

# SPIEGEL & MCDIARMID

GEORGE SPIEGEL (1919-1997)  
ROBERT C. MCDIARMID  
ROBERT A. JABLON  
JAMES N. HORWOOD  
FRANCES E. FRANCIS  
DANIEL I. DAVIDSON  
THOMAS C. TRAUGER  
JOHN J. CORBETT  
CYNTHIA S. BOGORAD  
SCOTT H. STRAUSS  
BEN FINKELSTEIN  
LISA G. DOWDEN  
RISE J. PETERS  
PETER J. HOPKINS  
DAVID E. POMPER  
WILLIAM S. HUANG  
MATTHEW W. WARD

1333 NEW HAMPSHIRE AVENUE, NW  
WASHINGTON, DC 20036

WWW.SPIEGELMCD.COM

Telephone 202.879.4000

Facsimile 202.393.2866

E-mail INFO@SPIEGELMCD.COM

Direct Dial 202.879.4040

EMAIL ROBERT.MCDIARMID@SPIEGELMCD.COM

## ASSOCIATES

DAVID B. LIEB  
PABLO O. NUESCH  
ANDREA G. LONIAN  
LARISSA A. SHAMRAJ  
STEPHEN C. PEARSON  
SEAN M. FLYNN\*  
MELINDA CLAYBAUGH\*\*  
R. WESTON DONEHOWER\*\*  
\*MEMBER OF THE DC BAR C.O.  
\*\*MEMBER OF THE NY BAR C.O.

## OF COUNSEL

ALAN J. ROTH (1933-2003)  
MARK S. HEGEDUS  
MARGARET A. MCGOLDRICK  
MARGARET A. MEISER  
JEFFREY A. SCHWARZ  
BARRY M. SMOLER  
SANDRA J. STREBEL  
LEE C. WHITE

## GOVERNMENT AFFAIRS DIRECTOR

KENNETH A. BROWN  
(NOT A MEMBER OF THE BAR)

November 15, 2004

### Advance Copy Via Facsimile to (202) 273-0988

Mr. Mark J. Langer  
Clerk  
United States Court of Appeals for the D.C. Circuit  
333 Constitution Avenue, NW, Fifth Floor  
U.S. Courthouse  
Washington, DC 20001-2866

Re: Northern California Power Agency v. NRC, DC Cir. No. 03-1038

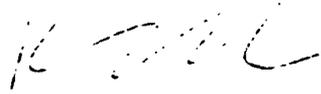
Dear Mr. Langer:

Enclosed is a completed Form 72, stating that I intend to present oral argument on behalf of petitioner Northern California Power Agency, in the above-captioned case, set for argument on Friday, November 19, 2004. Having received a copy of the letter to you on behalf of intervenor Pacific Gas and Electric Co., but not having received a copy of the procedural order referred to therein, we retrieved a copy of that order from the PACER system this afternoon, and discovered that Form 72 was directed to be filed on November 12. Obviously, we are past that date, but no copy of the Order has yet been received in the mail by this office. Consequently, we file a copy of the Form 72 by fax herewith, and request that it be deemed to be timely filed. I have left a voicemail message explaining the situation with Ms. Carter.

Mr. Mark J. Langer  
November 15, 2004  
Page 2

Thank you for your attention to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'R. C. McDiarmid', written in a cursive style.

Robert C. McDiarmid

RCMCD:rcmcd  
cc: All Counsel

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

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

Case No. 03-1038. Northern California Power Agency, Petitioner v.  
& Name: Nuclear Regulatory Commission and United States of America, Respondents

is scheduled for oral argument on November 19, 2004 at 9:30 a.m.

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

Petitioner/Appellant Respondent/ Appellee Amicus Curiae Intervenor

Northern California Power Agency

(state party name)

and will argue for 10 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) Robert C. McDiarmid Date: 11/15/04

Firm (print) Spiegel & McDiarmid

Phone: Office (202) 879-4000 Home (202) 342-2651  
(Needed in the event of late calendar changes)

Fax (202) 393-2866

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