

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT COLUMBIA CIRCUIT

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THE STATE OF VERMONT DEPARTMENT  
OF PUBLIC SERVICE

Petitioner,

v.

No. 11-1168  
(Consolidated with  
No. 11-1177)

UNITED STATES NUCLEAR REGULATORY  
COMMISSION AND UNITED STATES OF  
AMERICA,

Respondents,

and

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

Intervenors.

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MOTION OF AMICUS CURIAE STATE OF NEW YORK  
FOR EXTENSION OF TIME  
TO FILE ITS BRIEF IN SUPPORT OF PETITIONERS

The State of New York submits this motion requesting that the Court extend the time for New York to file an *amicus curiae* brief in support of the petitioners in these consolidated proceedings. New York's brief is due currently on November 21, 2011, seven days after the petitioner's brief in chief was filed on November 14, 2011. New York moves the Court for a seven-day extension, to November 28, 2011. Counsel for the parties and intervenors have been contacted by electronic mail on November 18, 2011 at 3:30 p.m.; counsel for the petitioners has consented to

the extension request. We have not yet received a reply from counsel for the other parties and/or intervenors.

In support of this motion, New York asserts:

1. This case involves a challenge to the Nuclear Regulatory Commission's ("NRC") relicensing of Entergy Nuclear Vermont Yankee on March 21, 2010. After initial motion practice, petitioners filed their opening merits brief on November 14, 2011.

2. The case is in its initial stages, and no party would be prejudiced by New York filing its amicus brief on November 28, 2011, rather than on November 21, 2011. In addition, it has come to New York's attention that the federal respondents have requested the parties and intervenors to consent to a 30-day extension of their response date; the federal respondents' brief is currently due on December 14, 2011. If federal respondents' request was granted, their brief would be due on or about January 14, 2012. New York understands that this request is currently under consideration by the parties and intervenors.

3. Counsel for the State of New York has encountered difficulties with the timing of consultation with a state agency, which has delayed and complicated internal review.

THEREFORE, for the reasons stated above, the State of New York respectfully requests that the Court grant its motion to file its *amicus curiae* brief on behalf of petitioner on November 28, 2011.

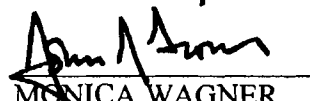
Dated: November 18, 2011

Respectfully submitted,

State of New York  
New York State Department of  
Environmental Conservation

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