

February 9, 2004

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

RE: Public Citizen, Inc., and San Luis Obispo Mothers For Peace v. NRC,
No. 03-1181

Dear Mr. Langer:

Enclosed you will find an original and four copies of "Joint Motion for Changes to the Briefing Schedule." I initially sent this motion to the Court and to the service list via regular mail on January 29, 2004. Petitioners' counsel received the motion in a timely fashion, but as of today our January 29, 2004, motion has not arrived at the Court.

I am now re-filing an identical version of the motion with the date adjusted accordingly. 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.

Sincerely,

/RA/

Jared K. Heck
Attorney
Office of the General Counsel

Enclosures: As stated

cc: service list

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

)	
PUBLIC CITIZEN, INC. and)	
SAN LUIS OBISPO MOTHERS FOR)	
PEACE,)	
)	
Petitioners,)	
)	No. 03-1181
v.)	
)	
U.S. NUCLEAR REGULATORY)	
COMMISSION and the UNITED)	
STATES OF AMERICA,)	
)	
Respondents.)	
)	

JOINT MOTION FOR CHANGES TO THE BRIEFING SCHEDULE

By Order dated January 2, 2004, the Court established a briefing schedule that includes time for filing a deferred appendix and final briefs pursuant to Fed. R. App. P. 30(c). Under this schedule, the parties' briefs and the deferred appendix are due as follows:

Petitioners' Brief	Monday, March 1, 2004
Respondents' Brief	Wednesday, March 31, 2004
Petitioners' Reply Brief	Wednesday, April 14, 2004
Deferred Appendix	Wednesday, April 21, 2004
Final Briefs	Wednesday, May 5, 2004

The parties now propose the use of a normal, non-deferred appendix pursuant to Fed. R. App. P. 30(a) and move the Court to change the briefing schedule as follows:

Petitioners' Brief	Monday, March 15, 2004
Respondents' Brief	Wednesday, April 14, 2004
Petitioners' Reply Brief	Wednesday, April 28, 2004

The parties offer the following reasons in support of this motion:

1. On January 23, 2004, the parties filed a stipulation that no administrative record need be filed in this case beyond the agency orders being challenged. These and other relevant documents can be easily compiled in a normal, non-deferred appendix.

2. The use of a normal, non-deferred appendix will eliminate the need to file final briefs, thereby shortening the overall briefing schedule originally established by the Court's January 2, 2004, Order.

3. The parties' proposed changes to the filing deadlines established by the Court's January 2, 2004, Order will still result in all briefs being filed one week earlier than currently scheduled.

4. The parties' proposed changes to the filing deadlines are necessary to allow lead counsel for respondent Nuclear Regulatory Commission to

attend a week-long series of nuclear materials security meetings in early March.

For the foregoing reasons, the parties respectfully ask the Court to grant this motion for changes to the briefing schedule as set forth above.

Respectfully submitted,

_____/RA/
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_____/RA/
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Counsel for Respondents

February 9, 2004

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2004, copies of the foregoing Joint Motion for Changes to the Briefing Schedule were served by mail, postage prepaid, upon the following counsel:

Scott L. Nelson
Amanda Frost
Public Citizen Litigation Group
1600 20th Street, N.W.
Washington, D.C. 20009

_____/RA/_____
Jared K. Heck