



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

March 10, 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 40 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 40
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 40 - March 10, 2011

ID #	Accession Number	Document Date	Title
40-001	ML110560231	2/22/2011	2011/02/22 Pilgrim Renewal Hearing - Pilgrim Follow-up
40-002	ML110560236	2/23/2011	2011/02/23 Pilgrim Renewal Hearing - Pilgrim Buried Pipe DRAFT RAI

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 40 - March 10, 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
DPP-40-001	ML110620414	Jennifer Gall, NRC/NRR	1/31/2011	E-Mail	2011/01/31 Pilgrim Renewal Hearing - pilgrim license renewal supplemental SE	NRC/NRR	Internal discussion regarding draft safety evaluation	5
DPP-40-002	ML110620416	Jennifer Gall, NRC/NRR	2/1/2011	E-Mail	2011/02/01 Pilgrim Renewal Hearing - Pilgrim License renewal SE	NRC/NRR	Internal discussion regarding draft safety evaluation	2
DPP-40-003	ML110560223	Abdul Sheikh, NRC/NRR	2/22/2011	E-Mail	2011/02/22 Pilgrim Renewal Hearing - RE: Pilgrim clarification	NRC/NRR	Internal discussion regarding structures monitoring program	2
DPP-40-004	ML110620381	Richard Conte, NRC/RGN-I	2/25/2011	E-Mail	2011/02/25 Pilgrim Renewal Hearing - Scheduling of Commitment Inspections for PG, VY, IP2 and what to say in EOC letters	NRC/NRR, RGN-I	Internal discussion related to commitment inspections	12
DPP-40-005	ML110601263	On Yee, NRC/NRR	3/1/2011	E-Mail	2011/03/01 Pilgrim Renewal Hearing -	NRC/NRR	Internal discussion related to RAI responses	3
DPP-40-006	ML110600586	Lisa Regner, NRC/NRR	3/1/2011	E-Mail	2011/03/01 Pilgrim Renewal Hearing - RE: RAI/LRA Supplement Status for Pilgrim	NRC/NRR	Internal discussion related to RAI responses	4
DPP-40-007	ML110620400	Thomas Setzer, NRC/NRR	3/1/2011	E-Mail	2011/03/01 Pilgrim Renewal Hearing - RE: Settled on Title - RE: DLR (Pelton) Comments on Draft TI 2516/001	NRC/RGN-I	Internal discussion related to commitment inspections	3

Attachment 2 - Pilgrim Nuclear Power Station License Renewal Hearing File Index
Deliberative Process Privilege, Supplement 40 - March 10, 2011

ID #	Accession Number	Author Name/Affiliation	Document Date	Document Type	Title	Addressee/Affiliation	Comment	Page Count
DPP-40-008	ML110620389	Thomas Setzer, NRC/NRR	3/2/2011	E-Mail	2011/03/02 Pilgrim Renewal Hearing - FW: new License Renewal paragraph for AALs	NRC/RGN-I	Internal discussion related to commitment inspections	2
DPP-40-009	ML110620393	Thomas Setzer, NRC/NRR	3/2/2011	E-Mail	2011/03/02 Pilgrim Renewal Hearing - FW: Proceeding with TI 2516/001 for Doing Commitments Inspectios for Plants in Timely Renewal w/o Renewed	NRC/RGN-I	Internal discussion related to commitment inspections	3
DPP-40-010	ML110630330	On Yee, NRC/NRR	3/4/2011	E-Mail	2011/03/04 Pilgrim Renewal Hearing - Small Bore	NRC/NRR	Internal discussion related to RAI responses	2

March 9, 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 40.

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 40.

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 over a horizontal line.

Brian E. Holian

Executed in Rockville, Maryland
this 9th day of March, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ENTERGY NUCLEAR GENERATION
COMPANY AND ENTERGY NUCLEAR
OPERATIONS, INC.

(Pilgrim Nuclear Power Station)

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Docket No. 50-293-LR

ASLBP No. 06-848-02-LR

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 9th day of March, 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 40, 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 10th day of March, 2011:

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Administrative Judge
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Washington, DC 20555-0001
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Administrative Judge
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/Signed Electronically By/
Andrea' Z. Jones
Counsel for the NRC Staff