

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

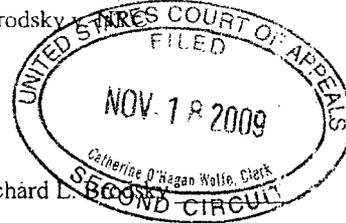
Docket Number(s): 08-1454-ag

Caption [use short title]

Motion for: Leave to File Rule 28(j) letter

Richard L. Brodsky

Set forth below precise, complete statement of relief sought:
Leave requested to file Rule 28(j) letter with new authority in support of pending NRC Petition for Rehearing and Rehearing en Banc



MOVING PARTY: Respondent NRC

OPPOSING PARTY: Richard L. Brodsky

- Plaintiff Defendant
Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY:

OPPOSING ATTORNEY [Name]:

[name of attorney, with firm, address, phone number and e-mail]
Robert M. Rader
Senior Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rockville Pike, Mail Stop O-15D21
Rockville, MD 20852

[name of attorney, with firm, address, phone number and e-mail]
Richard L. Brodsky
Assemblyman, 92nd District
Westchester County, State of New York
Legislative Office Building
Room 422
Albany, NY 12248

Court-Judge/Agency appealed from:
NRC

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL

Has consent of opposing counsel:

Has request for relief been made below? Yes No

- A. been sought? Yes No
B. been obtained? Yes No

Has this relief been previously sought in this Court? Yes No

Has service been effected? [Attach proof of service] Yes No

Is oral argument requested? Yes No (requests for oral argument will not necessarily be granted)

Requested return date and explanation of emergency:

Has argument date of appeal been set? Yes No
If yes, enter date: 5/11/09 (already heard)

Signature of Moving Attorney: [Signature] Date: 11/17/09

ORDER

Before: John M. Walker, Jr., Circuit Judge

IT IS HEREBY ORDERED that the motion by Respondent NRC to file Rule 28 (j) letter in support of pending petition for rehearing and rehearing en banc, is DENIED as moot.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk
by [Signature]
Judy Pisananont, Motions Staff Attorney

12/07/09
Date

