

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 03-1181

September Term, 2004

Public Citizen, Inc. and San Luis Obispo Mothers for
Peace,

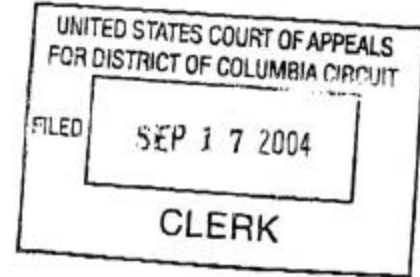
Petitioners

v.

Nuclear Regulatory Commission and United States of
America,

Respondents

Filed On:



BEFORE: Ginsburg, Chief Judge, and Randolph and Rogers, Circuit Judges

ORDER

Upon consideration of the September 7, 2004 letter of the Nuclear Regulatory Commission filed pursuant to Fed. R. App. P. 28(j) and the representation of counsel at oral argument that the Commission would commence a rulemaking proceeding dealing with the design basis threat, it is

ORDERED, on the court's own motion, that this case be held in abeyance pending further order of the court. It is

FURTHER ORDERED that the parties are directed to file motions to govern future proceedings within 30 days after a rulemaking proceeding has commenced but in no event later than 120 days from the date of this order.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY:

Cheri Carter

Deputy Clerk