

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

-----X,  
THE STATE OF VERMONT  
DEPARTMENT OF PUBLIC SERVICE  
AND THE NEW ENGLAND COALITION

Petitioners,

v.

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

UNITED STATES NUCLEAR  
REGULATORY COMMISSION AND  
UNITED STATES OF AMERICA,

Respondents,

and

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

Intervenor-Respondents  
-----X,

PETITIONERS' UNOPPOSED MOTION FOR LEAVE TO FILE JOINT  
RESPONSE AND REPLY TO RESPONDENT'S AND INTERVENOR'S  
MOTIONS TO DISMISS AND OPPOSITION TO PETITIONERS'  
MOTION FOR SUMMARY REVERSAL

Petitioners, State of Vermont Department of Public Service ("DPS")  
and New England Coalition ("NEC"), by and through the undersigned  
counsel, respectfully move that this Court permit counsel to file one joint  
response and reply to the motions to dismiss and responses to petitioners'  
motion for summary reversal filed by Entergy and the Nuclear Regulatory  
Commission ("NRC").

Under Circuit Rule 27, when a response to a motion also includes a separate motion for affirmative relief, the original moving party has the option to combine its reply and its response to the new motion into one filing. D.C. Cir. R. 27(d). In such cases, the response/reply filing is not to exceed twenty pages. D.C. Cir. R. 27(c). In its response to Petitioners' motion for summary reversal, both NRC and Intervenor Entergy opposed Petitioners' motion and made separate motions to dismiss and for summary reversal. NRC. Mot. to Dismiss and Opp. to Petitioners' Mot. at 1; Entergy Opp. and Cross-Mot. at 1. Under the rules of this Circuit, NEC and DPS are each entitled to a twenty-page response to each of these motions in which each Petitioner may also combine its reply brief in connection with Petitioners' opening motion. D.C. Cir. R. 27(c), (d).

Petitioners believe that presenting the issues germane to their replies and those germane to the cross-motions in a single document within the aggregate page limit allotted to Petitioners will eliminate the need for duplicative briefing. Therefore, petitioners respectfully request that this court permit the parties to file one joint response and reply not to exceed forty pages.

Petitioner's have consulted with opposing counsel for respondent and intervenor and are authorized to state that they do not object to the relief requested by this motion.

For the aforementioned reasons, Petitioners respectfully request that this Court allow NEC and DPS to file one joint response and reply in connection with the pending motions.

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