



OFFICE OF THE
GENERAL COUNSEL

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

May 6, 2009

Catherine O'Hagan Wolfe, Clerk
U. S. Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, N.Y. 10007

RE: Burton v. USA, No. 09-0005-ag

Dear Ms. Wolfe:

Currently, the briefing period in the above-captioned case is still open, and no oral argument has been scheduled. I am writing, however, to alert you in advance that I will be unavailable for the first several weeks of the oral argument "ready" period (which begins June 29, 2009) due to a longstanding family commitment. Because I would be arguing the case on behalf of the Federal Respondents, I would respectfully request that the oral argument (if the Court decides to hold one) be scheduled for no earlier than mid-August of this year. I apologize for any inconvenience.

Please date stamp the enclosed copy of this letter to indicate date of receipt, and return the copy to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Adler", written over a horizontal line.

James E. Adler
Attorney
Office of the General Counsel

cc: service list

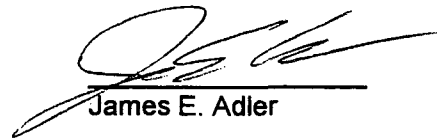
CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2009, copies of the enclosed letter were served by mail, postage prepaid, upon the following:

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