

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
UNITED STATES COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

ROSEANN B. MACKECHNIE
CLERK

Docketing Letter - Agency Petition For Review

DATE: March 7, 2003

Charles E. Mullins, Esq.
Nuclear Regulatory Commission
Office of General Counsel
1 White Flint N.
11555 Rockville Pike
Rockville, MD 20852

Re: 03-4372 Connecticut Coalitio v. NRC

Agency No: 50-423 LA-3

Deputy Clerk: Michael Adragna Telephone: (212) 857-8544

Dear Counsel:

We have today docketed a petition for review filed by Connecticut Coalition Against Millstone in the above referenced case as docket number 03-437. This docket number must appear on all documents related to this case which are submitted to this Court. Enclosed are a copy of our docket sheet including the caption page, and instructions regarding the filing and processing of an appeal in this Court. Also enclosed is an acknowledgement letter. Please return the enclosed acknowledgement within ten days of the date of this letter with the following information:

YOUR CORRECT ADDRESS AND TELEPHONE NUMBER: Please check the enclosed attorney listing page of the docket sheet and advise this Court of any incorrect information in writing on the enclosed acknowledgement form. THE COURT WILL GIVE NOTICE OF SERVE COPIES OR ORDERS TO ONLY ONE COUNSEL PER PARTY (OR GROUP OF COLLECTIVELY REPRESENTED PARTIES.) COUNSEL ARE REQUIRED TO DESIGNATE ON THE ATTACHED ACKNOWLEDGEMENT LETTER A LEAD ATTORNEY TO ACCEPT ALL NOTICE FROM THIS COURT IN THIS APPEAL, WHO WILL, IN TURN, BE RESPONSIBLE FOR NOTIFYING ANY ASSOCIATED COUNSEL.

CAPTION: Attached is the full caption in this matter. Please review this attachment carefully and promptly advise this Court of any discrepancies in writing on the enclosed acknowledgement form.

APPELLATE DESIGNATIONS: Please review whether your client is correctly listed as petitioner or respondent in the party listing page of the docket sheet and in the caption. Should you believe there is an error, please advise in writing on the acknowledgement form. Timely submission of the acknowledgment form will be constituted as compliance with the requirement to file a Representation Statement set forth in Rule 12(b) of the Federal Rules of Appellate Procedure.

Please read the enclosed instructions. If you have any questions with regard to this pending appeal, please call the Deputy Clerk whose name is given above.

Sincerely,

ROSEANN B. MACKECHNIE,
CLERK

Enclosures: USCA Docket Sheet, including Caption Page
 Instructions
 Acknowledgement Form

03-4372

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

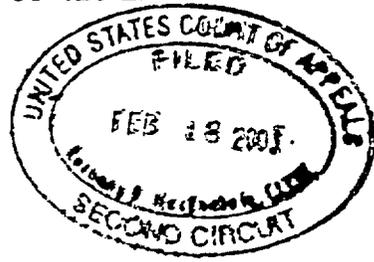
CONNECTICUT COALITION
AGAINST MILLSTONE,
Petitioner

Docket No. 50-423 LA-3

v.

U.S. NUCLEAR REGULATORY
COMMISSION,
Respondent

FEBRUARY 18, 2003



PETITION FOR REVIEW

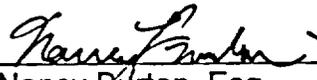
The Intervenor, Connecticut Coalition Against Millstone, hereby petitions this Court, pursuant to 28 U.S.C. Sections 2342 and 2344 and Rule 15(a) of the Federal Rules of Appellate Procedure, to review the decision of the U.S. Nuclear Regulatory Commission by Memorandum and Order dated November 21, 2002 (CLI-02-22), In the Matter of Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station Unit No. 3, Facility Operating License NPF-49), Docket No. 50-423-LA-3, terminating reactor license amendment proceedings arising from Northeast Nuclear Energy Company's ("NNECO") request, dated March 19, 1999, to increase the storage capacity of the spent fuel pool at the Millstone Unit No. 3 reactor through the use of high-density storage racks.

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.

The Connecticut Coalition Against Millstone, an organization of statewide safe energy groups, families residing within the five-mile emergency evacuation zone

of the Millstone Nuclear Power Station and former employees of the Millstone Nuclear Power Station, was admitted as an intervening party in the licensing proceedings below. The Connecticut Coalition Against Millstone submits that the U.S. Nuclear Regulatory Commission decision was contrary to law, was not supported by substantial evidence and was arbitrary and capricious. The Connecticut Coalition Against Millstone requests a declaration that the Commission's action was unlawful, an order to convene an evidentiary hearing and any other appropriate relief.

Respectfully submitted,



Nancy Burton, Esq.
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952
Fax 203-938-3168

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Review has been served on the following via U.S. Mail, postage pre-paid, on February 18, 2003:

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

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

Office of Commission Appellate Jurisdiction
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001

David A. Repka, Esq
Winston & Strawn
1400 L Street NW
Washington DC 20005-3502

Ann P. Hodgdon, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001



ACKNOWLEDGEMENT LETTER - AGENCY CASE

Return this letter to Court within 10 days of date of docketing letter.

Re: 03-4372 Connecticut Coalitio v. NRC

Dear Michael Adragna , 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:

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

Correct

Incorrect. Please amend your record as follows:

Name: _____
Firm: _____
Address: _____

Telephone: _____

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,

(Signature and Print Name)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
UNITED STATES COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

ROSEANN B. MACKECHNIE
CLERK

Date: March 7, 2003

To: Charles E. Mullins, Esq.
Nuclear Regulatory Commission
Office of General Counsel
1 White Flint N.
11555 Rockville Pike
Rockville, MD 20852

Re: Connecticut Coalitio v. NRC

USCA Docket No: 03-4372
AGENCY No: 50-423 LA-3

Dear Counsel:

Please be advised that a petition to review an order of the NRC has been filed in this court.

A copy of the petition is enclosed herewith.

ROSEANN B. MACKECHNIE, Clerk

By: _____
Michael Adragna
Deputy Clerk, USCA

Enclosures

GENERAL DOCKET FOR
Second Circuit Court of Appeals

Court of Appeals Docket #: 03-4372
Nsuit: 0
Connecticut Coalitio v. NRC
Appeal from: Nuclear Regulatory Commission

Filed: 2/18/03

Case type information:

- 1) Agency
- 2) petition for review
- 3) none

Lower court information:

District: 0090-01: 50-423 LA-3
Date Filed: **/**/**
Date order/judgment: **/**/**
Date NOA filed: **/**/**

Fee status: paid

Prior cases:

None

Current cases:

None

Panel Assignment:

Proceedings include all events.
03-4372 Connecticut Coalitio v. NRC

CONNECTICUT COALITION AGAINST
MILLSTONE
Petitioner

Nancy Burton, Esq.
203-938-3952
[COR LD NTC ret]
Law Office of
Nancy Burton, Esq.
147 Cross Hwy.
Redding Ridge, CT 06876

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION
Respondent

Charles E. Mullins, Esq.
301-415-1618
[COR LD NTC ret]
Nuclear Regulatory Commission
Office of General Counsel
1 White Flint N.
11555 Rockville Pike
Rockville, MD 20852

Proceedings include all events.
03-4372 Connecticut Coalitio v. NRC

Official Caption 1/

Docket No. [s] : 03-4372

CONNECTICUT COALITION
AGAINST MILLSTONE,

Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION,

Respondent.

Authorized Abbreviated Caption 2/

Docket No. [s] : 03-4372
Connecticut Coalition v. NRC

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

Proceedings include all events.

03-4372 Connecticut Coalitio v. NRC

2/18/03 Case Docketed: Petition for review of agency order on behalf of Petitioner Connecticut Coal filed. [03-4372] (ag41)

2/18/03 Copy of receipt re: payment of docketing fee filed on behalf of Petitioner Connecticut Coal. Receipt #: 168040. [03-4372] (ag41)

2/18/03 Copy of agency decision and order dated January 30, 2002 filed. [03-4372] (ag41)

2/18/03 Petitioner Connecticut Coal Form C/A filed, with proof of service. [03-4372] - (ag41)

3/7/03 Served copy of petition under cover letter on respondent. (ag41)