



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

June 4, 2007

OFFICE OF THE  
GENERAL COUNSEL

Marcia M. Waldron, Clerk  
United States Court of Appeals  
For the Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, Pennsylvania 19106-1790

ATTENTION: Shannon Craven, Case Manager

RE: *New Jersey Department of Environmental Protection v. U.S. Nuclear Regulatory Commission, No. 07-2271 (3d Cir.).*

Dear Ms. Waldron:

The Office of the Secretary at the U.S. Nuclear Regulatory Commission has received a letter requesting that the Office file a separate Notice of Appearance in the above-captioned case. The Secretary has referred that letter to me for a response.

The Office of the Secretary is the Office within the U.S. Nuclear Regulatory Commission that is responsible, *inter alia*, for maintaining the official records of the agency. See generally 10 C.F.R. § 1.25. Essentially, the Office of the Secretary functions as the "clerk's office" for the agency; it does not function as an independent entity. In this case, the Petitioner challenges a decision by the Commission itself, not by the Secretary of the Commission. Furthermore, even if this case challenged a decision by the Secretary, that decision would have been taken under authority delegated by the Commission, making the Commission the actual Respondent in any lawsuit. Accordingly, we respectfully submit that the Secretary of the Commission is not a "party" to this case and should not be required to appear individually and independently.

In addition, enclosed please find additional Appearances for the Respondent to be filed in this case by the NRC's Solicitor, John F. Cordes, Jr., and Deputy Solicitor, E. Leo Slaggie. Please date-stamp the extra copy of this letter to indicate the date of filing and kindly return it to me in the enclosed envelope, postage pre-paid, at your convenience.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Mullins".

Charles E. Mullins  
Senior Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission

cc: Service List

PLEASE TYPE THIS FORM

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-2271

New Jersey DEP vs. U.S. Nuclear Regulatory Com.

The Clerk will enter my appearance as Counsel of Record for (please list names of all parties represented, using additional sheet(s) if needed):

U.S. Nuclear Regulatory Commission

who IN THIS COURT is (please check only one):

Petitioner(s) Appellant(s) Intervenor (s)
X Respondent(s) Appellee(s) Amicus Curiae

(Type or Print) Name John F. Cordes

Mr. Ms. Mrs. Miss

Firm Office of the General Counsel, U.S. Nuclear Regulatory Commission

Address 11555 Rockville Pike

City & State Rockville, Maryland

Zip Code 20852-2738

Phone (301) 415-1600

Fax (301) 415-3200

PLEASE TYPE E-Mail Address jfc@nrc.gov

SIGNATURE OF COUNSEL:

[Handwritten signature]

ONLY COUNSEL OF RECORD SHALL ENTER AN APPEARANCE AND ONLY THAT ATTORNEY WILL BE THE ONE NOTIFIED OF THE COURT'S ACTION IN THIS CASE. OTHER ATTORNEYS WHO DESIRE NOTIFICATION SHOULD MAKE APPROPRIATE ARRANGEMENTS WITH COUNSEL OF RECORD.

ONLY ATTORNEYS WHO ARE MEMBERS OF THE BAR OF THE COURT OF APPEALS FOR THE THIRD CIRCUIT OR WHO HAVE SUBMITTED A PROPERLY COMPLETED APPLICATION FOR ADMISSION TO THIS COURT'S BAR MAY FILE AN APPEARANCE FORM. (BAR ADMISSION IS WAIVED FOR FEDERAL ATTORNEYS.)

IT IS IMPORTANT THAT ALL REQUESTED INFORMATION BE PROVIDED AND THAT COUNSEL SIGN THE FORM IN THE APPROPRIATE AREA.

PLEASE TYPE THIS FORM

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-2271

New Jersey DEP vs. U.S. Nuclear Regulatory Comm.

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U.S. Nuclear Regulatory Commission

who IN THIS COURT is (please check only one):

<input type="checkbox"/> Petitioner(s)	<input type="checkbox"/> Appellant(s)	<input type="checkbox"/> Intervenor (s)
<input checked="" type="checkbox"/> Respondent(s)	<input type="checkbox"/> Appellee(s)	<input type="checkbox"/> Amicus Curiae

(Type or Print) Name E. Leo Slaggie  
Mr. Ms. Mrs. Miss.

Firm Office of the General Counsel, U.S. Nuclear Regulatory Commission

Address 11555 Rockville Pike

City & State Rockville, Maryland

Zip Code 20852-2738

Phone (301) 415-1600

Fax (301) 415-3200

PLEASE TYPE E-Mail Address els@nrc.gov

SIGNATURE OF COUNSEL: 

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## CERTIFICATE OF SERVICE

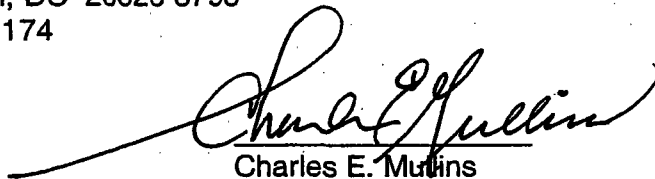
I hereby declare under penalty of perjury that I filed additional Appearances for Respondents in Case No. 07-2271 by placing the same in an overnight delivery service, postage prepaid, addressed to this Court.

I further declare under penalty of perjury that I served a copy of the additional Appearances for Respondents in Case No. 07-2271 on the following counsel by placing the same in an overnight delivery service, postage prepaid, or in the United States mail, postage prepaid:

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Division of Law  
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Tamara N. Rountree, Esq.  
United States Department of Justice  
Environment & Natural Resources Division  
Appellate Section  
P.O. Box 23795  
Washington, DC 20026-3795  
(202) 514-1174



Charles E. Mullins  
Senior Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission

Dated: June 4, 2007.