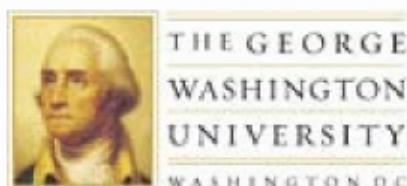


The Burger Court Opinion Writing Database

Train v. Colorado Public Interest Research Group, Inc.

426 U.S. 1 (1976)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543



CHAMBERS OF
THE CHIEF JUSTICE

May 26, 1976

Re: 74-1270 - Train v. Colorado Public Interest Research
Group, Inc.

Dear Thurgood:

I join your opinion dated May 12.

Regards,

Mr. Justice Marshall

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 13, 1976

1

RE: No. 74-1270 Train, etc. v. Colorado Public Interest
Research Group, Inc. et al.

Dear Thurgood:

I agree.

Sincerely,

Brennan

Mr. Justice Marshall

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

1
B

CHAMBERS OF
JUSTICE POTTER STEWART

May 17, 1976

No. 74-1270, Train v. Colo. Public Interest

Dear Thurgood,

I am glad to join your opinion for the
Court in this case.

Sincerely yours,

P.S.

Mr. Justice Marshall

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

✓
✓
A
2

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 17, 1976

Re: No. 74-1270 - Train v. Colorado Public
Interest Research Group Inc.

Dear Thurgood:

Please join me.

Sincerely,



Mr. Justice Marshall

Copies to Conference

MAY 12 1976

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 74-1270

Russell Train, Administrator of
the Environmental Protec-
tion Agency, et al.,
Petitioners,
v.
Colorado Public Interest Re-
search Group, Inc., et al.

On Writ of Certiorari
to the United States
Court of Appeals for
the Tenth Circuit.

[May —, 1976]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

The issue in this case is whether the Environmental Protection Agency (EPA) has the authority under the Federal Water Pollution Control Act, as amended in 1972, 86 Stat. 816, 33 U. S. C. § 1251 *et seq.* (Supp. IV) (FWPCA), to regulate the discharge into the Nation's waterways of nuclear waste materials subject to regulation by the Atomic Energy Commission (AEC) and its successors under the Atomic Energy Act of 1954. 68 Stat. 919, 42 U. S. C. § 2011 *et seq.* In statutory terms, the question is whether these nuclear materials are "pollutants" within the meaning of the FWPCA.

I

Respondents are Colorado-based organizations and Colorado residents who claim potential harm from the discharge of radioactive effluents from two nuclear plants—the Fort St. Vrain Nuclear Generating Station and the Rocky Flats nuclear weapons plant. These facilities are operated in conformity with radioactive

Supreme Court of the United States
Washington, D. C. 20542

(6)

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 24, 1976

Re: No. 74-1270 - Train v. Colorado Public Interest
Research Group

Dear Thurgood:

Please join me.

Sincerely,



Mr. Justice Marshall

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

(W)

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 17, 1976

No. 74-1270 Train v. Colorado Public
Interest Research Group

Dear Thurgood:

Please join me.

Sincerely,

Lewis

Mr. Justice Marshall

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

5 ✓

May 18, 1976

Re: No. 74-1270 - Train v. Colorado Public Interest
Research Group

Dear Thurgood:

Please join me.

Sincerely,

W

Mr. Justice Marshall

Copies to the Conference