



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 29, 2007

Richard Cushing Donovan, Clerk
U.S. 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 Nuclear Regulatory
Commission and United States of America*, Nos. 07-1482, 07-1483
(consolidated)

Dear Mr. Donovan:

Enclosed you will find for filing the Unopposed Joint Motion for Extension of Time to File Respondents' Brief. Please date stamp the enclosed copy of this letter to indicate date of receipt, and return the copy to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steven C. Hamrick".

Steven C. Hamrick
Attorney

Enclosures: As stated

cc: service list

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

COMMONWEALTH OF MASSACHUSETTS)	
Petitioner,)	
v.)	Nos. 07-1482 and
)	07-1483
U.S. NUCLEAR REGULATORY COMMISSION)	(consolidated)
and the UNITED STATES OF AMERICA,)	
Respondents, and)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.,)	
ENTERGY NUCLEAR VERMONT YANKEE)	
LLC, AND ENTERGY NUCLEAR)	
GENERATION COMPANY)	
Intervenors.)	
)	

**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME
TO FILE RESPONDENTS' BRIEF**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure, the U.S. Nuclear Regulatory Commission ("NRC") and the United States of America (jointly, "the Federal Respondents") and Entergy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee LLC, and Entergy Nuclear Generation Company (jointly, "Intervenors") respectfully request an extension of time to file their response briefs in this case.

The Federal Respondents request an extension of time to and including October 22, 2007. Petitioners filed their Opening Brief on August 22, 2007; thus, the Federal Respondents' Brief is currently due on September 24, 2007. The Court has already indicated, in its Order dated July 2, 2007, that Intervenors' brief would be due no earlier than October 12, 2007. Intervenors request an extension of time so that the time for filing their brief will match that requested by the Federal Respondents. This is the Federal Respondents' first motion for an extension of time. Counsel for Petitioners has graciously consented to the granting of this request.

1. The NRC attorney with chief responsibility for litigating this case, Mr. Steven C. Hamrick, is assisting with the preparation of a brief in a separate case, *Eastern Navajo Dine Against Uranium Mining, et al. v. U.S. Nuclear Regulatory Commission*, No. 07-9505 (10th Cir.), with Respondent's Brief currently due September 20, 2007. That case has already been granted an extension of time.

2. While the NRC has independent litigating authority to respond to challenges to NRC Orders and licenses, the United States is a statutory party to the case. *See* 28 U.S.C. § 2348. Thus, the NRC's Brief must be coordinated with the U.S. Department of Justice, a process that necessarily takes extra time.

3. As previously indicated, the Intervenors' attorney with chief responsibility for preparing the brief in this case, Mr. Paul A. Gaukler, will be out of the country from September 12 through September 28, 2007.

4. Petitioners sought, and were granted, an extension of time that totaled 23 days to file their Opening Brief. The Federal Respondents and Intervenors consented to the granting of that request.

5. Given that the Court has already indicated, in its Order dated July 2, 2007, that Intervenors' brief would be due no earlier than October 12, 2007, the requested relief would not significantly alter the case schedule and should not delay the scheduling of oral argument.

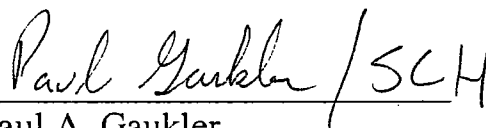
6. The Commonwealth has no opposition to an extension for both briefs until October 22. The Commonwealth requests, however, that the issuance of an extension not delay the scheduling of an oral argument as soon as feasible after the filing of all briefs. The Commonwealth requests that, if possible, an oral argument be scheduled on or before January 31, 2008.

For the foregoing reasons, the Federal Respondents respectfully request that this Court grant an extension of time of 28 days, from September 24, 2007, to and including October 22, 2007, in which to file their brief in this case. Intervenors respectfully request that this Court grant an extension of time of 10 days, from October 12, 2007, to and including October 22, 2007, in which to file their brief in this case.

Respectfully submitted,



Steven C. Hamrick
Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
(301) 415-4106



Paul A. Gaukler
David R. Lewis
Pillsbury Winthrop Shaw
Pittman LLP
2300 N Street, N.W.
Washington, DC 20037
(202) 663-8000

Dated: August 29, 2007.

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2007, copies of the Unopposed Joint Motion for Extension of Time to File Respondents' Brief were served by first class mail upon the following counsel:

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

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

David Lewis
Paul Gaukler
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037



Steven C. Hamrick
Steven C. Hamrick
Attorney, NRC