



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 23, 2005

Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
95 Seventh Street, P.O. Box 193939
San Francisco, CA 94110-3939

RE: Nuclear Information and Resource Service, et al. v. Nuclear Regulatory Commission, No. 04-71432

Dear Sir/Madam:

By letter dated April 27, 2005, the NRC submitted a Certified Index of the Record in the above-referenced proceeding. Enclosed you will find an original and four copies of the Certified Supplement to the Index of the Record in this case. We note that Petitioners requested us to list eight documents in the supplemental index that we do not believe are part of the administrative record. As agreed upon with Petitioners' counsel, we have separately listed those documents in the supplemental index; however, we reserve the right to object should Petitioners rely on them in their brief. Please date stamp the enclosed copy of this letter to indicate date of receipt, and return the copy to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grace H. Kim".

Grace H. Kim
Senior Attorney
Office of the General Counsel

Enclosures: As stated

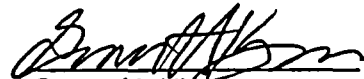
cc: service list

CERTIFICATE OF SERVICE

I hereby certify that on May, 23, 2005, a copy of the foregoing Supplement to the Certified Index of the Record was served by mail, postage prepaid, upon the following counsel:

Paul H. Lamboley NV SBN 2149
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Commission
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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NUCLEAR INFORMATION AND
RESOURCE SERVICE, et al.

Petitioners,

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION
and THE UNITED STATES OF AMERICA

Respondents.

No. 04-71432

CERTIFIED SUPPLEMENT TO THE INDEX OF THE RECORD

I hereby certify that the documents listed and described below, with the exception of the separately enumerated documents, are part of the record of the decision by the U.S. Nuclear Regulatory Commission, the respondent herein, in the above-captioned case.

Respectfully submitted,



A handwritten signature in cursive script, appearing to read "Annette Vietti-Cook".

Annette Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 20th day of May, 2005

In the Matter of
**Compatibility with IAEA Transportation Safety Standards
 (TS-R-1) and Other Transportation Safety Amendments ***

Docket Date	Document Date	Miscellaneous Description
5/20/2005	07/02/79	DOT/NRC Memorandum of Understanding
5/20/2005	08/10/00	Transcript of August 10, 2000 meeting
5/20/2005	09/20/00	Transcript of September 20, 2000 meeting
5/20/2005	09/26/00	Transcript of September 26, 2000 meeting
5/20/2005	10/06/00	Comment letter from Rich Allen, Illinois Department of Nuclear Safety
5/20/2005	10/27/00	Comment letter from Mary T. Kelly, League of Women Voters of S.C.
5/20/2005	10/27/00	Comment letter from unknown
5/20/2005	10/27/00	Comment letter from Rob Snyder
5/20/2005	10/27/00	Comment letter from Sten Bjurstom, World Nuclear Transport Institute
5/20/2005	10/26/00	Comment letter form Fred Dilger, Clark County
5/20/2005	10/23/00	Comment letter from David Huizenga, DOE
5/20/2005	10/23/00	Comment letter from Abigail C. Johnson, Eureka County
5/20/2005	10/23/00	Comment letter from Fred Ferate
5/20/2005	10/20/00	Letter from Lawrence W. Tobin, U.S. DOT
5/20/2005	10/20/00	Comment letter from Mark Rubin, American Petroleum Institute
5/20/2005	10/20/00	Comment letter from Richard L. Wright, Jr., Department of the Army
5/20/2005	10/20/00	Comment letter from Western States Legal Foundation
5/20/2005	10/16/00	Comment letter from Felix M. Killar, Jr., NEI
5/20/2005	10/16/00	Comment letter from William F. Renz, Virginia Power
5/20/2005	10/10/00	Comment letter from Pat Ortmeyer
5/20/2005	10/10/00	Comment letter from James A. Hutton, Jr., PECO Nuclear
5/20/2005	10/10/00	Comment letter from John H. Ferguson, ASME International

5/20/2005	10/10/00	Comment letter from Sten Bjurstrom, World Nuclear Transport Institute
5/20/2005	10/10/00	Comment letter from B. Marie Moore, Nuclear Fuel Services
5/20/2005	10/10/00	Comment letter from Matthew K. Silva, New Mexico Env't. Evaluation Group
5/20/2005	10/10/00	Comment letter from David A. Lochbaum, Union of Concerned Scientists
5/20/2005	10/10/00	Comment letter from Virginia Fabilli
5/20/2005	10/06/00	Comment letter from Ruth Thomas, Environmentalists, Inc.
5/20/2005	10/06/00	Comment letter from Raymond Shadis, New England Coalition on Nuclear Pollution
5/20/2005	10/06/00	Comment letter from Diane D'Arrigo, et al.
5/20/2005	10/06/00	Comment letter from Steven A. Toelle, USEC
5/20/2005	10/04/00	Lincoln County Comments
5/20/2005	10/04/00	Letter from Diane D'Arrigo, et al.
5/20/2005	10/04/00	Comment letter from Louise Zeller, Blue Ridge Environmental Defense League
5/20/2005	10/04/00	Comment letter from J.L. Shepherd
5/20/2005	10/04/00	Comment letter from Lansing G. Dusek, Portland General Electric
5/20/2005	10/04/00	Comment letter from B.K. Miles, DOE
5/20/2005	10/03/00	Comment letter from Lois Congdon
5/20/2005	10/03/00	Comment letter from Pat Ortinger
5/20/2005	10/03/00	Comment letter from James Riccio, Public Citizen
5/20/2005	10/03/00	Comment letter from Buce Bugg, Georgia Public Service Commission
5/20/2005	10/03/00	Comment letter from Edward F. Janzow, Frontier Technology Corp.
5/20/2005	10/03/00	Comment letter from Keith Asmussen, General Atomics
5/20/2005	10/02/00	Comment letter from Steven C. Barrowes
5/20/2005	09/30/00	Comment letter from AEA Technology
5/20/2005	09/29/00	Comment letter from Drs. Reyes and Palmer
5/20/2005	09/29/00	Comment letter from Lindsay A. Lovejoy, Asst. Atty. Gen'l, NM Atty. Gen'l's Office
5/20/2005	09/29/00	Comment letter from Patrick L. Paquin, GTS Duratek
5/20/2005	09/28/00	Comment letter from David Lochbaum, Union of Concerned Scientists
5/20/2005	09/21/00	Comment letter from Eric Boeldt
5/20/2005	07/24/00	Comment letter from unknown
5/20/2005	06/04/02	Transcript of June 4, 2002 meeting (afternoon session)
5/20/2005	06/04/02	Transcript of June 4, 2002 meeting (evening session)

5/20/2005	06/24/02	Transcript of June 24, 2002 meeting
5/20/2005	09/30/02	Summary of Public Meeting Comments - 6/04/02 and 6/24/02 meetings
5/20/2005	05/07/02	NUREG/CR-6712 - Summary and Categorization of Public Comments on the Major Revision of 10 CFR Part 71
5/20/2005	07/17/02	Issues Paper Published in the Federal Register on July 17, 2000
5/20/2005	09/29/00	D'Arrigo, et al. request for 6 month extension
5/20/2005	07/22/02	Nevada Agency for Nuclear Projects' request for extension
5/20/2005	09/29/00	Blue Ridge ENDF request for extension
5/20/2005	10/09/00	Tobin request for extension
5/20/2005	undated	IAEA Report - The Application of Exemption Values to the Transport of Radioactive Materials by P. Francois J. Lombard et al.
5/20/2005	09/1995	IAEA Final Report - The Application of Exemption Values to the Transport of Radioactive Materials by A. Carey et al.
5/20/2005	1993	Report - Principles and Methods for Establishing Concentrations and Quantities (Exemption Values) Below which Reporting is not Required in the European Directive
5/20/2005	1994	Report - Safety Series - International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources
5/20/2005	07/29/02	Public Citizen comments
5/20/2005	07/28/02	Rutkowski comments
5/20/2005		IAEA Safety Standards Series No. ST-2, Advisory Material for IAEA Regulations for the Safe Transport of Radioactive Materials
5/20/2005		IAEA Safety Standards Series No. ST-1, Regulations for the Safe Transport of Radioactive Materials
5/20/2005		DOE/EIS-0200-F, Final Waste Management Programmatic Environmental Impact Statement for Managing the Treatment, Storage, and Disposal of Radioactive and Hazardous Waste

*** Petitioners in NIRS v. NRC, Ninth Circuit No. 04-71432, have requested that the certified index list the following documents. The NRC does not agree that these documents belong in the administrative record and reserves the right to object should Petitioners rely on them in their brief:**

1. DOT, 49 CFR Parts 171, 172, *et al.*, RIN 2137-AD40, "Hazardous Materials Regulations; Compatibility With the Regulations of the International Atomic Energy Agency," Notice of Proposed Rulemaking, 67 Fed. Reg. 21330, Apr. 30, 2002.
2. DOT, 49 CFR Parts 171, 172, *et al.*, RIN 3150-AG71, "Hazardous Materials Regulations; Compatibility With the Regulations of the International Atomic Energy Agency," Final Rule, 69 Fed. Reg. 3632 *et seq.*, Jan. 26, 2004
3. DOT, 49 CFR Parts 171, 172, *et al.*, RIN 2137-AD39, "Hazardous Materials Regulations; Compatibility With the Regulations of the International Atomic Energy Agency," Advance Notice of Proposed Rule, 64 Fed. Reg. 72633 *et seq.*, Dec. 28, 1999.

4. J. Johnsrud, PhD., New England Coalition on Nuclear Pollution and Environmental Coalition on Nuclear Power - Request for Extension of the Comment Period, July 12, 2002, available as document RSPA-1999-6283-151 at Department of Transportation -website for docket number 6283, <http://dms.dot.gov/search/searchFormSimple.cfm?CFID=9622053&CFTOKEN=97896298>.
5. R. Scott and D, Huizenga, Department of Energy, Office of Environmental Management, Jun. 29, 2000, available as document RSPA-1999-6283-55.
6. Comments of Kerr-McGee, July 30, 2002, available as document RSPA-1999-6283-121.
7. J. Roberson, Asst. Secretary for Environmental Management, Department of Energy, Aug. 7, 2002, available as document RSPA-1999-6283-162.
8. K. Hancock, Director, Offices of Transportation, Integration and Disposition, and Environmental Management, Department of Energy, July 29, 2002, available as document RSPA-1999-283-124.