

January 24, 2007 (12:09pm)

UNITED STATES
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before the Commission

In the matter of

ENTERGY NUCLEAR VERMONT YANKEE, LLC)
and ENTERGY NUCLEAR OPERATIONS, INC.)
(Vermont Yankee Nuclear Power Station))

Docket No. 50-271-LR
ASLB No.06-849-03-LR

**CONSENT MOTION TO EXTEND DEADLINES FOR BRIEFING
REGARDING ADMISSIBILITY OF NEW ENGLAND COALITION, INC.
CONTENTION 1**

Pursuant to the Commission's Order of January 11, 2007, CLI-07-01, the parties are required to submit briefs supporting their positions on the admissibility of New England Coalition, Inc.'s (NEC) Contention 1 by tomorrow, January 25, 2007, and reply briefs by February 1, 2007. All parties have agreed to request a brief extension of these deadlines to January 29, 2007 for briefs, and February 5, 2007 for reply briefs. The main briefs shall be actually provided (via e-mail) to the Commission and parties on Monday, January 29, 2007 and the reply briefs seven days hence.

This request for extension is for good cause, as explained in the attached Declaration of NEC's counsel, Ronald Shems.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.'s consent to this motion is contingent upon the Commission's grant of the requested extension before the current January 25, 2007.

deadline. All other parties consent. See attached Declaration of Ronald Shems at ¶6.

January 24, 2006

New England Coalition

by: Karen Tyler
Ronald A. Shems
Karen Tyler
SHEMS DUNKIEL KASSEL & SAUNDERS PLLC
For the firm
Attorneys for NEC

In re: ENTERGY NUCLEAR VERMONT YANKEE, LLC
& ENTERGY NUCLEAR OPERATIONS, INC.

(Vermont Yankee Nuclear Power Station)

DECLARATION OF RONALD A. SHEMS

1. I am counsel for the New England Coalition (NEC) and am authoring the brief in this matter that is due on Thursday, January 25, 2007. The brief was ordered by the Commission pursuant to its *sua sponte* assumption of jurisdiction over the question of whether NEC's Contention 1 was properly admitted.
2. My wife (who also works full time) and two of my three children have strep throat. Our two-year-old boy also has a stomach bug.
3. Our child care provider has not been available to us yesterday and likely for the remainder of the week because her child is also sick.
4. My wife works full time and because of particular commitments and extended hours is not available to assist in child care for the time needed to complete the brief.
5. I am a partner in a small firm. We have ten lawyers, two of which are of counsel. None of the other lawyers are available to write this brief. Further, I drafted Contention 1 and all related filings. I am the only person in the firm that worked with our expert on this issue. I also argued Contention 1 before the ASLB. I am the only person in the firm with the factual background necessary to write the brief.

6. I have consulted with David Lewis attorney for licensee/applicant Entergy; Steven Hamrick, NRC staff attorney; Sarah Hofmann, attorney for the State of Vermont; and New Hampshire Assistant Attorney General Jennifer Patterson. They all consent to an enlargement of time until and through Monday, January 29, 2007. The briefs shall be actually provided (via e-mail) to the Commission and parties on Monday, January 29, 2007.

Pursuant to 28 U.S.C. §.1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 24th, 2007

 VLSR-11-11-01

Ronald A. Shems

Digitally signed by Ronald A. Shems
DN: cn=Ronald A. Shems, o=US
Date: 2007.01.24 15:56
+05'00'

Ronald A. Shems

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of)	
)	
Entergy Nuclear Vermont Yankee, LLC)	Docket No. 50-271-LR
and Entergy Nuclear Operations, Inc.)	ASLBP No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I, Clara Cavitt, hereby certify that copies of a **CONSENT MOTION TO EXTEND DEADLINES FOR BRIEFING REGARDING ADMISSIBILITY OF NEW ENGLAND COALITION, INC. CONTENTION 1** in the above-captioned proceeding were served on the persons listed below, by U.S. Mail, first class, postage prepaid; by Fed Ex overnight to Judge Elleman; and, where indicated by an e-mail address below, by electronic mail, on the 24th day of January, 2007.

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