

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Petitioner  
R.J. Hughes Justice Complex  
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Trenton, New Jersey 08625-0093

By: John A. Covino  
Sr. Deputy Attorney General  
(609) 984-5612

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
No. 07-2271

NEW JERSEY DEPARTMENT OF )  
ENVIRONMENTAL PROTECTION, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES NUCLEAR )  
REGULATORY COMMISSION, )  
UNITED STATES OF AMERICA, )  
& AMERGEN ENERGY COMPANY, )  
L.L.C., )  
 )  
Respondents. )

NOTICE OF MOTION ON CONSENT  
FOR  
EXTENSION OF TIME TO FILE  
PETITIONER'S BRIEF & APPENDIX

TO: MARCIA M. WALDRON, Clerk,  
U.S. Court of Appeals for the  
Third Circuit  
21400 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19601-1790  
Attn: Shannon L. Craven,  
Case Manager

CHARLES E. MULLINS, Senior Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852-2738

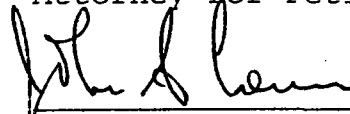
BRAD FAGG, Esq.  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue  
Washington, DC 20004

Petitioner, New Jersey Department of Environmental Protection, hereby moves this Court for a 21-day extension, to and including August 22, 2007, of the time in which to file its brief and appendix in the above-referenced matter. Petitioner will rely on the attached certification of Senior Deputy Attorney General John A. Covino.

Respectfully submitted,

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Petitioner

By:



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John A. Covino  
Sr. Deputy Attorney General

DATED: July 24, 2007

ANNE MILGRAM  
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Attorney for Petitioner  
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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
No. 07-2271

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,	)	
	)	
	)	
Petitioner,	)	CERTIFICATION OF JOHN A. COVINO
	)	IN SUPPORT OF
v.	)	MOTION ON CONSENT FOR
	)	EXTENSION OF TIME TO FILE
UNITED STATES NUCLEAR REGULATORY COMMISSION,	)	PETITIONER'S BRIEF & APPENDIX
UNITED STATES OF AMERICA,	)	
& AMERGEN ENERGY COMPANY,	)	
L.L.C.,	)	
	)	
Respondents.	)	

John A. Covino, upon his oath, certifies as follows:

1. Petitioner, New Jersey Department of Environmental Protection ("New Jersey") now seeks an extension of time for the filing of New Jersey's merits brief and appendix in this matter. The scheduling order was filed on June 22, 2007. The brief is now due to be filed on August 1, 2007, and the requested extension is for 21 days, to August 22, 2007. I have received gracious consent to this motion from Senior Attorney Charles E. Mullins, counsel for Respondent U.S. Nuclear Regulatory Commission (who, I understand,

consents as well on behalf of the U.S. Department of Justice) and from Brad Fagg, Esq., counsel for Respondent AmerGen Energy Company, L.L.C.

2. I am a member of the Division of Law, part of the New Jersey Department of Law and Public Safety, which is representing Petitioner New Jersey in this case. I am one of two attorneys currently assigned to the preparation of Petitioner's brief. The other attorney, Deputy Attorney General (DAG) Valerie Anne Gray, returned from extended disability leave on July 2, 10 days after the scheduling order in this case was issued. DAG Gray had done substantial work on New Jersey's brief in 2006 when this case was before the Nuclear Regulatory Commission. She was unable to begin on this matter immediately upon her return on July 2, and she is not yet able to work beyond normal working hours on an extensive basis.

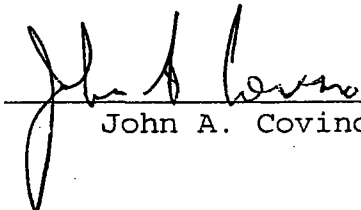
3. This is a major case with complex issues and a high degree of significance not only to New Jersey but likely nationally as well. New Jersey's brief requires extensive time to prepare. In addition, the draft brief may require internal review at levels above the normal supervisory review of draft briefs conducted within the Division of Law. It is possible that the Director of the Division of Law and/or the Attorney General may wish to review it personally. It is also possible that it will be reviewed by a representative of the Office of the Governor and/or the Office of the Commissioner of Environmental Protection. Such reviews,

especially if conducted by the Attorney General or a member of Governor's Office, will likely require extra time.

4. I am an assistant chief in the Environmental Permitting and Counseling Section of the Division of Law. As such, I have supervisory responsibilities in addition to my own caseload responsibilities. My caseload and supervisory responsibilities include other areas of environmental law in addition to radiation protection. The Section is understaffed, a problem which extends throughout the entire Division of Law. Such understaffing generally increases both my own caseload and the amount of time I must devote to supervisory responsibilities. Therefore, it affects my ability to work on this matter. For instance, one of my supervisees is beginning maternity leave on July 23, 2007, and I have devoted time, and expect to devote additional time, to make sure that all of her matters are covered during her leave.

5. Under these circumstances, New Jersey respectfully requests an additional 21 days, until and including August 22, 2007, for the filing of its brief and appendix in this matter.

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.

  
\_\_\_\_\_  
John A. Covino

DATED: July 24, 2007

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& AMERGEN ENERGY COMPANY, )  
L.L.C., )  
 )  
Respondents. )

CERTIFICATION OF  
SERVICE

I, Irene Blake, hereby certify:

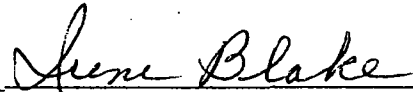
1. I am a secretary in the Environmental Permitting and Counseling Section of the Division of Law, part of the New Jersey Department of Law and Public Safety.

2. On July 24, 2007, at the direction of Sr. Deputy Attorney General John A. Covino, I caused to be placed a copy of the Notice of Motion on Consent for Extension of Time to File Petitioner's Brief and Appendix, with supporting certification, to be served by overnight delivery service upon the following parties:

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

Brad Fagg, Esquire  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue  
Washington, DC 20004

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.



---

IRENE BLAKE

Dated: July 24, 2007