

July 15, 2010

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-3F23  
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 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).

As required by 10 C.F.R. § 2.336(b)(5), the Staff is producing an updated privilege log, identifying documents withheld under the deliberative process privilege, which are appended hereto as Attachment 2. Also, attached is the Declaration of Brian E. Holian formally invoking the deliberative process privilege with respect to each of the documents in Attachment 2. The Staff will preserve and maintain the privileged documents identified in these logs during the pendency of this proceeding. Further, pursuant to 10 C.F.R. § 2.336(c) is the attached Affidavit of Lisa M. Regner.

- 2 -

Sincerely,

*/RA/*

Andrea' Z. Jones  
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 23  
Attachment 2 - Deliberative Process Privilege Log  
Declaration of Brian E. Holian  
Affidavit of Lisa M. Regner

cc w/Encls.: Service List

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) )  
 )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Letter to the Atomic Safety and Licensing Board regarding the Pilgrim Nuclear Power Station Hearing File, including: Attachment 1 – Pilgrim Nuclear Power Station License Renewal Hearing File Index Supplement 23, Attachment 2 – Deliberative Process Privilege Log, Declaration of Brian E. Holian and Affidavit of Lisa M. Regner have been served upon the following through deposit in the NRC’s internal mail system, with copies by electronic mail, or, as indicated by an asterisk, by deposit in the U.S. Postal Service, with copies by electronic mail this 15<sup>th</sup> day of July, 2010:

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*/RA/*

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Andrea' Z. Jones  
Counsel for the NRC Staff

Attachment 1 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
 Supplement 23 - July 15, 2010

<u>ID #</u>	<u>Accession Number</u>	<u>Document Date</u>	<u>Title</u>
23-001	ML101950338 *	1/23/2008	2008/01/23 Pilgrim Renewal Hearing - FW Hearing on Plymouth MA Pilgrim Nuclear Plant/Entergy
23-002	ML093640058	12/28/2009	Pilgrim Nuclear Power Station License Renewal Application Annual Update (TAC MC9669).
23-003	ML101820041	5/7/2010	2010/05/07 Pilgrim Renewal Hearing - RE: License Renewal guidance documents
23-004	ML101820034	5/19/2010	2010/05/19 Pilgrim Renewal Hearing - Pilgrim DRAFT RAIs - Buried Piping and EDG Fogger Housing
23-005	ML101820032	5/20/2010	2010/05/20 Pilgrim Renewal Hearing - RE: Pilgrim DRAFT RAIs - Buried Piping and EDG Fogger Housing
23-006	ML101950315*	5/26/2010	2010/05/26 Pilgrim Renewal Hearing - RE: Pilgrim DRAFT RAIs - Buried Piping and EDG Fogger Housing
23-007	ML101820027	5/28/2010	2010/05/28 Pilgrim Renewal Hearing - Pilgrim Small Bore Piping Socket Welds
23-008	ML101820026	6/2/2010	2010/06/02 Pilgrim Renewal Hearing - RE: Participant List
23-009	ML101820017	6/22/2010	2010/06/22 Pilgrim Renewal Hearing - RE: Didn't forget about you

\* These documents have been redacted because they contained personally identifiable information (PII)

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 23 - July 15, 2010

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 disclosures 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.

ID #	Accession Number	Author Name/Affiliation	Document Date	Document Type	Title	Addressee/Affiliation	Comment	Page Count
DPP-23-001	ML101810564	Steve Jones, NRC/NRR	2/3/2010	E-Mail	2010/02/03 Pilgrim Renewal Hearing - Pilgrim License Renewal Update Item 5	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-002	ML101810562	Steve Jones, NRC/NRR	2/16/2010	E-Mail	2010/02/16 Pilgrim Renewal Hearing - RE: Pilgrim License Renewal Update Item 5	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-003	ML101810561	Steve Jones, NRC/NRR	3/9/2010	E-Mail	2010/03/09 Pilgrim Renewal Hearing - RE: Pilgrim Annual Update	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-004	ML101890141	William Holston, NRC/NRR	3/17/2010	E-Mail	2010/03/17 Pilgrim Renewal Hearing - Buried Pipe OE Related RAI for Cooper VY and Pilgrim	NRR/DLR	Internal discussion related to possible SER supplement	4
DPP-23-005	ML101890143	William Holston, NRC/NRR	3/19/2010	E-Mail	2010/03/19 Pilgrim Renewal Hearing - RE: Buried Pipe OE Related RAI for Cooper VY and Pilgrim	NRR/DLR	Internal discussion related to possible SER supplement	6
DPP-23-006	ML101890145	William Holston, NRC/NRR	3/23/2010	E-Mail	2010/03/23 Pilgrim Renewal Hearing - Revised Buried Pipe RAIs for Vermont Yankee and Pilgrim	NRR/DLR	Internal discussion related to possible SER supplement	4
DPP-23-007	ML101890147	William Holston, NRC/NRR	3/24/2010	E-Mail	2010/03/24 Pilgrim Renewal Hearing - FW: Revised Buried Pipe RAIs for Vermont Yankee and Pilgrim	NRR/DLR	Internal discussion related to possible SER supplement	4

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 23 - July 15, 2010

ID #	Accession Number	Author Name/Affiliation	Document Date	Document Type	Title	Addressee/Affiliation	Comment	Page Count
DPP-23-008	ML101890149	William Holston, NRC/NRR	3/24/2010	E-Mail	2010/03/24 Pilgrim Renewal Hearing - FW: VY and Pilgrim buried pipe RAIs	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-009	ML101820410	Robert Kuntz, NRC/NRR	3/24/2010	E-Mail	2010/03/24 Pilgrim Renewal Hearing - RE: VY and Pilgrim buried pipe RAIs	NRR/DLR	Internal discussion related to possible SER supplement	4
DPP-23-010	ML101890148	William Holston, NRC/NRR	3/24/2010	E-Mail	2010/03/24 Pilgrim Renewal Hearing - VY and Pilgrim buried pipe RAIs	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-011	ML101820074	Lisa Regner, NRC/NRR	3/25/2010	E-Mail	2010/03/25 Pilgrim Renewal Hearing - RE: Pilgrim	NRR/DLR	Internal discussion related to possible SER supplement	4
DPP-23-012	ML101820072	Lisa Regner, NRC/NRR	3/26/2010	E-Mail	2010/03/26 Pilgrim Renewal Hearing - RE: Pilgrim LR Annual Update RAIs	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-013	ML101820056	Lisa Regner, NRC/NRR	4/16/2010	E-Mail	2010/04/16 Pilgrim Renewal Hearing - FW: VY and Pilgrim buried pipe RAIs	NRR/DLR	Internal discussion related to possible SER supplement	4
DPP-23-014	ML101890151	William Holston, NRC/NRR	4/19/2010	E-Mail	2010/04/19 Pilgrim Renewal Hearing - RE: VY and Pilgrim buried pipe RAIs	NRR/DLR	Internal discussion related to possible SER supplement	6
DPP-23-015	ML101890136	William Holston, NRC/NRR	4/23/2010	E-Mail	2010/04/23 Pilgrim Renewal Hearing - RE: Buried Piping and Tank RAI	NRR/DLR	Internal discussion related to possible SER supplement	3

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 23 - July 15, 2010

ID #	Accession Number	Author Name/Affiliation	Document Date	Document Type	Title	Addressee/Affiliation	Comment	Page Count
DPP-23-016	ML101890152	William Holston, NRC/NRR	4/27/2010	E-Mail	2010/04/27 Pilgrim Renewal Hearing - Draft Buried Pipe RAI for Current Applicants	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-017	ML101820409	Robert Kuntz, NRC/NRR	4/27/2010	E-Mail	2010/04/27 Pilgrim Renewal Hearing - RE: Strategy Meeting for VY/Pilgrim BP RAI	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-018	ML101890134	William Holston, NRC/NRR	4/27/2010	E-Mail	2010/04/27 Pilgrim Renewal Hearing - Strategy Meeting for VY/Pilgrim BP RAI	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-019	ML101890154	William Holston, NRC/NRR	4/29/2010	E-Mail	2010/04/29 Pilgrim Renewal Hearing - Status - Thursday Aft.	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-020	ML101890156	William Holston, NRC/NRR	5/4/2010	E-Mail	2010/05/04 Pilgrim Renewal Hearing - Draft RAIs for VY and Pilgrim for Buried Pipe	NRR/DLR	Internal discussion related to possible SER supplement	4
DPP-23-021	ML101890118	William Holston, NRC/NRR	5/4/2010	E-Mail	2010/05/04 Pilgrim Renewal Hearing - RE: Draft RAIs for VY and Pilgrim for Buried Pipe	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-022	ML101890158	William Holston, NRC/NRR	5/6/2010	E-Mail	2010/05/06 Pilgrim Renewal Hearing - RE: Draft Buried Pipe RAI for Current Applicants	NRR/DLR	Internal discussion related to possible SER supplement	4
DPP-23-023	ML101890115	William Holston, NRC/NRR	5/10/2010	E-Mail	2010/05/10 Pilgrim Renewal Hearing - Buried Pipe RAIs for VY and Pilgrim	NRR/DLR	Internal discussion related to possible SER supplement	4

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
Deliberative Process Privilege, Supplement 23 - July 15, 2010

ID #	Accession Number	Author Name/Affiliation	Document Date	Document Type	Title	Addressee/Affiliation	Comment	Page Count
DPP-23-024	ML101890171	William Holston, NRC/NRR	5/18/2010	E-Mail	2010/05/18 Pilgrim Renewal Hearing - Pilgrim Buried Pipe RAI	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-025	ML101810558	Steve Jones, NRC/NRR	5/19/2010	E-Mail	2010/05/19 Pilgrim Renewal Hearing - RE: Regner modification for review: Pilgrim EDG Fogger Housing DRAFT RAI	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-026	ML101820035	Lisa Regner, NRC/NRR	5/19/2010	E-Mail	2010/05/19 Pilgrim Renewal Hearing - Regner modification for review: Pilgrim EDG Fogger Housing DRAFT RAI	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-027	ML101820033	Lisa Regner, NRC/NRR	5/20/2010	E-Mail	2010/05/20 Pilgrim Renewal Hearing - RE: Buried Pipes RAI	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-028	ML101890016	Allen Hiser, NRC/NRR	5/20/2010	E-Mail	2010/05/20 Pilgrim Renewal Hearing - REVIEW - Final Comments Requested: Pilgrim Draft RAI on Neutron Absorbers	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-029	ML101820029	Lisa Regner, NRC/NRR	5/26/2010	E-Mail	2010/05/26 Pilgrim Renewal Hearing - FW: Pilgrim License Renewal and Palo Verde	NRR/DLR	Internal discussion related to possible SER supplement	3
DPP-23-030	ML101820024	Lisa Regner, NRC/NRR	6/8/2010	E-Mail	2010/06/08 Pilgrim Renewal Hearing - RE: Pilgrim LRA	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-031	ML101820405	Robert Kuntz, NRC/NRR	6/28/2010	E-Mail	2010/06/28 Pilgrim Renewal Hearing - Pilgrim annual update RE: AST approval	NRR/DLR	Internal discussion related to possible SER supplement	3

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 23 - July 15, 2010

ID #	Accession Number	Author Name/Affiliation	Document Date	Document Type	Title	Addressee/Affiliation	Comment	Page Count
DPP-23-032	ML101820014	Lisa Regner, NRC/NRR	6/30/2010	E-Mail	2010/06/30 Pilgrim Renewal Hearing - FW: Pilgrim License Renewal	NRR/DLR	Internal discussion related to possible SER supplement	10
DPP-23-033	ML101820015	Lisa Regner, NRC/NRR	6/30/2010	E-Mail	2010/06/30 Pilgrim Renewal Hearing - FW: RAI on coatings	NRR/DLR	Internal discussion related to possible SER supplement	2
DPP-23-034	ML101820012	Lisa Regner, NRC/NRR	7/1/2010	E-Mail	7/1/2010 Pilgrim Renewal Hearing - Pilgrum tritium info	NRR/DLR	Internal discussion related to possible SER supplement	2

July 15, 2010

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 BRIAN E. HOLIAN

I, Brian E. Holian, do hereby state as follows:

1. I am employed as the Director of the Division of License Renewal (“DLR”) in the U.S. 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’s license renewal application.

2. As part of their responsibilities in updating the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified certain documents as privileged because they contained information concerning the Staff’s pre-decisional deliberative process. Those documents are listed in Attachment 2 to the July 15, 2010 submission of the Staff’s Hearing File Index Supplement 23.

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 pre-decisional information concerning the Staff’s review of the license renewal application. All documents contain either 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 for the Staff's review of the pending license renewal application.

4. Further, I have determined that disclosure of these 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 July 15, 2010 submission of the Staff's Hearing File Index Supplement 23.

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/***

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Brian E. Holian

Executed in Rockville, Maryland  
this 15<sup>th</sup> day of July, 2010

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 LISA M. REGNER CONCERNING MANDATORY DISCLOSURE  
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, Lisa M. Regner, 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/***

\_\_\_\_\_  
Lisa M. Regner

Executed in Rockville, MD  
this 15<sup>th</sup> day of July, 2010