

December 1, 2003

Clerk of Court
ATTN.: Calendar Team
United States Court of Appeals
For the Second Circuit
United States Court House
40 Foley Square
New York, NY 10007

RE: *Riverkeeper v. Collins*, No. 03-4313 (2d Cir., filed Feb. 11, 2003)

Dear Sir or Madam:

The above-referenced case has been calendared for oral argument on January 9, 2004. The calendar allots 20 minutes of time to the Respondents, broken into one 8 minute segment for Samuel Collins, one 8 minute segment for the U.S. Nuclear Regulatory Commission (NRC), and one 4 minute segment for Entergy Nuclear. After speaking with a member of the calendar team today over the phone regarding this allotment, I am sending this letter to request a minor correction to the calendar.

Samuel Collins and the NRC are one and the same party in this litigation. Mr. Collins is an Office Director for the NRC and not a separate party. Mr. Collins is not being sued in his individual capacity, nor is he independently represented. Therefore, he should not be listed on the calendar as a separate party or be allotted time for oral argument. Only the NRC and Entergy Nuclear should be allotted time for oral argument as the Respondents in this case.

Please eliminate Mr. Collins's name from the calendar and adjust the time allotted to the NRC to 14 minutes, with the remaining 6 minutes of time allotted to Entergy Nuclear. I have consulted with counsel for Entergy Nuclear, who does not object to this adjustment.

I have enclosed a self-addressed stamped envelope for your use in informing me of your response to this request. If you have any questions, please do not hesitate to call. Thank you for your consideration.

Respectfully,

/RA/

Jared K. Heck
Counsel for U.S. Nuclear Regulatory Commission
(301) 415-1623
(301) 415-3200 (fax)
Jkh3@nrc.gov (Internet)

cc: Service list.