

MANDATE

**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 Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 27th day of August, two thousand and nine.

PRESENT: John M. Walker, Jr.,
J. Clifford Wallace,¹
Circuit Judges.²

Richard L. Brodsky, New York State Assemblyman, from the 92nd Assembly District in his official and individual capacities, Westchester Citizen's Awareness Network (WESTCAN), Rockland County Conservation Association, Inc. (RCCA), Public Health and Sustainable Energy (PHASE), and Sierra Club - Atlantic Chapter (SIERRA CLUB),

Petitioners,

v.

U.S. Nuclear Regulatory Commission,

Respondent,

Entergy Nuclear Operations, Inc.

Intervenor.

JUDGMENT

Docket Number: 08-1454-ag



The petition for review in the above-captioned case from an order of the U.S. Nuclear Regulatory Commission was argued on the U.S. Nuclear Regulatory Commission record and the parties' briefs. On consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the petition is DISMISSED without prejudice for want of jurisdiction in accordance with the opinion of this Court.

FOR THE COURT,
Catherine O'Hagan Wolfe,
Clerk

By: Joy Fallick
Joy Fallick, Administrative Attorney

TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by Sonia Sotomayor
DEPUTY CLERK

¹The Honorable J. Clifford Wallace, of the United States Court of Appeals for the Ninth Circuit, sitting by designation.

²The Honorable Sonia Sotomayor, originally a member of the panel, was elevated to the Supreme Court on August 8, 2009. The two remaining members of the panel, who are in agreement, have determined the matter. See 28 U.S.C. § 46(d); Local Rule 0.14(2); United States v. Desimone, 140 F.3d 457 (2d Cir. 1998).

Mandate issued 12/30/09