

## 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** USCAHAS 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 TELEPHONEATTORNEYS FOR RESPONDENT(S): **Office of General Counsel, US NRC** ADDRESS  
**Washington DC 20555-0001** NAME TELEPHONEAPPEAL 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☐ UNIONCONCISE 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 unlaw-**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.**COURT OR AGENCY: **50-423-LR** **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

NAME OF COUNSEL OF RECORD

TELEPHONE

**June 25, 2004**

DATE

SIGNATURE OF COUNSEL OF RECORD