IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

04-3577-ag

CONNECTICUT COALITION AGAINST MILLSTONE,	:	**Docket No. 50-423 LA-3**
Petitioner	:	
v.	:	
U.S. NUCLEAR REGULATORY COMMISSION,	:	
Respondent	:	**JUNE 25, 2004**

UNITED STATES COURT OF APPEALS
FILED
JUN 25 2004
Roseann B. MacKechnie, CLERK
SECOND CIRCUIT

PETITION FOR REVIEW

The proposed Intervenor, Connecticut Coalition Against Millstone (CCAM), hereby petitions this Court, pursuant to 28 U.S.C. Sections 2342 and 2344 and Rule 15(a) of the Federal Rules of Appellate Procedure, to review the decision of the U.S. Nuclear Regulatory Commission issued on May 4, 2004 (Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3), CLI-04-12, 59 N.R.C.__. Slip Op.). This petition also seeks review of the Commission's decision dated May 18, 2004 denying CCAM's Motion for Reconsideration of such order.

In CLI-04-12, the Commission denied CCAM's Motion to Vacate and thereby issued a final ruling terminating proceedings on a petition filed by CCAM on February 12, 2004 to intervene and request a hearing in the matter of the license renewal application of Dominion Nuclear Connecticut, Inc.

This Court has jurisdiction of this matter pursuant to 28 U.S.C. Section 2342. Venue lies in the Second Circuit pursuant to 28 U.S.C. Section 2343 in that

CCAM is based in the State of Connecticut, its membership principally resides in the State of Connecticut, and the subject of this petition, the Millstone Nuclear Power Station, is located in Waterford, Connecticut.

CCAM submits that the U.S. Nuclear Regulatory Commission decision was contrary to law, was not supported by substantial evidence and was arbitrary and capricious. More particularly, CCAM submits that the Commission acted in violation of 10 C.F.R. Part 2 and its own policy and guidance documents in rejecting the February 12, 2004 filing as legally improper and premature and in determining that any proceeding on the Millstone license renewal application need be considered pursuant to the applicable provisions of the Code of Federal Regulations in effect on February 13, 2004.The Connecticut Coalition Against Millstone requests a declaration that the Commission's action was unlawful; an order to convene an evidentiary hearing pursuant to the applicable provisions of the Code of Federal Regulations in effect on February 12, 2004; and any other appropriate relief.

Respectfully submitted,

Nancy Burton, Esq.
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952
Ct5550

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Review and accompanying Orders (CLI-04-12 and the Commission's Order dated May 18, 2004 denying the Motion for Reconsideration) and Form C-A has been served on the following via U.S. Mail, postage pre-paid, on June 25, 2004:

U.S. Nuclear Regulatory Commission
Washington DC 20555-0001

Attorney General
U.S. Department of Justice
Attention: Appellate Section
P.O. Box 23795
Washington DC 20026-3795

Office of the Secretary
ATTN: Rulemaking and Adjudication Staff
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001

David R. Lewis, Esq.
Shaw Pittman LLP
2300 N Street NW
Washington DC 20037-1128

Lillian M. Cuoco, Esq.
Dominion Resources Services, Inc.
Rope Ferry Road
Waterford CT 06385

Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001