



November 27, 2009

Mark J. Langer, Clerk
U.S. Court of Appeals for the District of Columbia
333 Constitution Avenue N.W.
Washington, D.C. 20001

SUBJECT: *Center for a Sustainable Coast v. NRC, No. 09-1262*

Dear Mr. Langer:

It has come to my attention that the docketing statement submitted by Petitioners on November 25, 2009, in *Center for a Sustainable Coast v. NRC* (No. 09-1262) is incomplete. In addition, Petitioners inadvertently omitted a certificate of service from Tuesday's filing. Today I am filing a complete docketing statement and a certificate of service (attached to the docketing statement).

Please disregard the docketing statement that was filed on November 25.

Thank you for your consideration.

Sincerely,

Diane Curran
Counsel for Petitioners

Cc: Service List


UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

- 1. CASE NO. 09-1262 2. DATE DOCKETED: 10-23-2009
- 3. CASE NAME (lead parties only) Center for a Sustainable Coast v. Nuclear Regulatory Commission
- 4. TYPE OF CASE: Review Appeal Enforcement Complaint Tax Court
- 5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? Yes No
If YES, cite statute _____
- 6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: Nuclear Regulatory Commission
 - b. Give agency docket or order number(s): NRC Docket No. 52-011, Early Site Permit No. ESP-004
 - c. Give date(s) of order(s): August 26, 2009
 - d. Has a request for rehearing or reconsideration been filed at the agency? Yes No
If so, when was it filed? _____ By whom? See Attachment A
Has the agency acted? Yes No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2): 28 U.S.C. section 2344; 42 U.S.C. section 2239; 5 U.S.C. section 702; Petitioners participated in the agency proceedings and are aggrieved because the Nuclear Regulatory Commission's decision adversely affects their interests.
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other? Yes No If YES, identify case name(s), docket number(s), and court(s) _____
 - g. Are any other caess, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents? Yes No If YES, give case name(s) and number(s) of these cases and identify court/agency: _____
 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? Yes No If YES, provide program name and participation dates. _____

Signature  Date 11/25/09
 Name of Counsel for Appellant/Petitioner Diane Curran
 Address 1726 M Street, NW, Suite 600, Washington, DC 20036
 E-Mail dcurran@harmoncurran.com Phone (202) 328-3500 Fax (202) 328-6918

ATTACH A CERTIFICATE OF SERVICE
 Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

Attachment A

Petitioners have requested neither rehearing nor reconsideration at the Nuclear Regulatory Commission of the Commission's issuance of the Early Site Permit and Limited Work Authorization (Early Site Permit No. ESP-004)(the "ESP"). By petition dated July 15, 2009,¹ however, Petitioners did request that the Commission review the Atomic Safety and Licensing Board's First Partial Initial Decision,² which resolved all contested issues in the ESP proceeding in favor of the applicant (the "NRC Appeal").

Notwithstanding the NRC Appeal, on August 26, 2009, the Commission issued the ESP to the applicant. The Commission then extended the time within which it may rule on the NRC Appeal until further order.³ To date, no such order has been issued, and the deadline for review of the NRC Appeal remains indefinite. Moreover, the NRC Appeal does not affect the applicant's ability to perform activities pursuant to the ESP.

¹ Joint Intervenors' Petition for Review of the First Partial Initial Decision (Contested Proceeding) (July 15, 2009).

² *Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-09-07, ___ NRC ___, slip op., (June 22, 2009).

³ *Southern Nuclear Operating Co.* (Early Site Permit for the Vogtle ESP Site), (unpublished order) (June 22, 2009) (Order of the Secretary Extending Time for Commission Review of LBP-09-19).

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

CENTER FOR A SUSTAINABLE COAST,)	
<i>et al.</i> ,)	
)	
Petitioners,)	No. 09-1262
)	
v.)	
)	
NUCLEAR REGULATORY COMMISSION)	
and THE UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

CERTIFICATE OF SERVICE

I certify that on November 25, 2009, I posted on the Court’s ECF the following documents: Entry of Appearance for Diane Curran on behalf of Petitioners; Petitioners’ Certificate as to Parties, Rulings and Related Cases; Petitioners’ Docketing Statement; Petitioners’ Statement of Intent to Use a Deferred Joint Appendix; Petitioners’ Statement of Issues to be Raised; and Petitioners’ Statement Regarding Underlying Decisions from which Petition Arises.

I also certify that on November 27, 2009, I re-filed Petitioners’ Docketing Statement and submitted this Certificate of Service.

I understand that as a result of these ECF postings, the following parties to this case have been served:

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Diane Curran