

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

PUBLIC CITIZEN; BROTHERHOOD OF  
TEAMSTERS, AUTO AND TRUCK  
DRIVERS, LOCAL 70; CALIFORNIA  
LABOR FEDERATION; CALIFORNIA  
TRUCKING ASSOCIATION;  
ENVIRONMENTAL LAW FOUNDATION;  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS,

*Petitioners,*

NATURAL RESOURCES DEFENSE  
COUNCIL; PLANNING AND  
CONSERVATION LEAGUE,

*Petitioners-Intervenors,*

v.

DEPARTMENT OF TRANSPORTATION;  
FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION; NICHOLAS R.  
WALSH,

*Respondents.*

No. 02-70986

TRAN Nos.  
FMCSA-98-  
3297/98/99  
FMCSA-01-10886  
FMCSA-01-11060

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; BROTHERHOOD OF  
TEAMSTERS, AUTO AND TRUCK  
DRIVERS, LOCAL 70; CALIFORNIA  
LABOR FEDERATION; CALIFORNIA  
TRUCKING ASSOCIATION;  
ENVIRONMENTAL LAW FOUNDATION;  
PUBLIC CITIZEN,

*Petitioners,*

NATURAL RESOURCES DEFENSE  
COUNCIL; PLANNING AND  
CONSERVATION LEAGUE,

*Petitioners-Intervenors,*

v.

DEPARTMENT OF TRANSPORTATION;  
FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION; JOSEPH M. CLAPP;  
NICHOLAS R. WALSH,

*Respondents.*

No. 02-71249

TRAN Nos.  
FMCSA-98-  
3297/98/99  
FMCSA-01-10886  
FMCSA-01-11060

ORDER ON  
REMAND

On Remand from the  
United States Supreme Court

Filed August 4, 2004

Before: Dorothy W. Nelson, Michael Daly Hawkins and  
Kim McLane Wardlaw, Circuit Judges.

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**ORDER**

**The mandate is hereby recalled.** We remand to the Department of Transportation for further proceedings consistent with

the Supreme Court's decision in *Department of Transp. v. Public Citizen*, 124 S.Ct. 2204 (2004).

It is so ORDERED.

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