



OFFICE OF THE
GENERAL COUNSEL

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

March 12, 2009

Catherine O'Hagan Wolfe, Clerk
U. S. Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, N.Y. 10007

RE: Burton v. USA, No. 09-0005-ag

Dear Ms. Wolfe:

Enclosed please find the Certified Index of the Record for the case referenced above. 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 "James E. Adler", written over a horizontal line.

James E. Adler
Attorney
Office of the General Counsel

Enclosures: As stated.

cc: service list

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NANCY BURTON,

Petitioner,

v.

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

Respondents.

No. 09-0005-ag

CERTIFIED INDEX OF THE RECORD

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

Respectfully submitted,



A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 21 day of March, 2009

CERTIFIED INDEX OF THE RECORD

BURTON V. U.S. NUCLEAR REGULATORY COMMISSION

Docket No. 09-0005-ag

Thursday, March 12, 2009

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
1	50-247/286-LR	INDIAN POINT 2 AND 3	CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT AND ITS DESIGNATED REPRESENTATIVE'S PRELIMINARY PETITION TO INTERVENE AND REQUEST FOR HEARING.	11/30/2007	ML073390074
2	50-247/286-LR	INDIAN POINT 2 AND 3	LB ORDER (GRANTING AN EXTENSION OF TIME TO CRORIP WITHIN WHICH TO FILE REQUESTS FOR HEARING) - SERVED	12/5/2007	ML073390454
3	50-247/286-LR	INDIAN POINT 2 AND 3	CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT AND ITS DESIGNATED REPRESENTATIVE'S 10 CFR 2.335 PETITION FOR WAIVER	12/10/2007	ML073520597

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
4	50-247/286-LR	INDIAN POINT 2 AND 3	CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT AND ITS DESIGNATED REPRESENTATIVES'S PETITION TO INTERVENE AND REQUEST FOR HEARING	12/10/2007	ML073520597
5	50-247/286-LR	INDIAN POINT 2 AND 3	CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT AND ITS DESIGNATED REPRESENTATIVE'S MOTION FOR LEAVE TO ADD JAMES A. HIMES TO CRORIP'S MEMBERSHIP STATEMEN IN THE PETITION TO INTERVENE.	12/11/2007	ML073531886
6	50-247/286-LR	INDIAN POINT 2 AND 3	LB MEMORANDUM (REGARDING THE STATUS OF THE CRORIP PETITION TO INTERVENE AND SECTION 2.335 PETITION) - SERVED	12/14/2007	ML073480071
7	50-247/286-LR	INDIAN POINT 2 AND 3	COMMISSION ORDER RE: CLI-06-4, 63 NRC 32, 38-39 (2006) THAT REQUIRED SECY TO SCREEN ALL FILINGS BEARING MS. NANCY BURTON'S SIGNATURE AND NOT TO ACCEPT OR DOCKET THEM UNLESS THEY MEET ALL PROCEDURAL REQUIREMENTS AND TO REJECT SUMMARILY ANY NONCONFORMING.	12/19/2007	ML073531806

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
8	50-247/286-LR	INDIAN POINT 2 AND 3	E-MAIL FROM NANCY BURTON TO PROCEEDING PARTICIPANTS INDICATING MOTION FOR RECONSIDERATION INTENDED FOR FILING ON 12/31/2007 WOULD BE FILED ON 1/2/2008.	12/31/2007	ML080090504
9	50-247/286-LR	INDIAN POINT 2 AND 3	MOTION OF CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT AND ITS DESIGNATED REPRESENTATIVE'S FOR RECONSIDERATION (TRANSMITTED BY E-MAIL THAT WAS CAPTURED IN ADAMS AS ML080090506)	12/31/2007	ML080090189
10	50-247/286-LR	INDIAN POINT 2 AND 3	APPLICANT'S UNOPPOSED MOTION FOR CLARIFICATION FOR EXTENSION OF TIME TO FILE ANSWER TO 10 C.F.R. 2.335 PETITION OF CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT	12/31/2007	ML080090192
11	50-247/286-LR	INDIAN POINT 2 AND 3	ORDER (CLARIFYING TIME FOR ENTERGY TO FILE ANSWER TO CRORIP 10 C.F.R. 2.335 PETITION) - SERVED	1/2/2008	ML080070456

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
12	50-247/286-LR	INDIAN POINT 2 AND 3	COMMISSION ORDER (RESPONSE TO NANCY BURTON'S MOTION FOR RECONSIDERATION) - SERVED	1/8/2008	ML080090247
13	50-247/286-LR	INDIAN POINT 2 AND 3	NRC STAFF'S RESPONSE TO PETITIONS FOR LEAVE TO INTERVENE FILED BY (1) CONNECTICUT ATTORNEY GENERAL RICHARD BLUMENTHAL, (2) CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT, & NANCY BURTON...	1/22/2008	ML080230543
14	50-247/286-LR	INDIAN POINT 2 AND 3	NRC STAFF'S RESPONSE TO THE PETITION FOR WAIVER OF COMMISSION REGULATIONS FILED BY CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT (CRORIP)	1/22/2008	ML080230620
15	50-247/286-LR	INDIAN POINT 2 AND 3	ANSWER OF ENTERGY NUCLEAR OPERATIONS, INC. OPPOSING REQUEST FOR HEARING, PETITION TO INTERVENE AND PETITION FOR WAIVER OF CONNETICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT	1/22/2008	ML080300043

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
16	50-247/286-LR	INDIAN POINT 2 AND 3	EXHIBITS A - N, FILED WITH THE ANSWER OF ENERGY NUCLEAR OPERATIONS TO PETITIONERS' REQUESTS FOR HEARING AND PETITION FOR LEAVE TO INTERVENE (ADAMS PACKAGE)	1/22/2008	ML080300417
17	50-247/286-LR	INDIAN POINT 2 AND 3	LB ORDER (PRELIMINARY NOTIFICATION REGARDING THE SCHEDULING OF ORAL ARGUMENT) - SERVED	1/24/2008	ML080240367
18	50-247/286-LR	INDIAN POINT 2 AND 3	CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT (CRORIP) & NANCY BURTON'S REPLY TO ANSWERS OF NRC STAFF & ENTERGY NUCLEAR OPERATIONS, INC. OPPOSING REQUEST FOR HEARING PETITION TO INTERVENE & PETITION FOR WAIVER	2/8/2008	ML080350681
19	50-247/286-LR	INDIAN POINT 2 AND 3	LETTER FROM NANCY BURTON ON BEHALF OF CRORIP	2/22/2008	ML080640763

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
20	50-247/286-LR	INDIAN POINT 2 AND 3	OFFICIAL TRANSCRIPT - INDIAN POINT 2 AND 3 ORAL ARGUMENT	3/12/2008	ML080740259
21	50-247/286-LR	INDIAN POINT 2 AND 3	CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT AND ITS DESIGNATED REPRESENTATIVE'S RESPONSE TO APRIL 1, 2008 ORDER REGARDING SERVICE BY WESTCAN.	4/7/2008	ML081050262
22	50-247/286-LR	INDIAN POINT 2 AND 3	RESPONSE TO ASLB ORDER OF APRIL 1, 2008 REQUIRING NOTIFICATION OF RECEIPT OF SARAH WAGNER'S FILINGS SUBMITTED BY NANCY BURTON, CROP.	4/7/2008	ML081050645
23	50-247/286-LR	INDIAN POINT 2 AND 3	LB MEMORANDUM (NOTICE OF EXPECTED DATE FOR DECISION ON THE ADMISSIBILITY OF CONTENTIONS) - SERVED	6/16/2008	ML081680539

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
24	50-247/286-LR	INDIAN POINT 2 AND 3	LB-ORDER (DENYING CRORIP'S 10 C.F.R. SECT.2.335 PETITION) - SERVED	7/31/2008	ML082130426
25	50-247/286-LR	INDIAN POINT 2 AND 3	LB MEMORANDUM AND ORDER (RULING ON PETITIONS TO INTERVENE AND REQUESTS FOR HEARING) (LBP-08-13) - SERVED	7/31/2008	ML082130436
26	50-247/286-LR	INDIAN POINT 2 AND 3	CRORIP AND NANCY BURTON'S NOTICE OF APPEAL OF THE ASLB RULING ON PETITIONS TO INTERVENE, DATED 7/31/2008, ISSUED AS LBP-08-13 AND THE RULING ON THE 10 C.F.R. 2.335 PETITION FOR WAIVER DATED 7/31/2008	8/11/2008	ML082321100
27	50-247/286-LR	INDIAN POINT 2 AND 3	ENTERGY NUCLEAR OPERATIONS, INC. ANSWER OPPOSING APPEAL OF CONNECTICUT RESIDENTS OPPOSED TO RELICENSING OF INDIAN POINT	8/21/2008	ML082420286

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
28	50-247/286-LR	INDIAN POINT 2 AND 3	NRC STAFF'S ANSWER IN OPPOSITION TO CRORIP'S APPEAL FROM LBP-08-13 AND THE LICENSING BOARD'S "ORDER (DENYING CRORIP'S 10 C.F.R. §2.335 PETITION)"	8/21/2008	ML082350536
29	50-247/286-LR	INDIAN POINT 2 AND 3	COMMISSION MEMORANDUM AND ORDER (CLI-08-27) ADDRESSING THE APPEAL OF CRORIP AND NANCY BURTON	11/6/2008	ML083110749

ANTI-VIRUS CERTIFICATION FORM

See Second Circuit Interim Local Rule 25(a)6.

CASE NAME: Burton v. USA

DOCKET NUMBER: 09-0005-ag

I, (please print your name) James E. Adler, certify that

I have scanned for viruses the PDF version of the attached document that was submitted in this case as

an email attachment to <agencycases@ca2.uscourts.gov>.

<criminalcases@ca2.uscourts.gov>.

<civilcases@ca2.uscourts.gov>.

<newcases@ca2.uscourts.gov>.

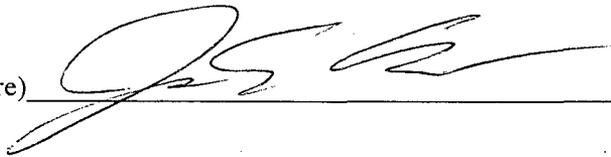
<prosecases@ca2.uscourts.gov>.

and that no viruses were detected.

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Program 10.1.6.6010, Scan engine 81.3.0.13

If you know, please print the version of revision and/or the anti-virus signature files _____
Virus Definitions File Version: 3/11/2009 rev. 3

(Your Signature) _____



Date: 03/12/2009