

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

State of New York,

Petitioner,

v.

U.S. Nuclear Regulatory Commission
and the United States,

Respondents.

Case No. 21-1037
(consolidated with Nos.
21-1080 and 21-1084)

**THE STATE OF NEW YORK’S UNOPPOSED MOTION
FOR A 30-DAY EXTENSION**

By order dated April 16, 2021, the Court directed the parties to these consolidated cases to submit a proposed briefing format by May 17, 2021. (Doc. # 1894980.) Petitioner the State of New York (“New York”) respectfully moves the Court to extend the parties’ May 17, 2021 deadline by 30 days. Counsel for New York has conferred with counsel for respondents the U.S. Nuclear Regulatory Commission (“NRC”) and the United States; for petitioners Riverkeeper, Inc., the Town of Cortlandt, the Hen-

drick Hudson School District, and the Village of Buchanan; and for intervenors Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, Entergy Nuclear Operations, Inc., Holtec International, and Holtec Decommissioning International, LLC. All parties consent to the relief requested in this motion.

In support of its motion, New York states:

1. On January 22, 2021, New York filed a petition for review of, among other things, NRC Memorandum and Order CLI-21-01 (“the NRC Order”). The NRC Order denied New York’s petition to intervene and request for a hearing in license transfer proceedings pertaining to the Indian Point Nuclear Generating Station (“Indian Point”) in Buchanan, New York. (Doc. # 1882349.)

2. On February 18, 2021, Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, Entergy Nuclear Operations, Inc., Holtec International, and Holtec Decommissioning International, LLC moved to intervene as respondents. (Doc. # 1886016.) The Court granted that motion on April 9, 2021. (Doc. # 1893875.)

3. On March 3, 2021, Riverkeeper, Inc. filed a petition for review of the NRC Order insofar as it denied Riverkeeper’s petition to intervene

and request for a hearing in the Indian Point license transfer proceedings. (Doc. # 1888822.)

4. On March 5, 2021, the Town of Cortlandt and the Hendrick Hudson School District filed a petition for review of the NRC Order insofar as it denied those entities' petition to intervene and request for a hearing in the Indian Point license transfer proceedings. (Doc. # 1889040.) On March 12, 2021, the Town of Cortlandt and the Hendrick Hudson School District filed an amended petition for review naming the Village of Buchanan as an additional petitioner. (Doc. # 1889684.)

5. By orders dated March 8, 2021 and March 9, 2021, the Court consolidated the foregoing petitions for review under Case No. 21-1037. (Doc. ## 1888828, 1889053.)

6. On April 14, 2021, Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, Holtec Decommissioning International, LLC, several New York State executive branch agencies, the New York State Office of the Attorney General, Riverkeeper, Inc., the Town of Cortlandt, the Hendrick Hudson School District, and the Village of Buchanan submitted a joint proposal to the New York State Public Service

Commission (“New York PSC”) that would, if approved by that body, authorize the transfer of control of Indian Point from Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC to subsidiaries of Holtec International for decommissioning. In exchange for Holtec’s agreement to provide, among other things, certain types and amounts of financial assurance, New York, Riverkeeper, Inc., the Town of Cortlandt, the Hendrick Hudson School District, and the Village of Buchanan agreed to withdraw the petitions for review filed in this Court.

7. New York anticipates that the New York PSC will either accept or reject the joint proposal at a special session to be held on May 19, 2021.

8. By order dated April 16, 2021, the Court directed the parties to the consolidated cases to submit a proposed briefing format by May 17, 2021. (Doc. # 1894980.)

9. If the New York PSC accepts the above-referenced joint proposal, the petitioners in these consolidated cases will withdraw their petitions for review. A 30-day extension would allow the New York PSC sufficient time to act on the joint proposal and, if appropriate, permit petitioners to withdraw their petitions for review. A 30-day extension

would, under the circumstances, promote efficiency and conserve judicial resources. No party would be prejudiced by such extension.

Accordingly and on the consent of all the parties, New York respectfully requests that the Court's May 17, 2021 deadline to submit a proposed briefing format in consolidated Case No. 21-1037 be extended by 30 days, to and including June 16, 2021.

Dated: May 13, 2021
Albany, New York

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the requirements of Fed. R. App. P. 27(d)(2)(A) because it contains 708 words according to the word count provided by Microsoft Word, excluding the parts of the motion exempted by Fed. R. App. P. 32(f), and is therefore within the 5,200-word limit.

I further certify that this motion, drafted in 14-point type using the proportionally spaced Century Schoolbook font, complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6).

/s/ Joshua M. Tallent

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Unopposed Motion for a 30-day Extension was filed on May 13, 2021 using the Court's CM/ECF system and that service was therefore accomplished upon counsel of record by the Court's system.

/s/ Joshua M. Tallent

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