

United States Court of Appeals
District of Columbia Circuit

DOCKETING STATEMENT

Administrative Agency Review Proceedings
(To be completed by appellant/petitioner)

1. CASE NO. 09-1133 2. DATE DOCKETED May 12, 2009

3. CASE NAME (lead parties only) State of Nevada v. U.S. Nuclear Regulatory Commission

4. TYPE OF CASE: Review Appeal Enforcement Complaint Tax Court

5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? YES _____ NO

If YES, cite statute: _____

6. CASE INFORMATION:

a. Identify agency whose order is to be reviewed: Nuclear Regulatory Commission

b. Give agency docket or order number(s): Implementation of a Dole Standard After 2000 Years, 74 Fed. Reg. 10811-10830
[NRC-2005-0011]

c. Give date(s) of order(s): March 13, 2009 (Federal Register)

d. Has a request for rehearing or reconsideration been filed at the agency? YES _____ NO
If so, when was it filed? _____ By whom? _____
Has the agency acted? YES _____ NO _____ If so, when? _____

e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
Nevada, the host state of the proposed waste repository would suffer concrete harm from the final rule, giving it Article III and 'zone of interest' standing. See NEI v. EPA, 373 F.3d 1251, 1265-66 (D.C. Cir. 2004)

f. Are any other cases involving the same underlying agency order pending in this Court or in any other Court? 2004
YES _____ NO If YES, identify case name(s), docket number(s), and court(s): _____

g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve substantially the same issues as the instant case presents? YES NO _____
If YES, give case name(s) and number(s) of these cases and identify court/agency: State of Nevada v. EPA (D.C. Cir. 08-1327) } Different respondent and agency decision, but closely related legal issues

h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? YES _____ NO If so, provide the name of the program and the dates of participation. _____

Signature [Signature] Date 6-10-2009
Name of Party (Print) State of Nevada
Name of Counsel for Appellant/Petitioner (Print) Roger B. Moore Firm Rossmann and Moore
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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement. An original and three copies of such letter should be submitted.

CERTIFICATE OF SERVICE

I, **Nayelli González**, hereby declare under penalty of perjury as follows:

I am over the age of 18 years and am not a party to the within action. My business address is 380 Hayes Street, Suite One, San Francisco, California 94102.

I am, on this **11th day of June, 2009** serving the following documents:

DOCKETING STATEMENT

by certified mail, return receipt requested, at San Francisco, California by depositing in sealed envelope a petition copy, time-stamped by the Clerk of the Court, to each of the following persons:

Executed on **June 11, 2009**, at San Francisco, California.



Nayelli González

SERVICE LIST

AARON AVILA

U.S. Department of Justice

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