

STUART RABNER  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Petitioner  
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By: Kenneth W. Elwell  
Sr. Deputy Attorney General  
(609) 292-1401

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
Nos. 06-5140, 07-1559, 07-1756

STATE OF NEW JERSEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	NOTICE OF MOTION ON CONSENT
	)	FOR AN EXTENSION OF TIME
	)	TO FILE PETITIONER'S BRIEF
UNITED STATES NUCLEAR REGULATORY	)	
COMMISSION and UNITED STATES OF	)	
AMERICA,	)	
	)	
Respondents.	)	

TO: Clerk of the Court

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

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

Elena Zuarez, Esquire  
Parker McCay, P.A.  
Three Greentree Centre  
7001 Lincoln Drive West  
P.O. Box 974  
Marlton, New Jersey 08053-0974

Matias F. Travieso-Diaz, Esquire  
Pillsbury Winthrop Shaw Pittman LLP  
2300 "N" Street, NW  
Washington, DC 20037-1122

Petitioner hereby moves this Court for a 15 day extension to July 3, 2007, of the time in which to file its brief in the above-referenced matter, relying on the attached certification of Sr. Deputy Attorney General Kenneth W. Elwell.

Respectfully submitted,

STUART RABNER  
Attorney General of New Jersey

By: 

Kenneth W. Elwell  
Sr. Deputy Attorney General

DATED: May 25, 2007

STUART RABNER  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Petitioner  
R. J. Hughes Justice Complex  
25 Market Street  
P.O. Box 093  
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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
Nos. 06-5140, 07-1559, 07-1756

STATE OF NEW JERSEY,	)	
	)	
Petitioner,	)	
	)	CERTIFICATION OF
v.	)	KENNETH W. ELWELL
	)	
UNITED STATES NUCLEAR REGULATORY	)	
COMMISSION and UNITED STATES OF	)	
AMERICA,	)	
	)	
Respondents.	)	

Kenneth W. Elwell, upon his oath, certifies as follows:

1. Petitioner State of New Jersey (State) now seeks an extension of time for filing of the State's merits brief in this matter. The scheduling order was entered on May 7. The brief is now due to be filed by June 18, and the requested extension is for 15 days, to July 3, 2007. Charles E. Mullins, counsel for respondent U.S. Nuclear Regulatory Commission; Kathryn E. Kovacs, counsel for respondent U.S.A.; Elena B. Zuares, counsel for intervenor County of Gloucester and Matias F. Travieso-Diaz, counsel for intervenor Shieldalloy Metallurgical Corporation, have

kindly consented to this request for additional time to file by the State.

2. Counsel for the State of New Jersey will require an additional 15 days to prepare its merits brief. DAG Andrew Reese prepared the hearing request to the NRC which forms the basis of the State's claim of deficiencies in NUREG-1757, the subject of these consolidated appeals. DAG Reese was and is to play the key role in preparing the major portion of the merits brief. On May 11 his wife gave birth to a child earlier than expected and DAG Reese has been home on leave since that date to care for his family. He will return to work on May 29. Within this short time frame it has not been possible to replace DAG Reese in this matter. The absence of the key attorney at the very outset of the time allowed for the merits brief has set back preparation of the brief.

3. Under these unavoidable circumstances the State respectfully requests an additional 15 days, to July 3, to file its merits brief in this matter.



KENNETH W. ELWELL

DATED: May 25, 2007

STUART RABNER  
ATTORNEY GENERAL OF NEW JERSEY  
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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
Nos. 06-5140, 07-1559, 07-1756

STATE OF NEW JERSEY,	)	
	)	
Petitioner,	)	
	)	CERTIFICATION OF
v.	)	SERVICE
	)	
UNITED STATES NUCLEAR REGULATORY	)	
COMMISSION and UNITED STATES OF	)	
AMERICA,	)	
	)	
Respondents.	)	

I, Dianne Davis, hereby certify that on May 25, 2007, I caused a true copy of the Notice of Motion on Consent for Extension of Time together with Certification in this matter to be served by UPS Next Day Air upon the following parties:

Kathryn E. Kovacs  
U.S. Department of Justice  
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2300 "N" Street, NW  
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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.

  
DIANNE DAVIS

Dated: May 25, 2007