

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

February 14, 2006

Mark J. Langer, Clerk
U.S. Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

RE: *State of Nevada v. USNRC, et al.*, No. 05-1350

Dear Mr. Langer:

Enclosed you will find the original and four copies of the Respondents' Unopposed Motion for Modification of Briefing Schedule. Please date stamp the enclosed copy of this letter to indicate date of receipt, and return the copy to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

Steven F. Crockett
Special Counsel
Office of the General Counsel

Enclosures: As stated

cc: service list

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEVADA,

Petitioner,

v.

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

Respondents.

No. 05-1350

**RESPONDENTS' UNOPPOSED MOTION
FOR MODIFICATION OF BRIEFING SCHEDULE**

Pursuant to District of Columbia Circuit Rule 28(g), the U.S. Nuclear Regulatory Commission (NRC) and the United States request modification of the briefing schedule the Court established by order on February 6, 2006, in the above-captioned case. Our proposed modification, set out below in detail, would extend all the due dates, for both parties, by two weeks. Counsel for the Petitioner does not object to our proposed modification of the schedule (there are no intervenors or *amici* in this case). We ask that the Court grant this motion principally to permit one of the undersigned to take long-postponed and long-scheduled leave, but the modified schedule would also accommodate the Petitioner's needs.

The Court has not set a date for oral argument in this case. Our proposed extension of the briefing schedule will not delay disposition of the case, because the Court schedules only emergency oral arguments in June, July, and August. *See* the Court's document, *Frequently Asked Questions* (December 2004) at 44. Because oral argument will not occur before September, briefing under our proposed schedule will be complete well over 50 days before oral


argument. See the Court's *Handbook of Practice and Internal Procedures* (December 2005) at 37 (final brief usually due at least 50 days before oral argument).

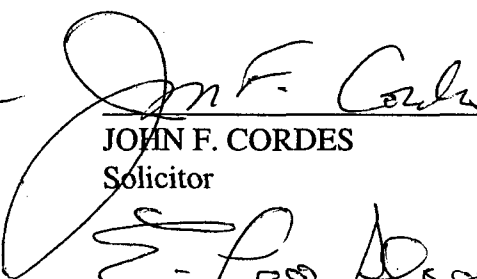
Our proposed schedule is as follows:

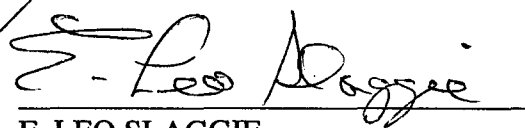
Petitioner's Brief	Thursday, April 6, 2006
Respondents' Brief	Monday, May 8, 2006
Petitioner's Reply Brief	Monday, May 22, 2006
Deferred Appendix	Tuesday, May 30, 2006
Final Briefs	Tuesday, June 13, 2006

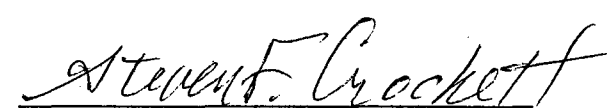
For the foregoing reasons, we ask that the Court grant this motion for modification of the briefing schedule.

Respectfully submitted,


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Dated: February 14, 2006

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2006, copies of Respondents' Unopposed Motion for Modification of Briefing Schedule were served by mail, postage prepaid, upon the following counsel:

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