

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



March 9, 2007

Marcia M. Waldron, Clerk
U. S. Court of Appeals for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

RE: *New Jersey Environmental Foundation, et al. v. U.S. Nuclear Regulatory Commission*, No. 07-1304

Dear Ms. Waldron:

Please be advised that a petition for review on the same NRC order being appealed in the above-captioned case was also filed in the Court of Appeals for the Second Circuit in *Spano v. U.S. Nuclear Regulatory Commission*, Case No. 07-1324-ag (filed January 29, 2007). The Second Circuit proceeding was instituted one day later than the Second Circuit proceeding.

Under 28 U.S.C. § 2112(a)(1), in cases "in which proceedings have been instituted in two or more courts of appeals with respect to the same order, the agency...concerned shall file the record in the court in which proceedings with respect to the order were first instituted." As directed by this provision, undersigned counsel for respondent Nuclear Regulatory Commission has filed the Certified Index of the Record in the Second Circuit in Case No. 07-1324-ag. 28 U.S.C. § 2112(a)(5) provides that "[a]ll courts in which proceedings are instituted with respect to the same order, other than the court in which the record is filed pursuant to [§2122(a)(1)], shall transfer those proceedings to the court in which the record is so filed." In accordance with this provision, therefore, Case No. 07-1304 should now be transferred by the Third Circuit to the Second Circuit.

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, appearing to read "Grace H. Kim".

Grace H. Kim
Senior Attorney
Office of the General Counsel

cc: Richard Webster, Esq.
Kenneth Weckstein, Esq.