

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PRAIRIE ISLAND INDIAN COMMUNITY,

Petitioners,

-against-

No. 11-1057 - ag

UNITED STATE NUCLEAR
REGULATORY COMMISSION, and
UNITED STATES OF AMERICA,

Respondents.

**PETITION (ERRATA) FOR JUDICIAL REVIEW OF
ADMINISTRATIVE AGENCY ACTION**

Pursuant to § 189 of the Atomic Energy Act, 42 U.S.C. § 2239, 28 U.S.C. §§ 2341-2344; the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*; and Rule 15 of the Federal Rules of Appellate Procedure, the Petitioner, Prairie Island Indian Community, by its attorney, Joseph F. Halloran, attorney with Jacobson, Buffalo, Magnuson, Anderson and Hogen PC, hereby petitions this Court for review of the United States Nuclear Regulatory Commission's ("NRC") Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation rule ("Temporary Storage

Rule”) and affiliated Waste Confidence Decision Update, both issued December 23, 2010. *See* 75 Fed. Re. 80132 (Dec. 23, 2010); 75 Fed. Reg. 80137 (Dec. 23, 2010) (both attached to this Amended Petition). The NRC acted arbitrarily, abused its discretion, and violated the National Environmental Policy Act, the Administrative Procedure Act, the Atomic Energy Act, the Commission’s policies and regulations, the Council on Environmental Quality’s regulations, and other applicable laws and regulations in promulgating these rules and findings.

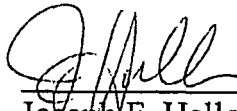
The Prairie Island Indian Community, through their attorney, submitted extensive comments on both the draft Temporary Storage Rule and the draft Waste Confidence Decision Update in February 2009. The NRC published notice of these rules in the Federal Register on December 23, 2010 and the Community timely filed its Petition within the Hobbs Act’s 60-day statute of limitation. 28 U.S.C. § 2344.

Venue is appropriate within the D.C. Circuit pursuant to 28 U.S.C. § 2343. Therefore, the Prairie Island Indian Community respectfully request that this Court review the NRC’s Temporary Storage Rule and Waste Confidence Decision Update, vacate both, and remand the matter to the NRC for further

analysis and the preparation and issuance of an environmental impact statement,
and grant any other relief that the Court may deem just and appropriate.

Dated: March 28, 2011

Respectfully submitted,



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