



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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June 27, 2007

BY HAND

Richard Cushing Donovan, Clerk
United States Court of Appeals for the First Circuit
1 Courthouse Way, Suite 2500
Boston, MA 02110

RE: Commonwealth of Massachusetts v. NRC,
Nos. 07-1482 and 07-1483

Dear Mr. Donovan:

Enclosed for filing please find an original and three copies of the Commonwealth of Massachusetts' Motion For Extension Of Time To File Petitioner's Brief, together with a Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read "M Brock", with a long horizontal flourish extending to the right.

Matthew Brock
Assistant Attorney General
Environmental Protection Division
One Ashburton Place
Boston, MA 02108
(617) 727-2200 ext. 2425

enclosure

cc: Service List



UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

COMMONWEALTH OF
MASSACHUSETTS,

Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION, and the UNITED STATES
OF AMERICA

Respondents

and

ENTERGY NUCLEAR OPERATIONS, INC.,
ENTERGY NUCLEAR VERMONT
YANKEE LLC, and ENTERGY NUCLEAR
GENERATION COMPANY

Intervenors

Nos. 07-1482 and
07-1483

MOTION FOR EXTENSION OF TIME
TO FILE PETITIONER'S BRIEF

Petitioner, the Commonwealth of Massachusetts, pursuant to Federal Rules of Appellate Procedure 27 and Local Rule 27.d, respectfully requests an extension of time of 23 days until August 24, 2007 in which to file its brief and appendix in the above consolidated actions.

The Respondent Nuclear Regulatory Commission (NRC) does not oppose Petitioner's Motion. The Intervenor-Respondents Entergy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee LLC, and Entergy Nuclear Generation Company (collectively Entergy) opposes Petitioner's Motion unless Entergy is also granted a 23 day extension for its brief. Provided the Court allows the requested extension for the Commonwealth's brief until August 24, the Commonwealth does not oppose a similar extension for Entergy and the NRC to file their responsive briefs. Under Local Rule 27.d and Internal Operating Procedure V (C), the clerk is authorized to act for the court on this motion as it is one for enlargement of time.

PROCEDURAL HISTORY

On March 22, 2007, the Commonwealth timely filed petitions for review of various NRC orders in the Pilgrim and Vermont Yankee nuclear relicensing proceedings. The Court, *sua sponte*, consolidated the Commonwealth's petitions. On June 22, 2007, the Court issued an order denying the Petitioner's Motion to hold the petitions for review in abeyance. The Court also ordered that the Commonwealth file its brief by August 1, 2007.

DISCUSSION

The Commonwealth requests an extension of 23 days for the reasons set forth below. No such prior Motion has been filed.

First, the issues raised by the Commonwealth's appeal involve multiple legal claims and complex factual issues regarding the environmental impacts of serious spent fuel pool accidents caused by a wide range of factors including terrorist attacks, natural phenomena, operator error, and equipment failure. The Commonwealth asserts that by refusing to hold a hearing or prepare an environmental impact statement on these impacts, the NRC violated the Atomic Energy Act, the National Environmental Policy Act, and other applicable law. The Commonwealth believes that 30 days is not sufficient time to brief these multiple legal claims and complex factual issues.

Second, the Commonwealth requests additional time in order to allow for the extensive and time-consuming internal review that any brief to this Court must undergo before it is filed. This review must be conducted by multiple senior staff and more than one division of the Attorney General's office, including those involved in environmental protection and utility

regulation. Such brief preparation and review is particularly challenging during the summer vacation season.

The Commonwealth therefore respectfully requests that the extension be allowed.

Respectfully submitted,

By its Attorneys

MARTHA COAKLEY
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "D. Curran" with a circled "MC" above the name.

Diane Curran
Harmon, Curran, Spielberg,
& Eisenberg, L.L.P.
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A handwritten signature in black ink, appearing to read "M. Brock" with a stylized flourish.

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Date: June 27, 2007


CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2007, a copy of the foregoing document was served by overnight mail, postage prepaid, upon the following:

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