

From: "Sarah Wagner" <sarahwagneresq@gmail.com>
To: "Zachary Kahn" <Z XK1@nrc.gov>
Date: 3/26/2008 11:45:46 AM
Subject: Re: WestCAN's Reply to the ASLB Order March 24, 2008
cc: "Hearing Docket" <HearingDocket.EXPO.Exchange>,"OCAAMAIL Resource" <OCAAMAIL.EXPO.Exchange>,"Nancy Burton" <NancyBurtonCT@aol.com>,"palisadesart@aol.com" <Palisadesart@aol.com>,"Arthur Kremer(2)" <kremer@area-alliance.org>,"Daniel O'Neill" <vob@bestweb.net>,"Manna Greene" <mannajo@clearwater.org>,"William Dennis" <wdennis@entergy.com>,"Elise Zoli" <ezoli@goodwinprocter.com>,"Joan Matthews" <jlmatthe@gw.dec.state.ny.us>,"John Louis Parker" <jlparker@gw.dec.state.ny.us>,"Diane Curran" <dcurran@harmoncurran.com>,"Kathryn Sutton" <ksutton@morganlewis.com>,"martin.o'neill@morganlewis.com" <martin.o'neill@morganlewis.com>,"Paul Bessette" <pbessette@morganlewis.com>,"Richard Brodsky" <richardbrodsky@msn.com>,"Marcia Carpentier" <MXC7@nrc.gov>,"Christopher Chandler" <CCC1@nrc.gov>,"Beth Mizuno" <BNM1@nrc.gov>,"Brian Newell" <BPN1@nrc.gov>,"Kaye Lathrop" <KDL2@nrc.gov>,"Lawrence McDade" <LGM1@nrc.gov>,"Kimberly Sexton" <KAS2@nrc.gov>,"Lloyd Subin" <LBS3@nrc.gov>,"Sherwin Turk" <SET@nrc.gov>,"Bo Pham" <BMP@nrc.gov>,"David Roth" <DER@nrc.gov>,"IPNonPublicHearingFile@nrc.gov>,"Richard Wardwell" <REW@nrc.gov>,"Karl Farrar" <KLF@nrc.gov>,"Michael Delaney" <mdelaney@nycedc.com>,"janice.dean@oag.state.ny.us" <janice.dean@oag.state.ny.us>,"John Sipos" <John.Sipos@oag.state.ny.us>,"mylan.Denerstein@oag.state.ny.us" <mylan.Denerstein@oag.state.ny.us>,"Susan Shapiro" <mbs@ourrocklandoffice.com>,"Robert Snook" <Robert.Snook@po.state.ct.us>,"Phillip Musegaas" <phillip@riverkeeper.org>,"Victor Tafur" <vtafur@riverkeeper.org>,"Arthur Kremer" <ajkremer@rmfpc.com>,"Daniel Riesel" <driesel@sprlaw.com>,"Jessica Steinberg" <jsteinberg@sprlaw.com>,"Ulrich Witte" <ulrich@ulrichwitte.com>,"Justin Pruyne" <jdp3@westchestergov.com>,"John LeKay" <fuse_usa@yahoo.com>

Thank you for your prompt response to this matter. The credit card number contained on courier mailing receipts has expired and was previously cancelled. However, Petitioners' WestCAN would ask that its documents submitted on he March 3rd, 12th, 21st, and 24th be removed from public viewing since they contain the same credit card information. If you could kindly remove the credit card information from the public system for the above mentioned documents, it would be appreciated.

Furthermore, Ms. Sutton contacted me on Good Friday, March 21, 2008 at 4 p.m. without leaving a message and Assemblyman Brodsky was not contacted.

If you would kindly remove the documents containing the credit card number, as mentioned above, it would be appreciated. Please do no hesitate to contact me if you have any questions.

Sincerely,

Sarah L. Wagner

On 3/25/08, Zachary Kahn <Zachary.Kahn@nrc.gov> wrote:

>

> I have spoken to Emile Julian in the Office of the Secretary and he is
> removing the March 3, 2008 filing with the credit card information from the
> public system.

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>

>

> Thank you,

>

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>

> Zach Kahn

>

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>

> Zachary S. Kahn

>

> Law Clerk

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> Atomic Safety and Licensing Board

>

> United States Nuclear Regulatory Commission

>

> Phone: (301) 415-6754

>

> E-Mail: Zachary.Kahn@nrc.gov

>

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> *From:* martin.o'neill@morganlewis.com [mailto:

> martin.o'neill@morganlewis.com]

> *Sent:* Tuesday, March 25, 2008 3:50 PM

> *To:* David Roth

> *Cc:* Kremer, Arthur; Beth Mizuno; Bo Pham; Brian Newell; 'Brodsky,

> Richard'; Christopher Chandler; David Roth; 'Curran, Diane'; 'Riesel,

> Daniel'; 'Zoli, Elise'; LeKay, John; Hearing Docket; IPNonPublicHearingFile;

> janice.dean@oag.state.ny.us; 'Pruyne, Justin'; 'Matthews, Joan'; Parker,

> John Louis; 'Sipos, John'; 'Steinberg, Jessica'; Karl Farrar; Kaye Lathrop;

> Kimberly Sexton; 'Kremer(2), Arthur'; Sutton, Kathryn; Lawrence McDade;

> Lloyd Subin; Greene, Manna; Marcia Carpentier; 'Shapiro, Susan'; Delaney,
> Michael; mylan.Denerstein@oag.state.ny.us; 'Burton, Nancy'; OCAAMAIL
> Resource; palisadesart@aol.com; Bessette, Paul; 'Musegaas, Phillip';
> Richard Wardwell; Richard Brodsky; 'Snook, Robert'; Sarah Wagner; Sherwin
> Turk; Ulrich Witte; 'O'Neill, Daniel'; 'Tafur, Victor'; Dennis, William;
> Zachary Kahn
> *Subject:* RE: WestCAN's Reply to the ASLB Order March 24, 2008
>
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> Further to Mr. Roth's e-mail below, counsel for Entergy notes that it
> first noticed WestCAN's inclusion of personal credit card information late
> last week, but in the context of Attachment A to WestCAN's *March 3, 2008
> *filing with the ASLB. Ms. Sutton, lead counsel for Entergy, promptly
> attempted to contact Sarah Wagner, counsel for WestCAN, last Friday. Ms.
> Sutton left a voice message for Ms. Wagner, apprising her of the situation,
> and requesting that Ms. Wagner or Mr. Brodsky return Ms. Sutton's call. We
> did not hear back from Ms. Wagner or Mr. Brodsky.
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> Counsel for Entergy just confirmed that the March 3, 2008 filing
> (including the credit card information) has been placed in the NRC's
> publicly available Electronic Hearing Docket and in ADAMS (Accession No.
> ML080730438).
>
> Regards,
>
> Marty O'Neill
>
> Counsel for Entergy
> _____
> Martin J. O'Neill
> Morgan, Lewis & Bockius LLP*
> 1111 Pennsylvania Ave., N.W. | Washington, D.C. 20004
> Tel: 202.739.5733 | Fax: 202.739.3001
> martin.oneill@morganlewis.com | www.morganlewis.com
>
> *"David Roth" <David.Roth@nrc.gov>*
>
> 03/25/2008 02:53 PM
>
> To
>
> "Sarah Wagner" <sarahwagneresq@gmail.com>, "Lawrence McDade" <
> Lawrence.McDade@nrc.gov>, "OCAAMAIL Resource"
<OCAAMAIL.Resource@nrc.gov>

> "OCAAMAIL Resource" <OCAAMAIL.Resource@nrc.gov>, "palisadesart@aol.com" <
> Palisadesart@aol.com>, "Ulrich Witte" <ulrich@ulrichwitte.com>, "Richard Brodsky" <richardbrodsky@msn.com>, "Hearing Docket" <
> Hearing.Docket@nrc.gov>, "Hearing Docket" <Hearing.Docket@nrc.gov>, > "Zachary Kahn" <Zachary.Kahn@nrc.gov>, "Richard Wardwell" <
> Richard.Wardwell@nrc.gov>, "Kaye Lathrop" <Kaye.Lathrop@nrc.gov>, "Dennis,
> William" <wdennis@entergy.com>, "Greene, Manna" <mannajo@clearwater.org>, > "Sutton, Kathryn" <ksutton@morganlewis.com>, "Bessette, Paul" <
> pbessette@morganlewis.com>, "O'Neill, Martin" <martin.o'neill@morganlewis.com>, "Delaney, Michael" <mdelaney@nycedc.com>, "LeKay,
> John" <fuse_usa@yahoo.com>, "Kremer, Arthur" <ajkremer@rmfpc.com>, > ""Brodsky(2), Richard"" <richardbrodsky@msn.com>, ""Brodsky, Richard"" <
> brodskr@assembly.state.ny.us>, ""Burton, Nancy"" <NancyBurtonCT@aol.com>, > ""Curran, Diane"" <dcurran@harmoncurran.com>, ""Delaney, Michael"" <
> mdelaney@nycedc.com>, ""Dennis, William"" <wdennis@entergy.com>, ""Greene,
> Manna"" <mannajo@clearwater.org>, "Hearing Docket" <Hearing.Docket@nrc.gov>, > "Kaye Lathrop" <Kaye.Lathrop@nrc.gov>, ""Kremer(2), Arthur"" <
> kremer@area-alliance.org>, ""Kremer, Arthur"" <ajkremer@rmfpc.com>, > "Lawrence McDade" <Lawrence.McDade@nrc.gov>, ""LeKay, John"" <
> fuse_usa@yahoo.com>, "Marcia Carpentier" <Marcia.Carpentier@nrc.gov>, > ""Matthews, Joan"" <jlmatthe@gw.dec.state.ny.us>, ""Musegaas, Phillip"" <
> phillip@riverkeeper.org>, ""O'Neill, Daniel"" <vob@bestweb.net>, > ""O'Neill, Martin"" <martin.o'neill@morganlewis.com>, ""Pruyne, Justin"" <
> jdp3@westchestergov.com>, "Richard Wardwell" <Richard.Wardwell@nrc.gov>, > ""Riesel, Daniel"" <driesel@sprlaw.com>, ""Shapiro, Susan"" <
> mbs@ourrocklandoffice.com>, ""Sipos, John"" <John.Sipos@oag.state.ny.us>, > ""Snook, Robert"" <Robert.Snook@po.state.ct.us>, ""Steinberg, Jessica"" <
> jsteinberg@sprlaw.com>, ""Sutton, Kathryn"" <ksutton@morganlewis.com>, > ""Tafur, Victor"" <vtafur@riverkeeper.org>, "Zachary Kahn" <
> Zachary.Kahn@nrc.gov>, "Zoli, Elise" <ezoli@goodwinprocter.com>, "Beth Mizuno" <Beth.Mizuno@nrc.gov>, "Bo Pham" <Bo.Pham@nrc.gov>, "Brian Newell" <Brian.Newell@nrc.gov>, "Christopher Chandler" <
> Christopher.Chandler@nrc.gov>, "David Roth" <David.Roth@nrc.gov>, > "IPNonPublicHearingFile" <IPNonPublicHearingFile@nrc.gov>, "Karl Farrar" <
> Karl.Farrar@nrc.gov>, "Kimberly Sexton" <Kimberly.Sexton@nrc.gov>, "Lloyd Subin" <Lloyd.Subin@nrc.gov>, "Sherwin Turk" <Sherwin.Turk@nrc.gov>, > "OCAAMAIL Resource" <OCAAMAIL.Resource@nrc.gov>, ""Bessette, Paul"" <

> pbessette@morganlewis.com>, "Kremer(2), Arthur"
<kremer@area-alliance.org>,
> "Curran, Diane" <dcurran@harmoncurran.com>, "Joan Matthews" <
> jlmatthe@gw.dec.state.ny.us>, "Sipos, John" <John.Sipos@oag.state.ny.us>,
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> "Steinberg, Jessica" <jsteinberg@sprlaw.com>, "Burton, Nancy" <
> NancyBurtonCT@aol.com>, "Zoli, Elise" <ezoli@goodwinprocter.com>, "
> janice.dean@oag.state.ny.us" <janice.dean@oag.state.ny.us>, "
> mylan.Denerstein@oag.state.ny.us" <mylan.Denerstein@oag.state.ny.us>,
> "Parker, John Louis" <jlparker@gw.dec.state.ny.us>, "Kimberly Sexton" <
> Kimberly.Sexton@nrc.gov>, "Christopher Chandler" <
> Christopher.Chandler@nrc.gov>, "Lloyd Subin" <Lloyd.Subin@nrc.gov>,
> "Sherwin Turk" <Sherwin.Turk@nrc.gov>

>

> cc

>

> Subject

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> RE: WestCAN's Reply to the ASLB Order March 24, 2008

>

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>

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> On March 25, 2008, at 10:22 a.m., Sarah Wagner, Counsel for Westchester
> Citizen's awareness Network, et al., transmitted an E-mail message to
> various persons on the Indian Point license renewal proceeding, with the
> subject line "WestCAN's Reply to the ASLB Order March 24, 2008." Ms.
> Wagner's E-mail message had seven attachments. Counsel for the NRC Staff
> noted that the attachment designated, "Att 2 sent on 3 21 08 as Exhibit H
> WestCAN receipts.doc" contained personal credit card information which
> should not be made publicly available.

>

> Shortly after receipt of Ms. Wagner's E-mail message, David Roth, Counsel
> for the Staff, telephoned the Licensing Board's clerk, Zachary Kahn, and
> employees in the Office of the Secretary (Rebecca Giitter and Emile Julian)
> to inform them of the inclusion of this credit card information in Ms.
> Wagner's transmission. Mr. Roth also forwarded, without comment, a copy of
> Ms. Wagner's E-mail with attachments to Ms. Giitter, inasmuch as she stated
> that she had not received them previously.

>

> The Staff wishes to call this matter to the attention of Ms. Wagner and

> the persons to whom she transmitted her E-mail message. Other recipients of
> the e-mail should take appropriate steps to prevent inadvertent disclosure
> of the credit card information, pending the receipt of any further
> communication from Ms. Wagner.

>
> David Roth
> Counsel for the Staff
> (301) 415-2749

>
>
> DISCLAIMER

>
> This e-mail message is intended only for the personal
>
> use of the recipient(s) named above. This message may
>
> be an attorney-client communication and as such privileged
>
> and confidential. If you are not an intended recipient,
>
> you may not review, copy or distribute this message. If
>
> you have received this communication in error, please
>
> notify us immediately by e-mail and delete the original
>
> message.

>
>

--
Sarah L. Wagner
Legal Counsel for Assemblyman
Richard L. Brodsky
L.O.B. Room 422
Albany, N.Y. 12248
518-455-5753

Hearing Identifier: IndianPointUnits2and3NonPublic
Email Number: 453

Mail Envelope Properties (47FCAC58.HQGWDO01.OWGWPO04.200.2000012.1.1BA04E.1)

Subject: Re: WestCAN's Reply to the ASLB Order March 24, 2008
Creation Date: 3/26/2008 11:45:46 AM
From: "Sarah Wagner" <sarahwagneresq@gmail.com>

Created By: sarahwagneresq@gmail.com

Recipients

"Hearing Docket" <HearingDocket.EXPO.Exchange>
"OCAAMAIL Resource" <OCAAMAIL.EXPO.Exchange>
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"palisadesart@aol.com" <Palisadesart@aol.com>
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"Justin Pruyne" <jdp3@westchestergov.com>
"John LeKay" <fuse_usa@yahoo.com>

"Zachary Kahn" <ZXK1@nrc.gov>

Post Office

OWGWPO04.HQGWDO01

Route

nrc.gov

Files

MESSAGE
TEXT.htm
Mime.822

Size

9670
26532
42734

Date & Time

3/26/2008 11:45:46 AM
4/9/2008 11:45:28 AM
4/9/2008 11:45:28 AM

Options

Priority:

Standard

Reply Requested:

No

Return Notification:

None

None

Concealed Subject:

No

Security:

Standard

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Furthermore, Ms. Sutton contacted me on Good Friday, March 21, 2008 at 4 p.m. without leaving a message and Assemblyman Brodsky was not contacted.

If you would kindly remove the documents containing the credit card number, as mentioned above, it would be appreciated. Please do no hesitate to contact me if you have any questions.

Sincerely,

Sarah L. Wagner

On 3/25/08, **Zachary Kahn** <Zachary.Kahn@nrc.gov> wrote:

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Thank you,

Zach Kahn

Zachary S. Kahn

Law Clerk

Atomic Safety and Licensing Board

United States Nuclear Regulatory Commission

Phone: (301) 415-6754

E-Mail: Zachary.Kahn@nrc.gov

From: martin.o'neill@morganlewis.com [mailto:martin.o'neill@morganlewis.com]

Sent: Tuesday, March 25, 2008 3:50 PM

To: David Roth

Cc: Kremer, Arthur; Beth Mizuno; Bo Pham; Brian Newell; 'Brodsky, Richard'; Christopher Chandler; David Roth; 'Curran, Diane'; 'Riesel, Daniel'; 'Zoli, Elise'; LeKay, John; Hearing Docket; IPNonPublicHearingFile; janice.dean@oag.state.ny.us; 'Pruyne, Justin'; 'Matthews, Joan'; Parker, John Louis; 'Sipos, John'; 'Steinberg, Jessica'; Karl Farrar; Kaye Lathrop; Kimberly Sexton; 'Kremer(2), Arthur'; Sutton, Kathryn; Lawrence McDade; Lloyd Subin; Greene, Manna; Marcia Carpentier; 'Shapiro, Susan'; Delaney, Michael; mylan.Denerstein@oag.state.ny.us; 'Burton, Nancy'; OCAAMAIL Resource; palisadesart@aol.com; Bessette, Paul; 'Musegaas, Phillip'; Richard Wardwell; Richard Brodsky; 'Snook, Robert'; Sarah Wagner; Sherwin Turk; Ulrich Witte; 'O'Neill, Daniel'; 'Tafur, Victor'; Dennis, William; Zachary Kahn

Subject: RE: WestCAN's Reply to the ASLB Order March 24, 2008

Further to Mr. Roth's e-mail below, counsel for Entergy notes that it first noticed WestCAN's inclusion of personal credit card information late last week, but in the context of Attachment A to WestCAN's March 3, 2008 filing with the ASLB. Ms. Sutton, lead counsel for Entergy, promptly attempted to contact Sarah Wagner, counsel for WestCAN, last Friday. Ms. Sutton left a voice message for Ms. Wagner, apprising her of the situation, and requesting that Ms. Wagner or Mr. Brodsky return Ms. Sutton's call. We did not hear back from Ms. Wagner or Mr. Brodsky.

Counsel for Entergy just confirmed that the March 3, 2008 filing (including the credit card information) has been placed in the NRC's publicly available Electronic Hearing Docket and in ADAMS (Accession No. ML080730438).

Regards,

Marty O'Neill

Counsel for Entergy

Martin J. O'Neill

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Ave., N.W. | Washington, D.C. 20004

Tel: 202.739.5733 | Fax: 202.739.3001

martin.oneill@morganlewis.com | www.morganlewis.com

"David Roth" <David.Roth@nrc.gov>

03/25/2008 02:53 PM

To "Sarah Wagner" <sarahwagneresq@gmail.com>, "Lawrence McDade" <Lawrence.McDade@nrc.gov>, "OCAAMAIL Resource" <OCAAMAIL.Resource@nrc.gov>, "OCAAMAIL Resource" <OCAAMAIL.Resource@nrc.gov>, "palisadesart@aol.com" <palisadesart@aol.com>, "Ulrich Witte" <ulrich@ulrichwitte.com>, "Richard Brodsky" <richardbrodsky@msn.com>, "Hearing Docket" <Hearing.Docket@nrc.gov>, "Hearing Docket" <Hearing.Docket@nrc.gov>, "Zachary Kahn" <Zachary.Kahn@nrc.gov>, "Richard Wardwell" <Richard.Wardwell@nrc.gov>, "Kaye Lathrop" <Kaye.Lathrop@nrc.gov>, "Dennis, William" <wdennis@entergy.com>, "Greene, Manna" <mannajo@clearwater.org>, "Sutton, Kathryn" <ksutton@morganlewis.com>, "Bessette, Paul" <pbessette@morganlewis.com>, "O'Neill, Martin" <martin.o'neill@morganlewis.com>, "Delaney, Michael" <mdelaney@nycedc.com>, "LeKay, John" <fuse_usa@yahoo.com>, "Kremer, Arthur" <ajkremer@rmfpc.com>, "Brodsky(2), Richard" <richardbrodsky@msn.com>, "Brodsky, Richard" <brodskr@assembly.state.ny.us>, "Burton, Nancy" <NancyBurtonCT@aol.com>, "Curran, Diane" <dcurran@harmoncurran.com>, "Delaney, Michael" <mdelaney@nycedc.com>, "Dennis, William" <wdennis@entergy.com>, "Greene, Manna" <mannajo@clearwater.org>, "Hearing Docket" <Hearing.Docket@nrc.gov>, "Kaye Lathrop" <Kaye.Lathrop@nrc.gov>, "Kremer(2), Arthur" <kremer@area-alliance.org>, "Kremer, Arthur" <ajkremer@rmfpc.com>, "Lawrence McDade" <Lawrence.McDade@nrc.gov>, "LeKay, John" <fuse_usa@yahoo.com>, "Marcia Carpentier" <Marcia.Carpentier@nrc.gov>, "Matthews, Joan" <jlmathe@gw.dec.state.ny.us>, "Musegaas, Phillip" <phillip@riverkeeper.org>, "O'Neill, Daniel" <vob@bestweb.net>, "O'Neill, Martin" <martin.o'neill@morganlewis.com>, "Pruyne, Justin" <jdp3@westchestergov.com>, "Richard Wardwell" <Richard.Wardwell@nrc.gov>, "Riesel, Daniel" <driesel@sprlaw.com>, "Shapiro, Susan" <mbs@ourrocklandoffice.com>, "Sipos, John" <John.Sipos@oag.state.ny.us>, "Snook, Robert" <Robert.Snook@po.state.ct.us>, "Steinberg,

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cc

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On March 25, 2008, at 10:22 a.m., Sarah Wagner, Counsel for Westchester Citizen's awareness Network, et al., transmitted an E-mail message to various persons on the Indian Point license renewal proceeding, with the subject line "WestCAN's Reply to the ASLB Order March 24, 2008."

Ms. Wagner's E-mail message had seven attachments. Counsel for the NRC Staff noted that the attachment designated, "Att 2 sent on 3 21 08 as Exhibit H WestCAN receipts.doc" contained personal credit card information which should not be made publicly available.

Shortly after receipt of Ms. Wagner's E-mail message, David Roth, Counsel for the Staff, telephoned the Licensing Board's clerk, Zachary Kahn, and employees in the Office of the Secretary (Rebecca Giitter and Emile Julian) to inform them of the inclusion of this credit card information in Ms. Wagner's transmission. Mr. Roth also forwarded, without comment, a copy of Ms. Wagner's E-mail with attachments to Ms. Giitter, inasmuch as she stated that she had not received them previously.

The Staff wishes to call this matter to the attention of Ms. Wagner and the persons to whom she transmitted her E-mail message. Other recipients of the e-mail should take appropriate steps to prevent inadvertent disclosure of the credit card information, pending the receipt of any further communication from Ms. Wagner.

David Roth
Counsel for the Staff
(301) 415-2749

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Sarah L. Wagner
Legal Counsel for Assemblyman
Richard L. Brodsky
L.O.B. Room 422
Albany, N.Y. 12248
518-455-5753