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October 3, 2007

VIA FEDERAL EXPRESS

Marcia M. Waldron, Clerk
Office of the Clerk
United States Court of Appeals
For the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

ATTENTION: Shannon L. Craven, Case Manager

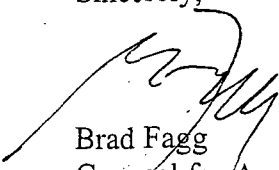
Re: New Jersey Department of Environmental Protection v. U.S. Nuclear Regulatory
Commission, et al., Docket No. 07-2271 (3d Cir.)

Dear Ms. Waldron:

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure, enclosed for filing please find the original and four copies of "Private Respondent's Consent Motion for Extension of Time" and the associated Certificate of Service. Please date-stamp a copy of the Motion to indicate the date of filing and return it to me in the enclosed stamped, self-addressed envelope.

Please contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,



Brad Fagg
Counsel for AmerGen Energy Company, LLC

cc: Eileen P. Kelly, Esq.
Charles E. Mullins, Esq.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Petitioner,

v.

U.S. NUCLEAR REGULATORY
COMMISSION & AMERGEN ENERGY
COMPANY, LLC,

Respondents.

No. 07-2271

**PRIVATE RESPONDENT'S CONSENT
MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and Rule 27.3 of the Local Appellate Rules, Private Respondent AmerGen Energy Company, LLC hereby moves the Court for a 36-day extension to and including November 29, 2007, to file the answering brief for the Private Respondent in the above-captioned case. On or about September 27, 2007, the Federal Respondent moved for an identical 36-day extension. In support, Private Respondent respectfully states as follows:

1. Petitioner filed its Petition for Review on or about April 24, 2007.

Upon docketing the appeal, on June 22, 2007, this Court entered a Briefing and Scheduling Order requiring the Petitioner to file its opening brief and appendix on or before August 1, 2007.

2. On July 24, 2007, Petitioner sought a 21-day extension of time to file its opening brief and appendix. Neither Federal Respondent nor Private Respondent opposed the request. On August 8, 2007, this Court entered an Order extending Petitioner's time to file its opening brief and appendix to August 22, 2007.

3. On August 16, 2007, Petitioner requested an additional 30-day extension of time to file its opening brief and appendix. Neither Federal Respondent nor Private Respondent opposed the request. On September 4, 2007, this Court entered an Order extending Petitioner's time to file its opening brief and appendix to September 21, 2007.

4. Petitioner filed its opening brief and appendix on September 21, 2007.

5. On September 27, 2007, Federal Respondent sought a 36-day extension of time to file its answering brief, to and including November 29, 2007. Both Petitioner and Private Respondent consented to Federal Respondent's request for an extension of time, which is pending before this Court.

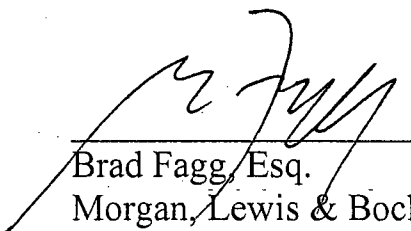
6. Private Respondent hereby requests an extension of time equivalent to that sought by the Federal Respondent. Such an extension would preserve the briefing scheme contemplated by this Court in its original Briefing Schedule and Order, whereby the Federal and Private Respondents would have a common deadline for filing of their respective briefs. Contemporaneous filing of both of the

Respondents' briefs on the same schedule would promote administrative ease and economy, simplify proceedings, and promote the efficient administration of justice.

7. Counsel for Private Respondent has communicated with John Covino, Esq., counsel of record for the Petitioner, the New Jersey Department of Environmental Protection, and Charles Mullins, counsel of record for the Federal Respondent, the U.S. Nuclear Regulatory Commission. Both Mr. Covino and Mr. Mullins have consented to this request for this extension of time.

WHEREFORE, Private Respondent AmerGen Energy Company, LLC respectfully requests a 36-day extension of time to and including November 29, 2007, to file its answering brief.

Respectfully submitted,



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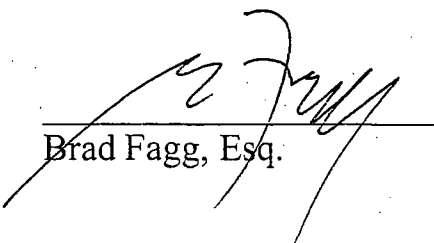
Dated: October 3, 2007

CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury that I served, on behalf of Private Respondent AmerGen Energy Company, LLC, "Private Respondent's Consent Motion for Extension of Time" in Case No. 07-2271, by placing the original and four copies in an overnight delivery service, postage prepaid, addressed to this Court, and on the following counsel by placing two copies of the same in an overnight delivery service, posted prepaid:

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Dated: October 3, 2007