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May 14, 2007

Richard Cushing Donovan, Clerk  
United States Court of Appeals for the First Circuit  
United States Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210

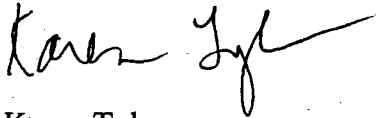
Re: Commonwealth of Massachusetts v. United States; United States Nuclear  
Regulatory Commission  
No. 07-1482

Dear Mr. Donovan:

Please find enclosed for filing in the above-stated matter New England Coalition, Inc.'s Reply to Entergy's Response in Opposition to the New England Coalition's Motion to Intervene as Petitioner.

Thank you for your attention to this matter.

Sincerely,



Karen Tyler  
SHEMS DUNKIEL KASSEL & SAUNDERS PLLC

Cc: attached service list

**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

Commonwealth of Massachusetts	)	
	)	
Petitioner	)	
	)	No. 07-1482
v.	)	
	)	
United States; United States Nuclear	)	
Regulatory Commission	)	
	)	
Respondents	)	

**NEW ENGLAND COALITION, INC.'S REPLY TO ENTERGY'S OPPOSITION  
TO THE NEW ENGLAND COALITION'S MOTION TO INTERVENE AS  
PETITIONER**

Pursuant to Rule 27(a)(4) of the Federal Rules of Appellate Procedure, New England Coalition, Inc. ("NEC") files the following reply to Entergy Nuclear Vermont Yankee LLC's, and Entergy Nuclear Generation Company's ("Entergy") Opposition to the New England Coalition's Motion to Intervene as Petitioner.<sup>1</sup>

**ARGUMENT**

1. NEC is a "party aggrieved" by the Nuclear Regulatory Commission's ("NRC") denial of the Commonwealth of Massachusetts' ("Massachusetts") Contention in the Vermont Yankee nuclear power plant relicensing proceeding because it is a party to that proceeding, it moved to "adopt" Massachusetts' Contention as permitted under NRC rules, and it would have been a cosponsor of Massachusetts' Contention had it been admitted for adjudication. *In the Matter of Entergy Nuclear Vermont Yankee, LLC, and*

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<sup>1</sup> Entergy is not yet a party to this proceeding. Its Response in Opposition to the New England Coalition's Motion to Intervene as Petitioner therefore is not permitted under the Federal Rules of Appellate Procedure, and the Court should not consider it. Fed.R.App.P. 27(a)(3)(permitting "any party" to respond to a motion).

*Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station)*, 64 NRC 131, 145-146, 207 (2006).

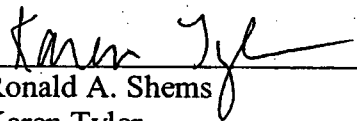
2. NEC did not file briefs concerning Massachusetts' Contention, or participate in oral argument to the Atomic Safety and Licensing Board ("ASLB") only because NEC designated Massachusetts as its representative as was required under NRC regulations. 10 C.F.R. § 2.309(f)(3) ("If a requestor/petitioner seeks to adopt the contention of another sponsoring requestor/petitioner, the requestor/petitioner who seeks to adopt the contention must either agree that the sponsoring requestor/petitioner shall act as the representative with respect to that contention, or jointly designate with the sponsoring requestor/petitioner a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.").

3. However, as a cosponsor of Massachusetts' Contention, NEC would have the very significant right to independently pursue the litigation of this Contention in the event Massachusetts chooses to withdraw from the NRC proceeding for whatever reason. This independent right to litigate the Contention makes NEC a "party aggrieved" by the Contention's denial.

May 14, 2007

New England Coalition, Inc.

by:



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**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

Commonwealth of Massachusetts	)	
	)	
Petitioner	)	
	)	
v.	)	No. 07-1482
	)	
United States; United States Nuclear	)	
Regulatory Commission	)	
	)	
Respondents	)	

**CERTIFICATE OF SERVICE**

I, Michelle Cronin, hereby certify that on May 14, 2007, copies of the foregoing Reply to Entergy's Opposition to New England Coalition's Motion to Intervene as Petitioner in the above-captioned proceeding were served by first class mail on the parties to the U.S. Nuclear Regulatory Commission's license renewal proceeding for the Vermont Yankee nuclear power plant, as listed below:

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