

ORAL ARGUMENT NOT YET SCHEDULED

No. 19-1198

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

COMMONWEALTH OF MASSACHUSETTS

Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY COMMISSION and UNITED
STATES OF AMERICA,*Respondents,*HOLTEC DECOMMISSIONING INTERNATIONAL, LLC., *et al.*,*Intervenors.*

On Petition for Review of Actions by the
Nuclear Regulatory Commission

INTERVENORS' UNOPPOSED MOTION FOR EXTENSION OF TIME

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Entergy Nuclear Operations, Inc. (“ENOI”), Holtec International (“Holtec”), Holtec Decommissioning International, LLC (“HDI”), and Holtec Pilgrim, LLC (formerly known as Entergy Nuclear Generation Company, LLC (“ENGCG”)) (the Holtec entities, together with ENOI, “Intervenors”) respectfully move for an extension of time from January 29, 2020, to February 5, 2020, to file their reply in support of their motion to dismiss the Commonwealth of Massachusetts’ (“Massachusetts”) petition for review in this case. Pursuant to this Court’s Rule 27(h)(2), Intervenors sought the consent of Massachusetts, the United States, the U.S. Nuclear Regulatory Commission (“NRC”), and putative *amici curiae* State of New York *et al.* (“*amici*”) to the requested extension. Counsel for all of these parties have consented to the requested extension. This motion is timely filed under this Court’s Rule 27(h)(1).

In further support of the motion, Intervenors state:

1. On September 25, 2019, Massachusetts filed a petition for review of certain orders and actions of the NRC. On October 28, 2019, Massachusetts filed a motion for stay pending appeal.
2. On November 22, 2019, the NRC and the United States (together, “Federal Respondents”), and separately Intervenors, filed submissions responding to Massachusetts’ motion for a stay pending appeal and seeking the affirmative relief of dismissal of Massachusetts’ petition for review.

3. On December 19, 2019, the parties jointly sought an extension of the schedule to allow Massachusetts to file its response on January 10, 2020, rather than on December 20, 2019, as previously scheduled, and to extend the date for Federal Respondents' and Intervenors' reply submission from January 10, 2020, to January 29, 2020. On that same day, the Court granted the extension.

4. On January 8, 2020, *amici* contacted Intervenors to disclose *amici*'s intention to move for leave to file an *amicus* brief in support of Massachusetts' opposition to the Federal Respondents' and Intervenors' motions to dismiss. *Amici* subsequently filed that motion for leave and the *amicus* brief itself on January 17, 2020.

5. The requested extension for Intervenors' reply, by making the deadline seven days after the deadline for Federal Respondents' reply, will allow Intervenors better to avoid duplication with the Federal Respondents' reply. The requested extension will also allow Intervenors' filing schedule to mirror that applicable to *amici*, who filed their *amicus* brief seven days after the submission by the party they support (Massachusetts).

WHEREFORE, Intervenors respectfully request that the Court grant their motion for an extension of time from January 29, 2020, to February 5, 2020, to file their reply in support of their motion to dismiss Massachusetts' petition for review.

Dated: January 21, 2020

Respectfully submitted,

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ADDENDUM--CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appeal Procedure 26.1 and D.C. Circuit Rule 26.1, counsel for Entergy Nuclear Operations, Inc. certifies as follows:

Entergy Nuclear Operations, Inc. is a Delaware corporation engaged principally in the business of operating nuclear power facilities owned by its affiliates in the northeastern United States. Entergy Nuclear Operations, Inc. is a direct, wholly-owned subsidiary of Entergy Nuclear Holding Company #2. Entergy Nuclear Holding Company #2 is an indirect wholly-owned subsidiary of Entergy Corporation (NYSE: ETR). No other publicly-held company directly or indirectly holds a 10 percent or more equity interest in Entergy Nuclear Operations, Inc.

ADDENDUM--CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appeal Procedure 26.1 and D.C. Circuit Rule 26.1, counsel for Holtec International, Holtec Decommissioning International, LLC, and Holtec Pilgrim, LLC certifies as follows:

Holtec International is a Delaware corporation engaged principally in the business of providing equipment, systems, and services to the nuclear industry throughout the world. Holtec International has no parent company, and no publicly-held company directly or indirectly holds a 10 percent or more equity interest in Holtec International.

Holtec Decommissioning International, LLC is a Delaware limited liability company engaged principally in the business of operating and decommissioning shutdown nuclear power plants. Holtec Decommissioning International, LLC is a direct, wholly-owned subsidiary of Holtec Power, Inc., which in turn is a direct, wholly-owned subsidiary of Holtec International.

Holtec Pilgrim, LLC (f/k/a Entergy Nuclear Generation Company, LLC), is a Massachusetts limited liability company engaged principally in the business of owning the shutdown Pilgrim Nuclear Power Station in Plymouth, Massachusetts. Holtec Pilgrim, LLC is a direct, wholly-owned subsidiary of Nuclear Asset Management Company, LLC, which in turn is an indirect, wholly-owned subsidiary of Holtec International.

**CERTIFICATE OF COMPLIANCE WITH
FEDERAL RULE OF APPELLATE PROCEDURE 27(D)**

I certify that this filing complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

I further certify that this filing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 422 words, excluding the parts of the filing exempted under Fed. R. App. P. 32(f), according to the count of Microsoft Word.

/s/ Sanford I. Weisburst
Sanford I. Weisburst

Counsel for Intervenor ENOI

CERTIFICATE OF SERVICE

I, Sanford I. Weisburst, a member of the Bar of this Court, hereby certify that on January 21, 2020, I electronically filed the foregoing “INTERVENORS’ UNOPPOSED MOTION FOR EXTENSION OF TIME” with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate ECF system.

/s/ Sanford I. Weisburst
Sanford I. Weisburst

Dated: January 21, 2020