

November 26, 2002

Mark Langer, Clerk
U.S. Court of Appeals for the
District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2873

RE: State of Nevada v. Nuclear Regulatory Commission, No. 02-0116

Dear Mr. Langer:

Enclosed you will find an original and four copies of Motion for Modification of Briefing Schedule. Please date stamp the enclosed copy of this letter to indicate date of receipt and return it to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

/RA/

Steven F. Crockett
Attorney
Office of the General Counsel

Enclosure: As stated

cc: service list

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEVADA, et al.,)	
)	
Petitioners,)	
)	
v.)	No. 02-1116
)	
NUCLEAR REGULATORY COMMISSION)	
and THE UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

MOTION FOR MODIFICATION OF BRIEFING SCHEDULE

Pursuant to District of Columbia Circuit Rule 28(f), the Nuclear Regulatory Commission (NRC) and the United States seek a modified briefing schedule in the above-captioned case. We have consulted counsel for petitioners and counsel for the intervenor, the Nuclear Energy Institute. Both have consented to this modified schedule. We seek it for the following reasons.

By order dated November 7, 2002, this Court granted the petitioners' suggestion that the above-captioned case be considered in tandem with several related cases, No. 01-1258, *et al.*, and No. 01-1516, *et al.* The Court accordingly postponed oral argument in our case from May 5, 2003 (see order of October 9, 2002), to a date in September 2003, to be established later. However, the Court left the briefing schedule in our case unchanged. On that schedule, the petitioners' brief is due on December 16, 2002, and our brief is due on January 15, 2003, with final briefs due March 6, 2003, some six months before oral argument. Under the current schedule in this case and the related ones, the petitioners will have to file two briefs in the first half of December (see the Court's September 20, 2002, Order in No. 01-1516), and the Nuclear Regulatory Commission (NRC) will be given only 30 days, two of them major holidays, in which

to write its brief and carry out the necessary coordination with the Department of Justice, coordination made more involved in this case because of the multitude of related cases.

Therefore, we ask that the Court adopt the briefing schedule set out below. That schedule would postpone the petitioners' brief six weeks, and allow the NRC 39 days in which to write its brief and coordinate with the Department of Justice. Final briefs would be due at least 4 months before oral argument.

Petitioners' Brief	Monday, January 27, 2003
Respondents' Brief	Friday, March 7, 2003
Intervenor for Respondents' Brief	Monday, March 24, 2003
Petitioners' Reply Brief	Monday, April 7, 2003
Deferred Appendix	Monday, April 14, 2003
Final Briefs	Monday, April 28, 2003

For the foregoing reasons, we ask that the court grant this motion to modify the briefing schedule.

Respectfully submitted,

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November 26, 2002

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2002, copies of the foregoing motion to modify the briefing schedule were served by mail, postage prepaid, upon the following counsel:

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