

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, at Foley Square, in the City of New York, on the 2 day of August two thousand and three,

Present:

Hon. Rosemary S. Pooler,  
Hon. Robert D. Sack,  
Hon. Richard C. Wesley,  
Circuit Judges.



Riverkeeper, Inc.,  
Petitioner,

v.

Docket No. 03-4313

Samuel J. Collins, Director, Office of  
Nuclear Reactor Regulation, et al.,  
Respondents.

Respondents move to dismiss this petition for review for lack of jurisdiction on the ground that the Nuclear Regulatory Commission's decision not to take certain enforcement actions requested in Riverkeeper's 10 C.F.R. § 2.206 petition is not subject to judicial review, pursuant to Heckler v. Chaney, 470 U.S. 821 (1985). Upon due consideration, IT IS HEREBY ORDERED that this motion is referred to a merits panel of this Court for decision after a full briefing. IT IS FURTHER ORDERED that leave is granted to Attorney General Richard Blumenthal, *amicus curiae*, to file a memorandum in opposition to Respondents' motion to dismiss.

FOR THE COURT:  
Roseann B. MacKechnie, Clerk  
By: Laura Bass Penn  
Laura Bass Penn, Motions Staff Attorney