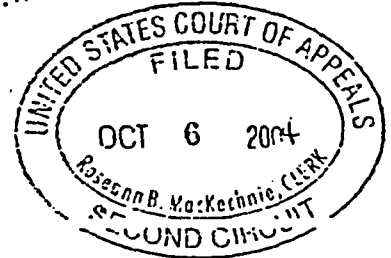


United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 6th day of October two thousand and four,

Present:

Hon. Roger J. Miner,
Hon. José A. Cabranes,
Hon. Chester J. Straub.
Circuit Judges.



Connecticut Coalition Against Millstone,

Petitioner,

v.

04-3577-ag

United States Nuclear Regulatory Commission,
Dominion Nuclear Connecticut, Inc.,

Respondents.

Respondents move to dismiss, for lack of jurisdiction, the Petitioner's petition for review of two decisions of the Nuclear Regulatory Commission. Specifically, Petitioner seeks review of the Commission's denial of its motion to vacate the finding of the Secretary of the Nuclear Regulatory Commission that Petitioner's petition to intervene in the operating license renewal proceedings of two Millstone Power Station Facilities was prematurely filed because the license renewal proceeding had not yet commenced. Petitioner also seeks review of its subsequent motion for reconsideration of the Commission's denial of the motion to vacate. Upon due consideration, this Court has determined that, because no license renewal proceeding had commenced at the time that Petitioner initially filed its petition to intervene, *see* 10 C.F.R. § 2.318, this Court lacks jurisdiction to review the Commission's decisions related to that petition to intervene, *see* 42 U.S.C. § 2239(a), (b)(1). Accordingly, it is ORDERED that the motion to dismiss is GRANTED and the petition for review is DISMISSED.

FOR THE COURT:
Roseann B. MacKechnie, Clerk

By: *Jucille Carr*