

June 12, 2017

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of)
)
Entergy Nuclear Vermont Yankee, LLC,)
Entergy Nuclear Operations, Inc., and) Docket No. 50-271-LT-2
NorthStar Nuclear Decommissioning)
Company, LLC)
)
(Vermont Yankee Nuclear Power Station))

**APPLICANTS' RESPONSE TO
NEW ENGLAND COALITION'S REQUEST FOR EXTENSION**

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. ("Entergy"), on behalf of themselves and NorthStar Nuclear Decommissioning Company, LLC (together, "Applicants"), hereby oppose the "Request for Extension of Time in Which to File Request for a Hearing and Petition For Leave to Intervene" submitted by the New England Coalition ("NEC") on June 9, 2017. NEC's Request for Extension should be denied because NEC has not demonstrated good cause for the extension, as required by 10 C.F.R. § 2.307, and has failed to consult with Applicants, as required by 10 C.F.R. § 2.323(b).

The Commission's adjudicatory rules at 10 C.F.R. § 2.307(a) allow extensions only upon demonstration of "good cause." The Commission has explained that good cause, in the context of adjudicatory filings, requires a showing of "unavoidable and extreme circumstances."¹ As explained below, such circumstances are not present here.

¹ See, e.g., *Balt. Gas & Elec. Co.* (Calvert Cliffs Nuclear Power Plant, Units 1 & 2), CLI-98-25, 48 N.R.C. 325, 342 (1998); *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 N.R.C. 18, 21 (1998).

The application to which NEC's Request for Extension relates was filed on February 9, 2017 and released in ADAMS on February 16, 2017.² Further, the proposed sale of Entergy Nuclear Vermont Yankee, LLC, and the related license transfer have been discussed at multiple public meetings in Vermont. In fact, as NEC expressly notes in its Request for Extension, those proposed actions are the subject of ongoing proceedings before the Vermont Public Service Board in which NEC has intervened. Thus, the license transfer application has been available to NEC for nearly four months, and NEC has been both very aware of its filing and very familiar with its substance. Moreover, while NEC may be a volunteer organization, it has decades of experience participating in NRC proceedings³ and is therefore certainly capable of requesting a hearing on time when so inclined. That NEC's members may have other priorities does not constitute good cause to extend the deadline for hearing requests. "[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, 453 (1981). *See also Tenn. Valley Auth.* (Bellefonte Nuclear Plant, Units 1 & 2), CLI-10-26, 72 N.R.C. 474, 476 (2010).

In addition, NEC has not consulted with the participants before submitting its extension request, as 10 C.F.R. § 2.323(b) requires. NEC should be sufficiently aware of the consultation requirement in § 2.323(b), based on its long standing history of "numerous interventions before the NRC."⁴ That section states, "A motion must be rejected if it does not include a certification by the attorney or representative of the moving party that the movant has made a sincere effort to

² Application for Order Consenting to Direct and Indirect Transfers of Control of Licenses and Approving Conforming License Amendment and Notification of Amendment to Decommissioning Trust Agreement, Vermont Yankee Nuclear Power Station (Feb. 9, 2017) (ADAMS Accession No. ML17045A140).

³ *See* Request for Extension at 1 (citing NEC's previous involvement in "numerous interventions before NRC and its predecessor agency, the AEC").

⁴ *Id.*

contact other parties in the proceeding and resolve the issue(s) raised in the motion, and that the movant's efforts to resolve the issue(s) have been unsuccessful.” Therefore, NEC’s request “must be rejected” as § 2.323(b) provides.

Respectfully Submitted,

/Signed electronically by/

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing “Applicants’ Response to New England Coalition’s Request for Extension,” dated June 12, 2017, was served through the E-Filing system on the participants in the above-captioned proceeding, this 12th day of June, 2017.

/signed electronically by/

David R. Lewis