



OFFICE OF THE
GENERAL COUNSEL

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

September 21, 2007

Thomas Asreen, Acting Clerk
U. S. Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, N.Y. 10007

RE: Spano v. Nuclear Regulatory Commission, Nos. 07-0324-ag & 07-1276-ag

Dear Mr. Asreen:

Enclosed you will find an original and ten copies of the Erratum to the Supplemental Joint Appendix in the above-reference case. 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,

Grace H. Kim
Senior Attorney
Office of the General Counsel

Enclosures: As stated

cc: service list

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ANDREW SPANO, as County Executive of the
County of Westchester, COUNTY OF
WESTCHESTER, NEW JERSEY
ENVIRONMENTAL FEDERATION and
NEW JERSEY CHAPTER OF THE SIERRA
CLUB

Petitioners

v.

U.S. NUCLEAR REGULATORY COMMISSION
and UNITED STATES OF AMERICA,

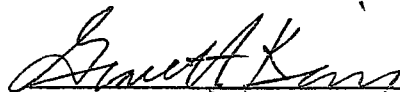
Respondents.

Nos. 07-0324-ag(L) &
07-1276-ag(Con)

ERRATUM TO THE SUPPLEMENTAL JOINT APPENDIX

The Supplemental Joint Appendix, filed with this Court by cover letter dated August 30, 2007, was missing pages A-833 and A-834. These pages are enclosed herewith.

Respectfully submitted,



GRACE H. KIM
Senior Attorney
U.S. Nuclear Regulatory
Commission
Office of the General Counsel
11555 Rockville Pike
MS15D21
Rockville, MD 20852
(301) 415-3605

Dated: September 21, 2007

February 2005 on the NRC's SFP mitigation measures. At the end of February 2005, power reactor licensees were given until May 2005 to respond to the additional specific recommendations. The NRC continues to evaluate power reactor security, including SFP security, in FOF exercises, which the NRC will carry out at least once every three years at each of the power reactor sites. Today, spent fuel is better protected than ever. The results of security assessments completed to date clearly show that storage of spent fuel in both SFPs and in dry storage casks provides reasonable assurance that public health and safety, the environment, and the common defense and security will be adequately protected. More details can be found in the attachment.

NRC RESPONSE TO THE CONFERENCE COMMITTEE REPORT'S ISSUES

Issues

In the Joint Conference report accompanying the NRC's FY 2005 appropriation, the conferees indicated they expected the NRC to "improve its analyses, including the preparation of site-specific models, and to work with utilities to ensure timely application of this information to mitigate risks."

Response

As noted above, after September 11, 2001, the NRC promptly assessed the potential for and consequences of terrorists targeting a nuclear power plant, including its spent fuel storage facilities, for aircraft attack, the physical effects of such a strike, and how compounding factors, such as meteorology, would affect the nature and impact of any potential radioactive releases. As a result of these preliminary assessments and consistent with prior orders, the NRC advised, in its July 2004 letter to nuclear power plant licensees, that they consider implementing interim enhancements to mitigate potential consequences in the unlikely event of a successful attack on a nuclear power plant (e.g., spent fuel management issues).

As part of a comprehensive review of security for NRC-licensed facilities, the NRC conducted detailed site-specific engineering studies (i.e., security assessments) of a limited number of nuclear power plants to assess additional mitigation features and their feasibility in thwarting the effects of deliberate attacks involving large commercial aircraft. The NRC performed these studies to achieve a representative cross section of the current power reactors.

In conducting these studies, the NRC drew on national experts from several U.S. DOE laboratories using state-of-the-art structural and fire analysis capabilities. The NRC also enhanced its ability to realistically predict accident progression due to the loss of large areas of reactor sites due to fires and explosions and any potential releases of radiation to the environment.

Additionally, the NRC has collaborated closely with the U.S. Coast Guard (USCG) with respect to the *Maritime Transportation Security Act of 2003* and associated waterborne SAs. The NRC's continuing interaction with the USCG includes developing Area Maritime Security Plans, participation in the USCG Underwater Assault Working Group, and developing an agreement with the USCG in this area.

Secondly, the NRC continues to work closely with DOD's USNORTHCOM and NORAD⁹ commands in developing and implementing integrated response methods. Thirdly, the NRC continues to work with DHS and the FBI under National critical infrastructure protection. Finally, the NRC continues to interact with the USCG with respect to protection of the waterways adjacent to nuclear power plants. The NRC is also extensively involved in industry and government interagency working groups to identify technologies that may prove beneficial for securing the Nation's critical infrastructure.

⁹ North American Aerospace Defense Command

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2007, copies of the foregoing Errata to Supplemental Joint Appendix were served by mail, postage prepaid, upon the following:

Kenneth Weckstein, Esq.
Epstein Becker and Green, P.C.
1227 25th Street, NW Suite 700
Washington, D.C. 20037-1156

Richard Webster, Esq.
Rutgers Environmental Law Clinic
123 Washington Street
Newark, NJ 07102

John J. Sipos
Assistant Attorney General
Environmental Protection Bureau
The Capitol
Albany, NY 12224

Richard Blumenthal
Attorney General of the State of Connecticut
P.O. Box 120
55 Elm Street
Hartford, CT 06141-0120

Michael P. O'Connor
Principal Assistant County Attorney
11 New Hempstead Road
New City, New York 10956

Anne W. Cottingham, Esq.
Nuclear Energy Institute, Inc.
1776 I Street, N.W., Suite 400
Washington, D.C. 2006-3708


Grace H. Kim

CERTIFICATE OF SERVICE

I declare under penalty of perjury that I filed the "Uncited Preliminary Brief for the Federal Respondents" in Case No. 07-95056 by causing one (1) copy to be sent to this Court by overnight delivery service, and one (1) copy of the brief on the following counsel by overnight delivery service:

Eric D. Jantz, Esq.
New Mexico Environmental
Law Center
1405 Luisa Street, Suite 5
Sante Fe, New Mexico 87505
(505) 989-9022

Zackeree Sean Kelin, Esq.
DNA-Peoples Legal Services, Inc.
P.O. Box 306
Window Rock, AZ 86515
(928) 871-5036

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

Christopher S. Pugsley, Esq.
Thompson & Simmons, PLLC
1225 19th Street, NW, Suite 300
Washington, DC 20036
(202) 496-0780

Louis Denetsosie, Esq.
David A. Taylor, Esq.
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, Arizona 86515
(928) 871-6343

Charles E. Mullins
Senior Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission

Dated: August 10, 2007