

**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)	)	

**PILGRM WATCH MEMORANDUM IN SUPPORT OF  
EMERGENCY MOTION OF THE COMMONWEALTH OF  
MASSACHUSETTS FOR CLARIFICATION OF THE  
COMMISSION’S AUGUST 14, 2019 MEMORANDUM AND ORDER**

The Commonwealth of Massachusetts (Commonwealth or Massachusetts), today asked, on an emergency basis, for clarification of 10 C.F.R. § 2.1327(a)

10 C.F.R. § 2.1327(a) says that “[a]ny application for *a stay of the effectiveness of the NRC staff’s order* on [a] license transfer application shall be filed with the Commission within 5 days of the issuance of the *notice of staff action* pursuant to § 2.1316(a).” 10 C.F.R. § 2.1327(a) (emphasis added).

The “staff action” referred to in 10 C.F.R. § 2.1327(a) appears to refer to the actual action that the staff will take, issuing an order on the license transfer, rather than to a notification that the staff intends to issue such an order at some time in the future. The statement in the Commission’s August 19, 2019 Order that “the Commonwealth will have the opportunity [to file a motion to stay] if the staff issues such an order” appears to support this reading.

However, as stated by the Commonwealth in its Motion, the regulations are arguably ambiguous.

Pilgrim Watch has tried, without success, to resolve this potential ambiguity by asking various members of the NRC Staff what the regulation means.

If the 5 day period of 10 C.F.R. § 2.1327(a) began to run on August 13, 2019 when the Pilgrim Watch was notified of the staff's intention to issue an order, the potential time in which the Commonwealth and Pilgrim Watch must file a motion to stay that order may fall on Monday, August 19, 2019 the same day that Pilgrim Watch must file its reply to Applicants' Answer Opposing Pilgrim Watch's Motion to File a New Contention.

Given the shortness of time, Pilgrim Watch supports the Commonwealth's Motion and the Commonwealth's request that the NRC clarify 10 C.F.R. § 2.1327(a) by Friday, August 16, 2019

Respectfully submitted this 15th of August 2019,

(Electronically signed)

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

**In the Matter of  
Entergy Corporation  
Pilgrim Nuclear Power Station  
License Transfer Agreement Application**

**Docket No. 50-293 & 72-1044 LT**

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 2.305, I certify that copies of the above Pilgrim Watch Memorandum in Support of Emergency Motion of the Commonwealth of Massachusetts for Clarification of the Commission's August 14, 2019 Memorandum and Order has been served upon the Electronic Information Exchange, the NRC's e-filing system, in the above-captioned proceeding, on

August 15, 2019

Signed (electronically) by

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