

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

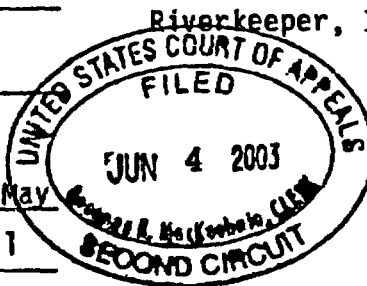
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): 03-4313Motion for: Suspension Of Briefing Schedule

Set forth below precise, complete statement of relief sought:

Suspend the briefing schedule entered on May8, 2003, to allow consideration of FederalRespondents Motion to Dismiss.

ORIGINAL

MOVING PARTY: U.S. NRC and USA.

- ☐ Plaintiff ☐ Defendant
☐ Appellant/Petitioner ☒ Appellee/Respondent

MOVING ATTORNEY: David Cummings

(name of attorney, with firm, address, phone number and e-mail)

Office of the General CounselU.S. Nuclear Regulatory CommissionWashington, D.C. 20555301-415-1520dac3@nrc.gov.OPPOSING PARTY: Riverkeeper.OPPOSING ATTORNEY (Name): Karl Coplan

(name of attorney, with firm, address, phone number and e-mail)

Pace Environmental Litigation Clinic, Inc.Pace University School Of Law76 North BroadwayWhite Plains, NY 10603914-422-4343 Email: KCoplan@law.pace.edu.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

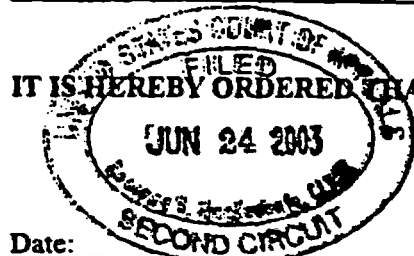
Has this relief been previously sought
 in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency: _____

Signature of Moving Attorney:

Date: June 3, 2003

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

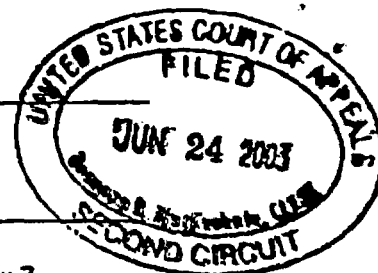
IT IS HEREBY ORDERED THAT the motion is GRANTEDDate: 6/24/03

ORDER ONLY to the extent that the new
 Scheduling Order in the above captioned
 appeal sets forth the dates for
 filing briefs (FJS)
 FOR THE COURT:
 ROSEANN B. MacKECHNIE, Clerk of Court

By: Frank J. Scudilli

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Riverkeeper, Inc. v. Collins
03-4313



AGENCY APPEAL SCHEDULING ORDER #3

Address inquiries to:
(212) 857-8760

A pre-argument conference has been held herein. Counsel for the parties have requested modification of the previous scheduling order. Accordingly, the following new scheduling order is hereby entered.

IT IS HEREBY ORDERED that the certified list of material comprising the record or the record with a certified list (FRAP 17(b)), shall be filed on or before .

IT IS FURTHER ORDERED that the brief of petitioner and the joint appendix shall be filed on or before August 28, 2003.

IT IS FURTHER ORDERED that the brief of the respondent shall be filed on or before September 29, 2003.

IT IS FURTHER ORDERED that the ten (10) copies of each brief shall be filed with the Clerk.

IT IS FURTHER ORDERED that the argument of the appeal shall be heard no earlier than the week of November 10, 2003. All counsel should immediately advise the Clerk by letter of the dates thereafter that they are unavailable for oral argument. The time and place of oral argument shall be separately noticed by the Clerk to counsel.

IT IS FURTHER ORDERED that in the event of default by the petitioner in filing the record on appeal or the petitioner's brief and joint appendix, at the times directed, or upon default ~~of the petitioner regarding any other provision of this order~~, the appeal may be dismissed forthwith without further notice.

IT IS FURTHER ORDERED that if the respondent fails to file a brief within the time directed by this order, such respondent shall be subject to such sanctions as the court may deem appropriate.

Date: 6/24/03

Roseann B. MacKechnie, Clerk
by

Frank J. Scardilli
Frank J. Scardilli
Senior Staff Counsel