

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

ROSEANN B. MACKECHNIE
CLERK

Date: 1/22/04
Docket Number: 04-0109-ag
Short Title: Connecticut Coalition v. U.S. Nuclear Regulatory C
DC Docket Number: 50-336 LA-2
DC: Nuclear Regulatory Commission
DC Judge:

Dear Counsel:

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

A copy of the petition is enclosed herewith.

Please acknowledge receipt of the copy of the petition on the copy of this letter also enclosed and return to me.

Very truly yours,
Roseann B. MacKechnie, Clerk

By: T.H.
By: Tynetta Hope
Deputy Clerk

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DC Docket Number: 50-336 LA-2
DC: Nuclear Regulatory Commission
DC Judge:

Deputy Clerk: Tynetta Wilder-Hope 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. 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 acknowledgment letter. Please return the enclosed acknowledgment within ten days of the date of this letter with the following information:

YOUR CORRECT ADDRESS, TELEPHONE NUMBER, FAX and E-MAIL: 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 OR SERVE COPIES OF 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.

Enclosures: USCA Docket Sheet, including Caption Page

Instructions
Acknowledgement Form

Sincerely,

Roseann B. MacKechnie, Clerk
Clerk

Date: . . . 1/22/04
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DC Judge:

Dear Tynetta Wilder-Hope, 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 NUMBERZZ! 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)

04-0109-99

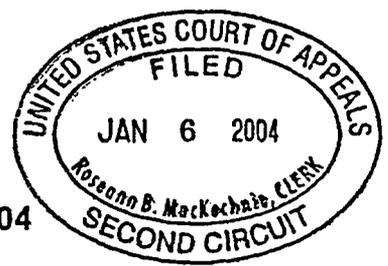
IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

RECEIVED
04 JAN -6 PM 5:30
U.S. COURT OF APPEALS
SECOND CIRCUIT
NIGHT DEPOSITORY

CONNECTICUT COALITION : Docket No. 50-336 LA-2
AGAINST MILLSTONE, :
Petitioner :

v. :

U.S. NUCLEAR REGULATORY :
COMMISSION, :
Respondent : JANUARY 6, 2004



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 final decision of the U.S. Nuclear Regulatory Commission by Memorandum and Order dated October 23, 2003 (CLI-03-14), In the Matter of Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station Unit No. 2), Docket No. 50-336-LA-2, terminating reactor license amendment proceedings arising from Dominion Nuclear Connecticut, Inc.'s license amendment application dated September 26, 2002 seeking revisions to various technical specifications regarding Millstone Nuclear Power Station Unit 2.

The Intervenor also 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 final decision of the U.S. Nuclear Regulatory Commission by Memorandum of

Order dated December 18, 2003 (CLI -03-18) denying the Intervenor's Petition for Reconsideration.

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,
**CONNECTICUT COALITION
AGAINST MILLSTONE**

By:



Nancy Burton, Esq.
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952
Fax 203-938-3168
Fed. Bar No. 10836, ct5550

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 January 6, 2004:

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

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

A handwritten signature in black ink, appearing to read "David A. Repka", is written over a horizontal line.