

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION**

In the Matter of)	
Entergy Nuclear Generation Co.)	Docket No. 50-293-LR
And Entergy Nuclear Operations, Inc.)	
(Pilgrim Nuclear Power Station))	June 16, 2011

**COMMONWEALTH OF MASSACHUSETTS MOTION TO REPLY TO NRC
STAFF AND ENTERGY OPPOSITIONS TO THE COMMONWEALTH OF
MASSACHUSETTS MOTION TO SUSPEND THE LICENSE RENEWAL
PROCEEDING FOR THE PILGRIM NUCLEAR POWER PLANT**

Pursuant to 10 C.F.R. § 2.323(c), the Commonwealth of Massachusetts (Commonwealth) respectfully requests that it be allowed to submit this Reply to the NRC Staff's Answer in Opposition to Commonwealth of Massachusetts' Conditional Motion to Suspend Pilgrim Nuclear Power Plant License Renewal Proceeding Pending Resolution of Petition for Rulemaking to Rescind Spent Fuel Pool Exclusion Regulations (June 13, 2011)(Staff Opposition) and Entergy's Answer Opposing Commonwealth of Massachusetts Conditional Motion to Suspend License Renewal Proceeding (June 13, 2011)(Entergy Opposition).¹ The Commonwealth makes this request because it could not have reasonably anticipated the arguments submitted by the Staff, including that the Commonwealth's Motion should be denied as premature because there is not an "active" petition for rulemaking pending before the Commission – a requirement that does not appear on the face of 10 C.F.R. § 2.802(d) and also, as set forth in the Commonwealth's

¹ 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."

Reply, is a position inconsistent with the Commission's discretion to fashion an appropriate process to comply with the National Environmental Policy Act and the Atomic Energy Act. The Commonwealth also could not have anticipated that the Staff apparently would admit to "errors in the Staff's environmental documents" which, without more, support a suspension of the Pilgrim proceeding until these errors are corrected consistent with NEPA.

Entergy also spends a significant portion of its Opposition arguing that the Commonwealth claims it is entitled to an adjudicatory hearing under the National Environmental Policy Act and the Atomic Energy Act -- regarding its new and significant information on the lessons of Fukushima -- when the Commonwealth does not make that claim in its Motion. Instead, the Commonwealth expressly states that it is up to the Commission, in its discretion, to decide on the appropriate process to address the Commonwealth's new and significant information, provided that process satisfies NEPA's hard look standard of review and the Commonwealth's hearing right under the AEA. The Commonwealth seeks to clarify the record on this point and correct Entergy's material misstatement of the relief that the Commonwealth seeks in its Motion. Separately, the Commonwealth challenges Entergy's novel argument that, to expedite relicensing, the NRC may substitute a "similar" standard in NRC regulations in place of NEPA's hard look standard for compliance.

Therefore the circumstances are "compelling" and approval of a reply is warranted. 10 C.F.R. § 2.323(c).

Respectfully submitted,

Signed (electronically) by
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Certificate of Counsel

On June 15, 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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CERTIFICATE OF SERVICE

I hereby certify that copies of the Commonwealth of Massachusetts Motion to Reply to NRC Staff and Entergy Oppositions to the Commonwealth of Massachusetts Motion to Suspend the License Renewal Proceeding for the Pilgrim Nuclear Power Plant, in the above captioned proceeding, have been served upon the following persons by electronic mail this date:

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