

January 9, 2012

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of	)	
	)	
Entergy Nuclear Generation Company and	)	Docket No. 50-293-LR
Entergy Nuclear Operations, Inc.	)	ASLBP No. 06-848-02-LR
	)	
(Pilgrim Nuclear Power Station)	)	

**ENTERGY’S ANSWER OPPOSING PILGRIM WATCH’S MOTION  
TO FILE A REPLY TO ENTERGY’S AND NRC STAFF’S ANSWERS**

Pursuant to 10 C.F.R. § 2.323(c), Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (collectively “Entergy”) respond in opposition to the Pilgrim Watch Reply to Entergy’s and NRC Staff’s December 22, 2011 Answers Opposing Pilgrim Watch’s Request to Supplement Petitions for Review of LBP-11-20 and LBP-11-23 (Dec. 29, 2011) (“Proffered Reply”). Pilgrim Watch seeks to reply to Entergy’s and the NRC Staff’s responses in opposition<sup>1</sup> to Pilgrim Watch’s initial Supplementation Request<sup>2</sup> to supplement its petitions for review pending before the Commission with a copy of a Report<sup>3</sup> prepared by the office of Congressman Edward J. Markey. Proffered Reply at 1. As discussed below, the Commission should reject the Proffered Reply (as well as the requested supplementation as explained in the Entergy and NRC Staff Oppositions).

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<sup>1</sup> Entergy’s Answer Opposing Pilgrim Watch’s Request to Supplement Petitions for Review (Dec. 22, 2011) (“Entergy Opposition”); NRC Staff Answer to Pilgrim Watch’s Request to Supplement Petition for Review of LBP-11-20 and LBP-11-23 (Dec. 22, 2011) (“NRC Staff Opposition”).

<sup>2</sup> Pilgrim Watch’s Request to Supplement Petition for Review of Memorandum and Order (Denying Pilgrim Watch’s Requests for Hearing on Certain New Contentions) ASLBP No. 06848-02-LR, August 11, 2011 (Filed August 26, 2011) and Pilgrim Watch’s Petition for Review of Memorandum and Order (Denying Pilgrim Watch’s Requests for Hearing on New Contentions Relating to Fukushima Accident (Sept. 8, 2011) (Filed September 23, 2011) (Dec. 12, 2011) (“Supplementation Request”).

<sup>3</sup> How Four Nuclear Regulatory Commission’s Conspired to Delay and Weaken Nuclear Reactor Safety in the Wake of Fukushima (Dec. 9, 2011) (“Markey Report”).

First, the governing regulation requires that Pilgrim Watch first obtain permission before filing any reply. 10 C.F.R. § 2.323(c) (“The moving party has no right to reply, except as permitted by the Secretary . . .”) (emphasis added). Pilgrim Watch does not separately request leave to file a reply, but instead combines its leave request with a proposed reply. See Proffered Reply at 1-3. Thus, the Proffered Reply violates the explicit requirement that permission be obtained before any reply can be filed. Such disregard for the Commission’s procedural requirements should not be countenanced.

Second, Pilgrim Watch’s claim of “compelling” circumstances – that it could not have anticipated certain arguments made by Entergy and the NRC Staff in their respective Oppositions to Pilgrim Watch’s Supplementation Request, Proffered Reply at 1-2 – is baseless. Pilgrim Watch’s claim that it could not anticipate Entergy’s and the NRC Staff’s oppositions to its Supplementation Request on the grounds that it is not relevant and material new information is mere pretext for Pilgrim Watch’s impermissible reply. Contrary to Pilgrim Watch’s conclusory assertions of relevance (Proffered Reply at 2), Pilgrim Watch should have reasonably anticipated that Entergy and the NRC Staff would argue that the Markey Report is not relevant or material information because nowhere does the Markey Report mention the Pilgrim severe accident mitigation alternatives analysis, the National Environmental Policy Act (“NEPA”), or the Commission’s NEPA obligations. Nor does it have any relevance to Pilgrim Watch’s pending petitions for review. Thus, Pilgrim Watch can hardly be surprised that Entergy and the NRC Staff would oppose its attempt to inject such irrelevant information into this proceeding.<sup>4</sup>

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<sup>4</sup> Pilgrim Watch also contends that the report contains “new” information related to its pending petitions for review, Proffered Reply at 3, but this claim is plainly wrong. There simply cannot be any information in the Markey Report that is “new” to the Commission because, as Pilgrim Watch points out (id. at 2), the Markey Report consists of documents “prepared or obtained by any Commissioner or any member of any Commissioner’s Staff.”

For the foregoing reasons, the Commission should reject the Proffered Reply and strike it from the record.

Respectfully Submitted,

/signed electronically by Paul A. Gaukler/

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Dated: January 9, 2012

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CERTIFICATE OF SERVICE

I hereby certify that copies of Entergy's Answer Opposing Pilgrim Watch's Motion to File a Reply to Entergy's and NRC Staff's Answers, dated January 9, 2012, were provided to the Electronic Information Exchange for service on the individuals below, this 9th day of January, 2012.

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