

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

**Case No. 02-1116
(consolidated with
Case No. 03-1058)**

Respondent United States Nuclear Regulatory Commission ("NRC") has designated and certified an administrative record for the Court's consideration in this matter. Petitioners asked the NRC to include in that record a number of additional categories of

documents that Petitioners believe the NRC did or should have considered during its deliberations in the underlying agency action. The NRC agreed to inclusion of several of those documents, but believes that the remaining documents are not properly included in the record.

Petitioners and Respondents subsequently agreed to a procedure whereby the Court could defer ruling on whether the documents at issue should be included in the administrative record. In particular, Petitioners and Respondents agreed that Petitioners should be allowed to prepare and file with the Court a supplemental appendix containing such of those documents that are not included in the NRC's certified record as are relied upon in certain parties' briefs. Pursuant to this agreement, Petitioners prepared a one-volume Supplemental Appendix containing relevant excerpts from the documents at issue. By order dated May 30, 2003, the Court granted Petitioners' unopposed motion for leave to file the Supplemental Appendix.

However, after preparing and filing the Supplemental Appendix, Petitioners discovered, in the course of preparing their final briefs, that they had inadvertently omitted from the Supplemental Appendix certain pages from documents otherwise included in the Supplemental Appendix that were cited in Petitioners' briefs. In particular, Petitioners discovered that they had inadvertently omitted from the Supplemental Appendix (1) two sections of a 2001 Environmental Protection Agency cost analysis report upon which Petitioners had relied in their Opening Brief; and (2) one page from a 1996 Department of Energy draft revision to a waste management program plan to which Petitioners had cited in their Opening Brief. To facilitate the Court's review of the actual records relied upon

in the parties' briefs, Petitioners have therefore prepared a "Volume II" of the Supplemental Appendix that contains these document excerpts.

For the foregoing reasons, Petitioners respectfully request that the Court grant leave to file the accompanying Volume II of the Supplemental Appendix.

Respectfully submitted,

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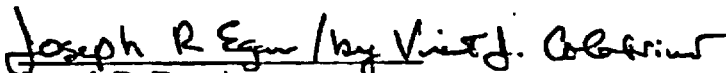
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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing document were served this 6th day of June 2003 by first class mail, postage prepaid on:

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