

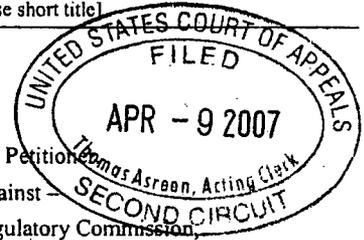
MOTION INFORMATION STATEMENT

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 Thomas Asreen, Acting Clerk  
- 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 25<sup>th</sup> 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:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS  
INJUNCTIONS PENDING APPEAL:

- Has consent of opposing counsel:
  - A. been sought?  Yes  No
  - B. been obtained?  Yes  No
- Is oral argument requested?  Yes  No  
(requests for oral argument will not necessarily be granted)

- 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:

Has argument date of appeal been set?  Yes  No  
If yes, enter date

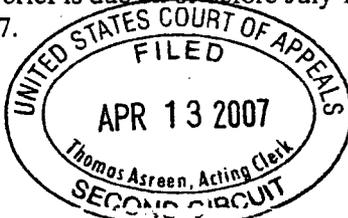
Has service been effected?  Yes  No  
[Attach proof of service]

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

ORDER

Before: Hon. Ralph K. Winter, *Circuit Judge*

IT IS HEREBY ORDERED that the motion to extend time to file petitioners' brief to June 18, 2007 is GRANTED. The respondents' brief is due on or before July 18, 2007; and the petition may be heard as early as the week of September 3, 2007.



FOR THE COURT:  
THOMAS ASREEN, Acting Clerk  
by Arthur M. Heller  
Arthur M. Heller, Motions Staff Attorney

Date

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SPANO )  
)  
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*

Kenneth B. Weckstein  
Epstein Becker & Green, P.C.  
1227 25<sup>th</sup> St., NW  
Washington, DC 20037  
Phone: (202) 861-1860  
Fax: (202) 861-3560  
Email: kweckstein@ebglaw.com

**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

Grace H. Kim, Esq.  
U.S Nuclear Regulatory Commission  
Solicitor's Office  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

Linda M. Trentacoste, Esq.  
Office of the Westchester County Attorney  
148 Martine Avenue  
6th Floor  
White Plains, NY 10601

Richard Webster, Esq.  
Rutgers Environmental Law Clinic  
Rutgers, The State University of New Jersey  
School of Law - Newark  
123 Washington Street  
Newark, NJ 07102-3094

*Parula A. [Signature]*



**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25TH STREET, NW, SUITE 700

WASHINGTON, DC 20037-1175

202.861.0900

FAX: 202.296.2882

EBGLAW.COM

KENNETH B. WECKSTEIN  
TEL: 202.861.1860  
FAX: 202.861.2882  
KWECKSTEIN@EBGLAW.COM

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.

ATLANTA • CHICAGO • DALLAS • HOUSTON • LOS ANGELES • MIAMI  
NEWARK • NEW YORK • SAN FRANCISCO • STAMFORD • WASHINGTON, DC

EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C. IN TEXAS ONLY.

DC:946890v1