

August 20, 2003

Mark J. Langer, Clerk
U. S. Court of Appeals
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., N.W.
Washington, D.C. 20001

RE: Margene Bullcreek, et al. v. Nuclear Regulatory Commission, No. 03-1018

Dear Mr. Langer:

Enclosed you will find an original and four copies of the Government Response to Petitioners' Motion for Permission to File Overlength Joint Opening Brief in the above-reference case. Please date stamp the enclosed copy of this letter to indicate date of receipt, and return the copy to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

/RA/

Grace H. Kim
Senior Attorney
Office of the General Counsel

Enclosures: As stated

cc: service list

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2003, copies of the foregoing Federal Respondents' Answer in Opposition to Petitioners' Motion for Permission to File overlength Joint Opening Brief was served by mail, postage prepaid, upon the following counsel:

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/RA/

Grace H. Kim

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

_____)	
Margene Bullcreek, et al.,)	
Petitioners)	
vs.)	No. 03-1018
)	
Nuclear Regulatory Commission and the)	
United States States of America,)	
Respondents)	
)	
Private Fuel Storage, L.L.C. and)	
Skull Valley Band of Goshute Indians)	
Intervenors)	
_____)	

GOVERNMENT RESPONSE TO
PETITIONERS' MOTION FOR PERMISSION TO FILE
OVERLENGTH JOINT OPENING BRIEF

The Nuclear Regulatory Commission ("NRC") and the United States of America hereby respond to Petitioners' Motion for Permission to File Overlength Joint Opening Brief, filed August 15, 2003.

1. We disagree that the issues in this case are so extraordinary and complex that they cannot be briefed within the ordinary limits on the length of briefs. See F.R.A.P. 32(a)(7); D.C. Circuit Rule 28(f)(1) (motions to exceed page limits disfavored and "granted only for extraordinarily compelling reasons"). The issues to be briefed, involving statutory interpretation as to the extent of the NRC's jurisdiction and a question of the standing of various Petitioners, are purely legal in nature. The agency record below consists solely of briefs filed before the NRC, which the agency addressed in a 28-page decision. There is no large agency evidentiary record here because this case involves no disputed factual issues.

2. Contrary to Petitioners' belief, the mere fact that this case concerns a nuclear waste storage facility does not in and of itself increase the magnitude of the issues to be briefed. The subject matter of the case certainly does not warrant the substantial expansion in brief length (from 1300 lines to 1850 lines) requested by Petitioners. We do not view the subject matter

