



NUCLEAR ENERGY INSTITUTE

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January 6, 2004

**VIA FEDERAL EXPRESS**

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

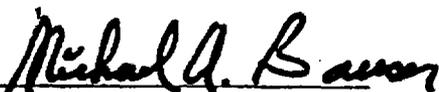
Re: Nuclear Energy Institute, Inc. v. Environmental Protection Agency, et al. No. 01-1258  
(Consolidated with Nos. 01-1268, 01-1295, 01-1425, 01-1426, 01-1516, 02-1036, 02-1077,  
02-1116, 02-1179, 02-1196, 03-1009, and 03-1058)

Dear Mr. Langer:

Pursuant to D.C. Cir. Rule 34(i), this letter is to provide the Court and other counsel presenting argument on January 14, 2004, with notice that the Nuclear Energy Institute intends to use as an exhibit a poster board rendition of the figure on page 9 of the Department of Energy's "Viability Assessment of a Repository at Yucca Mountain: Overview" (DOE/RW-0508, Dec. 1998). Said figure appears on page 394 of the Joint Appendix in *Nevada, et al. v. DOE, et al.* (01-1516 and consolidated cases), and will be used to provide a graphic illustration of the repository system planned for Yucca Mountain.

Thank you for your assistance.

Sincerely,

  
Michael A. Bauser  
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Nuclear Energy Institute, Inc.

Enclosures

cc: Service List





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