



OFFICE OF THE
GENERAL COUNSEL

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

August 28, 2007

Richard Cushing Donovan, Clerk
U.S. Court of Appeals for the First Circuit
United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

RE: Commonwealth of Massachusetts v. United States Nuclear Regulatory
Commission and United States of America, Nos. 07-1482, 07-1483
(consolidated)

Dear Mr. Donovan:

Enclosed you will find for filing the Joint Stipulation to Supplement the Record. 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.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Steven C. Hamrick".

Steven C. Hamrick
Attorney

Enclosures: As stated

cc: service list

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

<hr/>)	
COMMONWEALTH OF MASSACHUSETTS)	
Petitioner,)	
v.)	Nos. 07-1482 and
)	07-1483
U.S. NUCLEAR REGULATORY COMMISSION)	(consolidated)
and the UNITED STATES OF AMERICA,)	
Respondents, and)	
)	
ENERGY NUCLEAR OPERATIONS, INC.,)	
ENERGY NUCLEAR VERMONT YANKEE)	
LLC, AND ENERGY NUCLEAR)	
GENERATION COMPANY)	
Intervenors.)	
)	
<hr/>)	

JOINT STIPULATION TO SUPPLEMENT THE RECORD

Pursuant to Rule 16(b) of the Federal Rules of Appellate Procedure, Petitioner Commonwealth of Massachusetts, Respondents United States Nuclear Regulatory Commission and the United States (collectively, the "NRC"), and Intervenors Entergy Nuclear Operations, Inc., Entergy Nuclear Vermont Yankee LLC, and Entergy Nuclear Generation Company (collectively, "Entergy") hereby jointly stipulate and agree to the following:

The NRC has compiled and certified an administrative index of record for consideration by this Court in each of these consolidated matters. The indexes as filed by the NRC reflect the agency's hearing docket, but do not include several

relevant documents and reports. The ten documents listed herein comprise part of the agency record on appeal in these matters, except as limited by footnote 1.

The documents fall into one of five categories: (1) the rulemaking history of the NRC's environmental regulations in 10 C.F.R. Part 51; (2) the Generic Environmental Impact Statement for License Renewal of Nuclear Plants; (3) the license renewal applications at issue in these two adjudicatory proceedings; (4) the Commonwealth's petition in a separate proceeding-- seeking to initiate a rulemaking-- still pending before the NRC; and (5) the NRC's Supplemental Environmental Impact Statements (SEISs) in the two license renewal proceedings. These documents, although not entries on the hearing dockets for the two cases below, are properly considered part of the record on appeal to the extent that they were cited by the licensing boards and the Commission in their decisions.¹ *See* Fed. R. App. P. 16(a)(2) (The record consists of findings or reports upon which the agency order is based). These documents and each document's

¹ Both SEISs were published by the NRC six months after CLI-07-03, the NRC adjudicatory decision before this Court in these consolidated lawsuits. All parties agree that each facility's SEIS is part of the record of its particular ongoing administrative license renewal proceeding at the NRC. However, because the SEISs post-date the NRC adjudicatory decision at issue, Entergy and the NRC do not agree that the SEIS is formally part of the record on appeal in this Court. Neither Entergy nor the NRC, however, objects to the Commonwealth's citation and discussion of the SEISs in footnote 13 of its brief.

corresponding accession number for the NRC's computerized database--

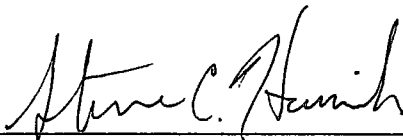
Agencywide Documents Access and Management System ("ADAMS")-- are listed below.

1. SECY-93-032, Memorandum from James M. Taylor, EDO, to the Commissioners (Feb. 9, 1993).
ADAMS Accession No. ML072260444
2. Public Meeting, "Briefing on Status of Issues and Approach to GEIS Rulemaking for Part 51," (Feb. 19, 1993).
ADAMS Accession No. ML072070193
3. Memorandum from Samuel J. Chilk, Secretary, to James M. Taylor, EDO (Apr. 22, 1993).
ADAMS Accession No. ML003760802
4. NUREG-1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants (1996).
ADAMS Accession No. ML040690705
5. Entergy License Renewal Application, Appendix E, Environmental Report, Pilgrim Nuclear Power Station (January 25, 2006).
ADAMS Accession No. ML060830611
6. Entergy License Renewal Application, Appendix E, Environmental Report, Vermont Yankee Nuclear Power Station (January 25, 2006).
ADAMS Accession No. ML060300086
7. Massachusetts Attorney General's Petition for Rulemaking to Amend 10 C.F.R. Part 51 (August 25, 2006).
ADAMS Accession No. ML062640409
8. Petition for Rulemaking; Notice of Receipt: Massachusetts Attorney General; Receipt of Petition for Rulemaking, Docket No. 51-10, 71 Fed. Reg. 64,169 (November 1, 2006).
ADAMS Accession No. ML062780362

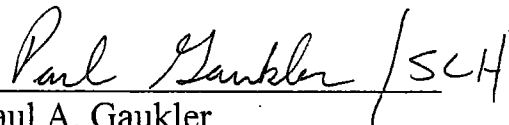
9. NUREG-1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 29 Regarding Pilgrim Nuclear Power Station, Vol. I and II (July 2007).
ADAMS Accession No. ML071990020, ML071990027

10. NUREG-1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 30 Regarding Vermont Yankee Nuclear Power Station, Vol. I and II (August 2007).
ADAMS Accession No. ML0702050012, ML072050013

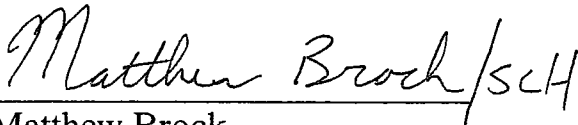
Agreed to this 28th day of August, 2007.



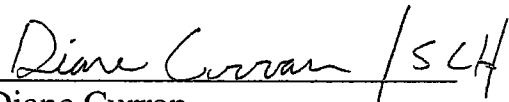
John F. Cordes
Solicitor
Steven C. Hamrick
Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
(301) 415-4106



Paul A. Gaukler
David R. Lewis
Pillsbury Winthrop Shaw
Pittman LLP
2300 N Street, N.W.
Washington, DC 20037
(202) 663-8000



Matthew Brock
Assistant Attorney General
Office of the Attorney General
Environmental Protection Division
One Ashburton Place
Boston, MA 02108
(617) 727-2200 x2425



Diane Curran
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street N.W. Suite 600
Washington, D.C. 20036
(202) 328-3500

CERTIFICATE OF SERVICE


I hereby certify that on August 28, 2007, copies of the Joint Stipulation to Supplement the

Record were served by first class mail upon the following counsel:

Diane Curran
Harmon, Curran, Spielberg & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036

Matthew Brock
Assistant Attorney General, Environmental Protection Division
Commonwealth of Massachusetts
One Ashburton Place
Boston, MA 02108

David Lewis
Paul Gaukler
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037



Steven C. Hamrick
Attorney, NRC