

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

General Information
(202) 216-7000

NOTICE OF PROPOSED CIRCUIT RULE CHANGE AND OPPORTUNITY FOR COMMENT

Notice is hereby given that the Court, pursuant to D.C. Circuit Rule 47, proposes an amendment to Circuit Rule 28. The addition of section (a)(8) to Rule 28 is intended to codify the requirement set forth in the court's opinion in *Sierra Club v. EPA*, 292 F.3d 895, 900-01 (D.C. Cir. 2002), that standing arguments must be raised in the appellant or petitioner's opening brief in administrative review cases.

OPPORTUNITY FOR COMMENT

Comments on the proposed amendment may be submitted to the Court's Advisory Committee on Procedures within 45 days from the date of the publication of this Notice in *The Daily Washington Law Reporter*. Written comments should be sent to:

Advisory Committee on Procedures
c/o Clerk of Court
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, N.W., Room 5409
Washington, D.C. 20001

The Committee will consider any comments received from interested persons and organizations. It will then formulate recommendations to the Court.

Copies of this Notice have been published this day by the means specified in D.C. Circuit Rule 47(c).

Date: October 6, 2005

/s/ Mark J. Langer
Mark J. Langer, Clerk

[NOTE: The text of the proposed change is also available on the Court's web site at www.cadc.uscourts.gov under "News, Announcements and Events."]

NOTE: New material double underlined.

Proposed Amendment to Circuit Rule 28

Briefs

(a) Contents of Briefs: Additional Requirements. Briefs for an appellant/petitioner and an appellee/respondent, and briefs for an intervenor and an amicus curiae, must contain the following in addition to the items required by FRAP 28:

....

(8) **Standing.** In administrative review cases, a petitioner or appellant who is not directly regulated by the agency action under review must present in the opening brief the arguments and evidence establishing its standing. See *Sierra Club v. EPA*, 292 F.3d 895, 900-01 (D.C. Cir. 2002).

....