



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

JAN 2 2003

Neil L. Levy  
Christian C. Semonsen  
Kirkland & Ellis  
655 Fifteenth Street, N.W.  
Suite 1200  
Washington, DC 20005

Re: Village of Croton-on-Hudson Request for Permission to File an Amicus Reply Brief in  
the Consistency Appeal of Millennium Pipeline Company, L.P.

Dear Messrs. Levy and Semonsen:

This is a preliminary response to your letter of December 31, 2002, on behalf of the Village of Croton-on-Hudson (Village), requesting permission to file an *amicus* reply brief in the consistency appeal of Millennium Pipeline Company, L.P. (Millennium). Your letter requested a decision as early as possible prior to the close of the public comment period on January 8, 2003 – “so that the Village may submit public comments if necessary.”<sup>1</sup>

As with your earlier request for intervenor status, we have provided the parties to the appeal with an opportunity to submit comments on your request, through January 6, 2003. Although your petition is being considered as quickly as possible, at this point, we cannot ensure a decision on the request will be issued prior to the close of the public comment period. The Village should be aware of this possibility as it considers whether to submit public comments, including new information on issues germane to the Secretary’s decision, for Millennium’s appeal.

Sincerely,

Karl D. Gleaves  
Assistant General Counsel  
for Ocean Services

cc: Frederic G. Berner, Jr.  
Glen T. Brucning

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<sup>1</sup> Letter from Neil L. Levy and Christian C. Semonsen, Kirkland and Ellis (representing the Village) to Karl Gleaves, U.S. Department of Commerce dated December 31, 2002 at 2.

