



OFFICE OF THE  
GENERAL COUNSEL

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

May 25, 2007

Yana Segal, Deputy Clerk  
United States Court of Appeals  
For the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

Re: Docket No.: 07-2052-ag  
The State of New York v. United States Nuclear Regulatory Commission

Dear Ms. Segal:

Enclosed you will find the U.S. Nuclear Regulatory Commission's (NRC's) Acknowledgment Letter, which acknowledges receipt of your May 17, 2007 docketing letter.

As the petitioner has stated on his Form C-A, other parties have petitioned the U.S. Court of Appeals for the Ninth Circuit for review of the same order that the State of New York challenges in the case captioned above. The case in the Ninth Circuit is captioned, *Public Citizen, et al, v. NRC*, No. 07-71868. Petitioners in the Ninth Circuit case filed their petition three days earlier than the petitioner in the case captioned above. Under 28 U.S.C. 2112(a), the NRC must file in the Ninth Circuit the record required by Rule 17 of the Federal Rules of Appellate Procedure, and the Second Circuit must transfer its proceeding to the Ninth Circuit. Therefore, the NRC will not be filing the record in the Second Circuit. Please let me know when the Second Circuit has transferred its case to the Ninth.

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

Respectfully submitted,

Steven F. Crockett  
Attorney  
Office of the General Counsel  
[sfc@nrc.gov](mailto:sfc@nrc.gov)  
301.415.2871

Enclosure: As stated.

cc: Service List

Date: 5/17/07

Docket 07-2052-ag  
Short Title: The State of New York v. United States Nuclear Reg  
Agency Number: RIN 3152-AH60  
Agency: Nuclear Regulatory Commission

ACKNOWLEDGMENT LETTER

Dear Yana Segal, 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:

THE NUCLEAR REGULATORY COMMISSION

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

☐ Correct

☒ Incorrect. Please amend your record as follows:

Name: STEVEN F. CROCKETT, SPECIAL COUNSEL  
Firm: U.S. NUCLEAR REGULATORY COMMISSION  
Address: MAIL STOP 15D21, 11555 ROCKVILLE PIKE  
ROCKVILLE, MARYLAND 20852-2738  
Telephone: 301.415.2871  
FAX: 301.415.3200  
E-Mail: SFC@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,  
Steven F. Crockett  
(Signature and Print Name)  
STEVEN F. CROCKETT

## CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2007, a copy of the U.S. Nuclear Regulatory Commission's Acknowledgment Letter in *State of New York v. USNRC*, No. 07-2052-ag (2nd Cir.), was served by mail, postage prepaid, upon the following counsel:

John J. Sipos  
Assistant Attorney General  
Environmental Protection Bureau  
New York State Attorney General's Office  
The Capital  
Albany, New York 12224

  
Steven F. Crockett