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January 26, 2004

Hon. Richard Cushing Donovan, Clerk of Court  
United States Court of Appeals for the First Circuit  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210

04-1145

RE: Petition for Review of United States Nuclear Regulatory Commission Order  
promulgating final rules changing adjudicatory process as published in the Federal  
Register at 69 FR 2182-2282 on January 14, 2004 (effective date February 13, 2004)

Dear Mr. Donovan:

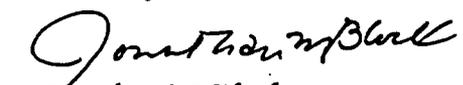
Enclosed for filing with the Court, pursuant to F.R.A.P. 15, please find the original and five copies of the above referenced petition for review with a copy of the above referenced Final Rule attached as Exhibit 'A'. Also enclosed is a check in the amount of \$250.00 to cover the cost of filing the petition. For your convenience I have provided two additional copies (above the usual three) for service upon the United States Attorney General and the United States Nuclear Regulatory Commission

An additional copy of the petition is enclosed so that it can be date stamped to acknowledge filing and provided with a docket number. Your office may then return it to me in the enclosed self-addressed, postage pre-paid envelope as a receipt of this filing.

If I have neglected to provide you with any other necessary matter, or if you need to discuss the enclosed filing, please e-mail me or call at the above telephone number.

Thank you for your kind assistance.

Sincerely,

  
Jonathan M. Block  
Attorney for Petitioner

Before the  
United States Court of Appeals  
for the First Circuit

Citizens Awareness Network, Inc.	)	
	)	Petition for Review
v.	)	
United States of America	)	Docket no. _____
and	)	
United States Nuclear Regulatory Commission,	)	
<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

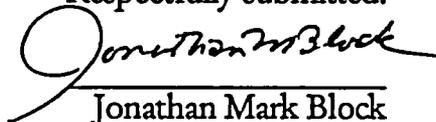
to a formal hearing in agency licensing and license amendment proceedings, including the right to present and examine witnesses and cross examine witnesses of opposing parties, and, generally, by issuing rules that provide lesser hearing rights to Petitioner than the hearing rights the agency provides 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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