



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

November 5, 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

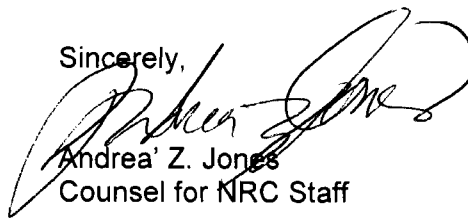
In the Matter of
Entergy Nuclear Generation Company and
Entergy Nuclear Operations, Inc.
(Pilgrim Nuclear Power Station)
Docket No. 50-293-LR; ASLBP No. 06-848-02-LR

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).

An index containing the ADAMS accession number, date, and title or description of the item in Hearing File Index, Supplement 31 is appended hereto as Attachment 1. 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, appended hereto as Attachment 2. Also, attached is the Declaration of Brian E. Holian formally invoking the deliberative process privilege with respect to the documents in Attachment 2. The Staff will preserve and maintain the privileged documents identified in the 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 and title.

Andrea Z. Jones
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 31
Attachment 2 - 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
Supplement 31 - November 5, 2010

<u>ID #</u>	<u>Accession Number</u>	<u>Document Date</u>	<u>Title</u>
31-001	ML102920030	10/19/2010	2010/10/19 Pilgrim Renewal Hearing - Protective Coatings DRAFT RAI
31-002	ML103050196	10/21/2010	2010/10/21 Pilgrim Renewal Hearing - 2010 Annual Update for Pilgrim License Renewal

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 31 - November 5, 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-31-001	ML102940116	Lisa Regner, NRC/NRR	10/21/2010	E-Mail	2010/10/21 Pilgrim Renewal Hearing - FW: Pilgrim and VY Schedule for BP RAI	NRC/NRR	Internal discussion regarding draft RAIs	3
DPP-31-002	ML102940570	Steve Jones, NRC/NRR	10/21/2010	E-Mail	2010/10/21 Pilgrim Renewal Hearing - RE: 2009 Annual Update supplement for Pilgrim License Renewal	NRC/NRR	Internal discussion regarding 2009 supplement annual update	2
DPP-31-003	ML102980658	Emma Wong, NRC/NRR	10/25/2010	E-Mail	2010/10/25 Pilgrim Renewal Hearing - Pilgrim RAI on Neutron abs. mat	NRC/NRR	Internal discussion regarding draft RAIs	3
DPP-31-004	ML102980281	Emma Wong, NRC/NRR	10/25/2010	E-Mail	2010/10/25 Pilgrim Renewal Hearing - RE: 2009 Annual Update supplement for Pilgrim License Renewal	NRC/NRR	Internal discussion regarding 2009 supplement annual update	2
DPP-31-005	ML103020006	Emma Wong, NRC/NRR	10/29/2010	E-Mail	2010/10/29 Pilgrim Renewal Hearing - Pilgrim RAI on coatings	NRC/NRR	Internal discussion regarding draft RAIs	3
DPP-31-006	ML103050157	Lisa Regner, NRC/NRR	11/1/2010	E-Mail	2010/11/01 Pilgrim Renewal Hearing - RE: Pump Cover Thermal Barrier for Pilgrim License Renewal	NRC/NRR	Internal discussion regarding pump cover thermal barrier	2

November 5, 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. The documents are listed in Attachment 2 to the Staff's Hearing File Index Supplement 31.

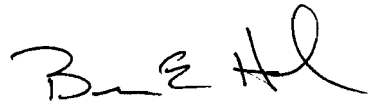
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains pre-decisional information concerning the Staff's review of the license renewal application. The documents 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. The documents comprise 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 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 the documents listed in Attachment 2 to the Staff's Hearing File Index Supplement 31.

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 5th day of November, 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
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(Pilgrim Nuclear Power Station))	

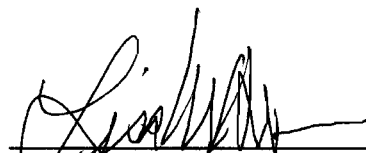
AFFIDAVIT OF LISA M. REGNER CONCERNING MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

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 5th day of November, 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 – Pilgrim Nuclear Power Station License Renewal Hearing File Index Supplement 31, 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 5th day of November, 2010:

Administrative Judge
Richard F. Cole
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Administrative Judge
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Atomic Safety and Licensing Board
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(VIA INTERNAL MAIL ONLY)

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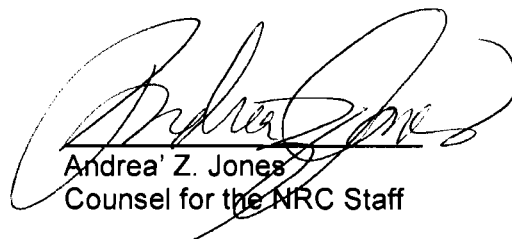
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