

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CHRISTINE MALAFI
COUNTY ATTORNEY

DEPARTMENT OF LAW
ADDRESS ALL COMMUNICATIONS
IN THIS MATTER TO:

March 2, 2006

Erin Justice,
Deputy Clerk of the Court
U.S. Court of Appeals
Second Circuit
40 Foley Square
New York, New York 10007

Re: *County of Suffolk v. U.S. Nuclear Regulatory Commission, United States of America*

Docket No.: 05-6684-ag

Dear Ms. Justice:

In connection with the above-referenced appeal, enclosed please find the original and one executed copy of the "Stipulation of the Parties to Dismiss Appeal (Fed. R. App. P. 42(b))," duly executed by the parties and intervenor.

Kindly have the Stipulation "So Ordered" and returned to the undersigned in the self-addressed stamped envelope. I will thereafter forward a copy of the "So Ordered" stipulation to all parties.

Your kind attention hereto is greatly appreciated. Naturally, should you have any questions, please contact me at 631-853-4049.

Very truly yours,

CHRISTINE MALAFI
Suffolk County Attorney

Ann K. Kandel/6927
Assistant County Attorney

cc: David R. Lewis, Esq.
Pillsbury Winthrop Shaw Pittman, LLP
Attorney for Dominion Nuclear Connecticut, Inc.

(Millstone Nuclear Power Station)
2300 N Street NW
Washington, D.C. 20037-1128

Jared K. Heck, Esq.
U.S. Nuclear Regulatory Commission,
Office of the General Counsel
Mail Stop 0-15D21
Washington, D.C. 20555

Greer Goldman, Esq.
Appellate Section – Env. & Natural Res.
U.S. Department of Justice
P.O. Box 23795
Washington, D.C. 20530

AKK

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
COUNTY OF SUFFOLK,

vs.

Petitioner,

Docket No.: 05-6684-ag

U.S. NUCLEAR REGULATORY COMMISSION,
UNITED STATES OF AMERICA,
DOMINION NUCLEAR CONNECTICUT, INC.
(Millstone Nuclear Power Station, Units 2 and 3)

STIPULATION OF PARTIES
TO DISMISS APPEAL

(Fed. R. App. P. 42(b))

Respondents.
-----X

The parties to this proceeding stipulate that the appeal taken in this case by means of the petition for review dated December 15, 2005 and filed with this Court on December 16, 2005 by petitioner County of Suffolk may be dismissed.

The parties agree and represent that:

1. The petition for review in this matter was docketed in this Court on December 16, 2005 and assigned docket number 05-6684-ag.

2. Counsel, whose signatures appear on this stipulation have authority of their clients to enter into this stipulation to dismiss the appeal herein. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original and all of which together shall constitute a single instrument binding upon the parties.

3. The parties agree that each party will bear its own costs.

Dated: February 15, 2006

County of Suffolk
Petitioner

U.S. Nuclear Regulatory Commission
Respondent

By: Christine Malali

Christine Malali (CM 5641)

By: Jared K. Heck

Jared K. Heck

3/2/06

Suffolk County Attorney
Attorney for Petitioner
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, N.Y. 11788
(631) 853-4049

Office of General Counsel
Mail Stop 0-15D21
Washington, D.C. 20555
(301) 415-1623

United States of America
Respondent

Dominion Nuclear Connecticut, Inc.
Intervenor-Respondent

By: Greer Goldman 3/2/06
~~Lane McFadden~~ Greer Goldman
Appellate Section - Env. & Natural Res.
U.S. Department of Justice
P.O. Box 23795
Washington, D.C. 20530
(202) ~~353-9022~~ 514-4786

By: _____
David R. Lewis
Pillsbury Winthrop Shaw Pittman LLP
Counsel for Intervenor-Respondent
2300 N. Street, N.W.
Washington, D.C. 20037
(202) 663-8474

SO ORDERED:
New York, New York
February , 2006

Clerk
United States Court of Appeals
For the Second Circuit

By: _____
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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David R. Lewis
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SO ORDERED:
New York, New York
February , 2006

Clerk
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For the Second Circuit

By: _____
Deputy Clerk