



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555 - 0001

December 29, 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

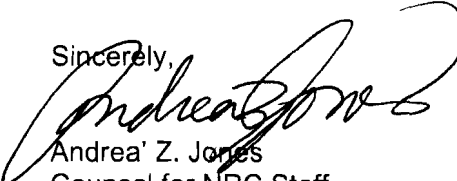
In the Matter of  
Entergy Nuclear Generation Company and  
Entergy Nuclear Operations, Inc.  
(Pilgrim Nuclear Power Station)  
Docket No. 50-293-LR; ASLBP No. 06-848-02-LR

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 35 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 Melanie A. Galloway 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,



Andrea Z. Jones  
Counsel for NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 35  
Attachment 2 - Deliberative Process Privilege Log  
Declaration of Melanie A. Galloway  
Affidavit of Lisa M. Regner

cc w/Encls.: Service List

Attachment 1 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
Supplement 35 - December 29, 2010

ID #	Accession Number	Document Date	Title
35-001	ML103620769	12/28/2010	2010/12/28 Pilgrim Renewal Hearing - Additional DRAFT RAIs for License Renewal

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index  
 Deliberative Process Privilege, Supplement 35 - December 29, 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-35-001	ML103620770	Bryce Lehman, NRC/NRR	12/23/2010	E-Mail	2010/12/23 Pilgrim Renewal Hearing - FW: Pilgrim SER	NRC/NRR	Internal discussion regarding draft request for additional information (RAI)	2
DPP-35-002	ML103620771	Bryce Lehman, NRC/NRR	12/23/2010	E-Mail	2010/12/23 Pilgrim Renewal Hearing - RE: Pilgrim SER	NRC/NRR	Internal discussion regarding draft RAIs	3

December 29, 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 MELANIE A. GALLOWAY

I, Melanie A. Galloway, do hereby state as follows:

1. I am employed as the Deputy Director of the Division of License Renewal (“DLR”) in the U.S. Nuclear Regulatory Commission’s (“NRC”) Office of Nuclear Reactor Regulation (“NRR”). I am serving as the Acting Director for DLR. 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 35.

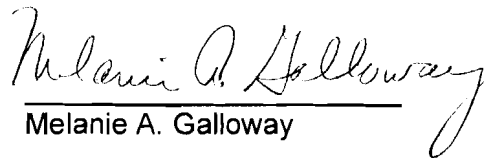
3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain pre-decisional information concerning the Staff’s review of the license renewal application. The documents 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 35.

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

  
\_\_\_\_\_  
Melanie A. Galloway

Executed in Rockville, Maryland  
this 29<sup>th</sup> day of December, 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 29<sup>th</sup> day of December, 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 35, Attachment 2 – Deliberative Process Privilege Log, Declaration of Melanie A. Galloway 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 29<sup>th</sup> day of December, 2010:

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Administrative Judge  
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Office of Commission Appellate  
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Washington, DC 20555-0001  
(VIA INTERNAL MAIL ONLY)

Office of the Secretary  
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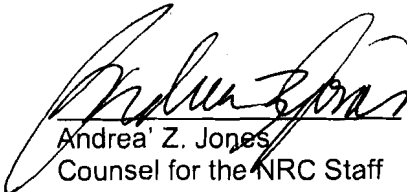
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