

March 21, 2006

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

March 21, 2006 (3:20pm)

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of	)	
	)	
ENTERGY NUCLEAR VERMONT	)	Docket No. 50-271
YANKEE, LLC and ENTERGY	)	
NUCLEAR OPERATIONS, INC.	)	ASLBP No. 04-832-02-OLA
(Vermont Yankee Nuclear Power Station)	)	(Operating License Amendment)
	)	

**ENTERGY'S RESPONSE TO NEC'S MOTION FOR ENLARGEMENT OF TIME**

Pursuant to 10 C.F.R. § 2.323(c), Applicants Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. ("Entergy") hereby respond to the New England Coalition's ("NEC") "Unopposed Motion for Enlargement of Time to File a Reply Brief [sic]" (NEC's Motion) dated March 20, 2006 but served electronically on Entergy's counsel on March 21, 2006. Pursuant to the Atomic Safety and Licensing Board's ("Board") Order (Supplemental Schedule) dated March 14, 2006 ("Order"), the New England Coalition's Brief on the Legal Scope of New England Coalition Contention 4 ("NEC Brief") was due on March 17, 2006.<sup>1</sup>

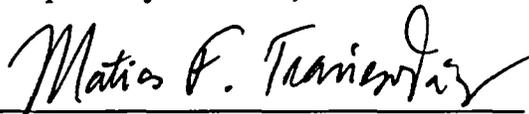
Applicants note that the reasons asserted by NEC for seeking an extension of time to file its Brief are clearly insufficient. NEC alleges that its "pro se representative was simply overwhelmed with work involving pre-existing and competing deadlines," and requests that the Board consider that NEC "is engaged in three additional Vermont Yankee dockets (two initiated

<sup>1</sup> NEC's Motion and the accompanying NEC Brief were received electronically by counsel for Entergy at 2:53 AM on March 21, 2006. It had apparently been sent at 2:46 AM on the same date. It should be noted that this is not the first time that NEC seeks an extension of time after the period in which a filing was due had expired, contrary to long-standing Commission practice. See, e.g., *Louisiana Power & Light Co.* (Waterford Steam Electric Station, Unit 3), ALAB-117, 6 AEC 261 (1973).

prior to this proceeding) and that, because of financial constraints, it is represented by a single pro se without support staff.” NEC Motion at 1. However, “[t]he right of participation accorded pro se representatives carries with it the corresponding responsibilities to comply with and be bound by the same agency procedures as all other parties, even where a party is hampered by limited resources.” *Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1)*, ALAB-772, 19 NRC 1193, 1247 (1984). In particular, pro se intervenors are “expected to comply with our basic procedural rules – especially ones as simple to understand as those establishing filing deadlines.” *Yankee Atomic Electric Co. (Yankee Nuclear Power Station)*, CLI-98-21, 48 NRC 185, 201 (1998). NEC has clearly failed to comply with the NRC’s procedural rules.

Nonetheless, Applicants do not oppose in this instance NEC’s request for an extension of time, as long as the time in which Applicants must respond to the NEC Brief is correspondingly extended until March 28, 2006 (not March 24, 2006, as erroneously stated in NEC’s Motion).

Respectfully submitted,



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Dated: March 21, 2006

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(Vermont Yankee Nuclear Power Station)	)	(Operating License Amendment)
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that copies of "Entergy's Response to NEC's Motion for Enlargement of Time" were served on the persons listed below by deposit in the U.S. mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 21<sup>st</sup> day of March, 2006.

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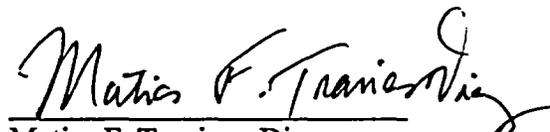
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