

June 23, 2010 (1:13p.m.)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

June 23, 2010

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

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

**ENERGY’S OPPOSITION TO
PILGRIM WATCH’S MOTION REQUESTING LEAVE TO FILE
RESPONSE TO JUDGE ABRAMSON’S DECISION ON RECUSAL MOTION**

Pursuant to 10 C.F.R. § 2.323(c), Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (collectively, “Entergy”) hereby oppose the “Motion Requesting Leave To File Response To Judge Paul B. Abramson Decision On Recusal Motion (June 10, 2010)” (“Request for Leave”), filed by Pilgrim Watch on June 16, 2010. There are no provisions in the Commission rules permitting a movant for disqualification to reply to the judge’s ruling after it is referred to the Commission. Moreover, in addition to its original recusal motion,¹ Pilgrim Watch has already filed two additional, unauthorized replies before Judge Abramson.² There is no basis to allow Pilgrim Watch a fourth bite at the apple.

Further, Entergy requests that the Commission affirm Judge Abramson’s decision expeditiously, because as his decision indicates, the Licensing Board is awaiting the Commission’s decision before moving forward with the proceeding.³ Moreover, Entergy is

¹ Pilgrim Watch Motion on Behalf of Pilgrim Watch for Disqualification of Judge Paul B. Abramson in the Pilgrim Nuclear Power Station Relicensing Proceeding at 1-2 (May 14, 2010) (“Recusal Motion”).

² See Pilgrim Watch Request for Permission, and Reply to Entergy’s Opposition To Pilgrim Watch Motion to Disqualify Judge Abramson. (May 24, 2010); Pilgrim Watch Request for Permission, and Reply to NRC Staff’s Response To Pilgrim Watch Motion To Disqualify Judge Abramson (May 26, 2010).

³ Decision (Denying Motion on Behalf of Pilgrim Watch for My Self-Disqualification from the Remand Proceedings and Referring Motion to the Commission) at 20 (June 10, 2010).

concerned that Pilgrim Watch's Recusal Motion and Request for Leave are part of a concerted effort by Pilgrim Watch to delay completion of this proceeding. For example, after the Commission issued its remand in CLI-10-11, Pilgrim Watch asserted that it would be unable for over a month to participate in a conference call with the Licensing Board to discuss the schedule on remand.⁴ Pilgrim Watch has also taken the position that the hearing should not begin until late November because witnesses are unable to begin working on testimony until September.⁵

As a result, nearly three months after issuance of CLI-10-11, there is not yet any schedule for the remanded proceeding. This is inconsistent with the Commission's Policy Statement on Adjudications, which says "applicants for a license are also entitled to prompt resolution of disputes concerning their application." Statement of Policy on Conduct of Adjudicatory Proceedings, CLI-98-12, 48 N.R.C. 18, 24 (1998). It is also inconsistent with the Commission's Principles of Good Regulation, which say "[r]egulatory decisions should be made without undue delay" and "[r]egulatory actions should always be . . . promptly, fairly, and decisively administered so as to lend stability to the nuclear operational and planning processes."⁶

Respectfully Submitted,



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Dated: June 23 2010

⁴ See Pilgrim Watch Motion to Reschedule Setting Telephone Conference (April 6, 2010).

⁵ Pilgrim Watch Response to ASLB's May 5, 2010 Order (May 12, 2010) at 9.

⁶ <http://www.nrc.gov/about-nrc/values.html#principles>.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Entergy's Opposition to Pilgrim Watch's Motion Requesting Leave to File Response to Judge Abramson's Decision on Recusal Motion," dated June 23, 2010, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, and where indicated by an asterisk, by electronic mail, this 23rd day of June, 2010.

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