

**Before the  
United States Court of Appeals  
for the First Circuit**

Citizens Awareness Network, Inc.	)	
	<i>Petitioner</i>	)
	v.	)
United States of America	)	<b>Petition for Review</b>
and	)	
United States Nuclear Regulatory Commission,	)	<b>Docket no. 04-1145</b>
	<i>Respondents</i>	)

**Parties, Jurisdiction and Venue**

Pursuant to 28 U.S.C. §§2341, 2343, 2344 and F.R.A.P. 15, Petitioner Citizens Awareness Network, Inc., an environmental organization with principal offices in the Commonwealth of Massachusetts, hereby petitions the Court for review of an order of the United States Nuclear Regulatory Commission promulgating final rules entitled "Changes to Adjudicatory Process" published in the Federal Register at 69 FR 2182 - 2282 (January 14, 2004, effective February 13, 2004), in which rulemaking Petitioner actively participated. *See* copy of Final Rule attached as Petitioners' Exhibit 'A'.

**Grounds for Relief**

Petitioner seeks relief from the effects of the new rules, alleging that the agency's rulemaking violates the Atomic Energy Act, 42 U.S.C. §2239, the Administrative Procedure Act, 5 U.S.C. § 501 et seq., and the Due Process and Equal Protection clauses of the United States Constitution, by, in pertinent part,

failing to consider and appropriately respond to comments received in the course of the rulemaking, by issuing final rules that effectively eliminate or curtail Petitioners' rights to a formal hearing in agency licensing and license amendment proceedings, including the right to present and examine witnesses and cross examine witnesses of opposing parties, and, generally, by issuing rules that provide lesser hearing rights to Petitioner than the hearing rights the agency provides to its licensees.

**Requested Relief**

Petitioner prays this Court: (1) declare that the new rules violate the Atomic Energy Act, 42 U.S.C. §2239, the Administrative Procedure Act, 5 U.S.C. §501 *et. seq.*, and the Due Process and Equal Protection clauses of the United States Constitution, (2) permanently enjoin implementation of the rules, (3) hold unlawful and set aside the rulemaking, and (4) provide all further relief the Court deems just, equitable, and within its power.

Dated at Putney, Vermont, this 26th day of January in the year 2004.

Respectfully submitted:

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