

PUBLIC CITIZEN LITIGATION GROUP

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January 31, 2005

By Hand Delivery

Mark J. Langer
Clerk
United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, DC 20001-2866

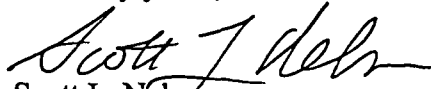
Re: *Public Citizen, Inc. v. Nuclear Regulatory Commission*, No. 04-1293

Dear Sir:

As required by the Court's order of November 4, 2004, enclosed please find the original and four copies of the parties' joint status report. Because the agency proceedings have now terminated and the parties have agreed to the dismissal of the petition for review, the parties have combined their status report with an agreement to dismiss the case under Rule 42(b).

Thank you for your assistance.

Sincerely yours,


Scott L. Nelson

cc: All counsel of record

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

No. 04-1293

PUBLIC CITIZEN, INC.,

Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY COMMISSION, *et al.*

Respondents.

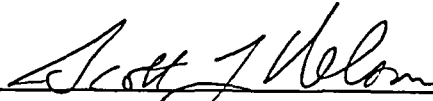
**JOINT STATUS REPORT OF THE PARTIES AND DISMISSAL
AGREEMENT PURSUANT TO FEDERAL RULE OF APPELLATE
PROCEDURE 42(b)**

On October 12, 2004, the parties to this proceeding jointly moved to hold the case in abeyance pending action by the Nuclear Regulatory Commission on petitioner's pending request for a hearing on the lawfulness of the order that is the subject of the petition for review. This Court granted the motion on November 4, 2004, and directed the parties to file joint status reports at 90-day intervals and to file motions to govern future proceedings within 30 days of completion of the agency proceedings. This status report and dismissal agreement is filed in fulfillment of both obligations.

On January 19, 2005, the Commission issued an order rejecting petitioner's request for a hearing and stating the Commission's reasons for concluding that its

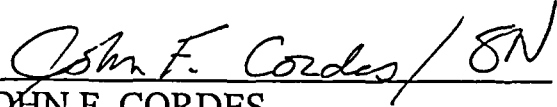
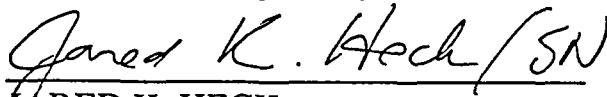
issuance of the challenged order without notice-and-comment rulemaking was lawful. The Commission's action terminated the agency proceedings.

The parties now hereby agree, pursuant to Federal Rule of Appellate Procedure 42(b), to the dismissal of this petition for review. The parties will bear their own costs, and no fees are due to the Court.

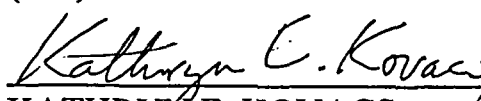

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Respectfully submitted,


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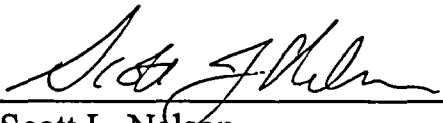
Dated: January 31, 2005

CERTIFICATE OF SERVICE

I hereby certify that, this 31st day of January, 2005, I caused a copy of the foregoing JOINT STATUS REPORT OF THE PARTIES AND DISMISSAL AGREEMENT PURSUANT TO FEDERAL RULE OF APPELLATE PROCEDURE 42(b), to be served by first-class mail, postage prepaid, on:

U.S. Nuclear Regulatory Commission
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Mail Stop: 15D 21
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11555 Rockville Pike
Rockville, MD 20852-2738

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