

July 2, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENERGY NUCLEAR GENERATION CO.)	Docket No. 50-293-LR
ENERGY NUCLEAR OPERATIONS, INC.)	
)	
(Pilgrim Nuclear Power Station))	ASLBP No. 05-848-02-LR
)	
)	
)	

NRC STAFF MOTION FOR LEAVE TO FILE RESPONSE TO ENTERGY'S
MOTION FOR SUMMARY DISPOSITION OUT OF TIME

INTRODUCTION

On May 17, 2007, Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc., (collectively, Entergy), filed a motion for summary disposition of Pilgrim Watch's Contention 3.¹ By Order of the Atomic Safety and Licensing Board (Board), the NRC staff (Staff) was required to file its response on June 29, 2007.² Paper copies of the Staff's response³ were filed on June 29, 2007, but the response was not served by e-mail. For the reasons stated below, the Staff requests leave to file its response one day late.

DISCUSSION

On June 29, 2007, the Staff filed its response to Entergy's Motion by serving paper copies via mail. By prior Order of the Board, the Staff Response was required to be served by

¹ See Entergy's Motion for Summary Disposition of Pilgrim Watch Contention 3 (May 17, 2007) (Entergy's Motion).

² See Order (Granting Request for Extension) (June 5, 2007).

³ See NRC Staff Response To Entergy's Motion For Summary Disposition Of Pilgrim Watch Contention 3 (June 29, 2007) (Staff Response).

e-mail, with conforming paper copies also to be served the same day.⁴ The Staff Response was due to be filed June 29, 2007. Although the Staff filed the paper copies, Staff counsel inadvertently did not serve the e-mail copies. On July 2, 2007, prior to discovery of the oversight, Staff counsel was advised by Entergy's counsel that they had not received a copy of the Staff Response. In an abundance of caution, Staff counsel then e-mailed copies to all persons on the service list. Upon further investigation, Staff counsel determined that the Staff Response had not been e-mailed on June 29, 2007. Therefore, the Staff is requesting leave to file the Staff Response today, July 2, 2007, which would be one day late.⁵

Staff counsel spoke to Mary Lampert, representative of Pilgrim Watch, and David Lewis, counsel for Entergy, and neither has an objection to the relief being sought in this motion.

CONCLUSION

For the reasons discussed above, the Staff respectfully requests that the Board grant its motion for leave to file the Staff Response to Entergy's Motion one day late.

Respectfully submitted,

/RA/

Susan L. Uttal
Counsel for NRC staff

Dated at Rockville, Maryland
This 2nd day of July, 2007

⁴ See Order (Regarding Schedule for Proceeding and Related Matters) (November 29, 2006).

⁵ With this motion, the Staff is also filing an amended certificate of service for the June 29, 2007 filing of the Staff Response and a certificate of service for the serving of the e-mail copies of the Staff Response today.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR GENERATION CO.))	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket No. 50-293-LR
)	
(Pilgrim Nuclear Power Station))	ASLBP No. 06-848-02-LR
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF MOTION FOR LEAVE TO FILE RESPONSE TO ENTERGY'S MOTION FOR SUMMARY DISPOSITION OUT OF TIME" in the above captioned proceeding have been served on the following by deposit in the U.S. Mail Service or by deposit in the U.S. Nuclear Regulatory Commission's internal mail system or by deposit in the U.S. mail system, as indicated by a single asterisk (*) this 2nd day of July 2007.

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: rfc1@nrc.gov

Paul B. Abramson
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: pba@nrc.gov

Ann Marshall Young, Chair
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: amy@nrc.gov

Office of Commission Appellate
Adjudication
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: OCAAMail@nrc.gov

Sheila Slocum Hollis
Duane Morris LLP
1667 K Street, NW, Suite 700
Washington, DC 20006
E-mail: sshollis@duanemorris.com

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mary Lampert
Pilgrim Watch
148 Washington Street
Duxbury, MA 02332
E-mail: mary.lampert@comcast.net

Chief Kevin M. Nord
Fire Chief & Director Duxbury Emergency
Management Agency
668 Tremont Street
Duxbury, MA 02332
E-mail: nord@town.duxbury.ma.us
Fax: 781-934-6530

Terence A. Burke, Esq.*
Entergy Nuclear
1340 Echelon Parkway
Mail Stop: M-ECH-62
Jackson, MS 39213

David R. Lewis, Esq.
Paul A. Gaukler, Esq.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1137
E-mail: david.lewis@pillsburylaw.com
paul.gaukler@pillsburylaw.com

Town Manager
Town of Plymouth
11 Lincoln St.
Plymouth, MA 02360
E-mail: msylvia@townhall.plymouth.ma.us

/RA/

Susan L. Uttal
Counsel for the NRC Staff

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR GENERATION CO.))	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket No. 50-293-LR
)	
(Pilgrim Nuclear Power Station))	ASLBP No. 06-848-02-LR
)	

AMENDED CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF RESPONSE TO ENTERGY'S MOTION FOR SUMMARY DISPOSITION OF PILGRIM WATCH CONTENTION 3" and "AFFIDAVIT OF JOSEPH A. JONES AND DR. NATHAN BIXLER" in the above captioned proceeding have been served on the following by deposit in the U.S. Mail Service or by deposit in the U.S. Nuclear Regulatory Commission's internal mail system or by deposit in the U.S. mail system, as indicated by a single asterisk (*) this 29th day of June 2007.

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: rfc1@nrc.gov

Paul B. Abramson
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: pba@nrc.gov

Ann Marshall Young, Chair
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: amy@nrc.gov

Office of Commission Appellate
Adjudication
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: OCAAMail@nrc.gov

Sheila Slocum Hollis
Duane Morris LLP
1667 K Street, NW, Suite 700
Washington, DC 20006
E-mail: sshollis@duanemorris.com

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mary Lampert
Pilgrim Watch
148 Washington Street
Duxbury, MA 02332
E-mail: mary.lampert@comcast.net

Chief Kevin M. Nord
Fire Chief & Director Duxbury Emergency
Management Agency
668 Tremont Street
Duxbury, MA 02332
E-mail: nord@town.duxbury.ma.us
Fax: 781-934-6530

Terence A. Burke, Esq.*
Entergy Nuclear
1340 Echelon Parkway
Mail Stop: M-ECH-62
Jackson, MS 39213

David R. Lewis, Esq.
Paul A. Gaukler, Esq.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1137
E-mail: david.lewis@pillsburylaw.com
paul.gaukler@pillsburylaw.com

Town Manager
Town of Plymouth
11 Lincoln St.
Plymouth, MA 02360
E-mail: msylvia@townhall.plymouth.ma.us

/RA/

Susan L. Uttal
Counsel for the NRC Staff

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR GENERATION CO.))	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket No. 50-293-LR
)	
(Pilgrim Nuclear Power Station))	ASLBP No. 06-848-02-LR
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF RESPONSE TO ENTERGY'S MOTION FOR SUMMARY DISPOSITION OF PILGRIM WATCH CONTENTION 3" and "AFFIDAVIT OF JOSEPH A. JONES AND DR. NATHAN BIXLER" in the above captioned proceeding have been served on the following by electronic mail this 2nd day of July 2007.

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: rfc1@nrc.gov

Paul B. Abramson
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: pba@nrc.gov

Ann Marshall Young, Chair
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: amy@nrc.gov

Office of Commission Appellate
Adjudication
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: OCAAMail@nrc.gov

Sheila Slocum Hollis
Duane Morris LLP
1667 K Street, NW, Suite 700
Washington, DC 20006
E-mail: sshollis@duanemorris.com

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Mary Lampert
Pilgrim Watch
148 Washington Street
Duxbury, MA 02332
E-mail: mary.lampert@comcast.net

Chief Kevin M. Nord
Fire Chief & Director Duxbury Emergency
Management Agency
668 Tremont Street
Duxbury, MA 02332
E-mail: nord@town.duxbury.ma.us
Fax: 781-934-6530

David R. Lewis, Esq.
Paul A. Gaukler, Esq.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1137
E-mail: david.lewis@pillsburylaw.com
paul.gaukler@pillsburylaw.com

Town Manager
Town of Plymouth
11 Lincoln St.
Plymouth, MA 02360
E-mail: msylvia@townhall.plymouth.ma.us

/RA/

Susan L. Uttal
Counsel for the NRC Staff