

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 01-1258

September Term, 2002

Filed On: February 26, 2003 [734291]

Nuclear Energy Institute, Inc.,
Petitioner

v.

Environmental Protection Agency,
Respondent

Consolidated with 01-1268, 01-1295, 01-1425,
01-1426

01-1516

State of Nevada,
Petitioner

v.

Department of Energy,
Respondent

Nuclear Energy Institute, Inc.,
Intervenor

Consolidated with 02-1036, 02-1077, 02-1179,
02-1196

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 01-1258

September Term, 2002

02-1116

State of Nevada, et al.,
Petitioners

v.

Nuclear Regulatory Commission and United States of
America,
Respondents

Nuclear Energy Institute, Inc.,
Intervenor

BEFORE: Randolph and Tatel, Circuit Judges

ORDER

Upon consideration of the joint motion for entry of protective order in No. 01-1516, et al.; the suggestions regarding order in which cases should be heard, the oppositions thereto, and the replies; the motion to supplement the administrative record in No. 01-1516, et al., the opposition thereto, and the reply; and the joint motion for entry of order regarding potential supplementation of administrative record in No. 02-1116, it is

ORDERED that consideration of the motion for entry of protective order be deferred pending the filing of a supplemental submission identifying the specific documents the parties in No. 01-1516, et al., want sealed. The parties are directed to file any such supplemental pleading within 30 days from the date of this order. It is

FURTHER ORDERED that the suggestions regarding order in which cases should be heard be denied without prejudice to refiling once these cases are assigned to a merits panel. It is

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FURTHER ORDERED that the motion to supplement the administrative record in No. 01-1516, et al., be denied in part and deferred pending oral argument in part. Petitioners in No. 01-1516, et al., have not demonstrated that any e-mails considered by the Department of Energy are not already included in the administrative record. Therefore, the motion is denied as to the e-mails. Insofar as the motion requests inclusion of the Continued Storage Analysis Report in the administrative record, consideration of the motion is deferred pending oral argument. It is

FURTHER ORDERED that the joint motion for entry of order regarding potential supplementation of administrative record in No. 02-1116 be granted. A decision whether the 27 documents to which the motion refers should be included in the administrative record is deferred pending oral argument.

Per Curiam