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October 5, 2010 (8:00a.m.)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFFBefore 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))	

**ENTERGY'S OPPOSITION TO PILGRIM WATCH'S
INTERLOCUTORY MOTION SEEKING FURTHER CLARIFICATION**

Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc.

(collectively, "Entergy") hereby oppose "Pilgrim Watch Motion Regarding ASLB Refusal to Respond to Pilgrim Watch's Motion for Clarification ASLB Order (Sept 2, 2010)" [sic], which Pilgrim Watch submitted to the Commission on September 22, 2010 ("PW Motion"). Pilgrim Watch's Motion is in essence an impermissible appeal of certain interlocutory rulings by the Atomic Safety and Licensing Board ("Licensing Board"). Further, the Commission has already provided direction and guidance on the scope of the remanded issues in three decisions – CLI-10-11, CLI-10-15, and CLI-10-22¹ – and the Licensing Board's identification of the issues to be considered on remand are consistent with these Commission decisions. No further guidance from the Commission is necessary or warranted, and at this juncture, Pilgrim Watch's refusal to accept both the Commission's and the Licensing Board's directions is simply dilatory.

¹ Entergy Nuclear Generation Co. (Pilgrim Nuclear Power Station), CLI-10-11, 71 N.R.C. ___, slip op (Mar. 26, 2010) ("CLI-10-11"); Entergy Nuclear Generation Co. (Pilgrim Nuclear Power Station), CLI-10-15, 71 N.R.C. ___, slip op. (June 17, 2010) ("CLI-10-15"); Entergy Nuclear Generation Co. (Pilgrim Nuclear Power Station), CLI-10-22, 72 N.R.C. ___, slip op. (Aug. 27, 2010) ("CLI-10-22").

I. STATEMENT OF CASE

Last March, in CLI-10-11, the Commission partially reversed and remanded the Licensing Board's majority decision that had granted summary disposition of Pilgrim Watch Contention 3.² CLI-10-11, slip op. at 3, 26-27. The Commission affirmed the Board majority's decision that had dismissed Contention 3's challenges to evacuation times and economic costs:

Insofar as Pilgrim Watch raises distinct "economic costs" or "evacuation times" challenges that extend beyond its meteorological modeling concerns, we agree with the majority that Pilgrim Watch fails to raise a genuine material dispute for hearing.

Id. at 27. The Commission found that Pilgrim Watch presented no supported argument raising a genuine material dispute over the bounding nature of the no evacuation or sheltering sensitivity case. Id. at 35. The Commission "therefore agree[d] with the majority that none of Pilgrim Watch's arguments regarding evacuation speed and timing, traffic and other delays, shadow evacuation, etc. raise a genuine material dispute for hearing over the current evacuation time assumptions in the Pilgrim SAMA analysis." Id. (footnote omitted). Similarly, the Commission "agree[d] with the majority's conclusion that Pilgrim Watch failed to present significantly probative evidence countering the Entergy expert evidence and supplemental analyses on economic costs." Id. at 36 (footnote omitted).

Pilgrim Watch provides no supported evidence raising a genuine material dispute with the SEIS's conclusion that "further adjustments to more precisely account for business and tourism would not change the overall conclusions of the SAMA analysis." . . . Even viewing Pilgrim Watch's claims on economic costs in the most favorable light, we do not find significantly probative evidence of a genuine material dispute for hearing on any of Pilgrim Watch's particular economic cost input claims. Pilgrim Watch's arguments, largely based on its own unsupported

² Pilgrim Watch Contention 3 as originally admitted by the Board alleged that:

Applicant's SAMA analysis for the Pilgrim plant is deficient in that the input data concerning (1) evacuation times, (2) economic consequences, and (3) meteorological patterns are incorrect, resulting in incorrect conclusions about the costs versus benefits of possible mitigation alternatives, such that further analysis is called for.

Entergy Nuclear Generation Co. (Pilgrim Nuclear Power Station), LBP-06-23, 64 N.R.C. 257, 341 (2006).

reasoning and computations, are insufficient to demonstrate a genuine material dispute with Pilgrim SAMA analysis's current overall cost-benefit conclusions.

Id. (footnote omitted).

The Commission also affirmed the majority's rulings that certain claims raised by Pilgrim Watch for the first time in opposition to summary disposition were beyond the scope of the admitted Contention. These claims beyond the scope of the Contention include health costs, mortality risk, cancer coefficients, the dollar value assigned per person-rem, alleged difficulty in ecological restoration, alleged difficulty in surface decontamination, and alleged underestimation of decontamination or cleanup costs. Id. at 29-31. The Commission also held that claims concerning spent fuel pool fires were properly rejected both as outside scope and as a challenge to NRC regulations. Id. at 33-34.

The Commission, however, reversed the majority's ruling on meteorological issues, holding that the arguments concerning the straight line Gaussian plume model in MACCS2 should not have been categorically rejected. Id. at 14, 18. Further, because the Board has not yet reached a merits conclusion on the adequacy of the meteorological patterns/air dispersion modeling issue, the Commission indicated that it would be "premature to dismiss entirely from this proceeding other portions of Contention 3 that may be linked to the adequacy of the meteorological modeling underpinning the SAMA analysis." Id. at 26. As the Commission explained,

if the Board on remand were to conclude that there is a material deficiency in the meteorological patterns modeling, the economic cost calculations also could warrant re-examination. We therefore remand the economic cost and evacuation time portions of Contention 3 to the Board, but only to the extent that the Board's merits conclusion on meteorological patterns may materially call into question the relevant economic cost and evacuation timing conclusions in the Pilgrim SAMA analysis.

Id. at 27. The Commission then immediately reiterated,

Insofar as Pilgrim Watch raises distinct “economic costs” or “evacuation times” challenges that extend beyond its meteorological modeling concerns, we agree with the majority that Pilgrim Watch fails to raise a genuine material dispute for hearing. Accordingly, if the Board on remand concludes that there is no significant meteorological modeling deficiency calling into question the overall Pilgrim SAMA cost-benefit analysis conclusions, no genuine dispute concerning economic costs or evacuation timing inputs will remain.

Id.

Pilgrim Watch subsequently moved for reconsideration of this decision, arguing that the Commission “rewrote” Contention 3 to exclude a number of issues, including decontamination costs, health effects, and spent fuel pool fires, and that it should be free at the remanded hearing to submit evidence on any of these topics. Pilgrim Watch Motion for Reconsideration of CLI-10-11 (Apr. 5, 2010) at 2, 3-8. Yet in a prehearing teleconference on May 4, 2010 to discuss the scope and schedule of the remanded hearing,³ Pilgrim Watch argued that CLI-10-11 allowed Pilgrim Watch to “introduce a wide range of evidence at the upcoming hearing.” Tr. 570 (Lampert).

Now, to us, this leaves the barn door wide open and plainly does not limit Pilgrim Watch's evidence. We can include all the additional factors, assumptions, models that may change the cost-benefit conclusions for the SAMA candidates evaluated.

Id.

The Licensing Board then requested briefs on the scope of, and schedule for, the hearing on the remanded issues. Order (Regarding Deadlines for Submissions of Parties) (May 5, 2010). However, before the Board could act on these briefs, Pilgrim Watch filed its motion to disqualify Judge Abramson, effectively stalling any further action by the Licensing Board for the next four

³ This initial teleconference to discuss schedule was held five weeks after the Commission's remand because of Pilgrim Watch's asserted unavailability for a call in April. See Pilgrim Watch Motion to Reschedule Setting Telephone Conference (Apr. 6 2010).

months. Motion on Behalf of Pilgrim Watch for Disqualification of Judge Paul B. Abramson in The Pilgrim Nuclear Power Station Re-Licensing Proceeding (May 14, 2010).

On June 17, 2010, the Commission issued CLI-10-15 denying Pilgrim Watch's motion for reconsideration. The Commission stated, inter alia:

In CLI-10-11, we agreed with Pilgrim Watch that the majority erred in declaring that no genuine material dispute remained on Contention 3's meteorological patterns claims. We therefore reversed the Board's summary disposition ruling in part, and remanded the meteorological patterns issue to the Board for hearing. But we agreed with the majority that Pilgrim Watch failed to raise any genuine material dispute for hearing on the evacuation timing and economic cost analysis issues.

CLI-10-15, slip op. at 2 (footnotes omitted).

Because Pilgrim Watch failed to provide significantly probative evidence of a genuine material dispute for hearing on the evacuation inputs and economic cost issues, we affirmed the Board majority's conclusion that no material dispute remained on those portions of the contention. Pilgrim Watch therefore cannot now insist that it is free to "present evidence" on remand challenging the inputs in the Pilgrim SAMA off-site economic costs analysis, to the extent that such evidence is not within the scope of the remanded meteorological patterns issue, as explained in CLI-10-11.

Id. at 8 (footnote omitted). The Commission also rejected Pilgrim Watch's claims that the Commission had rewritten Contention 3 to exclude certain issues and once more held that issues related to spent fuel pool fires, health effects, and decontamination costs were beyond scope of the admitted contention. Id. at 3-7.

On August 27, 2010, the Commission issued CLI-10-22 affirming Judge Abramson's decision denying Pilgrim Watch's disqualification motion. Noting the disagreement before the Licensing Board concerning the scope of the remanded issues, the Commission also took the opportunity to provide further clarification. CLI-10-22, slip op. at 7.

[T]he issue on remand focuses on the adequacy of the atmospheric dispersion modeling in the Pilgrim SAMA analysis, not the methodology or underlying

assumptions used for *translating* the atmospheric dispersion modeling results into economic costs.

... In CLI-10-11, we found that material factual disputes remained, and therefore it had been inappropriate for the Board majority to dismiss Pilgrim Watch's dispersion modeling challenge. We also stressed that the mere fact that a plume model may not reflect all meteorological phenomena would not necessarily mean that the Pilgrim SAMA cost-benefit conclusions are incorrect. We noted that the record contained specific, "potentially significant considerations" going to whether Pilgrim Watch's meteorological claims could credibly have a material effect on the SAMA cost-benefit conclusions, but that the Board had not addressed any of these considerations.

Id. at 7-8 (emphasis in original) (footnotes omitted).

Following issuance of this decision, the Licensing Board issued an Order scheduling a conference call to once more discuss the schedule for a hearing on the remanded issues. Order (Scheduling Telephone Conference) (Sept. 2, 2010). For the information of the parties, and consistent with the Commission's direction in CLI-10-11, CLI-10-15, and CLI-10-22, the Licensing Board's Order indicated that, in the adjudication of the remanded contention, the Board will first consider whether the meteorological modeling in the Pilgrim SAMA analysis is adequate and reasonable to satisfy NEPA, and whether accounting for the meteorological patterns/issues of concern to Pilgrim Watch could credibly alter the Pilgrim SAMA analysis conclusions on which SAMAs are cost-beneficial to implement. Id. at 1. The Board explained that, if it determines that such modeling is adequate and reasonable under NEPA, and that there is no significant meteorological modeling deficiency calling into question the Pilgrim SAMA cost-benefit analysis conclusions, then the Board's action on the adjudication on remand would be complete. Id. at 2. The Board further explained that if, on the other hand, the Board finds any meteorological modeling deficiencies that could call into question the Pilgrim SAMA cost-benefit analysis conclusions, the Board would at that point consider whether, and the extent to

which, certain issues concerning evacuation time estimates and economic costs that the Commission indicated in CLI-10-11 might be open for adjudication should be adjudicated. Id.

On September 9, 2010, Pilgrim Watch moved the Board to clarify several aspects of the Board's Order, including (1) whether the Board will consider issues relating to Pilgrim's SAMA cost-benefit analysis if the Board finds meteorological modeling deficiencies that could call the conclusions of that analysis into question; and (2) what issues will be open for adjudication if the Board finds meteorological modeling deficiencies. Pilgrim Watch Motion for Clarification ASLB Order (Sept. 2, 2010), (Sept. 9, 2010) ("September 9 Motion") at 1. Ignoring the Commission's prior rulings that challenges to "clean-up" costs are "claims nowhere intimated by Contention 3 as proffered or admitted,"⁴ Pilgrim Watch once more proceeded to argue that if the Board finds the meteorological model to be inadequate, it should allow litigation of clean-up costs as part of the loss of economic infrastructure. Id. at 4-5.

During the teleconference with the parties on September 15, 2010, and again in a subsequent Order, the Licensing Board reiterated that

If the Board decides in favor of Intervenors on the primary and threshold issue of *whether the meteorological modeling in the Pilgrim SAMA analysis is adequate and reasonable to satisfy NEPA, and whether accounting for the meteorological patterns/issues of concern to Pilgrim Watch could, on its own, credibly alter the Pilgrim SAMA analysis conclusions on which SAMAs are cost-beneficial to implement* (hereinafter referred to as "the meteorological modeling issues"), the hearing will proceed to consideration of whether, and the extent to which, additional issues as set forth below will be heard.

* * *

These issues are:

(1) The extent to which the evacuation matters raised and admitted as part of Contention 3 could call into question the cost benefit analysis conclusions in the Pilgrim SAMA analysis. *See Entergy Nuclear Generation Co. and Entergy*

⁴ CLI-10-15, slip op. at 6; CLI-10-11 at 30-31.

Nuclear Operations Inc. (Pilgrim Nuclear Power Station), CLI-10-11, 71 NRC ___, ___ (slip op. at 35 n.136) (Mar. 26, 2010).

(2) The extent to which the economic cost matters raised and admitted as part of Contention 3 could call into question the cost benefit analysis conclusions in the Pilgrim SAMA analysis. *See id.* at ___ (slip op. at 36-37).

Order (Confirming Matters Addressed at September 15, 2010, Telephone Conference) (Sept. 23, 2010) (“September 23 Order”) at 1 & 2-3 n.1 (emphasis in original); see also Tr. 675. Apart from this explanation, the Licensing Board indicated that it would not rule further on the two questions (discussed above) in Pilgrim Watch’s Motion for Clarification. Tr. 674-75; September 23 Order at 1.

Pilgrim Watch now moves the Commission to order the Licensing Board to respond to its September 9 Motion. PW Motion at 1. It should be noted that Pilgrim Watch’s Motion pertains only to the first two questions posed in its September 9 Motion, the first of which Pilgrim Watch now seeks to recast.⁵ Alternatively, Pilgrim Watch asks that the Commission respond to these questions itself.

II. ARGUMENT

A. Pilgrim Watch’s Motion is an Impermissible Appeal of Interlocutory Rulings

The Commission should not consider Pilgrim Watch’s Motion because it in essence seeks review of interlocutory rulings by the Licensing Board. As the Commission has twice held in denying previous interlocutory requests by Pilgrim Watch in this proceeding:

The Commission disfavors review of interlocutory Board orders, which would result in unnecessary “piecemeal interference with ongoing Licensing Board proceedings.”

⁵ Pilgrim Watch’s Motion now describes the first question as: “What will the ASLB consider and decide in determining whether there are meteorological modeling deficiencies?” PW Motion at 2. The question asked in the September 9 Motion was: “Will the Board consider issues relating to Pilgrim’s SAMA cost-benefit analysis if the Board finds meteorological modeling deficiencies that could call the conclusions of that analysis into question?” September 9 Motion at 1.

Entergy Nuclear Generation Co. (Pilgrim Nuclear Power Station), CLI-08-02, 67 N.R.C. 31, 33-34 (2008), citing Entergy Nuclear Generation Co. (Pilgrim Nuclear Power Station), CLI-07-2, 65 N.R.C. 10, 12 (2007).

Our rules of procedure allow a party to pursue interlocutory appeal only where the ruling “affects the basic structure of the proceeding in a pervasive or unusual manner,” or where the ruling threatens the party adversely affected by it with “immediate, serious, and irreparable harm” that could not be alleviated through a petition for review of the Board’s final decision.”

CLI-08-02, 67 N.R.C. at 34, citing 10 C.F.R. § 2.341(f)(2).

Here, Pilgrim Watch has made no attempt to address the grounds in the NRC rules for interlocutory review. Nor is Pilgrim Watch’s Motion in the form prescribed by 10 C.F.R. § 2.341(b), as required by 10 C.F.R. § 2.341(f)(2).

B. Pilgrim Watch’s Motion Does Not Meet the Standards in 10 C.F.R. § 2.341(f)(2)(i)-(ii)

The questions that Pilgrim Watch raises certainly do not threaten it with any irreparable injury or affect the basic structure of the proceeding in any pervasive or unusual manner. To the contrary, Pilgrim Watch is simply seeking advisory rulings on matters that are not yet ripe; the Licensing Board has already adequately responded to Pilgrim Watch’s questions; and the Licensing Board’s responses are consistent with the direction and guidance that the Commission has previously given in CLI-10-11, CLI-10-15, and CLI-10-22. Pilgrim Watch has no entitlement to any further guidance.

In particular, in response to the two questions posed by Pilgrim Watch in its September 9 Motion, the Licensing Board has responded that if the Board decides in favor of Pilgrim Watch on the meteorological modeling issues, “the hearing will proceed to consideration of whether, and the extent to which, additional issues as set forth below will be heard.” September 23 Order

at 1. Consistent with the Commission's decisions in CLI-10-11, CLI-10-15, and CLI-10-22, the Board has defined these additional issues as: (1) the extent to which the evacuation matters raised and admitted as part of Contention 3 could call into question the cost benefit analysis conclusions in the Pilgrim SAMA analysis; and (2) the extent to which the economic cost matters raised and admitted as part of Contention 3 could call into question the cost benefit analysis conclusions in the Pilgrim SAMA analysis. Id. at 2-3 n.1.

The Board has further explained that it would permit briefing at that juncture on whether, and the extent to which, the admitted evacuation and economic cost issues should thereafter be adjudicated. Id. at 3. This response from the Licensing Board is reasonable. There is no need for the Board to try to guess at this juncture whether there are any meteorological modeling deficiencies that might warrant reopening consideration of the evacuation and economic cost issues previously resolved upon summary disposition, what those might be, or how some as of yet unidentified deficiency might affect these other issues. Certainly, the Board should not be forced to offer speculative advice on these matters in advance of the development of the record.

Moreover, it takes little effort to see that Pilgrim Watch is simply attempting to maneuver around the Commission's prior rulings in order to litigate decontamination costs which the Commission has repeatedly held are not within the scope of the Contention. First, Pilgrim Watch argues that all it needs to show to get to the second phase of the remanded proceeding (i.e., the phase where the evacuation time estimate and economic cost portions of Contention 3 might be considered) is that a variable trajectory model "could call into question" Entergy's assumptions about the size and location of the affected area and the population dose within that area. PW Motion at 3. Here, Pilgrim Watch is simply trying to circumvent the portion of the Commission's decision in CLI-10-11 remanding the evacuation time estimate and economic cost

portions of Contention 3 only to the extent that the Board's merits conclusion on meteorological patterns may materially call into question the relevant conclusions in the Pilgrim SAMA analysis.⁶ CLI-10-11, slip op. at 27. As the Commission explicitly stated, "if the Board on remand concludes that there is no significant meteorological modeling deficiency calling into question the overall Pilgrim SAMA cost-benefit analysis conclusions, no genuine dispute concerning economic costs or evacuation timing inputs will remain." Id. (emphasis added). See also CLI-10-22, slip op. at 7-8 (indicating need for the Board to consider "whether Pilgrim Watch's meteorological claims could credibly have a material effect on the SAMA cost-benefit conclusions" (emphasis added). The threshold issue on remand is not whether some variable trajectory model might project a different dose distribution, but whether there is some material deficiency in the meteorological modeling in MACCS2 that makes it unreasonable for use in a SAMA analysis – some deficiency that would affect whether SAMAs are cost-beneficial.

Next, Pilgrim Watch argues that, if the Board finds meteorological modeling deficiencies, unless Pilgrim Watch is then able to present evidence about cleanup costs, the hearing will be a meaningless exercise. PW Motion at 6. The Commission has already twice ruled that this issue is not within the scope of Pilgrim Watch's contention. CLI-10-11, slip op. at 30-31; CLI-10-15 slip op. at 6-7. Thus, Pilgrim Watch's current Motion is nothing more than Pilgrim Watch's persistent refusal to abide by the Commission's prior decisions.

⁶ Indeed, Pilgrim Watch has asserted that it should be able to present evidence on economic costs regardless of whether any deficiency in meteorological modeling is shown.

JUDGE ABRAMSON: . . . Ms. Lampert, is it your view that Pilgrim Watch should present information about the computation of economic consequences separately from the impact of meteorology, i.e. suppose the meteorology didn't change at all? Does Pilgrim Watch believe that the Commission's order provides that Pilgrim Watch should be able to present evidence on the computation of economic consequences as a separate matter?

MS. LAMPERT: Yes, you are correct.

Tr. 578 (Lampert).

In sum, the Commission has issued three decisions that provide direction and guidance on the scope of the remanded issues. Pilgrim Watch is not entitled to yet another bite at the apple.

C. Pilgrim Watch's Refusal to Abide By the Commission's and Licensing Board's Instructions on the Scope of the Remanded Issue is Dilatory

Pilgrim Watch's refusal to accept both the Commission's and the Licensing Board's instructions on the scope of the remanded issue has delayed, and continues to significantly delay, completion of the remanded hearing. Since the Commission's remand in March 2010, Pilgrim Watch has taken the position that it cannot commit resources to the preparation of testimony until the issues are defined (in a manner apparently to its own liking). See, e.g., Tr. 659 (Lampert). In connection with the recent discussions of schedule between the Board and parties, following the Commission's issuance of CLI-10-22, Pilgrim Watch has advocated filing testimony in mid-January, with a mid-March hearing. See [Pilgrim Watch] Memo Regarding Proposed Schedule (Sept. 21, 2010). Pilgrim Watch has intimated that this nearly four-month period to prepare testimony is necessary because of the uncertainty regarding the issues that they will have to address. Id. In contrast, last May, Pilgrim Watch indicated that, while its experts would not be available to start preparing testimony until the beginning of September, they would be able to submit testimony by October 15 (i.e., it would take Pilgrim Watch's experts six weeks to prepare testimony).⁷ Although Entergy proposed a schedule that was in line with the time frame that Pilgrim Watch previously indicated it needed,⁸ the Licensing Board has now set a schedule accommodating Pilgrim Watch's desire to put off filing testimony until next year. See September 23 Order at 3. As a result, the Board expects that the hearing on the remanded issues

⁷ See Pilgrim Watch's Response to ASLB's May 5, 2010 Order (May 12, 2010) at 8-9.

⁸ Entergy's Response to Pilgrim Watch's Memo Regarding Proposed Schedule (Sept. 21, 2010) (proposing submittal of direct testimony by November 15, 2010, submittal of rebuttal testimony by December 15, 2010, and a hearing beginning the week of January 10, 2011).

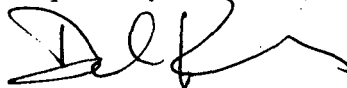
will be held “in late February or of the first half of March 2011” (id. at 4) – almost one year after the Commission’s remand.

The significant delay in the completion of this proceeding continues to harm Entergy, for all the reasons discussed last April in Entergy’s Opposition to Pilgrim Watch’s Motion for Reconsideration of CLI-10-11 (April 8, 2010). Pilgrim Watch’s continuing refusal to accept the Commission’s and Licensing Board’s instructions on the scope of the remanded issue, and refusal to move forward expeditiously with testimony on a contention that was admitted for litigation in 2006, are fundamentally inconsistent with Pilgrim Watch’s obligations as a party in an adjudicatory proceeding.⁹ Accordingly, the Commission should not only expeditiously deny Pilgrim Watch’s Motion but also provide instruction that Pilgrim Watch’s continuing refusal to move forward expeditiously toward hearing is not to be tolerated.

III. CONCLUSION

For all of these reasons, Pilgrim Watch’s Motion should be immediately denied.

Respectfully Submitted,



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Dated: October 4, 2010

⁹ “[T]he fact that a party may have personal or other obligations or possess fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations.” Statement of Policy on Conduct of Licensing Proceedings, CLI-81-8, 13 N.R.C. 452, 454 (1981). “[I]t has long been a ‘basic principle that a person who invokes the right to participate in an NRC proceeding also voluntarily accepts the obligations attendant upon such participation.’” Duke Energy Corp. (Oconee Nuclear Station, Units 1, 2, and 3) CLI-99-11, 49 N.R.C. 328, 338-39 (1999). See also USEC Inc. (American Centrifuge Plant), CLI-06-10, 63 N.R.C. 451, 456 (2006) (“[T]hose participating in our proceeding[s] must be prepared to expend the necessary effort.”).

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

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Entergy Nuclear Operations, Inc.)	ASLBP No. 06-848-02-LR
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(Pilgrim Nuclear Power Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Entergy's Opposition to Pilgrim Watch's Interlocutory Motion Seeking Further Clarification," dated October 4, 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 4th day of October, 2010.

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