	Summary of Telephone Conference Held on March 24 and April 7 - Oyster Creek Nuclear Generating Station. LRA.

Supp No.	Accession Number	Document Date	Title/Description:
03-58	ML062280608	7/31/2006	Oyster Creek Generating Station Groundwater Questionnaire.
03-59	ML063060272	8/1/2006	E-MAIL: Drawing requested by Labs.
03-60	ML062200101	8/7/2006	CB&I Request for Withholding Information from Public Disclosure for Containment Fabrication Drawings for Oyster Creek Generating Station, License Renewal Application (TAC No. MC7624).
03-61	ML062480041	8/9/2006	Comment (2) of Jim Saxton Opposing Draft Environmental Impact Statement (EIS) issued as part of the operating license renewal process for the Oyster Creek Nuclear Generating Facility in Forked River, New Jersey.
03-62	ML062230139	8/10/2006	Summary of Public Meetings on the Draft Supplemental Environmental Impact Statement Regarding Oyster Creek Nuclear Generating Station License Renewal Review.
03-63	ML062230429	8/11/2006	Summary of a Telephone Conference Call Held on March 16, 2006, Between the NRC and Amergen.
03-64	ML062230239	8/11/2006	Summary of Telecon - Oyster Creek Nuclear Generating Station, License Renewal Application - EEMB - Rajan.
03-65	ML062270631	8/11/2006	Summary of Telephone Conference Call Held on April 12, 2006, Between the USNRC & AmerGen Energy Co., LLC re Response to a Request for Additional Information Pertaining to the Oyster Creek License Renewal Application (TAC No. MC7624).
03-66	ML062230440	8/11/2006	Summary of Telephone Conference Held on Feb. 8, 2006, between the NRC and AmerGen.
03-67	ML062350158	8/14/2006	Oyster Creek - Sea Turtle Incidental take Reports 2006-2, 2006-3, 2006-4 & 2006-5.
03-68	ML062260418	8/14/2006	Oyster Creek, Response to Request for Additional Information - Proposed Alternative Repair of Control Rod Drive Housing Interface with Reactor Vessel.

Supp No.	Accession Number	Document Date	Title/Description:
03-69	ML063050662	8/15/2006	E-MAIL: Some info on Penetrations.
03-70	ML063040643	8/16/2006	E-MAIL: Re: Meeting Summary Unable to Find.
03-71	ML063050678	8/16/2006	E-MAIL: Re: Re: Oyster Creek - Some info on Penetrations.
03-72	ML063040531	8/17/2006	E-MAIL: A refined request...
03-73	ML063040530	8/17/2006	E-MAIL: Getting back to you, and a question...
03-74	ML062280051	8/18/2006	Oyster Creek License Renewal Audit and Review Report for Plant Aging Management Reviews and Programs, Revision 1.
03-75	ML063040535	8/18/2006	E-MAIL: Re: Request of information for J. Petti.
03-76	ML062300330	8/18/2006	Safety Evaluation Report with Open Items Related to the License Renewal of Oyster Creek Generating Station
03-77	ML062280388	8/18/2006	Transmittal Ltr - Audit and Review Report for Plant Aging Management Reviews and Programs for the Oyster Creek Generating Station License Renewal Application.
03-78	ML062280337	8/18/2006	Transmittal ltr - Safety Evaluation Report (SER) with Open Items Related to the License Renewal of Oyster Creek Generating Station
03-79	ML062400148	8/24/2006	09/13/2006 - Notice of Public Meeting between Oyster Creek Station and NRC staff to discuss inspection results covering Scoping and Aging Management.
03-80	ML062560021	8/25/2006	Y020060171 - Concerns Relating to Response Letter Sent by Dyer 7/17/06.
03-81	ML062550161	8/28/2006	Comment (4) of Michael P. Gallagher on Draft Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 28 Regarding Oyster Creek, dated June 2006.
03-82	ML062550158	8/30/2006	Comment (3) of Michael J. Kennish on Generic Environmental Impact

Supp No.	Accession Number	Document Date	Title/Description:
			Statement (GEIS) Regarding License Renewal of Oyster Creek.
03-83	ML062550166	8/30/2006	Comment (6) of Edith Gbur, re Questions Regarding EIS.
03-84	ML063030101	8/30/2006	E-mail: (PA) EIS.
03-85	ML063030095	8/30/2006	E-mail: (PA) Fwd: Sopiung and Aging Management - Oyster Creek.
03-86	ML063030098	8/30/2006	E-mail: (PA) Questions Regarding the EIS [Edith Gbur].
03-87	ML062550168	9/1/2006	Comment (7) of David J. McKeon, re Oyster Creek EIS - Question on Strontium-90 Emission.
03-88	ML063030105	9/1/2006	E-MAIL: (PA) Fwd: Questions Regarding the EIS (from B. Pham).
03-89	ML063030103	9/1/2006	E-Mail:(PA) Re: Oyster Creek SER Questions.
03-90	ML062610239	9/4/2006	Comment (14) of Joan K. Rubin and Gail Marsh Saxer, League of Women Voters, on NRC's Draft Generic Environmental Impact Study for Re-Licensing of Oyster Creek Nuclear Generating Station. League Supports Recommendation by the State of NJ.
03-91	ML062610240	9/4/2006	Comment (15) of Mary Mazza Opposing Relicensing Oyster Creek Nuclear Plant; So Much Technology for Safer Cleaner Energy Alternatives are Now Available and During the Next 5 Years, More Will Be.
03-92	ML062550170	9/5/2006	Comment (8) of Tom D. Jones Voicing Concerns and Objections to Relicensing of Nuclear Power Plant in Lacey Township, NJ.
03-93	ML062550163	9/6/2006	Comment (5) of Jessie Carr, re Comments on Draft Supplement 28 to GEIS (NUREG-1437) Specific to Application for 20-Year License Extension for Oyster Creek Generating Station.
03-94	ML062610242	9/7/2006	Comment (16) of John Filippelli on Draft Generic Environmental Impact Statement for License Renewal of Oyster Creek. Recommends that the Final

Supp No.	Accession Number	Document Date	Title/Description:
			SEIS Address Opportunities for Pollution Prevention & Waste Recycling.
03-95	ML062610234	9/7/2006	Comment (9) of Robert Scro on Behalf of Barnegat Bay National Estuary Program Opposing the Generic Environmental Impact Statement for Oyster Creek,
03-96	ML062610416	9/8/2006	Comment (10) of Raechelle Edwards on Behalf of Julia LeMense Huff re Renewal of Oyster Creek License.
03-97	ML062510224	9/8/2006	Summary of Telephone Conference Calls held on July 6, and July 7, 2006, between the NRC and AmerGen Energy Company, LLC, Concerning Clarification of Requests for Additional Information Pertaining to the Oyster Creek Nuclear Generating Station LRA.
03-98	ML062610359	9/11/2006	Comment (11) of Richard Webster, Resending EIS Comments.
03-99	ML062610236	9/11/2006	Comment (12) of Eugene Creamer on NRC's Environmental Impact Statement for Renewal of License for Oyster Creek.
03-100	ML062610237	9/11/2006	Comment (13) of Kenneth C. Koschek On Renewal of Oyster Creek License.
03-101	ML063040618	9/11/2006	E-MAIL: FW: Documentation of Communication with NJ DEP.
03-102	ML062610245	9/12/2006	Comment (19) of Edith Gbur re Oyster Creek EIS.
03-103	ML063030108	9/12/2006	E-Mail: (PA) Re: More Questions Regarding the EIS.
03-104	ML062610243	9/13/2006	Comment (17) of Walter Lenskold, Opposing the Relicense of Oyster Creek.
03-	ML062610244	9/13/2006	Comment (18) of Jennifer Samson on Behalf of Clean Ocean Action and

Supp No.	Accession Number	Document Date	Title/Description:
105			American Littoral Society on NUREG-1437: Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Suppl, 28, Oyster Creek Draft Report for Comment.
03-106	ML062610248	9/14/2006	Comment (20) of Willie deCamp Regarding Waste Accumulation for Oyster Creek License Renewal.
03-107	ML062620348	9/14/2006	Comment (21) of Kenneth C. Koschek On License Renewal for Oyster Creek Nuclear Plant.
03-108	ML062650456	9/14/2006	Comment (22) of Mary Miazza, Opposing Relicensing of 35 Year Old Oyster Creek Nuclear Plant.
03-109	ML062680033	9/14/2006	Comment (23) of Richard Webster, on NUREG-1437: Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 28, Regarding Oyster Creek Nuclear Generating Station Draft Report for Comment: Comment on Safety & Security Aspects.
03-110	ML062860566	9/15/2006	Comment (1) of J. Lipoti Supporting to the Proposed License Renewal Interim Staff Guidance LR-ISG-2006-03 for Preparing Severe Accident Mitigation Alternatives (SAMA) Analyses.
03-111	ML062650059	9/21/2006	IR 05000219-06-007; AmerGen Energy Company; 03/13-17/2006 03/27-31/2006; Oyster Creek Generating Station; Inspection of the Scoping of Non-Safety Systems and the Proposed Aging Management Procedures for Application for Renewed License.
03-112	ML063030114	9/27/2006	E-mail: (PA) Fwd: Oyster Creek Shinnigans.
03-113	ML063030112	9/28/2006	E-MAIL: (PA) Fwd: Re: Details Regarding Water Incident.
03-114	ML062890168	9/28/2006	NOAA - F. Gillespie - Essential Fish Habitat Consultation Regarding License Renewal of Oyster Creek Nuclear Generating Station.

Supp No.	Accession Number	Document Date	Title/Description:
03-115	ML063030109	10/3/2006	E-MAIL: (PA) Fwd: Oyster Creek Presentation Oct. 3 ACRS Subcom.
03-116	ML062900390	10/3/2006	Transcript of ACRS Plant License Renewal Subcommittee on October 3, 2006 in Rockville, MD. Pages 1 - 232. With Related Documentation.
03-117	ML063060392	10/4/2006	E-MAIL: (PA) Recycling Information.
03-118	ML063040693	10/4/2006	E-MAIL: Firebar-D Material
03-119	ML063050192	10/4/2006	E-MAIL: Firebar-D Material [Part 2].
03-120	ML062650288	10/10/2006	Y020060171 - Concerns Relating to Response Letter Sent by Dyer 7/17/06.

ATTACHMENT 2

**OYSTER CREEK HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 3 – November 9, 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.

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-03-01	ML062960198	Dudley N F, NRC	E-mail: (PD) Oyster Creek Talking Points for June 1, 2006 Meeting with AmerGen.	6/1/2006	E-Mail	Ashley D J, NRC	Draft talking points for meeting with Applicant	14
DP-03-02	ML063030490	Modes M C, NRC	E-MAIL: (PD) Re: Query: Isolation Condenser Classification [from M. Modes].	6/6/2006	E-Mail	Ferdas M S, NRC/RGN-I	Discussions re scope of aging management programs	4
DP-03-03	ML063030516	Modes M C, NRC	E-MAIL: (PD) Re: Query: Isolation Condenser Classification.	6/6/2006	E-Mail	Segala J P, Sykes M D, NRC	Discussions re scope of aging management programs	5
DP-03-04	ML062960077	Petti J P, Sandia National Labs (SNL)	E-mail: (PD) Oyster Creek RE: Tomorrow's Teleconference with Sandia and Am Gen.	6/21/2006	E-Mail	Ashar H G, Ashley D J, NRC	Contractor proposed issues to discuss with Applicant	4
DP-	ML062960092	Ashley D J,	E-mail: (PD) Oyster	6/22/2006	E-Mail	Ferdas M S,	Draft answers to	2

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
03-05		NRC/NRR/ ADRO/DLR/ RLRA	Creek Re: Help Needed - Responding to questions.			NRC	questions at Reactor Oversight Program Meeting	
DP-03-06	ML062890457	Ashar H G, NRC	Email: (PD) Fwd: Re: To-morrow's Teleconference with Sandia and Am Gen	6/26/2006	E-Mail	Rodriguez V M, NRC	Discussion of proposed items to request from Applicant	3
DP-03-07	ML062890397	Palla R L, NRC	EMAIL: (PD) Re: Oyster Creek Meeting	6/28/2006	E-Mail	LaGory K E, Argonne National Lab (ANL)	Discussing draft slides for public meeting	3
DP-03-08	ML063030132	Ashley D J, NRC/NRR	E-MAIL: (PD) Boiler Heating House Questions - License Renewal.	7/20/2006	E-Mail	Treadway R I, NRC	Discussing License Renewal scope	3
DP-03-09	ML063030129	Treadway R I, NRC/RGN-I	E-MAIL: (PD) Boiler Heating House Questions - License Renewal [from R. Treadway]	7/21/2006	E-Mail	Ashley D J, NRC/NRR	Discussing License Renewal scope	3
DP-03-10	ML063060270	Ashar H G, NRC	E-MAIL: (PD) Need more info from the Applicant for Analysis.	7/31/2006	E-Mail	Ashley D J, Rodriguez V M, NRC	Draft RAIs	3
DP-03-11	ML063060345	Ashar H G, NRC	E-MAIL: (PD) Re: notes from the	8/3/2006	E-Mail	Ashley D A, NRC/NRR/ADR	Draft teleconference	3

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
			telecon with OCGS and Sandia.			O/DLR/RLRA	summary	
DP-03-12	ML063060361	Modes M C, NRC	E-mail (PD) NJ Participation in OC Exit Meeting.	8/4/2006	E-Mail	Jackson D E, NRC	Discussion re topics to address with state of NJ	3
DP-03-13	ML063070093	Ashar H G, NRC	E-MAIL: (PD) A few items on OC LRA.	8/7/2006	E-Mail	Ashley D J, NRC	Suggesting draft RAIs	3
DP-03-14	ML062890408	Rodriguez V M, NRC	Email: (PD) Oyster Creek Audit Report	8/8/2006	E-Mail	Lougheed V P, NRC	Comments on draft Audit Report input	2
DP-03-15	ML063050665	Ashar H G, NRC	E-MAIL: (PD) A Summary of the Staff Evaluation of AMGEN Responses Dated June 20, 2006.	8/10/2006	E-Mail	Dudley N F, NRC	Analysis of Applicant's RAI responses	7
DP-03-16	ML063050596	Modes M C, NRC	E-MAIL: (PD) UPDATE Oyster Creek Liner Commitments Inspection IP71003.	8/11/2006	E-Mail	Ashar H G, Ashley D J, Jackson D E, Lund L A, NRC	Discusses future inspections	3
DP-03-17	ML063050668	Petti J P, Sandia National Labs (SNL)	E-MAIL: (PD) Re: Oyster Creek - Some info on Penetrations [modified list].	8/16/2006	E-Mail	Ashley D J, NRC/NRR/ADR O/DLR/RLRA	Discussion with contractor re information from Applicant	4
DP-03-18	ML063040540	Ashar H G, NRC	E-MAIL: (PD) Fwd: OC Corrosion.	9/1/2006	E-Mail	Dudley A L, NRC	Forwards corrosion modeling info from	4

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
							contractor	
DP-03-19	ML063040628	Dudley N F, NRC	E-MAIL: (PD) Re: A Useful Document, If you do not Have It.	9/7/2006	E-Mail	Ashar H G, NRC	Comments on proposed modeling	2
DP-03-20	ML063070135	Palla R L, NRC	E-MAIL: (PD) Responses to NJDEP Comments on SAMA.	9/19/2006	E-Mail	Masnik M T, NRC	Draft responses to NJ comments	4
DP-03-21	ML063070138	LaGory K E, NRC	E-MAIL: (PD) FW: Accident comments.	9/25/2006	E-Mail	Palla R L, NRC	Comments for contractor re draft EIS	9
DP-03-22	ML062890369	Palla R L, NRC	EMAIL: (PD) Re: Fwd: Accident comments	9/25/2006	E-Mail	LaGory K E, Argonne National Lab (ANL)	Draft responses to questions re EIS	5
DP-03-23	ML063070172	Masnik M T, NRC	E-MAIL: (PD) Fwd: Response to NJ comment on Oyster Creek.	9/26/2006	E-Mail	LaGory K E, Monette F A, Argonne National Lab (ANL)	Draft responses to DEIS comments	3
DP-03-24	ML063070158	LaGory K E, Argonne National Lab (ANL)	Email: (PD) Re: FW: NRC help on comment.	9/26/2006	E-Mail	Masnik M T, Monette F A, Argonne National Lab (ANL), NRC	Comment from contractor re DEIS	29
DP-	ML063040695	Dudley N F,	E-MAIL: (PD) Fwd:	9/28/2006	E-Mail	Ashley D J,	Draft slides for	5

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
03-25		NRC/NRR	Re: OC draft slides			NRC/NRO	ACRS presentation	
DP-03-26	ML063070162	Ward J A, Battelle Marine Sciences Lab	E-MAIL: (PD) Entrainment and BOD Loading.	9/29/2006	E-Mail	Masnik M T, Nash H L, NRC	Draft response to DEIS comments	2
DP-03-27	ML063040689	Ashar H G, NRC/NRR	E-MAIL: (PD) Re: OC Draft Report.	10/5/2006	E-Mail	Hessheimer M F, Sandia National Labs (SNL)	Discussion for January ACRS proceeding	2

November 9, 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 November 9, 2006, submission of Supplement 3 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 November 9, 2006, submission of Supplement 3 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/

Frank Gillespie

Executed in Rockville, MD
this 9th day of November, 2006.

November 8, 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 8th day of November, 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
)
(Oyster Creek Nuclear Generating Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated November 9, 2006, providing notice of the availability of Supplement 3 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 9th day of November, 2006.

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

Washington, DC 20555-0001
PBA@nrc.gov

Anthony J. Baratta
Administrative Judge
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
AJB5@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: O-16C1
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
HEARINGDOCKET@nrc.gov

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

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
OCAAMail@nrc.gov

Debra Wolf
Law Clerk
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory

Commission
Washington, DC 20555-0001
DAW1@nrc.gov

Lisa P. Jackson, Acting
Commissioner*
Jill Lipoti, Director*
New Jersey Department of
Environmental Protection
Division of Environmental Safety and Health
P.O. Box 424
Trenton, NJ 08625-0424
Jill.Lipoti@dep.state.nj.us

Kathryn M. Sutton, Esq.*
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
ksutton@morganlewis.com

Ron Zak*
New Jersey Department of
Environmental Protection
Nuclear Engineering
P.O. Box 415
Trenton, NJ 08625-0415
Ron.Zak@dep.state.nj.us

Suzanne Leta*
New Jersey Public Interest Research Group
11 N. Willow St.
Trenton, NJ 08608
sleta@njpirg.org

Donald Silverman, Esq.*
Morgan, Lewis, & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
dsilverman@morganlewis.com

New Jersey Department of
Environmental Protection
P.O. Box 402
Trenton, NJ 08625-0402
Lisa.Jackson@dep.state.nj.us

Alex S. Polonsky, Esq.*
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004
apolonsky@morganlewis.com

Paul Gunter, Director*
Reactor Watchdog Project
Nuclear Information
And Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036
pgunter@nirs.org

J. Bradley Fewell, Esq.*
Exelon Corporation
200 Exelon Way, Suite 200
Kennett Square, PA 19348
bradley.fewell@exeloncorp.com

John A. Covino, Esq.*
Valerie Anne Gray, Esq.
Deputy Attorneys General
Division of Law
Environmental Permitting and Counseling
Section
Hughes Justice Complex
P.O. Box 093
Trenton, NJ 08625
john.covino@dol.lps.state.nj.us
Valerie.Gray@dol.lps.state.nj.us

Richard Webster, Esq.*
Rutgers Environmental Law Clinic
123 Washington Street
Newark, NJ 07102-5695
rwebster@kinoy.rutgers.edu

/RA/

Jody C. Martin
Counsel for NRC Staff