



U.S. Department of Justice

Environment and Natural Resources Division

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90-1-4-10359

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December 3, 2003

Mark Langer, Clerk  
U.S. Court Of Appeals for the  
District Of Columbia Circuit  
333 Constitution Ave., N.W.  
Washington, D.C. 20001

Re: Nuclear Energy Institute, et al. v. United States Environmental  
Protection Agency, et al., D.C. Cir. Nos. No. 01-1258  
(Consolidated with Nos. 01-1268, 01-1295, 01-1425, 01-1426,  
01-1516, 02-1036, 02-1077, 02-1116, 02-1179, 02-1196,  
03-1009, 03-1058)

Dear Mr. Langer:

Enclosed for filing with the Court is the original and four copies of  
the **UNOPPOSED RESPONDENTS' MOTION FOR EXTENSION OF TIME  
FOR FILING A RESPONSE TO PETITIONERS' MOTION TO REQUIRE  
RESPONDENTS TO SUPPLEMENT THE RECORD ON REVIEW** in the  
above captioned-case.

As indicated by the certificate of service, copies of this motion have  
been served on counsel.

Sincerely,

John A. Bryson  
Environmental Enforcement Section  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
P.O. Box 23795, L'Enfant Plaza Station,  
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Enclosures

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U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENT AND NATURAL RESOURCES DIVISION

**TO BE ARGUED JANUARY 14, 2004**

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No. 01-1258

(Consolidated with Nos. 01-1268, 01-1295, 01-1425, 01-1426, 01-1516, 02-1036,  
02-1077, 02-1116, 02-1179, 02-1196, 03-1009, 03-1058)

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**NUCLEAR ENERGY INSTITUTE, ET AL.,**

**Petitioners,**

**v.**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.,**

**Respondents.**

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**UNOPPOSED RESPONDENTS' MOTION FOR EXTENSION OF TIME FOR  
FILING A RESPONSE TO PETITIONERS' MOTION TO REQUIRE  
RESPONDENTS TO SUPPLEMENT THE RECORD ON REVIEW**

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The respondents United States Department of Energy and the Secretary of Energy hereby move for a 7-day extension of time, to and including, December 15, 2003, to file their response to Petitioners' Motion to Require Respondents to Supplement the Record on Review. The respondents have consulted with Mr.

Vincent J. Colatriano, counsel for the petitioners, and petitioners state they have no objection to this request. In support of this motion, the respondents state as follows:

1. Petitioners' Motion to Supplement the Administrative Record was served by hand delivery on November 25, 2003, and accordingly, the response is due December 8, 2003.

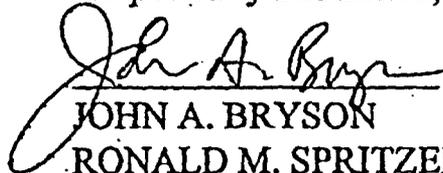
2. Attorneys for respondents did not become aware that the motion had been filed until Monday, December 1, 2003, because of the attorneys' absence from the office for leave over the Thanksgiving holiday. In addition, attorneys for respondents have been engaged in other litigation responsibilities, including the filing of an intervenor's brief in Wisconsin Power & Light Co. v. FERC, D.C. Cir. No. 03-1026, filed December 2, 2003, and preparation of an opposition to supplement record on appeal in City of Arcadia v. EPA, 9th Cir. No. 03-16309, due December 5, 2003.

2. An additional 7 days is required to prepare an appropriate response to the motion. Counsel and officials of the Department of Energy must review the motion and determine the extent and nature of the response, which must then be reviewed and approved by appropriate officials in the Department of Justice and

the Department of Energy. An additional 7 days should not prejudice either the parties or the Court.

WHEREFORE, respondents ask that their motion be granted and that the time for responding to Petitioners' Motion to Require Respondents to Supplement the Record on Review be extended to December 15, 2003.

Respectfully Submitted,



JOHN A. BRYSON

RONALD M. SPRITZER

Attorneys, Appellate Section

Environment and Natural Resources

Division

United States Department of Justice

Washington, D.C. 20530

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90-1-4-10359

DECEMBER 2003

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2003, a copy of the Unopposed Respondents' Motion for Extension of Time for Filing a Response to Petitioners' Motion to Require Respondents to Supplement the Record on Review was served by regular mail, postage prepaid, to the following counsel:

Brian Sandoval, Attorney General  
Marta A. Adams, Sr. Deputy Attorney  
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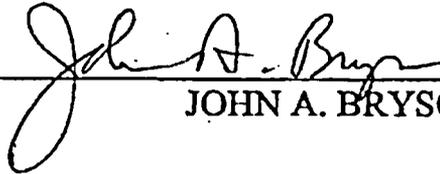
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A handwritten signature in cursive script, reading "John A. Bryson", is written over a horizontal line.

JOHN A. BRYSON

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2003, a copy of the Unopposed Respondents' Motion for Extension of Time for Filing a Response to Petitioners' Motion to Require Respondents to Supplement the Record on Review was served by regular mail, postage prepaid, to the following counsel:

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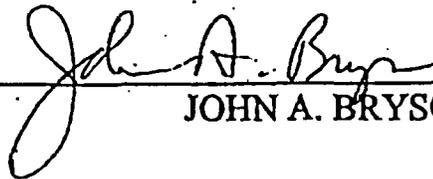
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JOHN A. BRYSON