



NUCLEAR ENERGY INSTITUTE

Michael A. Bauser
Associate General Counsel

March 13, 2003

BY HAND DELIVERY

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

Re: State of Nevada v. U.S. Nuclear Regulatory Commission, et al. No. 03-1058

Dear Mr. Langer:

Enclosed please find for filing an original plus four copies of the "Notice of Participation of Nuclear Energy Institute, Inc. as Amicus Curiae and Representation of Consent," and "Nuclear Energy Institute's Corporate Disclosure Statement."

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Michael A. Bauser". The signature is written in a cursive style with a horizontal line underneath.

Michael A. Bauser
Counsel of Record
Nuclear Energy Institute, Inc.

Enclosures

cc (w/enclosure): Service List

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF NEVADA)	
)	
Petitioner,)	
)	
v.)	No. 03-1058
)	
U.S. NUCLEAR REGULATORY)	
COMMISSION and)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

**NOTICE OF PARTICIPATION OF NUCLEAR ENERGY INSTITUTE, INC.
AS AMICUS CURIAE AND REPRESENTATION OF CONSENT**

Pursuant to Fed. R. App. P. 29 and D.C. Cir. Rule 29, the Nuclear Energy Institute, Inc. (“NEI”) hereby seeks leave to participate as *amicus curiae* in support of respondents, U.S. Nuclear Regulatory Commission (“NRC” or “Commission”), et al. through the filing of this “Notice of Participation of Nuclear Energy Institute, Inc. as Amicus Curiae and Representation of Consent.”

1. By Petition dated March 4, 2003, the State of Nevada initiated the above-captioned proceeding seeking review of the NRC’s denial of its Petition for Rulemaking (“Petition”), docketed by the Commission as PRM-63-1. *See* 68 Fed. Reg. 9023 (Feb. 27, 2003). The Petition had sought amendment of the NRC’s regulations embodied in 10 C.F.R. Part 63. Said regulations prescribe, among other things, licensing criteria for the disposal of used nuclear

fuel and national defense-related radioactive waste in a geologic repository at Yucca Mountain in Nevada.

2. NEI has a clear interest in the instant proceeding. NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of operational and technical issues. Among NEI's members are all companies licensed to operate commercial nuclear power plants in the United States. Used nuclear fuel from nuclear power plants operated by these companies will be disposed of at Yucca Mountain if the site is licensed by the NRC pursuant to the regulations in 10 C.F.R. Part 63. NEI members pay approximately \$700 million per year in fees into the Nuclear Waste Fund ("the Fund") established under the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. §§ 10101 *et seq.*, to cover all costs associated with used nuclear fuel disposal. Since its inception in 1983, NEI's members have paid or are committed to pay a total of more than \$19 billion into the Fund.

3. NEI is currently participating as a full-party intervenor in *State of Nevada, et al. v. NRC, et al.*, No. 02-1116, wherein Nevada, together with Clark County, Nevada, and the City of Las Vegas, Nevada, are seeking review of the NRC's regulations presently embodied in 10 C.F.R. Part 63, as published in the Federal Register on November 2, 2001 (66 Fed. Reg. 55,732).¹

4. NEI has been authorized by attorneys for the NRC and Nevada to represent that both the federal respondents and petitioner, respectively, consent to its participation as *amicus curiae*.

¹ By motion dated March 10, 2003, and consented to by all parties, Nevada is seeking consolidation of No. 02-1116 with the instant case.

IN THE UNITED STATES COURT OF APPEALS
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STATE OF NEVADA)

Petitioner,)

v.)

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

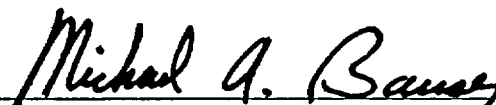
Respondents.)

No. 03-1058-

**NUCLEAR ENERGY INSTITUTE'S
CORPORATE DISCLOSURE STATEMENT**

Nuclear Energy Institute, Inc. ("NEI"), a not-for-profit 501(c)(6) corporation, is a trade association representing the nuclear energy industry. Its objective is to ensure the development of policies that promote the beneficial uses of nuclear energy and technologies in the United States and around the world. NEI does not have any parent companies, and no publicly-held company has a 10 percent or greater ownership interest in NEI.

Respectfully submitted,



Robert W. Bishop
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(202) 739-8144

* Counsel of Record

Dated: March 13, 2003

WHEREFORE, NEI requests leave to participate as *amicus curiae* in support of respondents NRC, et al., in the instant case.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael A. Bauser". The signature is written in a cursive style and is positioned above a horizontal line.

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Michael A. Bauser*
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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEVADA

Petitioner,

v.


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

Respondents.

No. 03-1058

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the foregoing "Notice of Participation of Nuclear Energy Institute, Inc. as Amicus Curiae and Representation of Consent," and "Nuclear Energy Institute's Corporate Disclosure Statement" upon those listed in the attached service list by U.S. mail, first class, postage prepaid.



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Dated: March 13, 2003

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