



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

OFFICE OF THE
GENERAL COUNSEL

October 25, 2007

Cathy A. Catterson, Clerk
U.S. Court of Appeals for the Ninth Circuit
James R. Browning United States Courthouse
P.O. Box 193939
95 Seventh Street
San Francisco, California 94119-3939

RE: *Public Citizen and San Luis Obispo Mothers for Peace v. USNRC*, No. 07-71868;
and *State of New York v. USNRC*, No. 07-72555

Dear Ms. Catterson:

Enclosed you will find the original and three copies of the Certified Supplement to the Index of the Record in the above-captioned cases. 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 cursive script that reads "Steven F. Crockett".

Steven F. Crockett
Special Counsel
Office of the General Counsel

Enclosures: As stated

cc: service list

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PUBLIC CITIZEN, INC.,
and the SAN LUIS OBISPO MOTHERS FOR PEACE,

Petitioners,

v.

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

Respondents,

and

THE NUCLEAR ENERGY INSTITUTE,

Intervenor.

THE STATE OF NEW YORK,

Petitioner,

v.

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

Respondents.

No. 07-71868


No. 07-72555

CERTIFIED SUPPLEMENT TO THE INDEX OF THE RECORD

I hereby certify that the documents listed and described below in the Certified Supplement to the Index of the Record are part of the record of the decision by the

U.S. Nuclear Regulatory Commission, the primary respondent herein, in the above-captioned cases.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook". The signature is written in a cursive style with a horizontal line underneath the name.

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 25th day of October, 2007.

In the Matter of
Design Basis Threat

Docket Date	Document Date	Miscellaneous Description	Accession Number
10/25/2007	06/00/1982	NUREG-CR-2859, <i>Evaluation of Aircraft Crash Hazards Analysis for Nuclear Power Plants</i> , Argonne National Laboratories, June 1982	
10/25/2007	08/00/1987	NUREG-CR-4910, <i>Relay Chatter and Operator Response After a Large Earthquake: An Improved PRA Methodology With Case Studies</i> , Future Research Associates, Inc., August 1987	
10/25/2007	06/11/1991	NRC, Denial of Petition for Rulemaking, 56 Federal Register 26,782 (June 11, 1991)	
10/25/2007	08/01/1994	NRC Final Rule, "Protection Against Malevolent Use of Vehicles at Nuclear Power Plants", 59 Federal Register 38,889 (August 1, 1994)	
10/25/2007	01/00/2001	NRC, NUREG-1738, <i>Technical Study of Spent Fuel Pool Accident Risks at Decommissioning Nuclear Power Plants</i> , 2001	ML010430066
10/25/2007	03/28/2002	Associated Press, State and Regional Section, "NRC: Nuclear plants not protected against air crashes," March 28, 2002.	
10/25/2007	05-06/2003	Daniel Hirsch, David Lochbaum, and Edwin Lyman, "NRC's dirty little secret: the Nuclear Regulatory Commission is still unwilling to respond to serious security issues," <i>Bulletin of the Atomic Scientists</i> , May/June 2003, p. 45-51	
10/25/2007	05/09/2003	Letter from NRC Chairman Nils Diaz to Senator Chuck Hagel, May 9, 2003	ML030920732
10/25/2007	09/00/2003	GAO, <i>Nuclear Regulatory Commission: Oversight of Security at Commercial Nuclear Power Plants Needs to be Strengthened</i> , GAO-03-752, September 2003, http://www.gao.gov/new.items/d03752.pdf	
10/25/2007	07/22/2004	National Commission on Terrorist Attacks Upon the United States, <i>The 9/11 Commission Report</i> , July 22, 2004, http://www.9-11commission.gov/report/911Report.pdf	
10/25/2007	07/23/2004	Greg Miller, "The 9/11 Commission Report: A Call to Action; 9/11 Report Assails Failures; Panel Calls for Sweeping Reforms,	

In the Matter of
Design Basis Threat

Docket Date	Document Date	Miscellaneous Description	Accession Number
		Including an Intelligence Czar," <i>Los Angeles Times</i> , Main News Section, National Desk, Part A, p. 1, July 23, 2004.	
10/25/2007	11/08/2004	NRC, "Petition for Rulemaking [from Committee to Bridge the Gap]: Notice of Receipt, 69 Fed. Reg. 64,690 (Nov. 8, 2004), http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-24803.pdf	
10/25/2007	00/00/2005	National Research Council of the National Academies, <i>Safety and Security of Commercial Spent Nuclear Fuel Storage: Public Report</i> , 2006, http://books.nap.edu/catalog.php?record_id=11263#toc	
10/25/2007	03/00/2005	NRC, "U.S. Nuclear Regulatory Commission Report to Congress on the National Academy of Sciences Study on the Safety and Security of Commercial Spent Nuclear Fuel Storage", March 2005, with 3/14/05 letter from NRC Chairman Diaz to Senator Peter Domenici	ML050280428
10/25/2007	03/00/2006	GAO, <i>Nuclear Power Plants: Efforts Made to Upgrade Security, but the Nuclear Regulatory Commission's Design Basis Threat Process Should Be Improved</i> , GAO-06-388, March 2006, http://www.gao.gov/new.items/d06388.pdf	
10/25/2007	04/04/2006	GAO, Testimony Before the Subcommittee on National Security, Emerging Threats, and International Relations, House Committee on Government Reform, "Nuclear Power: Plants Have Upgraded Security, But the Nuclear Regulatory Commission Needs to Improve Its Process for Revising the Design Basis Threat", GAO-06-555T, April 4, 2006, http://www.gao.gov/new.items/d06555t.pdf	
10/25/2007	06/00/2005	NRC, Environmental Assessment Supporting Proposed Rule, 10 CFR Part 73.1 - Design Basis Threat, June 2005	ML050530182
10/25/2007	06/20/2005	Mark Thompson and Bruce Crumley, "Are These Towers Safe? Why America's nuclear power plants are still so vulnerable to terrorist attack - - and how to make them safer -- a special investigation," <i>Time</i> , pp. 34-48, June 20, 2005.	

CERTIFICATE OF SERVICE

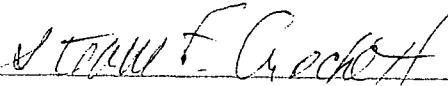
I hereby certify that on October 25, 2007, a copy of "Certified Supplement to the Index of the Record" in Nos. 07-71868 and 07-72555 was served by mail, postage prepaid, upon the following counsel:

Ellen C. Ginsberg
Michael A. Bauser
Anne W. Cottingham
Nuclear Energy Institute
1776 'I' Street, N.W., Suite 400
Washington, D.C. 20006-3708

Scott Nelson
Adina H. Rosenbaum
Brian Wolfman
Public Citizen Litigation Group
1600 20th Street, N.W.
Washington, D.C. 20009

John J. Sipos
Environmental Protection Bureau
New York State Attorney General's Office
The Capital
State Street
Albany, New York 12224

Ronald M. Spritzer
Attorney, Appellate Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 23795 L'Enfant Plaza Station
Washington, DC 20026



Steven F. Crockett