



OFFICE OF THE  
GENERAL COUNSEL

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

October 31, 2008

Marcia M. Waldron, Clerk  
U. S. Court of Appeals for the Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1790

RE: Epstein v. Nuclear Regulatory Commission, No. 08-3963

Dear Ms. Waldron:

Enclosed you will find the United States Nuclear Regulatory Commission's Certified Index of the Record in the above-referenced 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,

A handwritten signature in black ink, appearing to read "Grace H. Kim", is written over the typed name.

Grace H. Kim  
Senior Attorney  
Office of the General Counsel

Enclosures: As stated

cc: service list

## CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2008, a copy of the foregoing Certified Index of the Record of the United States Nuclear Regulatory Commission was served by mail, postage prepaid, upon the following:

Eric Joseph Epstein  
4100 Hillsdale Road  
Harrisburg, PA 17112

  
Grace H. Kim

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Eric J. Epstein

vs.

United States Nuclear Regulatory  
Commission and United States of America

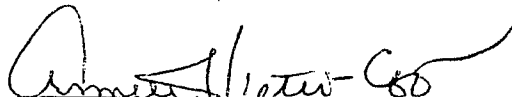
No. 08-3963

CERTIFIED INDEX OF THE RECORD

I hereby certify that the documents listed and described below in the Certified Index of Record constitute the record of the decision by the U.S. Nuclear Regulatory Commission, the respondent herein, in the above-captioned case.

Respectfully submitted,



  
Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland  
this 30<sup>th</sup> day of October, 2008.

**CERTIFIED INDEX OF THE RECORD**

**ERIC J. EPSTEIN v. U.S. NUCLEAR REGULATORY COMMISSION**

**DOCKET NO. 08-3963**

**NRC DOCKET NO. PRM-54-5**

*Thursday, October 30, 2008*

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<b>ID NUMBER</b>	<b>SUBMITTER</b>	<b>REPRESENTING</b>	<b>DOCUMENT DATE</b>	<b>DESCRIPTION</b>	<b>ACCESSION NUMBER</b>
1	ERIC EPSTEIN	THREE MILE ISLAND ALERT	09/12/2007	PETITION FOR RULEMAKING (PRM-54- 5), THAT REQUESTED PERIODIC COMPREHENSIVE NRC REVIEW OF EMERGENCY PLANNING AROUND U.S. NUCLEAR POWER PLANTS DURING THE LICENSE RENEWAL PROCESS.	ML072750796
2	ANNETTE VIETTI-COOK SECRETARY OF THE COMMISSION		07/25/2008	LETTER TO ERIC EPSTEIN FROM THE SECRETARY, NRC. THE LETTER DENIED THE EPSTEIN PETITION FOR RULEMAKING (PRM-54-5) THE LETTER ALSO ENCLOSED A FEDERAL REGISTER NOTICE THAT PROVIDED THE REASONS FOR DENIAL OF THE PETITION.	ML080440232

**NRC DOCKET NO. PRM-54-5***Thursday, October 30, 2008*

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<b>ID NUMBER</b>	<b>SUBMITTER</b>	<b>REPRESENTING</b>	<b>DOCUMENT DATE</b>	<b>DESCRIPTION</b>	<b>ACCESSION NUMBER</b>
3			07/25/2008	NOTICE ON THE DENIAL OF THE PETITION OF ERIC EPSTEIN FOR RULEMAKING (PRM-54-5). THE NOTICE WAS PUBLISHED IN THE FEDERAL REGISTER ON JULY 31, 2008 AT 73FR44671.	ML080150626
4			09/20/2006	SECY-06-0200, RESULTS OF THE REVIEW OF EMERGENCY PREPAREDNESS REGULATIONS AND GUIDANCE.	ML061910707
5			12/06/2006	NOTICE OF DENIAL BY THE NRC STAFF OF PETITIONS FOR RULEMAKING SUBMITTED BY ANDREW SPANO (PRM-54-2) AND JOSEPH C. SCARPELLI (PRM-54-3). THE NOTICE WAS PUBLISHED IN THE FEDERAL REGISTER ON DECEMBER 13, 2006 AT 71FR74848.	ML062210311

**NRC DOCKET NO. PRM-54-5**

*Thursday, October 30, 2008*

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<b>ID NUMBER</b>	<b>SUBMITTER</b>	<b>REPRESENTING</b>	<b>DOCUMENT DATE</b>	<b>DESCRIPTION</b>	<b>ACCESSION NUMBER</b>
6			01/08/2007	STAFF REQUIREMENTS MEMORANDUM-SECY- 06-0200, RESULTS OF THE REVIEW OF EMERGENCY PREPAREDNESS REGULATIONS AND GUIDANCE	ML070080411
7			04/17/2007	MEMORANDUM FROM EXECUTIVE DIRECTOR FOR OPERATIONS TO THE COMMISSION ON EMERGENCY PREPAREDNESS REGULATORY ENHANCEMENTS. THE MEMORANDUM PROVIDED AS AN ATTACHMENT "THE RULEMAKING PLAN FOR REVISION FOR EMERGENCY PREPAREDNESS REGULATIONS AND GUIDANCE."	ML070440148