

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of	)	
Entergy Nuclear Generation Co.	)	Docket No. 50-293-LR
And Entergy Nuclear Operations, Inc.	)	
(Pilgrim Nuclear Power Station)	)	May 19, 2011

**COMMONWEALTH OF MASSACHUSETTS MOTION TO REPLY TO THE  
ANSWERS OF THE NRC STAFF AND ENTERGY IN OPPOSITION TO THE  
COMMONWEALTH OF MASSACHUSETTS MOTION TO HOLD LICENSING  
DECISION IN ABEYANCE PENDING COMMISSION DECISION WHETHER TO  
SUSPEND THE PILGRIM PROCEEDING TO REVIEW THE LESSONS OF THE  
FUKUSHIMA ACCIDENT**

Pursuant to 10 C.F.R. § 2.323(c), the Commonwealth of Massachusetts (Commonwealth) respectfully requests the Pilgrim Atomic Safety and Licensing Board (Pilgrim ASLB) to allow the Commonwealth to submit a Reply to the Answers of the NRC Staff<sup>1</sup> and Entergy Nuclear Generating Company and Entergy Nuclear Operations, Inc. (collectively Entergy)<sup>2</sup> to the Commonwealth's Motion to hold the Pilgrim licensing decision in abeyance pending further direction from the Nuclear Regulatory Commission (Commission) on the lessons learned from the Fukushima accident<sup>3</sup> because, as set forth in the attached Reply, the Commonwealth could not have reasonably anticipated the NRC Staff's Answer which unfairly characterizes the NRC's licensing and decision making

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<sup>1</sup> NRC Staff Answer In Opposition To Commonwealth Of Massachusetts Motion To Hold Licensing Decision In Abeyance Pending Commission Decision Whether to Suspend The Pilgrim Proceeding To Review The Lessons Of The Fukushima Accident (May 12, 2011)(ML111320669)(Staff Answer).

<sup>2</sup> Entergy's Answer Opposing Commonwealth's Motion to Hold Licensing Decision In Abeyance (May 12, 2011)(ML111320594)(Entergy's Answer).

<sup>3</sup> Commonwealth Of Massachusetts Motion to Hold Licensing Decision In Abeyance Pending Commission Decision Whether to Suspend The Pilgrim Proceeding To Review The Lessons Of The Fukushima Accident (May 2, 2011)(ML111220326)(Commonwealth Motion).

process relevant to the contested matters arising from the accident at Fukushima and could not have anticipated Entergy's answer which is based upon an error of law inconsistent with the National Environmental Policy Act, 42 U.S.C. § 4321 (NEPA).<sup>4</sup>

Therefore, in accordance with 10 C.F.R. § 2.323(c), the Commonwealth respectfully requests that the Pilgrim ASLB allow this Reply.<sup>5</sup>

Respectfully submitted,

/s/ Matthew Brock

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Certificate of Counsel

On May 17, 2011, the Commonwealth notified all parties of record that the Commonwealth intended to file a Motion to allow Reply and Reply. Counsel for NRC Staff and Entergy have advised that they will oppose the Motion and Reply.

/s/Matthew Brock

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<sup>4</sup> See Commonwealth Of Massachusetts Reply To NRC Staff Opposition to Commonwealth Motion to Hold Licensing Decision In Abeyance Pending Commission Decision Whether to Suspend The Pilgrim Proceeding to Review the Lessons Of the Fukushima Accident (May 19, 2011)(Commonwealth Reply, filed herewith).

<sup>5</sup> 10 C.F.R. § 2.323(c) provides: "The moving party has no right to reply, except as permitted by the Secretary, the Assistant Secretary, or the presiding officer. Permission may be granted only in compelling circumstances, such as where the moving party demonstrates that it could not reasonably have anticipated the arguments to which it seeks leave to reply."

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Commonwealth of Massachusetts Motion to Reply to the Answers of the NRC Staff and Entergy in Opposition to the Commonwealth of Massachusetts Motion to Hold Licensing Decision in Abeyance Pending Commission Decision Whether to Suspend the Pilgrim Proceeding to Review the Lessons of the Fukushima Accident in the above captioned proceeding have been served upon the following persons by electronic mail this date:

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/s Matthew Brock

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