

May 19, 2005

By E-mail and U.S. Mail

Grace Kim
Office of the General Counsel
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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

Dear Ms. Kim:

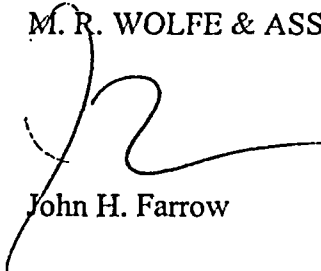
This morning, I received your draft supplement to the certified index with your request that we comment on it by noon tomorrow. We have the following preliminary comments:

1. The supplement must include all public comments prior to 2002, some of which you may find at NRC's web site for this rulemaking (at http://ruleforum.llnl.gov/cgi-bin/rulemake?source=PART71_PRULE&st=final) under the heading "Public Comments on Issues Paper." There are more than 50 letters listed there. In my May 4, 2005 letter, I pointed out that the Certified Index had omitted these earlier documents and specifically asked that you include "any written comments [from NRC's website for the rulemaking] not included in the Certified Index."
2. The certified list must adequately describe documents under FRAP 17(b)(1)(B). Without authors and correct dates, we cannot correctly or unambiguously refer to the Index in several instances. For example, although the draft supplement lists a single item described as a "9/20/2000 Request for 6 month extension," without listing an author, I cannot tell whether this is the 9/29/00 request for extension by D'Arrigo, *et al.* (see RSPA-1999-6283-68) or the 9/29/00 request for extension by Zeller of Blue Ridge EDF (see RSPA-1999-6283-69). I *guess* that it is the D'Arrigo request and that the "7/29/2000 Blue Ridge ENDF request for extension" is mislabeled. Please correct that date if appropriate and provide an author for all documents, including the "9/29/00 Request for 6 month extension" and the "10/9/2000 Request for extension."

3. The item listed as "08/02/2005 Rutkowski comments" is unclear. We asked for the document addressed to NRC available at RSPA-1999-6283-142, which is dated 7/28/02. If that is what this item represents, please correct the date.
4. Petitioners are required to include NRC's docket sheet for this matter in their Excerpts of the Record under FRAP 17-1.4(a)(i). Please provide it.

Yours sincerely,

M. R. WOLFE & ASSOCIATES



John H. Farrow

JHF: mh