



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

April 11, 2008

OFFICE OF THE  
GENERAL COUNSEL

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

Attention: Yenni Liu, Deputy Clerk

RE: Brodsky v. U.S. Nuclear Regulatory Commission, Docket No. 08-1454 - ag

Dear Ms. Wolfe:

Please enter my appearance in the above-captioned case as lead counsel for the Respondent U.S. Nuclear Regulatory Commission. I have enclosed a Notice of Appearance Form along with the Court's Acknowledgment Letter. Please serve all pleadings related to this case on me at one of the following addresses:

Regular U.S. Mail: Office of the General Counsel, U.S. Nuclear Regulatory Commission,  
Washington, D.C. 20555

Express Delivery: Office of the General Counsel, U.S. Nuclear Regulatory Commission,  
11555 Rockville Pike, Rockville, Maryland 20852

In view of the Federal government's screening of all regular mail for biological agents, please use the Express Mail (or courier) address for materials that are time-sensitive. You may also reach me at the Internet address below.

In addition, enclosed is Acknowledgement Letter from your Office. Please note that our office did not receive your docketing letter until April, 2008. Please call me with any questions about this matter.

Respectfully Submitted,

A handwritten signature in black ink that reads "Robert M. Rader".

Robert M. Rader  
Senior Attorney  
Office of the General Counsel  
(301) 415-1955 (voice)  
(301) 415-3200 (fax)  
[Rmr1@nrc.gov](mailto:Rmr1@nrc.gov) (Internet)

cc: Service List

Second Circuit Miscellaneous Forms  
Notice of Appearance

Short Title: Brodsky v. NRC

Docket No. 08-1454ag

NOTICE OF APPEARANCE

Appearance for (provide name of party): U.S. Nuclear Regulatory Commission

Status of Party:

- Appellant/Petitioner
  - Appellee/Respondent
  - Cross-Appellant/Cross-Petitioner
  - Other (Specify): \_\_\_\_\_
  - An attorney will argue this appeal.
- Cross-Appellee/Cross Respondent
  - Intervenor
  - Amicus Curiae

- Name of attorney who will argue appeal, if other than counsel of record: Robert M. Rader
- Date of arguing attorney's admission to this Court (month, day, year): pending
- Other Federal/State Bar admissions: (month, day, year): District of Columbia 1/3/1977

- I am a *pro se* litigant who is not an attorney.
- I am an incarcerated *pro se* litigant.

TIME REQUEST

- Oral argument is not desired.
- Oral argument is desired. Party requests 15 minutes or multi-co-parties request a total of \_\_\_\_\_ minutes to be apportioned as follows:

If more than 20 minutes per side is requested, set forth reasons:

AVAILABILITY OF COUNSEL/PRO SE LITIGANT

I understand that the person who will argue the appeal must be ready at any time during or after the week of argument which appears on the scheduling order.

- I know of no dates which would be inconvenient.
- I request that the argument of this appeal not be calendared for the following dates, which are inconvenient. I have included religious holidays.

COUNSEL OR PRO SE LITIGANT MUST ADVISE THE COURT IN WRITING OF ANY CHANGE IN AVAILABILITY. FAILURE TO DO SO MAY BE CONSIDERED BY THE COURT IN DECIDING MOTIONS FOR ADJOURNMENT BASED ON UNAVAILABILITY.

RELATED CASES

- This case has not been before this Court previously.
- This case has been before this Court previously. The short title, docket number and citation are: \_\_\_\_\_

- Matters related to this appeal or involving the same issue have been or presently are before this Court. The short titles, docket numbers and citations are: \_\_\_\_\_

Signature of counsel of record or *pro se* litigant:

Type or Print Name  
Name of Firm:  
Address:

Telephone: \_\_\_\_\_ Date \_\_\_\_\_

Signature of counsel who will argue the appeal, if different:

Type or Print Name  
Robert M. Rader

Telephone: 301-415-1955 Date: \_\_\_\_\_

Date: 3/27/08 Docket 08-1454-ag  
Short Title: Brodsky v. U.S. Nuclear Regulatory Commission and United States of America  
Agency Number: 50-247-AN Agency: Nuclear Regulatory Commission

ACKNOWLEDGMENT LETTER

Dear Yenni Liu, Deputy Clerk:

This is to acknowledge receipt of your docketing letter in the above case. I acknowledge that I am the (Lead) attorney of record for:  
U.S. Nuclear Regulatory Commission

My NAME, ADDRESS and PHONE NUMBER on your court records is:

Correct  
 Incorrect. Please amend your record as follows:

Name: Robert M. Rader  
Firm: U.S. Nuclear Regulatory Commission  
Address: Mail Stop: 0-15D21  
Washington, DC 20555  
Telephone: 301-415-1955  
FAX: 301-415-3200  
E-Mail: Robert.Rader@NRC.GOV

The CAPTION as indicated is:

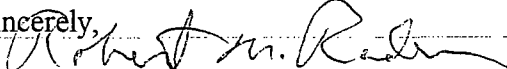
Correct.  
 Incorrect. See attached caption page **WITH CORRECTIONS**.

The APPELLATE DESIGNATION (Petitioner or Respondent) assigned to my client is:

Correct.  
 Incorrect. My client(s): \_\_\_\_\_

Should be listed as: \_\_\_\_\_  
 Incorrect. My clients do not wish to participate in this appeal.

I have read the instructions enclosed with the docketing letter.

Sincerely,  
  
(Signature and Print Name)  
Robert M. Rader

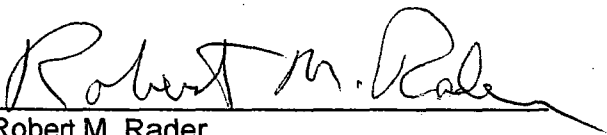
**Corrected Caption**

**Brodsky v. U.S. Nuclear Regulatory Commission and United States of  
America, Docket No. 08-1454-ag**

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing Acknowledgment Letter and Notice of Appearance were served upon the following by deposit in the United States mail, first class, postage prepaid, on this 11<sup>th</sup> day of April, 2008.

Richard L. Brodsky  
Assemblyman, 92<sup>nd</sup> District  
Westchester County,  
State of New York  
Legislative Office Building  
Room 422  
Albany, New York 12228

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