



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 16, 2005

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 Status Report." 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,

A handwritten signature in black ink, appearing to read "Jared K. Heck", written over a horizontal line.

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,

v.

U.S. NUCLEAR REGULATORY
COMMISSION and the UNITED
STATES OF AMERICA,

Respondents.

No. 03-1181

JOINT STATUS REPORT

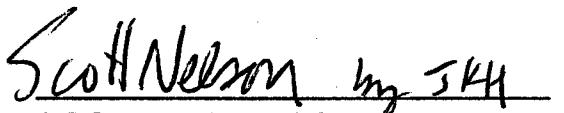
On September 19, 2005, the Court ordered this case held in abeyance pending rulemaking proceedings by the Nuclear Regulatory Commission dealing with its design basis threat regulations. The Court also directed the parties to file status reports at 90-day intervals. Pursuant to the Court's order, the parties now submit this joint status report.

In accordance with section 651(a) of the Energy Policy Act of 2005, the NRC published a proposed design-basis threat rule in the *Federal Register* on November 7, 2005. See Proposed Rule, *Design Basis Threat*, 70

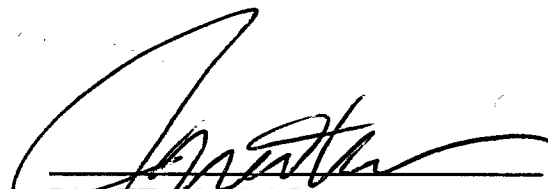
Fed. Reg. 67,380. Public comments on the proposed rule are due to the Commission by January 23, 2006. *Id.* The Commission expects to issue a final rule by May 7, 2007.


The parties will submit their next status report within 90 days. In the meantime, the parties request that the Court continue to hold this case in abeyance.

Respectfully submitted,


SCOTT L. NELSON
Public Citizen Litigation Group
1600 20th Street, N.W.
Washington, DC 20009
Tel. (202) 588-1000

Counsel for Petitioners


JARED K. HECK
Attorney
Office of the General Counsel
U.S. Nuclear Regulatory
Commission
Washington, DC 20555-0001
Tel. (301) 415-1623


KATHRYN E. KOVACS
U.S. Department of Justice
Environment and Natural
Resources Division
P.O. Box 23795
Washington, DC 20026
Tel. (202) 514-4010


Counsel for Respondents

December 16, 2005

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2005, copies of the foregoing motion to continue holding the case in abeyance were served by mail, postage prepaid, upon the following:

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

A handwritten signature in black ink, appearing to read "J. Heck", written over a horizontal line.

Jared K. Heck
Counsel for Respondents