



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

OFFICE OF THE
GENERAL COUNSEL

August 27, 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

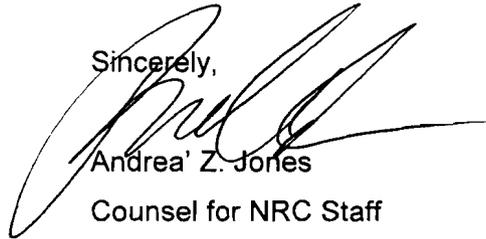
In the Matter of
Entergy Nuclear Generation Company and
Entergy Nuclear Operations, Inc.
(Pilgrim Nuclear Power Station)
Docket No. 50-293-LR; ASLBP No. 06-848-02-LR

Dear Administrative Judges:

The NRC Staff 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 1. Also, attached is the Declaration of Brian E. Holian formally invoking the deliberative process privilege with respect to each of the documents in Attachment 1. The Staff will preserve and maintain the privileged documents identified in this log during the pendency of this proceeding. Further, pursuant to 10 C.F.R. § 2.336(c) is the attached Affidavit of Lisa M. Regner.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Z. Jones', written over the typed name.

Andrea Z. Jones

Counsel for NRC Staff

Enclosures: Attachment 1 - Deliberative Process Privilege Log
Declaration of Brian E. Holian
Affidavit of Lisa M. Regner

cc w/Encls.: Service List

Attachment 1 - Pilgrim Nuclear Power Station License Renewal Hearing File Index
 Deliberative Process Privilege, Supplement 26 - August 27, 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-26-001	ML102300005	William Holston, NRC/NRR	7/29/2010	E-Mail	2010/07/29 Pilgrim Renewal Hearing - RE: Responses to pilgrim watch comments	NRR/DLR	Internal discussion related to comments on GALL revisions	2
DPP-26-002	ML102300004	William Holston, NRC/NRR	8/3/2010	E-Mail	2010/08/03 Pilgrim Renewal Hearing - Buried Pipe Briefing Material	NRR/DLR	Internal discussion related to GALL revisions	5
DPP-26-003	ML102300003	William Holston, NRC/NRR	8/3/2010	E-Mail	2010/08/03 Pilgrim Renewal Hearing - Buried Pipe Compilation Chart	NRR/DLR	Internal discussion related to possible SER supplement	12
DPP-26-004	ML102300002	William Holston, NRC/NRR	8/4/2010	E-Mail	2010/08/04 Pilgrim Renewal Hearing - First Page	NRR/DLR	Internal discussion related to possible SER supplement	3

August 25, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENERGY NUCLEAR GENERATION)	Docket No. 50-293-LR
COMPANY AND ENERGENCY 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 1 to the Staff's Hearing File Index Supplement 26.

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 1 to the Staff's Hearing File Index Supplement 26.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



Brian E. Holian

Executed in Rockville, Maryland
this 25th day of August, 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))	

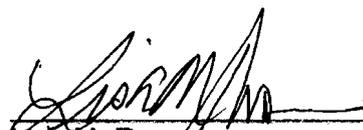
AFFIDAVIT OF LISA M. REGNER CONCERNING MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

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.


Lisa M. Regner

Executed in Rockville, MD
this 27th day of August, 2010

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 – 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 27th day of August, 2010:

Administrative Judge
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(VIA INTERNAL MAIL ONLY)

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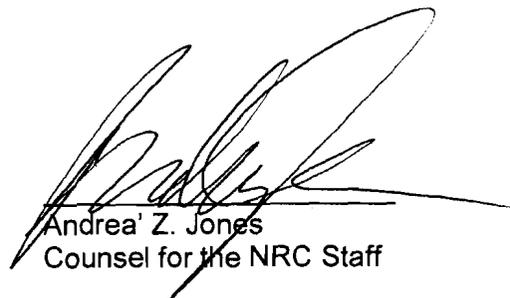
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Counsel for the NRC Staff