

MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): 03-4313

Riverkeeper, Inc.

Motion for: Leave to Attach Supplemental Materials to Brief
of Amicus Curiae

v.

Samuel J. Collins, Director, Office
of Nuclear Reactor Regulation, et al.

Set forth below precise, complete statement of relief sought:

Amicus Curiae is seeking permission to
include two public documents in the
appendix to its brief.

MOVING PARTY: Attorney General
Richard Blumenthal
☐ Plaintiff ☐ Defendant ☒ Amicus Curiae
☐ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY: _____

MOVING ATTORNEY: Robert Snook, AAG
[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY [Name]: _____
[name of attorney, with firm, address, phone number and e-mail]

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~~06/01/03~~ Agency appealed from: Nuclear Regulatory Commission

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought? ☐ Yes ☒ No
B. been obtained? ☐ Yes ☒ No

Is oral argument requested? ☐ Yes ☒ No
(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No
If yes, enter date _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought
in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency:

Signature of Moving Attorney: 

Date: 07/10/03

Has service been effected? ☐ Yes ☐ No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:

ROSEANN B. MacKECHNIE, Clerk of Court

Date: _____

By: _____

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

RIVERKEEPER, INC.	:	NO. 03-4313
v.	:	
SAMUEL J. COLLINS, DIRECTOR, OFFICE OF NUCLEAR REACTOR REGULATION, ET AL.,	:	July 10, 2003

**MOTION FOR LEAVE TO ATTACH SUPPLEMENTAL MATERIALS TO BRIEF OF
AMICUS CURIAE**

Pursuant to Federal Rule of Appellate Procedure 26(a), amicus curiae, Richard Blumenthal, Attorney General of the State of Connecticut, files this motion seeking leave to attach supplemental materials to his brief in the above-captioned matter.

Background

The amicus curiae brings this motion in his capacity as the chief legal officer representing the legal interests of the State of Connecticut and its residents. The underlying appeal involves a challenge to the emergency planning and response procedures at the Indian Point Energy Center, a nuclear power station in Buchanan, New York. Pursuant to federal law and regulation, these emergency planning procedures affect both an immediate 10-mile radius planning zone around the facility and a further separate 50-mile radius ingestion pathway zone. The 50-mile radius zone includes substantial portions of the State of Connecticut, including its largest city, Bridgeport, and its most populous county, Fairfield. Furthermore, the movement of evacuees from the more limited 10-mile zone would also directly impact the transportation network in and around southwestern Connecticut.

Therefore, because the Indian Point emergency plans affect significant portions of the State of Connecticut, including Fairfield County, the Attorney General, individually, and in his

capacity as chief legal officer of the state, has filed a brief as amicus curiae in order to inform the Court of the position of the State in this matter.

The Supplemental Material Will be of Assistance to the Court

The amicus curiae seeks leave to include two reports, both publicly available, in the appendix to its brief. The first is a report prepared by the United States Central Intelligence Agency on terrorist issues. This report is available at the CIA's website and has been commented on in published news reports. The second is a study prepared by Harvard University's Kennedy School of Government regarding an analysis of hurricane evacuation experiences from the State of Florida. It also has been the subject of published news reports. Both of the documents are independent reports that would be appropriately subject to administrative or judicial notice, particularly in an agency proceeding of this type. In addition, the documents are neither immaterial nor unreliable as described in 10 C.F.R. § 2.743 (c) of the regulations of the Nuclear Regulatory Commission.

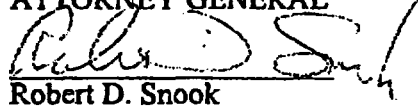
With regard to relevancy, it is self-evident that a CIA report concerning potential terrorist threats to nuclear power facilities is germane to the concerns of the State of Connecticut regarding the sufficiency of an emergency planning zone that embraces an area containing approximately one-third of Connecticut's residents. Similarly, a report detailing the experiences of the State of Florida with mass evacuations could be helpful in understanding the issues raised by the State of Connecticut to mass evacuations relating to a nuclear incident at Indian Point. Consequently, both of the reports are material to the issues raised by the amicus curiae, are publicly available and have been the subject of active consideration in the public media.

Conclusion

For the foregoing reasons, the Attorney General seeks leave to attach the two
aforementioned reports to his brief as amicus curiae in this case.

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ATTORNEY GENERAL

BY:



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Certificate of Service

Pursuant to Rule 25(d)(2) of the Federal Rules of Appellate Procedure, I hereby certify that on this 10th day of July, 2003, the original and 9 copies of the foregoing were filed in accordance with Rule 25(a)(2)(B(ii)) to Roseann B. MacKechne, Clerk, Second Circuit Court of Appeals, 40 Foley Square, New York, New York 10007.

I further certify that seven copies of the foregoing were delivered to the following counsel of record:

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