

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.,)	
ENTERGY NUCLEAR GENERATION)	
COMPANY, AND HOLTEC)	Docket Nos. 50-293 & 72-1044
DECOMMISSIONING INTERNATIONAL,)	
LLC; CONSIDERATION OF APPROVAL OF)	
TRANSFER OF LICENSE AND)	
CONFORMING AMENDMENT)	
)	
(Pilgrim Nuclear Power Station))	

**EMERGENCY MOTION OF THE COMMONWEALTH OF
MASSACHUSETTS FOR AN ENLARGEMENT OF TIME TO FILE AN
APPLICATION TO STAY A NUCLEAR REGULATORY COMMISSION STAFF
ORDER APPROVING THE LICENSE TRANSFER APPLICATION**

Pursuant to 10 C.F.R. § 2.307 and 10 C.F.R. § 2.1325, Petitioner, the Commonwealth of Massachusetts (Commonwealth or Massachusetts), respectfully requests a short enlargement of time to file a stay application under 10 C.F.R. § 2.1327(a) so that any such application by the Commonwealth would be due within ten (10) days of the date the Nuclear Regulatory Commission (NRC) Staff issues an order, if any, approving the direct transfer of control of the Renewed Facility Operating License No. DPR-35 for the Pilgrim Nuclear Power Station from Entergy Nuclear Operations, Inc. (Entergy), to Holtec Decommissioning International, LLC (HDI). An order granting this motion would render moot the Commonwealth's pending Emergency Motion for Clarification of the Commission's August 14, 2019 Memorandum and Order, which was filed earlier today on August 15, 2019. The Commonwealth, however, asks that the Commission or its delegee act on either its Emergency Motion for Clarification or this Emergency Motion for an Enlargement of Time by close of business on Friday, August 16, 2019,

to obviate the need for the Commonwealth to file a stay application by Monday, August 19, 2019. In further support of this motion, the Commonwealth states as follows:

1. This matter concerns the Commonwealth's Petition for Leave to Intervene and Hearing Request (Petition) filed under 10 C.F.R. § 2.309 on the Applicants' License Transfer Application (Application or LTA), Holtec's unconditioned Exemption Request to use Pilgrim's Decommissioning Trust Fund for site restoration and spent fuel management costs (incorporated into the LTA by LTA Enclosure 2), and Holtec's Revised Post-Shutdown Decommissioning Activities Report (PSDAR) and Site-Specific Cost Estimate (incorporated into the LTA by LTA Attachment D). The Commonwealth filed its Petition on February 20, 2019. On March 18, 2019, the Applicants filed their answer to the Petition. The Commonwealth filed its Reply in Support of its Petition on April 1, 2019, and a Motion to Supplement its Petition on April 24, 2019. The Commonwealth filed a Motion to Stay the Proceeding to Complete Settlement Negotiations on August 1, 2019, which was denied by the Commission on August 14, 2019.

2. On August 13, 2019, the NRC Staff notified all participants in this proceeding that it had "provided the Commission with a Notification of Significant Licensing Action" regarding its intention to "issue an order approving the" license transfer Application and Holtec's Exemption Request regarding the use of Pilgrim's Decommissioning Trust Fund "on or about August 21, 2019."¹ On August 15, 2019, the Commonwealth filed an Emergency Motion for Clarification of the Commission's August 14, 2019 Memorandum and Order denying the Commonwealth's Motion to Stay the Proceeding to Complete Settlement Negotiations. That Emergency Motion, which remains pending, seeks, in an abundance of caution, clarification that a statement in the Commission's August 14 Memorandum and Order means that an application for a stay under 10

¹ See Notification at 1 (Aug. 13, 2019) (ADAMS Accession No. ML19198A283).

C.F.R. § 2.1327(a) of a NRC Staff order approving the license transfer Application would be due five days from the date the Staff actually issues such an order and not five days from the date of the Staff's August 13, 2019 Notification. A contrary interpretation would mean that the Commonwealth's stay application would be due on Monday, August 19, 2019—in other words, before the Staff even issues an actual order that could be stayed. As explained in the Commonwealth's Emergency Motion for Clarification, however, the regulation is arguably ambiguous as to when the five-day period in which a stay application must be filed is triggered.

3. This matter raises issues that are of critical importance to the Commonwealth, its agencies, and its residents. In an abundance of caution and due to prior commitments, the Commonwealth seeks a brief enlargement of time as to when a stay application would be due. Undersigned counsel for the Commonwealth are in the midst of very busy schedules and need the requested additional time to ensure that they have enough time to prepare an application for a stay that satisfies the standards set forth in 10 C.F.R. § 2.1327. For example, undersigned counsel Schofield is in the midst of addressing issues raised by three petitions filed in the U.S. Court of Appeals for the First Circuit seeking review of a state agency decision and two complaints filed in Massachusetts Superior Court seeking the same and needs to prepare for an oral argument scheduled to occur on August 28, 2019 in the United States District Court for the District of Massachusetts, among other pressing matters. Undersigned counsel Dorfler has two significant settlement conferences on August 21, 2019, one of which is before the Federal Energy Regulatory Commission (FERC), and a hearing on August 26, 2019 before the Massachusetts Department of Public Utilities. These pre-existing commitments coincide with preparation of the Commonwealth's stay application.

4. The Commonwealth's application is also subject to review by management in the Attorney General's Office and in executive agencies of the Commonwealth, including the Executive Office on Energy and Environmental Affairs. Undersigned counsel thus also needs the requested additional time to ensure that there is sufficient time to complete that process prior to the filing date.

5. As a courtesy, the Commonwealth conferred with each of the parties to this proceeding about this motion prior to filing it. Counsel for the Applicants have indicated that they oppose this Emergency Motion. A representative for Petitioner Pilgrim Watch indicated that Pilgrim Watch joins this motion and specifically asked that any enlargement of time granted to the Commonwealth for filing its stay application also apply to Pilgrim Watch.

* * *

For the foregoing reasons, and for good cause shown, the Commonwealth requests that the Secretary grant this Emergency Motion and allow the Commonwealth to file an application to stay a NRC Staff order approving, among other things, the license transfer application within ten (10) days of the date the NRC Staff issues such an order.

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Respectfully submitted this 15th day of August, 2019,

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS

By its attorneys,

MAURA HEALEY
ATTORNEY GENERAL

Signed (electronically) by _____

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Dated: August 15, 2019

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATION OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that the Commonwealth of Massachusetts' Emergency Motion for an Enlargement of Time has been served on all parties to this proceeding through the Electronic Information Exchange, the NRC's e-filing system, in the above-captioned proceeding this 15th day of August 2019.

Signed (electronically) by
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Dated: August 15, 2019