

Form C-A (for Agency Cases)

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

USNRC - OGC

APPLICATION FOR ENFORCEMENT

PETITION FOR REVIEW

2004 JUL -6 PM 11:01

PRE-ARGUMENT STATEMENT

SEE NOTICE ON REVERSE. PLEASE TYPE OR PRINT. ATTACH ADDITIONAL PAGES IF NECESSARY.

NAME OF AGENCY: U.S. Nuclear Regulatory Commission AGENCY DOCKET NO.: 50-423-LA3

TITLE IN FULL: Connecticut Coalition Against Millstone v. U.S. Nuclear Regulatory Commission

ORDER NUMBER: CLI-04-12 DATE ENTERED: May 4, 2004
APPROXIMATE NO. OF PAGES IN RECORD: Fewer than 100 NO. OF EXHIBITS: None
JURISDICTION OF COURT OF APPEALS: 28 USC 2342, 2344 USCA

HAS THIS MATTER BEEN BEFORE THIS COURT PREVIOUSLY? Yes No IF YES, STATE
CASE NAME: _____ CITATION: _____ DOCKET NO.: _____

ATTORNEY(S) FOR PETITIONER(S): Nancy-Burton
NAME
147 Cross Highway, Redding Ridge CT 06876/203-938-395
ADDRESS TELEPHONE

ATTORNEYS FOR RESPONDENT(S): Office of General Counsel, US NRC
NAME
Washington DC 20555-0001
ADDRESS TELEPHONE

APPEAL TAKEN: AS OF RIGHT BY DISCRETION (SPECIFY STATUTES UNDER WHICH APPEAL IS TAKEN): USCA

PETITIONER/APPLICANT IS AGENCY OTHER PARTY NON-PARTY.. SPECIFY STANDING: Proposed Intervenor

FACTS UPON WHICH VENUE IS BASED: Petitioner located in Connecticut; subject of petition (Millstone Nuclear Power Plant) located in Connecticut

NATURE OF ORDER ON WHICH REVIEW OR ENFORCEMENT IS SOUGHT:
Dismissal of Petition to Intervene and Request for Hearing

- ADMINISTRATIVE REGULATION/RULEMAKING
- BENEFITS REVIEW
- UNFAIR LABOR PRACTICE
- ROUTES:
 - COMMUNICATIONS
 - COMMERCE
 - OTHER: (SPECIFY) _____
 - HEALTH & SAFETY
 - IMMIGRATION
 - TARIFFS
 - EMPLOYER
 - UNION

CONCISE DESCRIPTION OF PROCEEDINGS BELOW AND ORDER TO BE REVIEWED OR ENFORCED (NOTE THOSE PARTS OF THE ORDER FROM WHICH RELIEF IS SOUGHT): The agency dismissed Petitioner's Petition to Intervene in Millstone relicensing proceedings; relief from entire order sought.
ISSUES PROPOSED TO BE RAISED ON PETITION OR APPLICATION: Commission acted arbitrarily and unlawfully
RELIEF SOUGHT: Remand for proceedings under 10 CFR Part 2 as in effect of fully February 12, 2004.

TO YOUR KNOWLEDGE, IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT OR ANY OTHER COURT OR ADMINISTRATIVE AGENCY WHICH:

- (A) ARISES FROM SUBSTANTIALLY THE SAME CASE OR CONTROVERSY AS THIS APPEAL? YES NO
- (B) INVOLVES AN ISSUE SUBSTANTIALLY THE SAME, SIMILAR, OR RELATED TO AN ISSUE IN THIS APPEAL? YES NO
(IF YES, STATE WHETHER "A" OR "B" OR BOTH AND PROVIDE:

DOCKET: 50-336-LR CASE NAME: In re Dominion Nuclear Connecticut, Inc.
50-423-LR
COURT OR AGENCY: U.S. N.R.C. CITATION: N.A. NUMBER: N.A.

FOR PETITIONER OR APPLICANT: CT Coalition Against Millstone Nancy Burton, Esq. 203-938-3952

(PRINT) NAME OF PETITIONER: June 25, 2004 NAME OF COUNSEL OF RECORD: Nancy Burton TELEPHONE: _____

DATE: _____ SIGNATURE OF COUNSEL OF RECORD: _____