



OFFICE OF THE
GENERAL COUNSEL

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

March 19, 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:

On March 12, 2009, we submitted to the Court a Certified Index of the Record for the case referenced above. The Court's deadline for filing this Certified Index was March 23, 2009. In addition to providing the titles of the documents in the record, the Certified Index lists the "ADAMS" number for each document. This ADAMS number is a document identifier number associated with the Nuclear Regulatory Commission's searchable "ADAMS" database and is included in the Certified Index for the convenience of the Court and the parties.

Subsequent to submitting the Certified Index to the Court, we discovered that the ADAMS number for item 4 on the Index had inadvertently been listed twice (for item 3 and item 4). Please be advised that the correct ADAMS number for item 3 on the Certified Index is ML073520472, rather than the number currently listed. We apologize for any inconvenience.

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

cc: service list

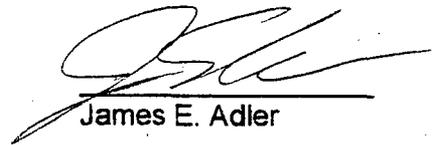
CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2009, copies of this letter were served by mail, postage prepaid, upon the following:

Nancy Burton
147 Cross Highway
Redding Ridge, CT 06876

Catherine M. Masters
Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606

John E. Arbab
U.S. Department of Justice
Environmental and Natural Resources Division
Appellate Section
P.O. Box 23795
L'Enfant Plaza Station
Washington, DC 20026



James E. Adler

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.

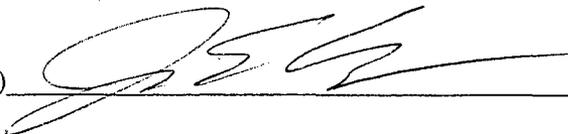
Please print the **name** and the **version** of the anti-virus detector that you used Symantec AntiVirus

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 Definition File Version: 3/18/2009 Rev. 6

(Your Signature) _____



Date: 03/19/2009