

June 28, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

June 28, 2007 (5:20pm)

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

| | | |
|--|---|------------------------|
| 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) |) | |

ENTERGY'S MOTION TO ACCEPT UNTIMELY FILING

Pursuant to 10 C.F.R. §2.323(b), Applicants Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively "Entergy") move the Atomic Safety and Licensing Board ("Board") in this proceeding to accept Entergy's "Response in Opposition to New England Coalition's Motion to Withhold Decision" ("Response") which was filed by Entergy earlier today. Such a response was filed two days late, since the Board had directed at the oral prehearing conference held on June 12, 2007 that responses to any motion filed by NEC to hold the Board's decision on Entergy's Motion for Summary Disposition of New England Coalition Contention 3 in abeyance were due seven days after the filing of such motion, instead of the ten day response time provided in 10 C.F.R. §2.323(c). See Tr. 559. NEC filed its motion to withhold the Board's decision on June 19, 2007. Therefore, Entergy's response was due on June 26, 2007.

Entergy's failure to file its Response on time was due to an oversight of counsel in failing to refer to the transcript of the prehearing conference for the required response date, for which we apologize. No prejudice to any party should result from this oversight since our delay in

TEMPLATE = SECY-041

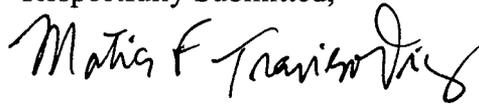
SECY-02

filing was very short and there is no pending action by any party that would be adversely affected by the delayed filing.

Pursuant to 10 C.F.R. § 2.323(b), Entergy sought to consult with the other parties in connection with this motion. NEC and the Staff do not object to the motion; we have not been able to contact the Vermont Department of Public Service with regard to it.

For the above described reasons, Entergy's motion to accept its untimely Response should be granted.

Respectfully Submitted,



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Dated: June 28, 2007

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| |) | |
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CERTIFICATE OF SERVICE

I hereby certify that copies of “Entergy’s Motion to Accept Untimely Filing” dated June 28, 2007, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, or with respect to Judge Elleman by overnight mail, and where indicated by an asterisk by electronic mail, this 28th day of June, 2007.

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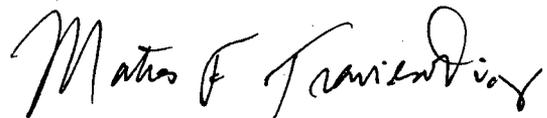
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