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A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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June 22, 2001

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VIA HAND DELIVERY

Mr. Mark J. Langer, Clerk
United States Court of Appeals
for the District of Columbia Circuit
U.S. Courthouse, Room 5423
333 Constitution Avenue, N.W.
Washington, DC 20001

Re: Novoste Corporation v. U.S. Nuclear Regulatory Commission
and United States of America, No. 01-1162

Dear Mr. Langer:

Enclosed for filing in the above-referenced proceeding, please find an original and four copies of Petitioner's Second Status Report, and a Certificate of Service.

Also enclosed are two additional copies of the above-mentioned documents for date and time stamping to be returned via our courier.

Very truly yours,



Martin G. Malsch

Attorney for Petitioner Novoste Corporation

Enclosures

cc (w/encl.): John F. Cordes, Jr., Esq.
John Aschroft, Esq.

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3. Since the agency action for which review was sought has been withdrawn, Novoste will initiate appropriate action to dismiss this proceeding on or before July 12, 2001, in accordance with the Court's April 23, 2001 Order.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'M. G. Malsch', with a long horizontal flourish extending to the right.

Martin G. Malsch
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(202) 986-8000

Attorney for Petitioner Novoste Corporation

June 22, 2001

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

_____)
NOVOSTE CORPORATION,)
)
)
) Petitioner,)
)
)
) v.) No. 01-1162
)
) U.S. NUCLEAR REGULATORY COMMISSION)
) and UNITED STATES OF AMERICA,)
)
)
) Respondents.)
_____)

CERTIFICATE OF SERVICE

I hereby certify that I have served on this 22rd day of June, 2001, a copy of Petitioner's

Second Status Report by first-class mail, postage prepaid, upon the following:

John F. Cordes, Jr., Esq.
Solicitor
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

John Aschroft, Esq.
Attorney General
U.S. Department of Justice
10th Street and Constitution Ave., NW
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Martin G. Malsch