

MOTION INFORMATION STATEMENT

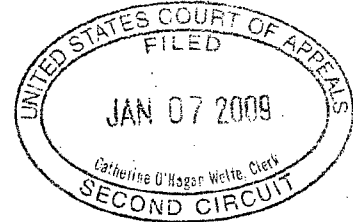
Caption [use short title]

Docket Number(s): 08-3903-ag(L), 08-4833-ag(CON), 08-5571-ag(CON)

The State of New York v. United States Nuclear Regulatory Commission

Motion for: Stipulated Temporary Stay of Proceedings

Set forth below precise, complete statement of relief sought:
 All parties stipulate to a 60-day stay of proceedings pending resolution of venue issues.



MOVING PARTY: State of New York and all parties
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: U.S. and U.S. Nuclear Regulatory Commission

MOVING ATTORNEY: _____
 [name of attorney, with firm, address, phone number and e-mail]
John J. Sipos, Assistant Attorney General
Office of the New York State Attorney General
The Capitol, Albany, NY 12234
(518) 402-2251
John.Sipos@oag.state.ny.us

OPPOSING ATTORNEY [Name]: _____
 [name of attorney, with firm, address, phone number and e-mail]
James E. Adler
U.S. Nuclear Regulatory Commission
11555 Rockville Pike, Rockville, MD 20852
(301) 415-1656
James.Adler@nrc.gov

Court/Judge/Agency appealed from: U.S. Nuclear Regulatory Commission

Please check appropriate boxes:

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

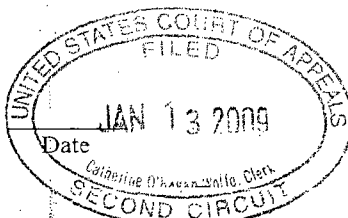
Signature of Moving Attorney: *John J. Sipos* Date: 1/6/09

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

ORDER

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

IT IS HEREBY ORDERED that the motion to stay the proceedings pending resolution of venue issues is GRANTED: the Appellant's brief and appendix shall be filed on or before **March 6, 2009**; the Appellee's brief shall be filed on or before **April 6, 2009**; the appeal shall be heard no earlier than the week of **May 18, 2009**.



FOR THE COURT:
 Catherine O'Hagan Wolfe, Clerk
 by *Judy Pisano*
 Judy Pisano, Motions Staff Attorney