

# 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

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

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**01-1516**

State of Nevada,  
Petitioner

v.

Department of Energy,  
Respondent

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Nuclear Energy Institute, Inc.,  
Intervenor

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

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FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 01-1258

September Term, 2002

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02-1116

State of Nevada, et al.,  
Petitioners

v.

Nuclear Regulatory Commission and United States of  
America,  
Respondents

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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