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April 6, 2007

Mr. Thomas Asreen
Acting Clerk
United States Court of Appeals
For The Second Circuit
Thurgood Marshall U.S. Court House
40 Foley Square
New York, NY 10007

Re: Spano v. United States Nuclear Regulatory Commission
Docket No. 07-0324-ag

Dear Mr. Asreen:

Please find enclosed an original and four copies of a Motion Information Statement, Petitioner's Consent Motion for Extension of Time to File Petitioner's Brief, and supporting Declaration.

We would appreciate it if you would file the Consent Motion for Extension of Time to File Petitioner's Brief and date stamp a copy as filed and return it to us in the self-addressed stamped envelope.

Thank you.

Very truly yours,

Kenneth B Weckstein / PAR
Kenneth B. Weckstein

Enclosure

cc: Grace Kim, Esq.
Linda M. Trentacoste, Esq.
Richard Webster, Esq.

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DC:946890v1

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square

40 Centre Street, New York NY 10007 Telephone 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 07-0324 -ag

Caption [use short title]

Motion Extension of time for filing of Petitioner's brief for:

Spano,

Set forth below precise, complete statement of relief sought:

Extension of time for filing of Petitioner's brief due to recent transfer of related case, New Jersey Environmental Foundation, et al. v. U.S. Nuclear Regulatory Commission, U.S. Court of Appeals for the Third Circuit, No. 07-1304, for consolidation. Petitioner respectfully requests a sixty (60) day extension to June 18, 2007. Respondent has consented to the relief sought.

Petitioner,

- against -

United States Nuclear Regulatory Commission,

Respondent.

MOVING PARTY: Andrew J. Spano, as County Executive of the County of Westchester and the County of Westchester

OPPOSING PARTY: United States Nuclear Regulation Commission

- Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Kenneth B. Weckstein, Esq. Epstein Becker & Green, P.C. 1227 25th St., N.W. Washington, DC 20037 (202) 861-1860 kweckstein@ebglaw.com

OPPOSING ATTORNEY: Grace H. Kim, Esq. United States Nuclear Regulatory Commission, Solicitor's Office One White Flint North 11555 Rockville Pike Rockville, MD 20852-2738 (301) 415-3605 GHK@nrc.gov

Court-Judge/Agency appealed from: United States Nuclear Regulatory Commission

Please check appropriate boxes:

- Has consent of opposing counsel: A. been sought? B. been obtained?

Is oral argument requested? (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? If yes, enter date

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS INJUNCTIONS PENDING APPEAL:

Has request for release been made below? N/A Yes No

Has this relief been previously sought in this Court? Yes No

Petitioner previously requested a 30 day extension, which was granted.

Requested return date and explanation emergency:

Signature of Moving Attorney: Kenneth B. Weckstein Date: April 6, 2007

Has service been effected? Yes No [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED

Date:

FOR THE COURT: Mr. THOMAS ASREEN, Acting Clerk of Court By:

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SPANNO)
)
Petitioner,) Docket No. 07-0324 -ag
)
vs.)
)
UNITED STATES NUCLEAR)
REGULATORY COMMISSION)
)
Respondent.

CONSENT MOTION FOR EXTENSION OF TIME TO FILE PETITIONER'S BRIEF

Petitioner Andrew J. Spano, as County Executive of the County of Westchester and the County of Westchester, hereby files this Consent Motion respectfully requesting that the Court grant Petitioner an additional sixty (60) days to file his brief. Petitioner previously requested a thirty (30) day extension of time, which was granted by the Court.

This extension of time is being requested because another case, *New Jersey Environmental Foundation, et al. v. U.S. Nuclear Regulatory Commission*, No. 07-1304, has recently been transferred from the Third Circuit for consolidation with this case. Also, the Pre-Argument Conference has not been scheduled or conducted in this case. Counsel for Respondent has consented to the relief sought herein. Counsel for New Jersey Environmental Foundation and the New Jersey Chapter of the Sierra Club, petitioners in the case being transferred from the Third Circuit, has also consented to the sixty (60) day extension of time for Petitioner to file the brief.

Accordingly, Petitioner respectfully requests that the Court grant this Consent Motion and extend Petitioner's time to file his brief to June 18, 2007. Petitioner has no objection to a similar extension of time for Respondent to file its brief.

Respectfully submitted,

Kenneth B. Weckstein /PAC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies, under penalty of perjury, that on April 6, 2007, she caused a true copy of the attached **Consent Motion for Extension of Time to File Petitioner's Brief and Motion Information Statement** to be served by first class mail, postage prepaid, upon:

Alberto Gonzales, Esq.
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

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Parula A. [Signature]

