



2550 M Street, NW  
Washington, DC 20037-1350  
202-457-6000

Facsimile 202-457-6315  
www.pattonboggs.com

January 7, 2004

Amy B. Chasanov  
202-457-6128  
achasanov@pattonboggs.com

**VIA MESSENGER**

Courtroom Deputy  
United States Court of Appeals for the District of Columbia Circuit  
E. Barrett Prettyman United States Courthouse  
333 Constitution Ave., NW, Room 5423  
Washington, DC 20001

**Re: Oral Argument scheduled for January 14, 2004 in *Nuclear Energy Institute, Inc. v. EPA*, Docket No. 01-1258 and consolidated cases**

Dear Sir or Madam:

Per Fed. R. App. P. 34(g) and D.C. Cir. Rule 34(i), this letter serves as notice to the Court and other counsel presenting oral argument that Petitioner Nuclear Energy Institute ("NEI") intends to use an exhibit during oral argument scheduled for Wednesday, January 14, 2004.

The exhibit will provide excerpts of the statutory language of Section 801 of the Energy Policy Act, 41 U.S.C. § 10141 note, Pub. L. No. 102-486, tit. VII, § 801(a)(1). The statutory language was excerpted and referenced extensively in Petitioner NEI's primary and reply briefs, and the Government's brief. It was also provided as Attachment 2 of Petitioner NEI's primary brief, which was provided in final form to this Court on October 1, 2002. The statutory language of the Energy Policy Act is fundamental to NEI's arguments that the inclusion of a separate groundwater standard in EPA's Yucca Mountain regulation is contrary to the plain language of the Energy Policy Act and is arbitrary and capricious.

In addition, we would like to use the Court's easel for the exhibit. Please do not hesitate to call me if you have any questions. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Amy Chasanov / cmck'.

Amy B. Chasanov

cc: Counsel (attached service list)

CERTIFICATE OF SERVICE

I hereby certify that copies of Petitioner NEI's letter notification of its intention to use an exhibit at oral argument, pursuant to Fed. R. Civ. P. 34 and D.C. Cir. Rule 34, was served via federal express on the following this 7th day of January, 2004:

Ronald M. Spritzer  
John A. Bryson  
U.S. Department of Justice  
ENRD – Appellate Section  
601 D Street, NW  
Washington, DC 20004

Lee Liberman Otis  
Office of General Counsel, GC-1  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Marc Johnston  
Office of General Counsel  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

L. Dow Davis  
Office of General Counsel, GC-21  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

James Bradford Ramsay  
National Association of  
Regulatory Commissioners  
1101 Vermont Ave., Ste 200  
Washington, DC 20005

William H. Briggs, Jr.  
Ross, Dixon & Bell, L.L.P.  
2001 K Street, N.W.  
Washington, DC 20006-1040

Brian Sandoval, Attorney General  
Marta A. Adams, Sr. Deputy Attorney General  
State of Nevada  
100 North Carson Street  
Carson City, NV 89701

Elizabeth A. Vibert, Deputy District Attorney  
Clark County, Nevada  
500 South Grand Central Parkway  
Las Vegas, NV 89106

Bradford R. Jerbic, City Attorney  
William P. Henry, Senior Litigation Counsel  
City of Las Vegas, Nevada  
400 Stewart Avenue  
Las Vegas, NV 89101

Antonio Rossmann  
Special Deputy Attorney General  
Roger B. Moore  
Special Deputy Attorney General  
Law Office of Antonio Rossmann  
380 Hayes Street  
San Francisco, CA 94102

Joseph R. Egan  
Special Deputy Attorney General  
Charles J. Fitzpatrick  
Martin G. Malsch  
Howard K. Shapar  
Egan & Associates, P.L.L.C.  
7918 Jones Branch Drive, Suite 600  
McLean, VA 22102

Charles J. Cooper  
Robert J. Cynkar  
Vincent J. Colatriano  
Cooper & Kirk, L.L.P.  
1500 K Street, N.W., Suite 200  
Washington, DC 20005

John F. Cordes, Jr., Solicitor  
E. Leo Slaggie, Deputy Solicitor  
Steven F. Crockett, Senior Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Mail Stop OWFN 15D21  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Michele L. Walter  
G. Scott Williams  
Environmental Defense Section  
United States Department of Justice  
601 D Street, N.W.  
Washington, DC 20026-3986

Geoff Fettus  
Natural Resources Defense Council  
1200 New York Avenue, N.W., Suite 400  
Washington, DC 20005

  
Amy B. Chasanov



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Washington, DC 20037-1350  
202-457-6000

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www.pattonboggs.com

January 7, 2004

Amy B. Chasanov  
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achasanov@pattonboggs.com

**VIA FAX (202) 219-8530**

Courtroom Deputy  
United States Court of Appeals for the District of Columbia Circuit  
E. Barrett Prettyman United States Courthouse  
333 Constitution Ave., NW, Room 5423  
Washington, DC 20001

Re: **Oral Argument scheduled for January 14, 2004 in *Nuclear Energy Institute, Inc. v. EPA*, Docket No. 01-1258 and consolidated cases**

Dear Sir or Madam:

Enclosed please find a completed "Notification to the Court From Attorney Intending To Present Oral Argument" on behalf of the Nuclear Energy Institute, Inc. in the aforementioned case that is scheduled for oral argument on January 14, 2004. Please do not hesitate to call me if you have any questions. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Amy B. Chasanov / caxx'.

Amy B. Chasanov

Enclosure

# United States Court of Appeals for the District of Columbia Circuit

## NOTIFICATION TO THE COURT FROM ATTORNEY INTENDING TO PRESENT ARGUMENT

Case No. \_\_\_\_\_  
& Name: No. 01-1258, Nuclear Energy Institute v. Environmental Protection Agency

is scheduled for oral argument on January 14, 2004

I intend to present oral argument in the above case on behalf of

Petitioner/Appellant    Respondent/ Appellee    Amicus Curiae    Intervenor

Nuclear Energy Institute

(state party name)

and will argue for 15 minutes (needed in the event parties are permitted to divide argument time).

- I am a member of the Bar of this Court in good standing
- I am not a member of the Bar of this Court at this time, but an application for Admission is presently pending
- I am not a member of this Court, but have been granted leave to argue pro hac vice
- I will present argument as an attorney pro se

Name (print) John C. Martin Date: January 7, 2004

Firm (print) Patton Boggs LLP

Phone: Office (202) 457-6032

Home (301) 320-8582

(Needed in the event of late calendar changes)

Fax (202) 457-6315

PLEASE MAIL OR FAX TO :

Courtroom Deputy  
U.S. Court of Appeals for the District of Columbia Circuit  
333 Constitution Ave, N.W., Room 5423  
Washington, DC 20001-2866  
FAX Number: (202) 219-8530