



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
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