

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**PAPER NUMBER:** LTR-09-0274 **LOGGING DATE:** 06/09/2009  
**ACTION OFFICE:** OGC

**AUTHOR:** Michael Gans  
**AFFILIATION:** MO  
**ADDRESSEE:** David Frankel  
**SUBJECT:** 09-2285 Western NE Resources Council, et al v. U.S. NRC, et al

**ACTION:** Information  
**DISTRIBUTION:** EDO, OCAA, Comrs

**LETTER DATE:** 06/03/2009  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:**

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**United States Court of Appeals**  
**For The Eighth Circuit**  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329  
**St. Louis, Missouri 63102**

**Michael E. Gans**  
*Clerk of Court*

**VOICE (314) 244-2400**  
**FAX (314) 244-2780**  
[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

June 03, 2009

Mr. David Cory Frankel  
P.O. Box 3014  
Pine Ridge, SD 57770-0000

RE: 09-2285 Western NE Resources Council, et al v. U.S. NRC, et al

Dear Counsel:

We have received a petition for review of an order of the U.S. Nuclear Regulatory Commission in the above case, together with a check in the sum of \$450 for the docket fee. Receipt for docketing fee will be sent through the mail.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an Appearance Form on the "Forms" page on our web site at [www.ca8.uscourts.gov](http://www.ca8.uscourts.gov).

The petition has been filed and docketed. A copy of the petition is hereby served upon the respondent in accordance with Federal Rule of Appellate Procedure, 15(c).

This petition has been consolidated with case no. 09-2262, Oglala Sioux Tribe v. U.S. NRC, et al. for briefing and submission to the court. Your attention is invited to the briefing schedule pertaining to administrative agency cases, a copy of which will be sent under separate Notice of Docket Activity. The clerk's office provides a number of practice aids and materials to assist you in preparing the record and briefs. You can download the materials from our website, the address of which is shown above. Counsel for both sides should familiarize themselves with the material and immediately confer regarding the briefing schedule and contents of the appendix.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at [www.ca8.uscourts.gov/files/cmecfstandingorder.pdf](http://www.ca8.uscourts.gov/files/cmecfstandingorder.pdf). In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://pacer.psc.uscourts.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

Michael E. Gans  
Clerk of Court

PSA

Enclosure(s)

cc: Mr. Thomas J. Ballanco  
Mr. Stephen P. Collings  
Mr. Bruce Henry Ellison  
Mr. Brett Kluken  
Mr. Mark D. McGuire  
Mr. Charles E. Mullins  
Brooke Poole  
Mr. Shane C. Robinson  
Mr. Tyson Rowton Smith  
Ms. Johanna Thibault  
Ms. Annette Vietti-Cook

District Court/Agency Case Number(s): 40-8943-OLA

**Caption For Case Number: 09-2285**

**Western Nebraska Resources Council; Beatrice Long Visitor Holy Dance; Debra White Plume; Joe American Horse, Sr.; The American Horse Tiospaye; Owe Aku - Bring Back the Way; Thomas Kanatakeniate Cook; Loretta Afraid of Bear Cook; The Afraid of Bear/Cook Tiwahe,**

**Petitioners**

**v.**

**United States Nuclear Regulatory Commission (NRC); United States of America,**

**Respondents**

**Addresses For Case Participants: 09-2285**

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Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

**APPEAL BRIEFING SCHEDULE**

Appeal No. 09-2262 Oglala Sioux Tribe v. United States NRC, et al  
09-2285 Western NE Resources Council, et al v. U.S. NRC, et al

Date: June 03, 2009

The following briefing schedule has been established for the case. Extensions of time are discouraged and will only be granted for good cause.

The agency is required to submit a certified list or administrative record within 40 days of the date of this notice. Additionally, the parties are required to file an appendix of relevant record materials. See Federal Rule of Appellate Procedure 30 and Eighth Circuit Rule 30A. Petitioner's brief must include an addendum. See Eighth Circuit Rule 28A(b). Respondent's brief may include an addendum.

**NOTE:** The dates in the schedule may be extended by court order or advanced by a party's early filing of a brief. Please refer to Federal Rule of Appellate Procedure 31(a).

**FILING DATES:**

Certified List/Administrative Record (from agency) .....	<b>07/13/2009</b>
Appendix ... (09-2262) .....	<b>07/13/2009</b>
Appendix ... (09-2285) .....	<b>07/13/2009</b>
Opening Brief, with Addendum.(09-2262) .....	<b>07/13/2009</b>
Opening Brief, with Addendum. (09-2285) .....	<b>07/13/2009</b>
Responsive Brief .....	<b>30 days from service of opening brief</b>
Reply Brief (optional) .....	<b>14 days from service of responsive brief</b>

**ALL BRIEFS AND APPENDICES SHOULD BE  
FILED WITH THE ST. LOUIS OFFICE**

09-2285

Annette Vietti-Cook  
U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555

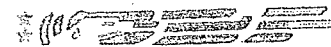
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**UNITED STATES COURT OF APPEALS**  
FOR THE EIGHTH CIRCUIT  
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Secretary Commission  
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