

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

**AGENCY DOCKETING STATEMENT**

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

- 1. CASE NO. 10-1052 2. DATE DOCKETED: 02/25/2010
- 3. CASE NAME (lead parties only) Ferguson v. Obama
- 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: President, Secretary of Energy, and Dept. of Energy
  - b. Give agency docket or order number(s): N/A
  - c. Give date(s) of order(s): 01/29/2010
  - d. Has a request for rehearing or reconsideration been filed at the agency?  Yes  No  
If so, when was it filled? \_\_\_\_\_ 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):  
See attachment.
  - f. Are any other cases involving the same underlying agency order pending in this Court or any other?  
 Yes  No If YES, identify case name(s), docket number(s), and court(s)  
Potentially; see g. below.
  - g. Are any other caess, 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:  
Aiken Cty. v. Chu, No. 10-1050 (D.C. Cir.); South Carolina ex rel. McMaster v. Dep't of Energy, No. 10-1069 (D.C. Cir.)
  - 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 YES, provide program name and participation dates.  
\_\_\_\_\_  
\_\_\_\_\_

Signature /s/ Barry M. Hartman Date 04/02/10  
 Name of Counsel for Appellant/Petitioner Barry M. Hartman, Esq.  
 Address 1601 K Street, N.W., Washington, D.C. 20006-1600  
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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.

**ATTACHMENT**

**e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):**

Petitioners live and work near the Hanford site, where radioactive waste, destined eventually for a final repository under the Nuclear Waste Policy Act, is temporarily stored. The actions of the President, Secretary of Energy, and Department of Energy will result in the continued indefinite storage of that waste at Hanford, exposing petitioners to environmental and health risks. Petitioners are within the zone of interest protected by the Nuclear Waste Policy Act.