

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

STATE OF NEW JERSEY,) DOCKET NO. 06-5140
)
Petitioner,)
)
v.)
)
UNITED STATES NUCLEAR)
REGULATORY COMMISSION)
and UNITED STATES OF)
AMERICA,)
)
Respondents.)

MOTION ON CONSENT
FOR EXTENSION OF TIME

Petitioner State of New Jersey hereby moves for an extension of time to January 31, 2007 to respond to the issues raised by the Court in its Order dated December 22, 2006. Counsel for respondent U.S. Nuclear Regulatory Commission has also requested an extension of time to respond until January 31, 2007 and has kindly consented to the State of New Jersey's request. The undersigned counsel of record was out of the continental United States from December 25 through December 30, 2006 and did not learn of the Court's December 22 Order until January 3, 2007. The undersigned is counsel of record in numerous matters including one where motion for summary judgment on behalf of the State of New Jersey is due to be filed by January 8, and another where a comprehensive hearing request must be filed by mid-January. Counsel will therefore need additional time to properly respond to the issues raised in the Court's Order. The State of New Jersey

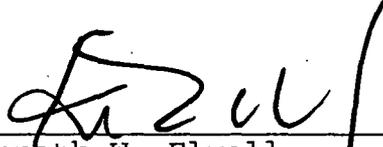
therefore requests an extension of time until January 31, 2007 to respond to the Court's December, 22 2006 Order.

Respectfully submitted,

FOR THE STATE OF NEW JERSEY

STUART RABNER
Attorney General of New Jersey

By: _____


Kenneth W. Elwell
Deputy Attorney General
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 093
Trenton, New Jersey 08625
(609) 292-1401

DATED: January 5, 2007

PLEASE TYPE THIS FORM

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-5140 (dmm)

State of New Jersey vs. U.S. Nuclear Regulatory Comm., et al.

The Clerk will enter my appearance as Counsel of Record for (please list names of all parties represented, using additional sheet(s) if needed):

who IN THIS COURT is (please check only one):

- Petitioner(s) Appellant(s) Intervenor(s)
- Respondent(s) Appellee(s) Amicus Curiae

(Type or Print) Name Kenneth W. Elwell, Senior Deputy Attorney General

Firm Office of the Attorney General, New Jersey Division of Law

Address R.J. Hughes Justice Complex, 25 Market Street, P.O. Box 093

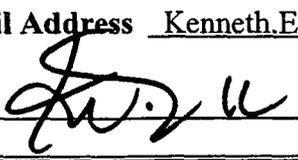
City & State Trenton, New Jersey

Zip Code 08625-0093

Phone (609) 292-1401

Fax (609) 984-9315

PLEASE TYPE E-Mail Address Kenneth.Elwell@law.dol.lps.state.nj.us

SIGNATURE OF COUNSEL: 

ONLY COUNSEL OF RECORD SHALL ENTER AN APPEARANCE AND ONLY THAT ATTORNEY WILL BE THE ONE NOTIFIED OF THE COURT'S ACTION IN THIS CASE. OTHER ATTORNEYS WHO DESIRE NOTIFICATION SHOULD MAKE APPROPRIATE ARRANGEMENTS WITH COUNSEL OR RECORD.

ONLY ATTORNEYS WHO ARE MEMBERS OF THE BAR OF THE COURT OF APPEALS FOR THE THIRD CIRCUIT OR WHO HAVE SUBMITTED A PROPERLY COMPLETED APPLICATION FOR ADMISSION TO THIS COURT'S BAR MAY FILE AN APPEARANCE FORM. (BAR ADMISSION IS WAIVED FOR FEDERAL ATTORNEYS.)

IT IS IMPORTANT THAT ALL REQUESTED INFORMATION BE PROVIDED AND THAT COUNSEL SIGN THE FORM IN THE APPROPRIATE AREA.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DOCKETING STATEMENT

Administrative Agency Review/Enforcement Proceedings
(To be completed by Petitioner)

1. DOCKET NO.: 06-5140 2. DATE DOCKETED: 12/22/06
3. CASE NAME
(Lead Parties Only) State of New Jersey v. U.S. Nuclear Reg. Comm.
4. TYPE OF CASE: Review Enforcement
5. CASE INFORMATION:
- a. Identify agency whose order is to be reviewed: U.S. Nuclear Reg. Comm.
- b. Give agency docket or docket number(s):
- c. Give date(s) or order(s): October 27, 2006
- d. Is a request for rehearing or reconsideration pending at the agency?
 Yes No
- e. Are any other cases involving the same underlying agency order pending in this Court or in any other court? Yes No
- If Yes, identify name(s), docket number(s), and court(s):
- _____
- _____
- f. Are any other cases, to counsel's knowledge, pending before the agency, this Court or the Supreme Court which involve substantially the same issues as the instant case presents? Yes No
- If Yes, give name(s) of these cases and identify court/agency:
- _____
- _____

Signature:  Date: 1/05/07

Name of Counsel or Pro Se Litigant (Print) Kenneth W. Elwell

Firm: New Jersey Office of Attorney General Phone: (609) 292-1401

Address: Justice Complex, 25 Market Street, P.O. Box 093, Trenton, NJ 08625-0093

Name of Party Represented: State of New Jersey

ATTACH A CERTIFICATE OF SERVICE

NOTE: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 10 days by letter, with copies to all other parties, specifically referring to the challenged statement. An original and three copies of such letter should be submitted.

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)
Respondents.)

CERTIFICATION OF SERVICE

I, Dianne Davis, hereby certify that on December 22, 2006, I caused a true copy of the Motion on Consent for Extension of Time in this matter to be served by UPS Next Day Air upon the following parties and respondents U.S. Nuclear Regulatory Commission and United States of America:

Kathryn E. Kovacs
U.S. Department of Justice
Environment & Natural Resources Division
Appellate Section
P.O. Box 23795
Washington, DC 20026

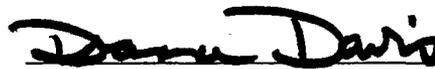
General Counsel NRC
U.S. Nuclear Regulatory Commission
Office of General Counsel
Washington, DC 20555-0001

Charles E. Mullins
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852-2738

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Honorable Alberto Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read "Dianne Davis", written over a horizontal line.

DIANNE DAVIS

Dated: January 5, 2007