

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

COMMONWEALTH OF  
MASSACHUSETTS,

Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY  
COMMISSION and the UNITED STATES  
OF AMERICA,

Respondents

FILED IN CLERK'S OFFICE  
U.S. COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2012 JUN 18 A 10:42

**COMMONWEALTH OF MASSACHUSETTS  
PETITION FOR JUDICIAL REVIEW OF  
NUCLEAR REGULATORY COMMISSION  
ORDERS TO RENEW THE PILGRIM OPERATING LICENSE FOR  
AN ADDITIONAL TWENTY YEARS**

Pursuant to F.R.A.P. 15 and 28 U.S.C. §§ 2342-2344, Petitioner, the Commonwealth of Massachusetts ("Commonwealth"), hereby petitions the Court for review of two orders by the U.S. Nuclear Regulatory Commission ("NRC" or "Commission"). The NRC orders grant Entergy Nuclear Operations, Inc.'s ("Entergy") application for a 20-year extension of the license to operate the Pilgrim nuclear power plant in Plymouth, Massachusetts without first granting the Commonwealth a hearing and

related relief on the application. The Commonwealth seeks review of the following orders:

- Renewal of Full-Power Operating License For The Pilgrim Nuclear Power Station (Commission Voting Record)(May 25, 2012)(Attachment 1); and
- Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), Renewed Facility Operating License, Renewed License No. DPR-35 (May 29, 2012)(Attachment 2).

In sum, these orders (collectively “Licensing Orders”) grant a twenty year license extension for the Pilgrim nuclear power plant without first granting the Commonwealth’s request that, before determining whether to relicense the Pilgrim plant, the NRC reevaluate the environmental impacts and risks of operating the plant, and the need for additional mitigation, in light of the radiological accident at the Fukushima Daiichi Nuclear Power Plants in Japan, and expert opinion that the Fukushima accident demonstrates that the risks and impacts of relicensing the Pilgrim plant are an order of magnitude greater than had been previously estimated.

In so deciding, the NRC acted arbitrarily, abused its discretion, and violated the Atomic Energy Act (AEA), the National Environmental Policy

Act (NEPA), the Administrative Procedure Act (APA), and NRC regulations for implementation of those statutes.

Therefore, the Commonwealth asks this Court to:

(a) vacate and remand the Licensing Orders;

(b) order the NRC to prepare, prior to deciding whether to grant a 20-year license extension for the Pilgrim nuclear power plant, a site specific or generic supplemental Environmental Impact Statement applicable to Pilgrim, with appropriate public participation consistent with NEPA and the Commonwealth's AEA hearing right, which addresses the new and significant information of the increased environmental impacts and risks of operating the Pilgrim plant, as demonstrated by the radiological accident at Fukushima, and also addresses appropriate mitigation measures to reduce those risks; and

(c) grant such other relief as the Court may deem appropriate.

Respectfully submitted,

By its Attorneys,

MARTHA COAKLEY  
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read 'M Brock', is written over a horizontal line.

Matthew Brock, Assistant Attorney General  
Environmental Protection Division  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
617/727-2200 X 2425  
[matthew.brock@state.ma.us](mailto:matthew.brock@state.ma.us)

June 18, 2012

## ATTACHMENT 1



SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 25, 2012

COMMISSION VOTING RECORD

DECISION ITEM: SECY-12-0062

TITLE: RENEWAL OF FULL-POWER OPERATING LICENSE FOR  
PILGRIM NUCLEAR POWER STATION

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of May 25, 2012.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, reading "Kenneth R. Hart", is positioned above a horizontal line.

Kenneth R. Hart  
Acting Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Jaczko  
Commissioner Svinicki  
Commissioner Apostolakis  
Commissioner Magwood  
Commissioner Ostendorff  
OGC  
EDO  
PDR

VOTING SUMMARY - SECY-12-0062RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACZKO			X		X	5/21/12
COMR. SVINICKI	X				X	4/30/12
COMR. APOSTOLAKIS				X		4/24/12
COMR. MAGWOOD	X					4/25/12
COMR. OSTENDORFF	X				X	5/1/12

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: Chairman Gregory B. Jaczko  
SUBJECT: SECY-12-0062 – RENEWAL OF FULL-POWER  
OPERATING LICENSE FOR PILGRIM NUCLEAR  
POWER STATION

Approved \_\_\_\_\_ Disapproved  X  Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached  X  None \_\_\_\_\_

  
\_\_\_\_\_  
SIGNATURE

  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  X  No \_\_\_\_\_



**Chairman Jaczko's Comments on SECY-12-0062,  
"Renewal of Full-Power Operating License for Pilgrim"**

I disapprove the issuance of the renewed license for the Pilgrim Nuclear Power Station at this time. While I appreciate the need to have an appropriate procedure for bringing this process to completion, the current approach that my colleagues on the Commission support is unprecedented in license renewal proceedings and provides little basis for action. Furthermore, since the licensee is in timely renewal, no harm will come to the licensee as the issues are brought to conclusion.

The process for resolving license renewals and established in a number of proceedings in which I personally participated has been to allow the staff to move forward with a license renewal when Board action was complete and the only matters pending were *appeals of Board decision before the Commission*. That is simply not the case in this situation. In fact, the Commission itself has referred several petitions to the Atomic Safety and Licensing Board. Therefore, these matters are currently pending before the Board. This is an entirely new situation, one I never contemplated when I previously supported issuance of a renewed license while adjudicatory issues remained unresolved. The license renewal provisions of 10 C.F.R. § 54.31(c) explicitly reference a process for reinstating the previous license if the renewed license "is subsequently set aside upon further administrative or judicial *appeal*" [emphasis added]. While the Commission previously allowed licensees to move forward while issues were under consideration by Boards, those instances involved immediate effectiveness decisions while proceedings for initial issuance of operating licenses were pending.

The Commission, through its own action, has referred petitions raising questions about the adequacy of the staff's review of the Pilgrim license renewal application to the Board. But since it is the staff, rather than a participant in the hearing, that seeks immediate issuance of the license renewal the matter is treated as a simple SECY paper, implying that the action is not related to the ongoing administrative litigation. This hardly seems to be a fair process for the petitioners. Moreover, it appears to send a confusing message to the petitioners. On the one hand, by referring the petitions to the Board, the Commission appears to believe the petitions present at least some merit. On the other hand, by approving the staff's SECY paper the Commission appears to be saying there are no remaining initial matters of significance to resolve before the issuance of the license. If the Commission were so comfortable that the issues raised in the motion to reopen were trivial, the Commission could have simply dismissed them itself without referral to the Board.

The Commission has ample authority to take the reins of this hearing and move the process to a reasonable decision point. I would suggest this be done in the following way. First, the Commission should issue an order instructing that all final petitions seeking admission of new contentions be filed by a specified date. Next, staff should file a motion with the Commission expressing its interest in issuing the license. The Commission should then entertain briefs and issue a decision articulating its reasons based on the adjudicatory record relevant to the issues pending before the Board. The initial Commission order would make clear that subsequent motions filed would not be guaranteed to be reviewed. This process would be clear, transparent and fair to all parties in the proceeding and establish a process that would be applicable to future proceedings.

  
Gregory B. Jaczko  
5/21/12  
Date

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER SVINICKI

**SUBJECT:** SECY-12-0062 – RENEWAL OF FULL-POWER  
OPERATING LICENSE FOR PILGRIM NUCLEAR  
POWER STATION

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

**COMMENTS:** Below XX Attached \_\_\_\_\_ None \_\_\_\_\_

I approve authorizing the Director of the Office of Nuclear Reactor Regulation to renew the operating license for the Pilgrim Nuclear Power Station upon his making the appropriate findings on safety and environmental matters. The Staff Requirements Memorandum for this action should state that "The Commission recognizes that in view of the petition for review pending before it and the intervention petition pending before the Atomic Safety & Licensing Board, if the renewed license is subsequently set aside on appeal, the previous operating license would be reinstated in accordance with 10 CFR 54.31(c)."

  
\_\_\_\_\_  
SIGNATURE

4/30/12  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes ✓ No \_\_\_\_\_

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER APOSTOLAKIS

**SUBJECT:** SECY-12-0062 – RENEWAL OF FULL-POWER  
OPERATING LICENSE FOR PILGRIM NUCLEAR  
POWER STATION

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_ <sup>x</sup>

**COMMENTS:** Below \_\_\_\_\_ Attached \_\_\_\_\_ None \_\_\_\_\_



\_\_\_\_\_  
SIGNATURE

4/24/12  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes x No \_\_\_\_\_

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MAGWOOD

SUBJECT: SECY-12-0062 – RENEWAL OF FULL-POWER  
OPERATING LICENSE FOR PILGRIM NUCLEAR  
POWER STATION

Approved X Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached \_\_\_\_\_ None X

  
\_\_\_\_\_  
SIGNATURE

25 April 2012  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes X No \_\_\_\_\_

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER OSTENDORFF

**SUBJECT:** SECY-12-0062 – RENEWAL OF FULL-POWER  
OPERATING LICENSE FOR PILGRIM NUCLEAR  
POWER STATION

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

**COMMENTS:** Below XX Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's recommendation to authorize the Director of the Office of Nuclear Reactor Regulation to renew the operating license for the Pilgrim Nuclear Power Station upon his making the appropriate findings on safety and environmental matters. I concur with Commissioner Svinicki that the Staff Requirements Memorandum for this action should state that "The Commission recognizes that in view of the petition for review pending before it and the intervention petition pending before the Atomic Safety & Licensing Board, if the renewed license is subsequently set aside on appeal, the previous operating license would be reinstated in accordance with 10 CFR 54.31(c)."

  
\_\_\_\_\_  
**SIGNATURE**

5/1/12  
\_\_\_\_\_  
**DATE**

Entered on "STARS" Yes X No \_\_\_\_\_

## ATTACHMENT 2



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 29, 2012

Mr. Michael A. Balduzzi  
Senior Vice President & Chief Operating Officer  
Regional Operations, NE  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

SUBJECT: ISSUANCE OF RENEWED FACILITY OPERATING LICENSE NO. DPR-35 FOR  
THE PILGRIM NUCLEAR POWER STATION

Dear Mr. Balduzzi:

The U.S. Nuclear Regulatory Commission (NRC) has issued Renewed Facility Operating License No. DPR-35 for the Pilgrim Nuclear Power Station (PNPS) (Enclosure 1). The NRC issued the renewed facility operating license based on the staff's review of your application dated January 25, 2006, as supplemented by letters submitted to the NRC through April 24, 2012. The review did not result in an amendment of the technical specifications for PNPS. The period of extended operation for PNPS begins at midnight on June 8, 2012.

Renewed Facility Operating License No. DPR-35 expires at midnight on June 8, 2032.

Enclosure 1 also contains the following attachments: Appendix A, "Technical Specifications," and Appendix B, "Additional Conditions."

Enclosure 2 is a copy of the related *Federal Register* notice of issuance of the renewed license. The original has been sent to the Office of the Federal Register for publication.

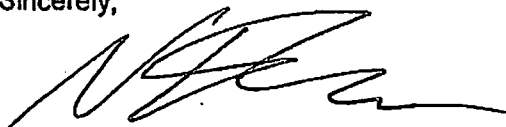
The technical basis for issuing the renewed license is set forth in NUREG-1891, "Safety Evaluation Report Related to the License Renewal of Pilgrim Nuclear Power Station," issued November 2007, as supplemented. The results of the environmental review related to the issuance of the renewed license are given in NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 29, Regarding Pilgrim Nuclear Power Station-Final Report," issued July 2007.

M. Balduzzi

- 2 -

If you have any questions about this action, please feel free to contact me at 301-415-1045 or by e-mail at [Nate.Ferrer@nrc.gov](mailto:Nate.Ferrer@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Nate Ferrer', with a stylized, flowing script.

Nathaniel Ferrer, Project Manager  
Projects Branch 1  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosures:

1. Renewed Facility Operating License  
No. DPR-35, with Appendix A, "Technical  
Specifications," and Appendix B,  
"Additional Conditions"
2. *Federal Register* Notice

cc: Listserv



M. Balduzzi

- 2 -

If you have any questions regarding this action, please feel free to contact me at 301-415-1045 or by e-mail at [Nate.Ferrer@nrc.gov](mailto:Nate.Ferrer@nrc.gov).

Sincerely,

/RA/

Nathaniel Ferrer, Project Manager  
Projects Branch 1  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket No. 50-293

## Enclosures:

1. Renewed Facility Operating License  
No. DPR-35, Appendix A, Technical  
Specifications, and Appendix B,  
Additional Conditions
2. *Federal Register Notice*

cc: Listserv

ADAMS Accession Nos.: (PKG) ML091040286, (LTR) ML091040423, (LIC) ML091040431,  
(App. A.&B) ML091040467, (FRN) ML091040439, \*concurred via e-mail

OFFICE	PM:RPB1:DLR	LA:DLR	Tech Editor*	PM:DORL:LPLI-1	BC:DORL:LPLI-1
NAME	NFerrer	SFigueroa	JDougherty	RGuzman	GWilson
DATE	03 / 20 /12	10/19/11	02 / 21 /12	05 / 02 /12	05 / 08 /12
OFFICE	BC:RPB1:DLR	D:DLR	OGC	D:NRR	PM:RPB1:DLR
NAME	DMorey	BHolian	SUttal (NLO)	ELeeds	NFerrer
DATE	05 / 08 /12	05 / 25 /12	05 / 25 /12	05 / 29 /12	05 / 29 /12

OFFICIAL RECORD COPY

**ENCLOSURE 1**

**ENTERGY NUCLEAR GENERATION COMPANY  
(PILGRIM NUCLEAR POWER STATION)  
RENEWED FACILITY OPERATING LICENSE  
RENEWED LICENSE NO. DPR-35**

ENTERGY NUCLEAR GENERATION COMPANY \*

And ENTERGY NUCLEAR OPERATIONS, INC.

(PILGRIM NUCLEAR POWER STATION)

DOCKET NO. 50-293

RENEWED FACILITY OPERATING LICENSE

Renewed License No. DPR-35

The Nuclear Regulatory Commission (the Commission) has found that:

- a. Except as stated in condition 5, construction of the Pilgrim Nuclear Power Station (the facility) has been substantially completed in conformity with the application, as amended, the Provisional Construction Permit No. CPPR-49, the provisions of the Atomic Energy Act of 1954, as amended (the Act), and the rules and regulations of the Commission as set forth in Title 10, Chapter 1, CFR; and
- b. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission; and
- c. There is reasonable assurance (i) that the activities authorized by the renewed operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission; and
- d. The Entergy Nuclear Generation Company (Entergy Nuclear) is financially qualified and Entergy Nuclear Operations, Inc. (ENO) is technically and financially qualified to engage in the activities authorized by this renewed operating license, in accordance with the rules and regulations of the Commission; and
- e. Entergy Nuclear and ENO have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements" of the Commission's regulations; and
- f. The issuance of this renewed operating license will not be inimical to the common defense and security or to the health and safety of the public; and
- g. After weighing the environmental, economic, technical, and other benefits of the facility against environmental costs and considering available alternatives, the issuance of this renewed operating license (subject to the condition for protection of the environment set forth herein) is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements of said regulations have been satisfied; and
- h. Actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified to require review under

\* The Nuclear Regulatory Commission approved the transfer of the license from Boston Edison Company to Entergy Nuclear Generation Company on April 29, 1999.

- 2 -

10 CFR 54.21(a)(1); and (2) time-limited aging analyses that have been identified to require review under 10 CFR 54.21(c), such that there is reasonable assurance that the activities authorized by the renewed operating license will continue to be conducted in accordance with the current licensing basis, as defined in 10 CFR 54.3, for the facility, and that any changes made to the facility's current licensing basis in order to comply with 10 CFR 54.29(a) are in accordance with the Act and the Commission's regulations.

Facility Operating License No. DPR-35, dated June 8, 1972, issued to the Boston Edison Company (Boston Edison) is hereby amended in its entirety, pursuant to an Initial Decision dated September 13, 1972, by the Atomic Safety and Licensing Board, to read as follows:

1. This renewed operating license applies to the Pilgrim Nuclear Power Station, a single cycle, forced circulation, boiling water nuclear reactor and associated electric generating equipment (the facility), owned by Entergy Nuclear and operated by ENO. The facility is located on the western shore of Cape Cod Bay in the town of Plymouth on the Entergy Nuclear site in Plymouth County, Massachusetts, and is described in the "Final Safety Analysis Report," as supplemented and amended.
2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Entergy Nuclear:
  - A. Pursuant to the Section 104b of the Atomic Energy Act of 1954, as amended (the Act) and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," a) Entergy Nuclear to possess and use and b) ENO to possess, use, and operate the facility as a utilization facility at the designated location on the Pilgrim site;
  - B. ENO, pursuant to the Act and 10 CFR 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;
  - C. ENO, pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use at any time any byproduct, source or special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
  - D. ENO, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
  - E. ENO, pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
3. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations; 10 CFR Part 20, Section 30.34 of 10 CFR Part 30, Section 40.41 of 10 CFR Part 40, Sections 50.54 and 50.59 of 10 CFR Part 50 and Section 70.32 of 10 CFR Part 70; and is subject to all applicable

- 3 -

provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. Maximum Power Level

ENO is authorized to operate the facility at steady state power levels not to exceed 2028 megawatts thermal.

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 236, are hereby incorporated in the renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

C. Records

ENO shall keep facility operating records in accordance with the requirements of the Technical Specifications.

D. Equalizer Valve Restriction - DELETED

E. Recirculation Loop Inoperable - DELETED

F. Fire Protection

ENO shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated December 21, 1978 as supplemented subject to the following provision:

ENO may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

G. Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR27817 and 27822) and to the authority of 10 CFR 50.90 and 10,CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Pilgrim Nuclear Power Station Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0" submitted by letter dated October 13, 2004, as supplemented by letter dated May 15, 2006.

- 4 -

H. Post-Accident Sampling System. NUREG-0737, Item II.B.3. and Containment Atmospheric Monitoring System, NUREG-0737, Item II.F.1(6)

The licensee shall complete the installation of a post-accident sampling system and a containment atmospheric monitoring system as soon as practicable, but no later than June 30, 1985.

I. Additional Conditions

The Additional Conditions contained in Appendix B, as revised through Amendment No. 177, are hereby incorporated into this renewed operating license. ENO shall operate the facility in accordance with the Additional Conditions.

J. Conditions Related to the Sale and Transfer

- (1) For purposes of ensuring public health and safety, Entergy Nuclear shall provide decommissioning funding assurance of no less than \$396 million, after payment of any taxes, in the decommissioning trust fund for Pilgrim upon the transfer of the Pilgrim licenses to Entergy Nuclear.
- (2) Entergy Nuclear shall maintain the decommissioning trust funds in accordance with the Order, the related Safety Evaluation dated April 29, 1999, and the related application for approval of the transfer.
- (3) Entergy Nuclear shall provide a Provisional Trust fund in the amount of \$70 million, after payment of any taxes, in the Provisional Trust for Pilgrim upon the transfer of the Pilgrim licenses to Entergy Nuclear. The Provisional Trust shall be established and maintained in conformance with the representations made in the application for approval of the transfer.
- (4) Entergy Nuclear shall have access to a contingency fund of not less than fifty million dollars (\$50m) for payment, if needed, of Pilgrim operating and maintenance expenses, the cost to transition to decommissioning status in the event of a decision to permanently shut down the unit, and decommissioning costs. Entergy Nuclear will take all necessary steps to ensure that access to these funds will remain available until the full amount has been exhausted for the purposes described above. Entergy Nuclear shall inform the Director, Office of Nuclear Regulation, in writing, at such time that it utilizes any of these contingency funds. This provision does not affect the NRC's authority to assure that adequate funds will remain available in the plant's separate decommissioning fund(s), which Entergy Nuclear shall maintain in accordance with NRC regulations. Once the plant has been placed in a safe-shutdown condition following a decision to decommission, Entergy Nuclear will use any remainder of the \$50m contingency fund that has not been used to safely operate and maintain the plant to support the safe and prompt decommissioning of the plant, to the extent such funds are needed for safe and prompt decommissioning.

- 5 -

- (5) The Decommissioning Trust agreement(s) shall be in a form which is acceptable to the NRC and shall provide, in addition to any other clauses, that:
- a) Investments in the securities or other obligations of Entergy Nuclear, Entergy Corporation, their affiliates, subsidiaries or associates, or their successors or assigns shall be prohibited. In addition, except for investments tied to market indexes or other non-nuclear sector mutual funds, investments in any entity owning one or more nuclear power plants is prohibited.
  - b) The Director, Office of Nuclear Reactor Regulation, shall be given 30 days prior written notice of any material amendment to the trust agreement(s).

**K. Mitigation Strategy License Condition**

Develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Fire fighting response strategy with the following elements:
    - 1. Pre-defined coordinated fire response strategy and guidance
    - 2. Assessment of mutual aid fire fighting assets
    - 3. Designated staging areas for equipment and materials
    - 4. Command and control
    - 5. Training of response personnel
  - (b) Operations to mitigate fuel damage considering the following:
    - 1. Protection and use of personnel assets
    - 2. Communications
    - 3. Minimizing fire spread
    - 4. Procedures for implementing integrated fire response strategy
    - 5. Identification of readily-available pre-staged equipment
    - 6. Training on integrated fire response strategy
    - 7. Spent fuel pool mitigation measures
  - (c) Actions to minimize release to include consideration of:
    - 1. Water spray scrubbing
    - 2. Dose to onsite responders
- L. The licensee shall implement and maintain all Actions required by Attachment 2 to NRC Order EA-06-137, issued June 20, 2006, except the last action that requires incorporation of the strategies into the site security plan, contingency plan, emergency plan and/or guard training and qualification plan, as appropriate.
- M. Upon Implementation of Amendment No. 231 adopting TSTF-448, Revision 3, the determination of control room envelope (CRE) unfiltered air inleakage required by SR 4.7.6.2.e in accordance with TS 5.5.8.c.(i), the assessment of CRE habitability as required by Specification 5.5.8.c.(ii), and the measurement



- 6 -

of CRE pressure as required by Specification 5.5.8.d shall be considered met as follows:

- (a) The first performance of SR 4.7.2.6.5.e in accordance with Specification 5.5.8.c.(i) shall be within the specified frequency of 6 years, plus the 18-month allowance as defined by SURVEILLANCE INTERVAL measured from December 5, 2005, the date of the most recent successful tracer gas test, as stated in Entergy's letter "Follow-Up Response to NRC Generic Letter 2003-01" (EN0 2.06.019), dated March 20, 2006, or within 18 months if the time period since the most recent successful tracer gas test is greater than 6 years.
  - (b) The first performance of the periodic assessment of CRE habitability Specification 5.5.8.c.(ii) shall be within 3 years, plus the 9-month allowance of SURVEILLANCE INTERVAL as measured from December 5, 2005, the date of the most recent successful tracer gas test, as stated in Entergy's letter "Follow-Up Response to NRC Generic Letter 2003-01" (EN0 2.06.019), dated March 20, 2006, or within 9 months if the time period since the most recent successful tracer gas test is greater than 3 years.
  - (c) The first performance of the periodic measurement of CRE pressure, Specification 5.5.8.d shall be within 24 months, plus the 180-day allowance of the SURVEILLANCE INTERVAL as measured from the date of the most recent successful pressure measurement test or within 180 days if not performed previously.
4. This license is subject to the following condition for the protection of the environment: Boston Edison shall continue, for a period of five years after initial power operation of the facility, an environmental monitoring program similar to that presently existing with the Commonwealth of Massachusetts (and described generally in Section C-III of Boston Edison's Environmental Report, Operating License Stage dated September, 1970) as a basis for determining the extent of station influence on marine resources and shall mitigate adverse effects, if any, on marine resources.
  5. Boston Edison has not completed as yet construction of the Rad Waste Solidification System and the Augmented Off-Gas System. Limiting conditions concerning these systems are set forth in the Technical Specifications.
  6. Pursuant to Section 105c(8) of the Act, the Commission has consulted with the Attorney General regarding the issuance of this operating license. After said consultation, the Commission has determined that the issuance of this license, subject to the conditions set forth in this subparagraph 6, in advance of consideration of and findings with respect to matters covered in Section 105c of the Act, is necessary in the public interest to avoid unnecessary delay in the operation of the facility. At the time this operating license is being issued an antitrust proceeding has not been noticed. The Commission, accordingly, has made no determination with respect to matters covered in Section 105c of the Act, including conditions, if any, which may be appropriate as a result of the outcome of any antitrust proceeding. On the basis of its findings made as a result of an antitrust proceeding, the Commission may continue this license as issued, rescind this license or amend this license to include such conditions as the Commission



- 7 -

deems appropriate. Boston Edison and others who may be affected hereby are accordingly on notice that the granting of this license is without prejudice to any subsequent licensing action, including the imposition of appropriate conditions, which may be taken by the Commission as a result of the outcome of any antitrust proceeding. In the course of its planning and other activities, Boston Edison will be expected to conduct itself accordingly.

7. The information in the FSAR supplement, submitted pursuant to 10 CFR 54.21(d), as supplemented by Commitments Nos. 3, 8, 9, 13, 15, 18, 19, 21, 22, 24, 25, 26, 27, 28, 30, 31, 33, 34, 35, 36, 37, 39, 40, 46, 51, and 52 of Appendix A of NUREG-1891, "Safety Evaluation Report Related to the License Renewal of Pilgrim Nuclear Power Station" dated June 2007, as supplemented, is henceforth part of the FSAR which will be updated in accordance with 10 CFR 50.71(e). In addition, the licensee shall incorporate into its FSAR the "Description of Program" from Table 3.0-1 "FSAR Supplement for Aging Management of Applicable Systems" of License Renewal Interim Staff Guidance LR-ISG-2011-05 "Ongoing Review of Operating Experience."

The licensee may make changes to the programs and activities described in the FSAR supplement and Commitments Nos. 3, 8, 9, 13, 15, 18, 19, 21, 22, 24, 25, 26, 27, 28, 30, 31, 33, 34, 35, 36, 37, 39, 40, 46, 51, and 52 of Appendix A of NUREG-1891, as supplemented, provided the licensee evaluates such changes pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

8. The licensee's FSAR supplement submitted pursuant to 10 CFR 54.21(d), as revised during the license renewal application review process, and as supplemented by Commitments Nos. 3, 8, 9, 13, 15, 18, 19, 21, 22, 24, 25, 26, 27, 28, 30, 31, 33, 34, 35, 36, 37, 39, 40, 46, 51, and 52 of Appendix A of NUREG-1891, as supplemented, along with the FSAR description regarding consideration of operating experience for license renewal aging management programs in Condition 7 above, describes certain future programs and activities to be completed before the period of extended operation. The licensee shall complete these activities no later than June 8, 2012, and shall notify the NRC in writing when implementation of these activities is complete.
9. Capsule withdrawal schedule – For the renewed operating license term, all capsules in the reactor vessel that are removed and tested must meet the requirements of American Society for Testing and Materials (ASTM) E 185-82 to the extent practicable for the configuration of the specimens in the capsule. Any changes to the capsule withdrawal schedule, including spare capsules, must be approved by the staff prior to implementation. All capsules placed in storage must be maintained for future insertion. Any changes to storage requirements must be approved by the staff, as required by 10 CFR Part 50, Appendix H.

- 8 -

10. This license is effective as of the date of issuance and shall expire June 8, 2032.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read 'E. J. Leeds', is written over a horizontal line.

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

**Attachments:**

Appendix A - Technical Specifications  
(Radiological)

Appendix B - Additional Conditions

Date of Issuance: May 29, 2012

[7590-01-P]

**NUCLEAR REGULATORY COMMISSION**

**[DOCKET NO. 50-293]**

**Entergy Nuclear Operations, Inc., Pilgrim Nuclear Power Station**

**RECORD OF DECISION AND ISSUANCE OF RENEWED FACILITY OPERATING LICENSE**

**NO. DPR-35 FOR AN ADDITIONAL 20-YEAR PERIOD FOR**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License renewal application; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued renewed facility operating license No. DPR-35 to Entergy Operations Inc. (the licensee), the operator of the Pilgrim Nuclear Power Station (PNPS). Renewed facility operating license No. DPR-35 authorizes operation of PNPS by the licensee at reactor core power levels not in excess of 2,028 megawatts thermal in accordance with the provisions of the PNPS renewed license and its technical specifications. This also serves as the record of decision for the renewal of facility operating license No. DPR-35, consistent with the NRC's regulations.

**ADDRESSES:** You may access information related to this document, which the NRC possesses and are publicly available, using any of the following methods:

- **NRC's Agencywide Documents Access and Management System (ADAMS):**

You may access publicly-available documents online in the NRC Library at

<http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209,

- 2 -

301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

Notice is hereby given that the NRC has issued renewed facility operating license No. DPR-35 to Entergy Operations Inc., the operator of the PNPS. Renewed facility operating license No. DPR-35 authorizes operation of PNPS by the licensee at reactor core power levels not in excess of 2,028 megawatts thermal in accordance with the provisions of the PNPS renewed license and its technical specifications.

The notice also serves as the record of decision for the renewal of facility operating license No. DPR-35, consistent with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 51.103. As discussed in the final supplemental environmental impact statement (FSEIS) for PNPS, Supplement 47 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Pilgrim Nuclear Power Station," dated July 2007 (ADAMS Accession Nos. ML071990020 and ML071990027), the Commission has considered a range of reasonable alternatives that included fossil fuel generation, renewable energy sources, demand-side measures such as energy conservation, and the no-action

- 3 -

alternative. The factors considered in the record of decision can be found in the FSEIS for PNPS.

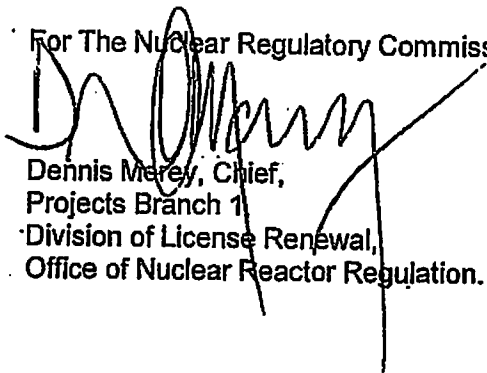
PNPS is a boiling water reactor located 4 miles southeast of Plymouth, Massachusetts. The application for the renewed license, "Pilgrim Nuclear Power Station License Renewal Application," dated January 25, 2006 (ADAMS Accession No. ML060300028), complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter 1, the Commission has made appropriate findings, which are set forth in the license. Prior public notice of the action involving the proposed issuance of the renewed license and of an opportunity for a hearing regarding the proposed issuance of the renewed license was published in the *Federal Register* on March 27, 2006 (71 FR 15222).

For further details with respect to this action, see: (1) Entergy Nuclear Operation, Inc., license renewal application for Pilgrim Nuclear Power Station dated January 25, 2006, as supplemented by letters dated through April 24, 2012; (2) the Commission's safety evaluation report (NUREG-1891), published in November 2007, as supplemented (ADAMS Accession Nos. ML073241016, ML072210478, and ML11147A036); (3) the licensee's Final Safety Analysis Report; and (4) the Commission's FSEIS (NUREG-1437, Supplement 29), for the Pilgrim Nuclear Power Station, published in July 2007.

- 4 -

Dated at Rockville, Maryland, this 29<sup>th</sup> day of May, 2012.

For The Nuclear Regulatory Commission

A handwritten signature in black ink, appearing to read 'Dennis Marey', is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dennis Marey, Chief,  
Projects Branch 1  
Division of License Renewal,  
Office of Nuclear Reactor Regulation.

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

COMMONWEALTH OF  
MASSACHUSETTS,  
Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY  
COMMISSION and the UNITED STATES  
OF AMERICA  
Respondents

12-1772

FILED IN CLERKS OFFICE  
US COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
2012 JUN 18 A 10 41

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2012 I served a copy of the foregoing **Commonwealth of Massachusetts Petition for Judicial Review of Nuclear Regulatory Commission Licensing Orders; Motion and Memorandum in support of Motion to Consolidate Actions and Modify Schedule for filing Initial Brief; and Notice of Appearance** on the following parties admitted to the agency proceeding below, and counsel in related case Docket No. 12-1404, by first class mail, and a courtesy copy was served by electronic mail as indicated by an asterisk:

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board  
Panel  
Mail Stop - T-3 F23  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: 0-15 D21  
Washington, DC 20555-0001

Administrative Judge,  
Ann Marshall Young, Chair\*  
E-mail: [Ann.Young@nrc.gov](mailto:Ann.Young@nrc.gov)  
Administrative Judge,  
Richard F. Cole\*  
E-mail: [Richard.Cole@nrc.gov](mailto:Richard.Cole@nrc.gov)

Susan L. Uttal, Esq.\*  
E-mail: [Susan.Uttal@nrc.gov](mailto:Susan.Uttal@nrc.gov)  
Beth N. Mizuno, Esq.\*  
E-mail: [beth.mizuno@nrc.gov](mailto:beth.mizuno@nrc.gov)  
Brian G. Harris, Esq.\*  
E-mail: [brian.harris@nrc.gov](mailto:brian.harris@nrc.gov)



Administrative Judge,  
Paul B. Abramson\*  
E-mail: [Paul.Abramson@nrc.gov](mailto:Paul.Abramson@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Mail Stop: 011-F1  
Washington, DC 20555-0001

Lisa Regner  
Senior Project Manager  
Division of License Renewal  
E-mail: [Lisa.Regner@nrc.gov](mailto:Lisa.Regner@nrc.gov)

Entergy Nuclear  
1340 Echelon Parkway  
Mail Stop M-ECH-62  
Jackson, MS 39213  
Terence A. Burke, Esq.  
E-mail: [tburke@entergy.com](mailto:tburke@entergy.com)  
Duxbury Emergency Management  
Agency  
668 Tremont Street  
Duxbury, MA 02332  
Kevin M. Nord, Fire Chief & Director  
E-mail: [nord@town.duxbury.ma.us](mailto:nord@town.duxbury.ma.us)

Duane Morris, LLP  
Town of Plymouth MA  
505 9th Street, NW, Suite 1000  
Washington, DC 20004-2166  
Sheila Slocum Hollis, Esq.  
E-mail: [sshollis@duanemorris.com](mailto:sshollis@duanemorris.com)

Edward Williamson, Esq.\*  
E-mail: [Edward.williamson@nrc.gov](mailto:Edward.williamson@nrc.gov)  
Maxwell Smith, Esq.\*  
E-mail: [Maxwell.smith@nrc.gov](mailto:Maxwell.smith@nrc.gov)

Pillsbury, Winthrop, Shaw, Pitman, LLP  
2300 N. Street, NW  
Washington, DC 20037-1128  
David R. Lewis, Esq.\*  
E-mail: [david.lewis@pillsburylaw.com](mailto:david.lewis@pillsburylaw.com)  
Paul A. Gaukler, Esq.  
E-mail: [paul.gaukler@pillsburylaw.com](mailto:paul.gaukler@pillsburylaw.com)  
Jason B. Parker, Esq.  
E-mail: [jason.parker@pillsburylaw.com](mailto:jason.parker@pillsburylaw.com)

Pilgrim Watch  
148 Washington Street  
Duxbury, MA 02332  
Mary E. Lampert, Director  
E-mail: [mary.lampert@comcast.net](mailto:mary.lampert@comcast.net)

Town of Plymouth MA  
Town Manager's Office  
11 Lincoln Street  
Plymouth, MA 02360  
Melissa Arrighi, Acting Town Manager  
E-mail: [marrighi@townhall.plymouth.ma.us](mailto:marrighi@townhall.plymouth.ma.us)

James E. Adler, Esq.\*  
Office of the General Counsel  
Legal Counsel, Legislation &  
Special Project Division  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 02852  
E-mail: [james.adler@nrc.gov](mailto:james.adler@nrc.gov)



John F. Cordes, Jr., Esq.\*  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 02852  
E-mail: [john.cordes@nrc.gov](mailto:john.cordes@nrc.gov)

J. David Gunter, II, Esq.\*  
U.S. Department of Justice, ENRD  
P.O. Box 7415  
Washington, DC 20044  
E-mail: [david.gunter2@usdoj.gov](mailto:david.gunter2@usdoj.gov)

A handwritten signature in black ink, appearing to read 'Matthew Brock', with a horizontal line underneath the signature.

Matthew Brock

# United States Court of Appeals For the First Circuit

---

## NOTICE TO ALL CM/ECF USERS REGARDING "NATIVE" PDF REQUIREMENT

All documents filed electronically with the court must be submitted as "native" Portable Document ("PDF") files. See Rule 1 of the [Administrative Order](#) Regarding Case Management/Electronic Case Files System ("CM/ECF"). A **native PDF file** is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. A **scanned PDF file** is created by putting a paper document through an optical scanner. Use a scanner ONLY if you do not have access to an electronic version of the document that would enable you to prepare a native PDF file.

If you fail to file a document in the correct format, you will be asked to resubmit it. Instructions for converting Word or WordPerfect documents to PDF are available on the court's website at [http://www.ca1.uscourts.gov/files/faq/WP\\_Conversion.pdf](http://www.ca1.uscourts.gov/files/faq/WP_Conversion.pdf).

# United States Court of Appeals For the First Circuit

---

No. 12-1772

Agency No. CLI-12-06; 50-293-LR

COMMONWEALTH OF MASSACHUSETTS

Petitioner

v.

US NUCLEAR REGULATORY COMMISSION

Respondent

---

## CASE OPENING NOTICE

Issued: June 18, 2012

A petition for review was received and docketed today by the clerk of the court of appeals in compliance with Fed. R. App. P. 15. A copy of the petition is being transmitted to counsel for the respondent with this notice.

The administrative record, or certified list of all documents, must be filed by **July 30, 2012**. Fed. R. App. P. 17.

A notice advising you of the due date for filing your brief, and, if necessary, an appendix, will be sent upon the filing of the administrative record, or certified list, in this court.

An appearance form should be completed and returned immediately by any attorney who wishes to file pleadings in this court. 1st Cir. R. 12.0(a) and 46.0(a)(2). *Pro se* parties are not required to file an appearance form. Any attorney who has not been admitted to practice before the First Circuit Court of Appeals must submit an application and fee for admission with the appearance form. 1st Cir. R. 46.0(a)(2).

Dockets, opinions, rules, forms, attorney admission applications, the court calendar and general notices can be obtained from the court's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov). Your attention is called specifically to the notice(s) listed below:

- [Notice to Counsel and Pro Se Litigants](#)

If you wish to inquire about your case by telephone, please contact the case manager at

the direct extension listed below.

Margaret Carter, Clerk

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

John Joseph Moakley

United States Courthouse

1 Courthouse Way, Suite 2500

Boston, MA 02210

Case Manager: Melinda Asiamah - (617) 748-4214

# United States Court of Appeals For the First Circuit

---

## NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

The First Circuit has implemented the Federal Judiciary's Case Management/Electronic Case Files System ("CM/ECF") which permits documents to be filed electronically. In addition, most documents filed in paper are scanned and attached to the docket. In social security and immigration cases, members of the general public have remote electronic access through PACER only to opinions, orders, judgments or other dispositions of the court. Otherwise, public filings on the court's docket are remotely available to the general public through PACER. Accordingly, parties should not include in their public filings (including attachments or appendices) information that is too private or sensitive to be posted on the internet.

Specifically, Fed. R. App. P. 25(a)(5), Fed. R. Bank. P. 9037, Fed. R. Civ. P. 5.2 and Fed. R. Cr. P. 49.1 require that parties not include, or partially redact where inclusion is necessary, the following personal data identifiers from documents filed with the court unless an exemption applies:

- **Social Security or Taxpayer Identification Numbers.** If an individual's social security or taxpayer identification number must be included, only the last four digits of that number should be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- **Dates of Birth.** If an individual's date of birth must be included, only the year should be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- **Home Addresses in Criminal Cases.** If a home address must be included, only the city and state should be listed.

See also Rule 12 of this court's Administrative Order Regarding Case Management/Electronic Case Files System.

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend caption to redact the identifier.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and sensitive security information as described in 49 U.S.C. § 114.

Attorneys are urged to share this notice with their clients so that an informed decision can be made about inclusion of sensitive information. The clerk will not review filings for redaction. Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to them. For further information, including a list of exemptions from the redaction requirement, see <http://www.privacy.uscourts.gov/>.

# United States Court of Appeals For the First Circuit

---

## NOTICE TO COUNSEL REGARDING MANDATORY REGISTRATION AND TRAINING FOR ELECTRONIC FILING (CM/ECF)

Beginning January 1, 2010, CM/ECF is mandatory for all attorneys filing in this court. Therefore, we strongly encourage all attorneys who practice in this court to register as an ECF Filer as soon as possible and become familiar with the system. Before you may file documents electronically in the CM/ECF system, you must complete the following steps.

- **Complete both of the **mandatory** Electronic Learning Modules (ELMs) located at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov)** on the Electronic Filing - CM/ECF page. The lessons provide a step-by-step overview of how to file various types of documents, as well as how to avoid common filing errors.
- **Apply for admission if you are not a member of this court's bar.** In order to register as an ECF Filer, attorneys must be admitted to the bar of this court. For information on attorney admission, go to the Forms & Notices page on the First Circuit's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov).
- **Register for a PACER account at <http://www.pacer.psc.uscourts.gov>** if you or your law firm have not previously done so. A PACER account is required to view docket reports and electronically filed documents.
- **Register with PACER for a First Circuit Appellate ECF Filer account at <http://www.pacer.psc.uscourts.gov>.** You must register for an ECF Filer account with this court order to electronically file documents through the court's CM/ECF system. If you previously registered through PACER for electronic noticing in the First Circuit, and you are a member of the bar of the First Circuit Court of Appeals, you do not have to re-register for an appellate CM/ECF account.
- **Review the Administrative Order Regarding CM/ECF (which sets forth rules governing electronic filing) and the CM/ECF User's Guide.** Complete information about CM/ECF is available on the First Circuit's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov).

**March 31, 2010**

cc:

James E. Adler  
Matthew T. Brock  
John Fredrick Cordes Jr.  
Duxbury Emergency Management Agency  
John David Gunter II  
Brian G. Harris  
Beth N. Mizuno  
Pilgrim Watch  
Plymouth, MA  
Sheila Slocum Hollis  
Susan L. Uttal  
Edward Williamson