

June 15, 2009

Catherine O'Hagan Wolfe, Clerk
United States Court of Appeals
for the Second Circuit
United States Court House
40 Foley Square
New York, New York 10007

Attn: Yenni Liu
Deputy Clerk

Re: *Burton v. United States of America, et al.*, No. 09-1901-ag

Dear Ms. Liu,

Enclosed for filing please find the original and three copies of the Certified Index of the Record in the captioned case.

Service upon the other parties has been made as well.

Thank you for your kind assistance.

Yours truly,



Robert M. Rader
Senior Attorney
Office of the General Counsel
Nuclear Regulatory Commission
(301) 415-1955 (voice)
(301) 415-3200 (fax)
Robert.Rader@nrc.gov (e-mail)

cc: All Parties

CERTIFICATE OF SERVICE

I hereby certify that I have on this 15th day of June 2009 served upon the following, by deposit in the United States Mail, first class, postage prepaid, and by electronic transmission, a copy of **Certified Index of the Record**:

Ms. Nancy Burton
147 Cross Highway
Redding Ridge, CT 06876

David R. Lewis, Esq.
Pillsbury, Winthrop Shaw Pittman LLP
2300 N. St., NW
Washington, D.C. 20037-1122

John E. Arbab, Esq.
Attorney
Appellate Section
Environmental and Natural
Resources Division
U.S. Department of Justice
P.O. Box 23795
Washington, D.C. 20026-3795

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Robert M. Rader
Counsel for U.S. Nuclear
Regulatory Commission

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

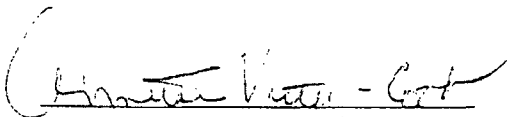
NANCY BURTON, et al.,)	
)	
Petitioners,)	
)	
v.)	
)	
UNITES STATES OF AMERICA)	Docket No. 09- 1901-ag
)	
and)	
)	
U. S. NUCLEAR REGULATORY COMMISSION,)	
)	
Respondents.)	
)	

CERTIFIED INDEX OF THE RECORD

I hereby certify that the documents listed and described below constitute the record for the administrative proceeding resulting in the issuance of Commission Memorandum and Order, CLI-09-05 (March 5, 2009) and Commission Memorandum and Order, CLI-08-17 (August 13, 2008), the two decisions that are the subject of the Petition for Review in this case.

Respectfully submitted,




Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 15th day of June 2009.

CERTIFIED INDEX OF THE RECORD

BURTON, et al. v. U.S. NUCLEAR REGULATORY COMMISSION

Docket No. 09-1901-ag

Monday, June 15, 2009

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
01	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON PETITION TO INTERVENE AND REQUEST FOR HEARING.	03/17/2008	ML080840527
02	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON REQUEST FOR EXEMPTION FROM "E-FILING" REQUIREMENTS	03/17/2008	ML080840572
03	50-423-LA	MILLSTONE	REFERRAL MEMORANDUM TO ASLB, REFERRING THE REQUEST FOR HEARING AND PETITION TO INTERVENE SUBMITTED BY CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON.	03/24/2008	ML080850937

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
04	50-423-LA	MILLSTONE	ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD - SERVED	03/27/2008	ML080870497
05	50-423-LA	MILLSTONE	LETTER TO MILLSTONE ASLB CONCERNING TIMING OF STAFF RESPONSE TO BURTON PLEADINGS. INCLUDED WITH LETTER WAS NOTICE OF APPEARANCE OF LLOYD B. SUBIN	04/04/2008	ML080980064
06	50-423-LA	MILLSTONE	NOTICE OF APPEARANCE FOR DAVID E. ROTH.	04/07/2008	ML080980594
07	50-423-LA	MILLSTONE	LETTER FROM DOMINION NUCLEAR CONNECTICUT DISCUSSING BURTON PETITION. INCLUDED WITH THE LETTER WERE NOTICES OF APPEARANCE FOR DAVID LEWIS, MATIAS TRAVIESO-DIAZ, STEFANIE NELSON AN LILLIAN CUOCO	04/07/2008	ML080980383

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
08	50-423-LA	MILLSTONE	LB ORDER (CONFIRMING DATES FOR ANSWERS AND REPLIES TO ANSWERS) - SERVED	04/08/2008	ML080990519
09	50-423-LA	MILLSTONE	NRC STAFF ANSWER TO REQUEST TO INTERVENE AND FOR HEARING OF THE CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON.	04/11/2008	ML081021221
10	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT'S RESPONSE TO CCAM & NANCY BURTON'S PETITION TO INTERVENE & REQUEST FOR HEARING. THE RESPONSE INCLUDED ATTACHMENT A, A SAMPLE INVOICE FOR INSPECTION DTD 4/17/07	04/11/2008	ML081020420
11	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON SECOND REQUEST FOR EXEMPTION FROM "E-FILING" REQUIREMENTS.	04/15/2008	ML081190321

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
12	50-423-LA	MILLSTONE	NRC STAFF NOTICE OF COMPLIANCE WITH THE BOARD'S ORDER AND STAFF'S OPPOSITION TO CCAM'S REQUEST FOR EXTENSION OF TIME, SUBMITTED BY LLOYD B. SUBIN, OGC.	04/16/2008	ML081070558
13	50-423-LA	MILLSTONE	CCAM AND NANCY BURTON'S MOTION TO CONSOLIDATE REPLY TO NRC STAFF AND DOMINION RESPONSES TO PETITION TO INTERVENE AND FOR EXTENSTION OF TIME TO FILE CONSOLIDATED REPLY ON OR BEFORE APRIL 22, 2008.	04/16/2008	ML081130522
14	50-423-LA	MILLSTONE	LB ORDER (GRANTING CCAM AND NANCY BURTON REQUEST FOR E-FILING EXEMPTION) - SERVED	04/16/2008	ML081070143
15	50-423-LA	MILLSTONE	LB ORDER (GRANTING CCAM AND NANCY BURTON REQUEST FOR EXTENSION OF TIME TO FILE CONSOLIDATED REPLY) - SERVED	04/17/2008	ML081080365

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
16	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT RESPONSE TO CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON'S MOTION FOR EXTENSION.	04/17/2008	ML081080214
17	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON REPLY TO RESPONSES OF NRC STAFF AND DOMINION NUCLEAR CONNECTICUT, INC. TO PETITION TO INTERVENE AND REQUEST FOR HEARING.	04/22/2008	ML081290517
18	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT'S MOTION TO STRIKE PORTIONS OF CCAM AND NANCY BURTON'S REPLY TO RESPONSES TO PETITION TO INTERVENE.	05/01/2008	ML081220741
19	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON'S ANSWER TO DOMINION NUCLEAR CONNECTICUT, INC.'S MOTION TO STRIKE.	05/12/2008	ML081400314

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
20	50-423-LA	MILLSTONE	LB MEMORANDUM AND ORDER (RULING ON PETITION TO INTERVENE AND REQUEST FOR HEARING) (LBP-08-09) - SERVED	06/04/2008	ML081560680
21	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON NOTICE OF APPEAL.	06/16/2008	ML081750222
22	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT'S BRIEF IN OPPOSITION TO APPEAL OF CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON.	06/26/2008	ML081780568
23	50-423-LA	MILLSTONE	NRC STAFF BRIEF IN OPPOSITION TO CCAM AND MS. BURTON'S APPEAL OF LBP-08-09.	06/26/2008	ML081780804

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
24	50-423-LA	MILLSTONE	E-MAIL FROM E. JULIAN TO NANCY BURTON ADVISING THAT HER FILING OF JULY 18, 2008, WAS NOT ACCEPTED FOR DOCKETING ON PROCEDURAL GROUNDS	07/21/2008	ML082480195
25	50-423-LA	MILLSTONE	CCAM AND NANCY BURTON MOTION FOR LEAVE TO FILE THEIR "MOTION FOR LEAVE TO FILE NEW AND/OR AMENDED CONTENTIONS BASED ON RECEIPT OF NEW INFORMATION" DTD 07/18/08, NUNC PRO TUNC & FOR CONTINUING WAIVER OF ELECTRONIC FILING.	07/31/2008	ML082200356
26	50-423-LA	MILLSTONE	LETTER FROM STAFF TO BOARD TRANSMITTING COPY OF 8/4/08 NOTIFICATION OF SIGNIFICANT LICENSING ACTION. THEREIN THE STAFF INDICATED AN INTENT TO ISSUE A NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND LICENSE AMENDMENT FOR MILLSTONE UNIT 3.	08/05/2008	ML082180827
27	50-423-LA	MILLSTONE	E-MAIL FROM E. JULIAN TO TO ASLB FOR MILLSTONE UPRATE PROCEEDING, REFERRING A MOTION OF NANCY BURTON THAT REQUESTED CONSIDERATION OF AMENDED CONTENTIONS	08/05/2008	ML082480176

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
28	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON REVISED MOTION FOR LEAVE TO FILE THEIR NEW AND/OR AMENDED CONTENTIONS BASED ON RECEIPT OF NEW INFORMATION AND FOR CONTINUING WAIVER OF ELECTRONIC FILING.	08/07/2008	ML082270041
29	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT'S ANSWER OPPOSING JULY 31, 2008 MOTION OF CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON	08/08/2008	ML082210313
30	50-423-LA	MILLSTONE	ORDER OF THE SECRETARY REGARDING MOTION OF CCAM AND NANCY BURTON	08/11/2008	ML082240723
31	50-423-LA	MILLSTONE	NRC STAFF'S ANSWER OPPOSING PETITIONER'S MOTION DATED 7/31/08 FOR NUNC PRO TUNC RELIEF AND CONTINUING WAIVER OF ELECTRONIC FILING	08/11/2008	ML082250689

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
32	50-423-LA	MILLSTONE	COMMISSION MEMORANDUM AND ORDER - CLI-08-17.	08/13/2008	ML082261493
33	50-423-LA	MILLSTONE	MEMORANDUM AND ORDER (REQUESTING LEGAL BRIEFS FROM CCAM, DOMINION, AND THE NRC STAFF.	08/14/2008	ML082270680
34	50-423-LA	MILLSTONE	NRC STAFF'S INITIAL LEGAL BRIEFING ON BOARD'S QUESTIONS.	08/25/2008	ML082381301
35	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT'S BRIEF IN RESPONSE TO CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON'S REVISED MOTION FOR LEAVE TO FILE NEW CONTENTIONS.	08/25/2008	ML082380947

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
36	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON'S RESPONSE TO ATOMIC SAFETY AND LICENSING BOARD PANEL'S MEMORANDUM AND ORDER DATED AUGUST 14, 2008, REQUESTING LEGAL BRIEFS, AND REQUEST FOR CONTINUING WAIVER OF E-FILING REQUIREMENTS	08/25/2008	ML082490082
37	50-423-LA	MILLSTONE	CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON'S NEW CONTENTIONS AND REQUEST FOR LEAVE TO SUBMIT NEW CONTENTIONS BASED ON RECEIPT OF NEW INFORMATION, AND REQUEST FOR CONTINUING WAIVER OF E-FILING REQUIREMENTS.	08/27/2008	ML082610262
38	50-423-LA	MILLSTONE	NRC STAFF'S REPLY TO PETITIONER'S AND APPLICANT'S LEGAL BRIEFING ON BOARD'S QUESTIONS.	09/02/2008	ML082461034
39	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT, INC.'S REPLY TO CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON'S RESPONSE TO BOARD'S REQUEST FOR LEGAL BRIEFS.	09/02/2008	ML082460923

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
40	50-423-LA	MILLSTONE	LETTER NOTIFYING THE BOARD THAT DOMINION WILL NOT FILE A RESPONSE TO PETITIONERS' AUGUST 27, 2008 REQUEST TO FILE NEW CONTENTIONS UNLESS OTHERWISE DIRECTED BY THE BOARD.	09/16/2008	ML082600636
41	50-423-LA	MILLSTONE	NRC STAFF ANSWER TO CCAM AND NANCY BURTON'S NEW CONTENTIONS AND REQUEST FOR LEAVE TO SUBMIT NEW CONTENTIONS BASED ON RECEIPT OF NEW INFORMATION AND REQUEST FOR CONTINUING WAIVER OF E-FILING REQUIREMENTS.	09/22/2008	ML082661237
42	50-423-LA	MILLSTONE	LB MEMORANDUM AND ORDER (RULING ON MOTIONS TO FILE NEW OR AMENDED CONTENTIONS).	10/27/2008	ML083010264
43	50-423-LA	MILLSTONE	NOTICE OF APPEAL.	11/06/2008	ML083190530

ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
44	50-423-LA	MILLSTONE	NRC STAFF'S BRIEF IN OPPOSITION TO CCAM AND MS. BURTON'S APPEAL ON MOTIONS TO FILE NEW OR AMENDED CONTENTIONS.	11/17/2008	ML083230429
45	50-423-LA	MILLSTONE	DOMINION NUCLEAR CONNECTICUT'S BRIEF IN OPPOSITION TO THE APPEAL OF CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON.	11/17/2008	ML083220256
46	50-423-LA	MILLSTONE	COMMISSION MEMORANDUM AND ORDER (CLI-09-05)	03/05/2009	ML090640947