



OFFICE OF THE  
GENERAL COUNSEL

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

March 16, 2006

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

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PUBLIC CITIZEN, INC., and  
SAN LUIS OBISPO MOTHERS  
FOR PEACE,

Petitioners,

v.

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

Respondents.

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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. This is the parties' second 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. The comment period expired on February 22, 2006. See Proposed Rule: Reopening of Comment Period, *Design Basis Threat; Reopening of Comment Period*, 71 Fed. Reg. 3,791 (Jan. 24, 2006). 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.

Scott Nelson by JKH  
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*Counsel for Petitioners*

Respectfully submitted,

Jared K. Heck

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March 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2006, copies of the foregoing joint status report were served by mail, postage prepaid, upon the following:

Scott L. Nelson  
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Jared K. Heck  
Counsel for Respondents