

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEVADA,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 05-1350
	)	
UNITED STATES NUCLEAR	)	
REGULATORY COMMISSION,	)	
	)	
Respondent.	)	
	)	

CERTIFICATE OF COUNSEL

Pursuant to D.C. Cir. Rule 28 (a)(1), counsel for the Petitioner, the State of Nevada ("Petitioner"), respectfully certifies as follows:

(A) **PARTIES AND AMICI:** As this action involves direct review of a final decision of the Nuclear Regulatory Commission, there were no proceedings before the district court. The parties, intervenors, and *amici* before this Court are:

1. Parties:           (a) the State of Nevada, Petitioner  
                             (b) the U.S. Nuclear Regulatory Commission,  
   Respondent
2. Intervenors:   None
3. Amici:           None

Because Petitioner is not a corporation, association, joint venture, partnership, syndicate, or other similar entity, D.C. Cir. Rule 26.1 does not require the filing of a disclosure statement.

(B) **RULINGS UNDER REVIEW:** Pursuant to Rule 15 (a) of the Federal Rules of Appellate Procedure and Section 119 (a)(1) of the Nuclear Waste Policy Act, 42 U.S.C. § 10139 (a)(1), Petitioner seeks review of the United States Nuclear Regulatory Commission's denial of Nevada's Petition for Rulemaking to Amend the Commission's Waste Confidence Decision and Rule to Avoid Prejudging Yucca Mountain, published at 70 Fed.Reg. 48,329 (August 17, 2005).

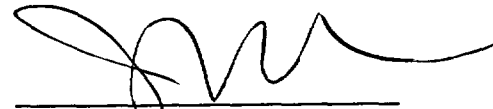
(C) **RELATED CASES:** This case was not previously before this Court or any other court. While this case does not involve issues that are the same or similar to issues addressed in other cases, it is a part of a series of cases that have arisen out of the development and proposed licensing of a high-level nuclear waste repository at Yucca Mountain, Nevada. This Court has previously adjudicated several issues related to that project in *Nuclear Energy Institute, Inc. v. Environmental Protection Agency*, 373 F.3d 1251 (D.C. Cir. 2004), to which both Petitioner and Respondent here were parties. In addition, presently pending before the Court is *Nevada v. United States Department of Energy*, Case No. 04-1309 (filed Oct. 15, 2004), which is scheduled for oral argument on October 18, 2005. Only Petitioner is a party to that case.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Joseph R. Egan', written over a horizontal line.

Joseph R. Egan\*  
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Dated: October 6, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Certificate of Counsel was served this 6<sup>th</sup> day of October, 2005 via U.S. First Class Mail, on the following individuals:

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