

PACE ENVIRONMENTAL LITIGATION CLINIC, INC.

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June 26, 2003

Roseann B. MacKechnie, Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Attn: Operations Division, Calendar Team

Re: Riverkeeper, Inc. v. Collins, et al., Docket Number 03-4313

Dear Ms. MacKechnie:

We represent petitioner in the above referenced petition for review. Respondent Nuclear Regulatory Commission served and filed a motion to dismiss the petition for lack of jurisdiction on June 3, 2003. We served and filed a memorandum and affidavit in opposition to the motion to dismiss on June 17, 2003. The cover page of the Memorandum was clearly endorsed "Oral Argument Requested."

I was informed this afternoon that, despite our request for argument, this motion is presently scheduled to be decided on submission on Monday, July 28, 2003. Local Rule 27(b) provides that

Motions seeking substantive relief will normally be determined by a panel conducting a regular session of the court. These include, without limitation, motions seeking . . . dismissal or summary affirmance . . . Except as provided in subdivision (c) of this Rule, such motions will normally be noticed for a Tuesday when the court is in session, and the court will hear oral argument from any party desiring this.



As Local Rule 27(b) clearly provides for argument upon request of any party "desiring this" upon a motion to dismiss the appeal, and we have properly made our request for argument, please reschedule this matter on a date on which oral argument can be conducted.

Thank you for your attention to this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Karl S. Coplan', with a long horizontal flourish extending to the right.

Karl S. Coplan

cc: David A. Cummings, Esq.
Jay E. Silberg, Esq.