

NOT YET CALENDARED FOR ORAL ARGUMENT

No. 04-71432

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**NUCLEAR INFORMATION AND RESOURCE SERVICE;
COMMITTEE TO BRIDGE THE GAP; PUBLIC CITIZEN, INC.;
AND REDWOOD ALLIANCE,**

Petitioners,

v.

**UNITED STATES NUCLEAR REGULATORY COMMISSION and the
UNITED STATES OF AMERICA,**

Respondents.

On Petition for Review of a Decision of the Nuclear Regulatory Commission

PETITIONERS' DECLARATIONS IN SUPPORT OF STANDING

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8/22/05

NIRS et al. v. NRC et al.
Case No. 04-71432

PETITIONERS' DECLARATIONS IN SUPPORT OF STANDING

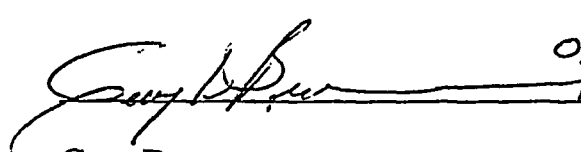
1. Declaration of Gary Brown
2. Declaration of Diane D'Arrigo
3. Declaration of Wenonah Hauter
4. Declaration of Daniel Hirsch
5. Declaration of Michael Welch

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| NUCLEAR INFORMATION AND RESOURCE SERVICE, et al. |) | No. 04-71432 |
| Petitioners, |) | DECLARATION OF |
| |) | GARY BROWN |
| v. |) | |
| UNITED STATES NUCLEAR REGULATORY COMMISSION, et al. |) | |
| Respondents |) | |

1. My name is Gary Brown. I am employed as a truck driver by Brown and Son Trucking, Inc., in San Francisco, California. I have been a truck driver since 1971.
2. I am a member of Nuclear Information and Resource Service.
3. In the course of my employment, I have regularly transported waste material from industrial sites to disposal sites by truck. I have transported hazardous materials during the past six years. I have transported hazardous materials, including radioactive materials, to disposal sites using public roads and highways in the States of California and Nevada.

4. I am concerned that allowing the unregulated transportation of radioactive material may expose me, as well as other members of the public, to adverse health consequences without knowledge or consent and without an ability to avoid or reduce these consequences.

I swear or affirm under penalty of perjury under United States laws that the foregoing is true and correct. Executed August 24, 2005.

 08/24/05
Gary Brown

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NUCLEAR INFORMATION AND
RESOURCE SERVICE, et al.

Petitioners,

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION, et al.

Respondents

No. 04-71432

**DECLARATION OF
DIANE D'ARRIGO**

I, Diane D'Arrigo, swear or affirm that:

1. My name is Diane D'Arrigo.
2. I am a member and employee of Nuclear Information and Resource Service and I am familiar with the organization's activities, goals, and history.
3. NIRS was founded in 1978 to educate the general public about the safety, suitability and costs of nuclear power, conservation and other energy sources and their environmental, health, economic and social effects. NIRS provides information on nuclear power, waste, radiation and safe energy. NIRS has a longstanding interest in radiation issues and protection of humans and the environment from radiation. NIRS prepares radiation fact sheets, has a

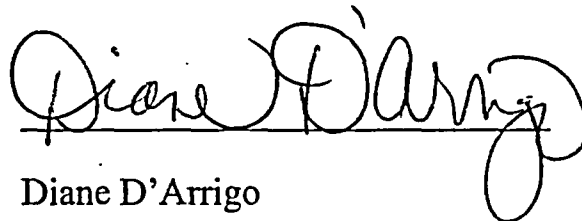
radiation section on its website and provides comments on radiation in appropriate fora.

4. NIRS participated in the rulemakings at issue in this case by submitting comments and sending representatives to attend public hearings.

5. I regularly use public streets and highways. I visit the States of California, New Mexico, and Washington periodically, and, when I do so, I travel on public streets and highways.

6. I am concerned that allowing the unregulated transportation of radioactive material may expose me to adverse health consequences without my knowledge or consent and without my ability to avoid or reduce these consequences.

I swear or affirm under penalty of perjury under United States laws that the foregoing is true and correct. Executed August 22, 2005.


Diane D'Arrigo

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NUCLEAR INFORMATION AND
RESOURCE SERVICE, et al.

Petitioners,

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION, et al.

Respondents

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) No. 04-71432
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) **DECLARATION OF**
) **WENONAH HAUTER**
)
)
)

I, Wenonah Hauter, swear or affirm that:


1. My name is Wenonah Hauter.
2. I am a member and employee of Public Citizen in its Critical Mass Energy and Environment Program. I am familiar with the organization's activities, goals, and history.
3. Public Citizen's Critical Mass Energy and Environment Program works to protect citizens and the environment from the dangers posed by nuclear power and seeks policies that will lead to safe, affordable and environmentally sustainable energy.
4. Public Citizen participated in the rulemakings at issue in this case by

submitting comments.

5. I regularly use public streets and highways, including those in the State of California, where I regularly travel three to four times each year.

6. I am concerned that allowing the unregulated transportation of radioactive material may expose me to adverse health consequences without my knowledge or consent and without my ability to avoid or reduce these consequences.

I swear or affirm under penalty of perjury under United States laws that the foregoing is true and correct. Executed August 23, 2005.



Wenonah Hauter

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NUCLEAR INFORMATION AND
RESOURCE SERVICE, et al.

Petitioners,

v.

UNITED STATES NUCLEAR
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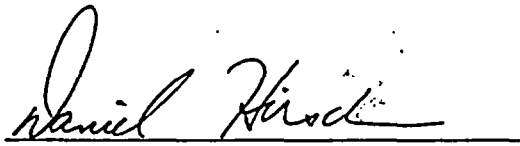
) **DECLARATION OF**
) **DANIEL HIRSCH**
)
)
)

I, Daniel Hirsch, swear or affirm that:

1. My name is Daniel Hirsch.
2. I am a member and president of Committee to Bridge the Gap ("CBG") and I am familiar with the organization's activities, goals, and history.
3. CBG conducts technical analysis, and provides education and other assistance in connection with nonproliferation issues, radiation cleanup standards, regulatory impacts on environmental health issues, radiation protection standards, radioactive waste matters, and adequacy of protections against nuclear terrorism. CBG also provides technical assistance to communities near nuclear facilities.

4. CBG participated in the rulemaking at issue in this case by submitting comments.
5. I regularly use public streets and highways in the State of California.
6. I am concerned that allowing the unregulated transportation of radioactive material may expose me to adverse health consequences without my knowledge or consent and without my ability to avoid or reduce these consequences.

I swear or affirm under penalty of perjury under United States laws that the foregoing is true and correct. Executed August 23, 2005.

A handwritten signature in cursive script, reading "Daniel Hirsch", is written over a horizontal line.

Daniel Hirsch

UNITED STATES COURT OF APPEALS
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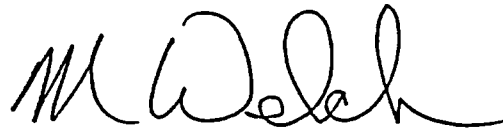
) **DECLARATION OF**
) **MICHAEL WELCH**
)
)
)

I, Michael Welch, swear or affirm that:

1. My name is Michael Welch.
2. I am a member of and volunteer with Redwood Alliance and I am familiar with the organization's activities, goals, and history.
3. Redwood Alliance is a community-based social and environmental organization whose main focus is advocacy and education to promote safe and efficient energy use and development.
4. Redwood Alliance participated in the rulemakings at issue in this case by submitting comments.
5. I regularly use public streets and highways in the State of California.

6. I am concerned that allowing the unregulated transportation of radioactive material may expose me to adverse health consequences without my knowledge or consent and without my ability to avoid or reduce these consequences.

I swear or affirm under penalty of perjury under United States laws that the foregoing is true and correct. Executed August 22, 2005.

A handwritten signature in black ink, appearing to read "M Welch", written over a horizontal line.

Michael Welch