

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE, NEW YORK, N.Y. 10007

Dennis Jacobs
CHIEF JUDGE

Catherine O'Hagan Wolfe
CLERK OF COURT

Date: 5/6/09 Docket 09-1901-ag
Short Title: Burton v. United States of America
Agency Number: SECY-09-0008 Agency: Nuclear Regulatory Commission

Dear Counsel:

Please be advised that a petition to review an order of the Nuclear Regulatory Commission in the above-entitled case has been filed in this court.

A copy of the petition is enclosed herewith.

Please acknowledge receipt of the copy of the petition on the copy of this letter also enclosed and return to me.

Very truly yours,
Catherine O'Hagan Wolfe, Clerk
By: _____
Yenni Liu, Deputy Clerk

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE, NEW YORK, N.Y. 10007

Dennis Jacobs
CHIEF JUDGE

Catherine O'Hagan Wolfe
CLERK OF COURT

Date: 5/6/09 Docket 09-1901-ag
Short Title: Burton v. United States of America
Agency Number: SECY-09-0008 Agency: Nuclear Regulatory Commission

DOCKETING NOTICE

A petition for review filed by Nancy Burton in the above referenced case was docketed today as 09-1901-ag. This number must appear on all documents related to this case that are filed in this Court. Our docket sheet with the caption page is enclosed. If you are pro se, an *Acknowledgment and Notice of Appearance* form is also enclosed. Counsel must access the *Acknowledgment and Notice of Appearance* form from this Court's website <http://www.ca2.uscourts.gov>. The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the enclosed party information on the docket sheet and note any incorrect information in writing on the *Acknowledgment and Notice of Appearance*. The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the *Acknowledgment and Notice of Appearance* a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

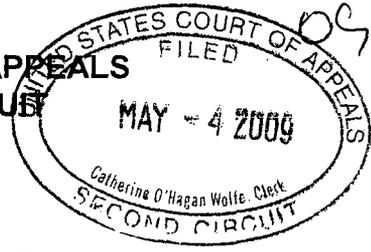
CAPTION: Attached is the full caption in this matter. This Court must use the district court caption (FRAP 12(a) and 32(a)). Please review this attachment carefully and promptly advise this Court of any improper or inaccurate designations in writing on the *Acknowledgment and Notice of Appearance* form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether your client is correctly listed on the party listing page of the docket sheet and in the caption. Should you believe there is an error, please note on the *Acknowledgment and Notice of Appearance*. Timely submission of the *Acknowledgment and Notice of Appearance* will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b). For additional information consult the Court's website instruction booklet. If you have any questions with regard to this pending appeal, please call the Deputy Clerk named below. questions with regard to this pending appeal, please call the Deputy Clerk named below.

Yenni Liu, Deputy Clerk
Telephone Number: 212-857-8541

Enclosure: USCA docket sheet with caption page

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT



09-1901-A3

NANCY BURTON,
Petitioner

v.

UNITED STATES OF AMERICA
UNITED STATES NUCLEAR
REGULATORY COMMISSION
DOMINION NUCLEAR CONNECTICUT, INC.
Respondents

PETITION FOR REVIEW

MAY 1, 2009

Nancy Burton hereby petitions the United States Court of Appeals for the 2d Circuit for review of the following orders entered by the United States Nuclear Regulatory Commission ("NRC") and its Atomic Safety and Licensing Board ("ASLB"):

- (1) "SECY-09-0008" entered on the 5th day of March, 2009, denying petitioner's appeal and affirming and adopting the Memorandum and Order of the ASLB issued on October 27, 2008 ("Ruling on Motions to File New or Amended Contentions"); and
- (2) "CLI-08-17" entered by the NRC on the 13th day of August, 2008, denying petitioner's appeal from the Memorandum and Order of the ASLB issued on June 4, 2008 ("LBP-08-09") ("Ruling on Petition to Intervene and Request for Hearing").

THE PETITIONER
NANCY BURTON

Nancy Burton
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952
NancyBurtonCT@aol.com

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NANCY BURTON,
Petitioner

v.

UNITED STATES OF AMERICA,
UNITED STATES NUCLEAR
REGULATORY COMMISSION,
ENERGY NUCLEAR OPERATIONS, INC.
Respondents

:
:
:
:
:
:
:
:
:
:

PETITION FOR REVIEW

May 1, 2009

CERTIFICATE OF SERVICE

I, Nancy Burton, hereby certify that a copy of the foregoing Petition for Review was sent via U.S. Mail, postage pre-paid, and by electronic mail, on May 1, 2009 to the following:

United States Department of Justice
Environment and Natural Resources Division
P.O. Box 23795
L'Enfant Plaza Station
Washington DC 20026-3795
John.Arbab@usdoj.gov

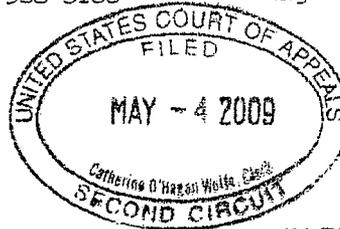
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop O15-D21
Rockville MD 20852
OGCMailCenter@nrc.gov

Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford CT 06385
Attention: Lillian Cuoco
Lillian.Cuoco@dom.com

David Lewis, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street NW
Washington DC 20037-1122
David.Lewis@pillsburylaw.com



Nancy Burton
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952
NancyBurtonCT@aol.com



IN RESPONSE, PLEASE
REFER TO: M090305

March 5, 2009

MEMORANDUM FOR: Brooke Poole, Director
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 2:25 P.M.,
THURSDAY, MARCH 5, 2009, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-09-0008 - Dominion Nuclear Connecticut, Inc. (Millstone Power Station, Unit 3)
(License Amendment For Power Uprate)

The Commission approved a Memorandum and Order responding to an appeal by the Connecticut Coalition Against Millstone and Nancy Burton of the Atomic Safety and Licensing Board's unpublished decision denying several motions which, among other things, denied their request to file several new or amended contentions in this power uprate license amendment proceeding. The Memorandum and Order denies the Connecticut Coalition Against Millstone and Nancy Burton's appeal and affirms the Board's decision.

(Subsequently, on March 5, 2009, the Secretary signed the Memorandum and Order.)

II. SECY-09-0027 - Entergy Nuclear Operations, Inc. Docket Nos. 50-247-LR and 50-286-LR Entergy's Petition for Interlocutory Review of the Licensing Board's December 18, 2008 Memorandum and Order

The Commission approved a Memorandum and Order responding to a Petition for Interlocutory Review of the Atomic Safety and Licensing Board's December 18, 2008 Memorandum and Order which denied Entergy's motion for reconsideration of an earlier Board order admitting an environmental contention for litigation. The Memorandum and Order denies Entergy's Petition for Interlocutory Review.

(Subsequently, on March 5, 2009, the Secretary signed the Memorandum and Order.)

PUBLIC DOCKET FOR
Second Circuit Court of Appeals

INDIV
OPEN

Court of Appeals Docket #: 09-1901-ag

Nsuit:

Burton v. United States of America

Filed: 5/4/09

Appeal from: Nuclear Regulatory Commission

Case type information:

Agency

Petition for Review

None

Lower court information:

District: SECY-09-0008

Trial Judge:

MagJudge:

Date Filed:

Date order/judgement:

Date NOA filed: 5/4/2009

Fee status: Due

Panel Assignment:

Panel:

Date of decision:

Prior cases: NONE

Current cases: NONE

Official Caption 1/

Docket No. [s] : 09-1901 -ag

Nancy Burton,

Petitioner,

v.

United States of America, United States Nuclear Regulatory Commission, Dominion Nuclear Connecticut, Inc.,

Respondents.

Authorized Abbreviated Caption 2/

Docket No. [s] : 09-1901 -ag

Burton v. United States of America

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].

2/ For use on correspondence and motions only.

1

Dominion Nuclear Connecticut
Respondent

David R. Lewis Esq.
[LD ret]
Shaw Pittman Potts & Troebridge
2300 N St., NW
Washington . DC . 20037
202-663-8474

Nancy Burton
Petitioner

Nancy Burton Esq.
[LD ret]
Law office of Nancy Burton. Esq.
147 Cross Hwy.
Redding Ridge . CT . 06876
203-938-3952

United States Nuclear Regulatory Commission
Respondent

James Adler Esq.
[LD ret]
United States Nuclear Regulatory Commission
11555 Rockville Pike
Rockville . MD . 20852
301-415-1656

United States of America
Respondent

John E. Arbab Esq.
[LD ret]
U.S. Department of Justice . Environment & Natural I
P.O. Box 23795
Washington. D.C. . DC . 20026
202-514-4046

- 5/4/09 Case Docketed: Petition for review of agency order on behalf of PETITIONER Nancy Burton, filed. [Entry date May 6 2009]
- 5/4/09 Note: This appeal was PRO SE when filed. [Entry date May 6 2009]
- 5/4/09 Copy of agency decision and order dated March 5, 2009 filed. [Entry date May 6 2009]
- 5/6/09 Letter sent to PETITIONER Nancy Burton, giving 30 days from date to either pay the fee or file a motion for ifp. [Entry date May 6 2009]
- 5/6/09 Served copy of petition under cover letter on respondents. [Entry date May 6 2009]
- 5/6/09 Instructional Forms sent to Pro Se litigant [Entry date May 6 2009]