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June 28, 2007

Paul A. Gaukler
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Mr. Richard Cushing Donovan
Clerk of Court
United States Court of Appeals for the First Circuit
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

**Subject: Case Nos. 07-1482, 07-1483
Commonwealth of Massachusetts, Petitioner v. United States; United States
Nuclear Regulatory Commission, Respondents; and Entergy Nuclear
Operations, Inc., Entergy Nuclear Vermont Yankee LLC, and Entergy
Nuclear Generation Company, Intervenors**

Dear Mr. Donovan:

On behalf of Entergy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee LLC, and Entergy Nuclear Generation Company (collectively "Entergy"), please find enclosed for filing an original and three photocopies of "Entergy's Response to the Commonwealth of Massachusetts' Motion for Extension of Time to File Petitioner's Brief."

I have also enclosed an additional copy of Entergy's Response to be date stamped and returned via the enclosed self addressed, stamped envelope for our files.

As indicated on the Certificate of Service, a copies of the filings have been served on all parties to the administrative proceeding below, pursuant to Fed. R. App. P. 15(d).

Sincerely yours,

Paul A. Gaukler

Enclosures

cc: Service List

**United States Court of Appeals
For the First Circuit**

Nos. 07-1482, 07-1483

COMMONWEALTH OF MASSACHUSETTS

Petitioner

v.

UNITED STATES; UNITED STATES NUCLEAR REGULATORY COMMISSION

Respondents

and

ENERGY NUCLEAR OPERATIONS, INC., ENTERGY NUCLEAR VERMONT YANKEE
LLC, AND ENTERGY NUCLEAR GENERATION COMPANY

Intervenors.

**ENERGY'S RESPONSE TO THE COMMONWEALTH OF MASSACHUSETTS'
MOTION FOR EXTENSION OF TIME TO FILE PETITIONER'S BRIEF**

Intervenors Entergy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee LLC, and Entergy Nuclear Generation Company (hereinafter and collectively, "Entergy") hereby submit this Response to the Commonwealth of Massachusetts' ("Commonwealth") June 27 Motion for Extension of Time to File Petitioner's Brief. As stated by the Commonwealth in its Motion, Entergy does not oppose the Commonwealth's extension request to file its initial brief on August 24 provided that Entergy be granted a similar extension to file its responsive brief. Entergy submits this request on the ground of fairness to the parties and because the undersigned counsel for Entergy will be out of the country from September 12 – 28, during which time Entergy's brief would be due if the Commonwealth's extension were granted. Therefore, should this Court grant the Commonwealth's extension request, Entergy respectfully requests that the

deadline for filing its brief and the Respondent Nuclear Regulatory Commission's ("NRC") brief be extended to October 12. Counsel for the Commonwealth and the NRC do not oppose this request.

Respectfully submitted,



David R. Lewis

Paul A. Gaukler

PILLSBURY WINTHROP SHAW PITTMAN LLP

2300 N Street, N.W.

Washington, D.C. 20037

(202) 663-8000

Dated: June 28, 2007

Counsel for Entergy

**United States Court of Appeals
For the First Circuit**

Nos. 07-1482, 07-1483

COMMONWEALTH OF MASSACHUSETTS

Petitioner

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UNITED STATES; UNITED STATES NUCLEAR REGULATORY COMMISSION

Respondents

and

ENERGY NUCLEAR OPERATIONS, INC., ENERGY NUCLEAR VERMONT YANKEE
LLC, AND ENERGY NUCLEAR GENERATION COMPANY

Intervenors.

CERTIFICATE OF SERVICE

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure and First Circuit

Local Rule 15(d), I hereby certify that true copies of the foregoing "Entergy's Response to the Commonwealth's Motion for Extension of Time to File Petitioner's Brief" were served upon the following by United States mail, first class, postage prepaid, on this 28th day of June, 2007:

John F. Cordes, Jr., Esq.
Solicitor
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Alberto Gonzales, Esq.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg, LLP
1726 M Street, N.W., Suite 600
Washington, D.C. 20036

Matthew Brock, Esq.
Assistant Attorney General
Environmental Protection Division
Office of the Attorney General of the
Commonwealth of Massachusetts
One Ashburton Place
Boston, MA 02108

A handwritten signature in black ink, reading "Paul Gaukler", written over a horizontal line.

Paul A. Gaukler

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

EASTERN NAVAJO DINÉ AGAINST)
URANIUM MINING, SOUTHWEST)
RESEARCH AND INFORMATION)
CENTER, MARILYN MORRIS AND)
GRACE SAM,)

Appellants,)

v.)

UNITED STATES NUCLEAR)
REGULATORY COMMISSION)
AND THE UNITED STATES,)

Appellee.)

No. 07-9505

**MOTION FOR LEAVE TO FILE AS
AMICIUS CURIAE AND BRIEF IN SUPPORT OF APPELLANTS**

Pursuant to Rule 29 of the Federal Rules of Appellate Procedure, the Navajo Nation Department of Justice (hereinafter, “the Navajo Nation”), hereby moves for leave of the Court to file an Amicus Curiae Brief in support of the Appellants. This request is made for the following reasons:

1. Under Title 2 § 1964 of the Navajo Nation Code, the Attorney General is the Chief Legal Officer of the Navajo Nation, who is in charge of the Navajo Nation Department of Justice and of all legal matters in which the Navajo Nation government has an

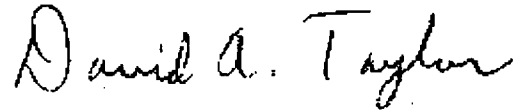
interest. Therefore, this request and the attached brief are submitted pursuant to the Attorney General's authority to represent the interest of the Navajo Nation and its citizens.

2. Further, because some of the events in this case arise on tribal trust lands that lie within the boundaries of Navajo Indian country, the Navajo Nation has a significant interest in the case.
3. In addition, some of the Appellants are enrolled members of the Navajo Nation who present issues of substantial concern regarding uranium within Navajo Indian country. On behalf of its citizens, the Navajo Nation has a responsibility and interest to protect the health and welfare of its citizens and persons who live, travel and occupy lands within Navajo Indian country.

For the reasons stated above, the Navajo Nation requests the Court to grant the Navajo Nation's request to file as amicus curiae and allow the filing of its supporting brief.

Respectfully submitted,

NAVAJO NATION DEPARTMENT OF JUSTICE
Louis Denetsosie, Attorney General

A handwritten signature in cursive script that reads "David A. Taylor".

David A. Taylor, Senior Attorney
Natural Resources Unit
P.O. Box 2010
Window Rock, Arizona 86515

Diandra Day Benally, Attorney
Human Services and Government Unit
P.O. Box 2010
Window Rock, Arizona 86515

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2007, a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF was served via United States Mail, first-class postage prepaid, addressed as follows: additional copy sent to all via electronic mail.

| | |
|--|---|
| Eric D. Jantz Sara Piltch New Mexico Environmental Law Center 1405 Luisa Street, Suite 5 Santa Fe, New Mexico 87505 Attorneys for Petitioners ENDAUM and SRIC | Zackeree S. Kelin DNA-People's Legal Services, Inc. P.O. Box 306 Window Rock, AZ 86515 Attorney for Petitioners Grace Sam and Marilyn Morris |
| Anthony J. Thompson, Esq. Christopher Pugsley, Esq. Anthony J. Thompson, P.C. 1225 19th Street, N.W., Suite 300 Washington, D. C. 20036 Attorneys for Hydro Resources, Inc. | John E. Arbab Kathryn E. Kovacs United States Department of Justice Environmental Div. –Appellate Section P.O. Box 23795 L'Enfant Plaza Station Washington, DC 20026 |
| Charles E. Mullins, Esq. John F. Cordes Office of the General Counsel Mail Stop 0-15-D-21 U.S. Nuclear Regulatory Commission Washington, DC 20555 | |

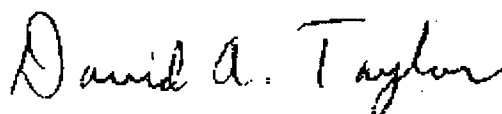
Pursuant to the Emergency General Order of October 20, 2004 (c), I hereby certify follows:

- (1) all required privacy redactions (below) have been made and, with the exception of those redactions, every document

submitted in Digital Form or scanned PDF format is an exact copy of the written document filed with the Clerk, and

- (2) the digital submissions have been scanned for viruses with the most recent version of a commercial virus scanning program, E-Trust Management Suite r3, most recently updated June 15, 2007, and according to the program, are free from viruses.

NAVAJO NATION
Louis Denetsosie, Attorney General

A handwritten signature in cursive script that reads "David A. Taylor".

David A. Taylor, Senior Attorney
Natural Resources Unit
P.O. Box 2010
Window Rock, Arizona 86515