

**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)	)	September 13, 2011

**COMMONWEALTH OF MASSACHUSETTS MOTION TO REPLY TO NRC  
STAFF AND ENTERGY OPPOSITIONS TO COMMONWEALTH MOTION TO  
SUPPLEMENT BASES TO ITS CONTENTION**

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 and Entergy's responses in opposition to the Commonwealth's Motion to Supplement Bases to Proposed Contention to Address NRC Task Force Report on Lessons Learned from the Radiological Accident at Fukushima (August 11, 2011).<sup>1,2</sup>

The Commonwealth makes this request because it could not have reasonably anticipated that, as set forth in its Reply, the arguments of Staff and Entergy would rely upon an incorrect legal standard for contention admission inconsistent with the NRC's obligation to consider new and significant information under NEPA. The Staff and Entergy also disregard controlling case law on the application of "late-filed" contention standards

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<sup>1</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."

<sup>2</sup> NRC Staff's Response to Commonwealth of Massachusetts' Motion to Supplement Bases to Proposed Contention to Address NRC Task Force Report on Lessons Learned from Fukushima (September 6, 2011); Entergy's Answer Opposing Commonwealth Motion to Supplement Bases to Commonwealth Contention to Address NRC Task Force Report on Lessons Learned from Fukushima (September 6, 2011).

which would impermissibly deny the Commonwealth its AEA hearing right and assert, incorrectly, that the Commonwealth has not identified specific SAMAs, previously rejected, which now should be reconsidered under NEPA, based upon the events at Fukushima.

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 September 12, 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 foregoing **COMMONWEALTH OF MASSACHUSETTS MOTION TO REPLY TO NRC STAFF AND ENTERGY OPPOSITIONS TO COMMONWEALTH MOTION TO SUPPLEMENT BASES TO ITS CONTENTION**, dated September 13, 2011, were provided to the Electronic Information Exchange (EIE) for service on the individuals below and by electronic mail as indicated by an asterisk\*:

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/s Matthew Brock  
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