



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

February 23, 2011

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 each item in Hearing File Index, Supplement 39 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 each document 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.

Respectfully Submitted,

/Signed Electronically By/
Andrea' Z. Jones
Counsel for the NRC Staff

Enclosures: Attachment 1 - Hearing File Index, Supplement 39
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 39 - February 23, 2011

ID #	Accession Number	Document Date	Title
39-001	ML110460562	02/15/2011	2011/02/15 Pilgrim Renewal Hearing - Modified RAI
39-002	ML110460035	02/15/2011	2011/02/15 Pilgrim Renewal Hearing - Pilgrim: DRAFT RAIs

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 39 - February 23, 2011

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
39-001	ML110460180	William Holston, NRC/NRR	02/02/2011	E-Mail	2011/02/02 Pilgrim Renewal Hearing - Buried Pipe RAI for Pilgrim	NRC/NRR	Internal discussion related to request for additional information (RAI)	9
39-002	ML110341693	David Pelton, NRC/NRR	02/03/2011	E-Mail	2011/02/03 Pilgrim Renewal Hearing - RAPB SER Input for the Pilgrim OTI and Selecting Leaching Programs.	NRC/NRR	Internal discussion related to RAI response	3
39-003	ML110380365	Clifford Dout, NRC/NRR	02/07/2011	E-Mail	2011/02/07 Pilgrim Renewal Hearing - RAI Pilgrim Inaccessible cables Rev1.docx	NRC/NRR	Internal discussion related to draft RAI	5
39-004	ML110450377	Lisa Regner, NRC/NRR	02/14/2011	E-Mail	2011/02/14 Pilgrim Renewal Hearing - RE: ACTION: Pilgrim Hearing File Capture - due 2/18	NRC/RGN-I	Internal discussion related to aging management programs	4
39-005	ML110450349	Lisa Regner, NRC/NRR	02/14/2011	E-Mail	2011/02/14 Pilgrim Renewal Hearing - RE: RAI/LRA Supplement Status for Pilgrim	NRC/NRR	Internal discussion related to RAI responses	3
39-006	ML110460275	Lisa Regner, NRC/NRR	02/15/2011	E-Mail	2011/02/15 Pilgrim Renewal Hearing - Pilgrim clarification	NRC/NRR	Internal discussion related to structure monitoring program	2
39-007	ML110460201	Lisa Regner, NRC/NRR	02/15/2011	E-Mail	2011/02/15 Pilgrim Renewal Hearing - Pilgrim RAI - quick question	NRC/NRR	Internal discussion related to draft RAI	2

February 23, 2011

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 39.

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 the documents 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 each document listed in Attachment 2 to the Staff's Hearing File Index Supplement 39.

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

A handwritten signature in black ink, appearing to read "B. E. Holian", written in a cursive style.

Brian E. Holian

Executed in Rockville, Maryland
this 23rd day of February, 2011

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 23rd day of February, 2011

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 39, Attachment 2 – Deliberative Process Privilege Log, Declaration of Brian E. Holian and Affidavit of Lisa M. Regner have been served upon the following by the Electronic Information Exchange, with courtesy copies sent by electronic mail, this 23rd day of February, 2011:

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Administrative Judge
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Administrative Judge
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/Signed Electronically By/
Andrea' Z. Jones
Counsel for the NRC Staff