

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

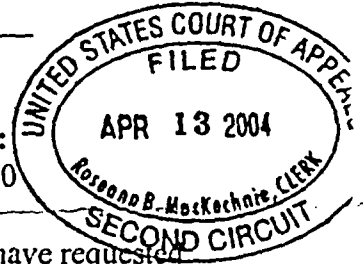
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U.S. NUCLEAR REGULATORY

No. 04-0109

AGENCY APPEAL SCHEDULING ORDER # 2

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(s) and the joint appendix shall be filed on or before June 4, 2004.

IT IS FURTHER ORDERED that the brief(s) of the respondent(s) shall be filed on or before July 15, 2004.

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 Aug 30, 2004. 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: Apr 13, 2004

Roseann B. MacKechnie, Clerk
by

Stanley A. Bass
Stanley A. Bass
Staff Counsel