

MOTION INFORMATION STATEMENT

Caption fuse short title]

Docket Number(s): 07-0324ag(L); 07-1276ag(CON)

SPANO V. US NUCLEAR REGULATORY COMMISSION

Motion for: Supplementing the Joint Appendix

Counsel for all parties have consented to the grant of this motion.

Set forth below precise, complete statement of relief sought:

MOVING PARTY: Nuclear REgulatory Commission

- Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: *see attached list

MOVING ATTORNEY:

[name of attorney, with firm, address, phone number and e-mail]

Grace H. Kim
Office of the General Counsel
Nuclear Regulatory Commission
11555 Rockville Pike
MS15D21

OPPOSING ATTORNEY [Name]:

[name of attorney, with firm, address, phone number and e-mail]

Court-Judge/Agency appealed from: Nuclear Regulatory Commission

Please check appropriate boxes:

Has consent of opposing counsel:

- A. been sought? [x] Yes [] No
B. been obtained? [x] Yes [] No

Is oral argument requested? [] Yes [x] No
(requests for oral argument will not necessarily be granted)

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

Signature of Moving Attorney:

Date:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? [] Yes [] No

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

Requested return date and explanation of emergency:

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

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date:

By:

**Attorney for Petitioners Andrew J. Spano
and County of Westchester:**

Kenneth Weckstein, Esq.
Epstein Becker and Green, P.C.
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**Attorney for Petitioners New Jersey Environmental
Federation and New Jersey Chapter of Sierra Club:**

Richard Webster, Esq.
Rutgers Environmental Law Clinic
123 Washington Street
Newark, NJ 07102

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ANDREW SPANO, as County Executive of the)	
County of Westchester, COUNTY OF)	
WESTCHESTER, NEW JERSEY)	
ENVIRONMENTAL FEDERATION and)	
NEW JERSEY CHAPTER OF THE SIERRA)	
CLUB)	
)	
Petitioners)	
)	
v.)	Nos. 07-0324-ag(L) &
)	07-1276-ag(Con)
U.S. NUCLEAR REGULATORY COMMISSION)	
and UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

**CONSENT MOTION OF THE U.S. NUCLEAR REGULATORY
COMMISSION TO SUPPLEMENT THE JOINT APPENDIX**

The United States Nuclear Regulatory Commission (“NRC”) respectfully seeks leave to supplement the Joint Appendix in the above-captioned case with two additional NRC documents. These documents are contained in the “Supplemental Joint Appendix” enclosed with this motion. The bases for the NRC’s motion are as follows:


1. Subsequent to the filing of petitioners’ briefs and Joint Appendix, counsel for petitioners and undersigned counsel agreed that the record of the NRC’s decision below included two additional NRC documents not previously included in the Certified Index of the Record. By letter dated July 27, 2007, we enclosed for filing with this Court the Second Supplemental Certified Index of

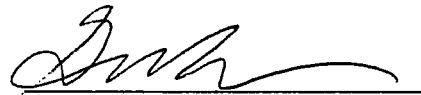
the Record, which listed the two additional NRC documents as agreed by counsel for all parties.

2. The enclosed Supplemental Joint Appendix contains the two NRC documents listed in the previously-filed Second Supplemental Certified Index of the Record. Counsel for petitioners consent to supplementing the Joint Appendix with these two additional documents.

For the foregoing reasons, the NRC requests leave to supplement the Joint Appendix with the Supplemental Joint Appendix enclosed with this motion.

Respectfully submitted,


JOHN F. CORDES
Solicitor


GRACE H. KIM
Senior Attorney
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Commission
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Dated: August 30, 2007

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2007, copies of the foregoing Certified Index of the Record were served by mail, postage prepaid, upon the following:

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