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**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

United States Court of Appeals
District of Columbia Circuit

CENTER FOR A SUSTAINABLE COAST,
SAVANNAH RIVERKEEPER, SOUTHERN
ALLIANCE FOR CLEAN ENERGY, GEORGIA
WOMEN'S ACTION FOR NEW DIRECTIONS,
and BLUE RIDGE ENVIRONMENTAL
DEFENSE LEAGUE,

Petitioners,

Case Number:

v.

10-1057

NUCLEAR REGULATORY COMMISSION and
THE UNITED STATES OF AMERICA,

Respondents.

PETITION FOR REVIEW

Pursuant to F.R.A.P. 15 and 28 U.S.C. § 2342–2344, Petitioners' hereby petition this Court for review of Respondent Nuclear Regulatory Commission's (NRC) issuance of an Early Site Permit (ESP) and Limited Work Authorization (LWA) to SNC² for Units 3 and 4 of the Vogtle nuclear power plant, *Southern Nuclear Operating Co.*, Early Site Permit No. ESP-004, (Aug. 26, 2009) (Attachment 1), and all decisions and orders memorialized therein, including but not limited to:

- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-07-03, 65

¹ The Center for a Sustainable Coast, Savannah Riverkeeper, Southern Alliance for Clean Energy, Georgia Women's Action for New Directions, and Blue Ridge Environmental Defense League are collectively referred to as "Petitioners."

² Southern Nuclear Operating Company, Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia are collectively referred to as "SNC."

NRC 237 (2007) (Board Memorandum and Order Ruling on Standing and Contentions);

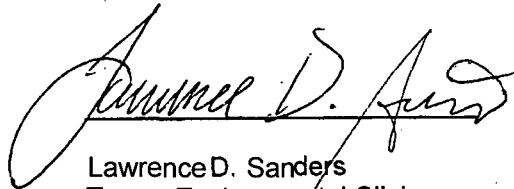
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-08-2, 67 NRC 54 (2008) (Board Memorandum and Order Ruling on Dispositive Motion and Associated Motion to Strike Regarding Environmental Contention ¶2);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), (unpublished order) (Jan. 26, 2009) (Board Memorandum and Order Ruling on In Limine Motions);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), (unpublished order) (Feb. 23, 2009) (Board Memorandum and Order Ruling on In Limine Motions);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-09-07, ___ NRC ___, slip op., (June 22, 2009) (First Partial Initial Decision);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-09-19, ___ NRC ___, slip op., (Aug. 17, 2009) (Second and Final Partial Initial Decision).
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), CLI-10-05, ___ NRC ___, slip op., (January 7, 2010) (Memorandum and Order Denying Petition for Review).

On August 26, 2009, the NRC issued the ESP and LWA to SNC for two nuclear power units and for limited construction activities at the Vogtle site located in Burke County, Georgia, approximately twenty-six miles southeast of Augusta, Georgia (Attachment 1). Additionally, the NRC provided notice of issuance of the ESP and LWA for the Vogtle Electric Generating Plant ESP site in the Federal Register on August 31, 2009, at 74 Fed. Reg. 44,879 (Attachment 2).

Petitioners contend that in issuing the ESP and LWA to SNC for the Vogtle ESP site, the NRC violated the Atomic Energy Act, 42 U.S.C. § 2011 *et seq.*, the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*, and the regulations issued pursuant to those statutes. Accordingly, Petitioners seek review and reversal of the issuance of the ESP and LWA for the Vogtle ESP site. Petitioners additionally seek injunctive relief and any other relief the court deems appropriate.

Dated: March 5, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence D. Sanders", written over a horizontal line.

Lawrence D. Sanders
Turner Environmental Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322
Telephone: (404) 712-8008
E-mail: lsanders@law.emory.edu

Counsel for Petitioners

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PETITIONERS' RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure Rule 26.1 and Circuit Rule 26.1,
Petitioners make the following disclosures:

Center for a Sustainable Coast, Inc.: Center for a Sustainable Coast has no
parent companies, and there are no publicly held companies that have a 10 percent or
greater ownership interest in the Center for a Sustainable Coast.

Center for a Sustainable Coast, a corporation organized and existing under the laws
of the State of Georgia, is a non-profit, membership-supported organization defending the
public interest in issues related to coastal Georgia's growth, economy, and environment.

The Center combines education, advocacy, technical assistance, and legal action to

implement its comprehensive mission, which is the conservation and sustainable use of the region's resources – natural, historic, and economic.

Savannah Riverkeeper, Inc.: Savannah Riverkeeper has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in the Savannah Riverkeeper.

Savannah Riverkeeper, a corporation organized and existing under the laws of the State of Georgia, is a private, non-profit, advocacy group dedicated to preserving, protecting, and restoring the Savannah River. Savannah Riverkeeper's mission is to protect the water quality of the Savannah River and the integrity of its watershed. Savannah Riverkeeper has approximately 100 members, with an additional 400-500 volunteers.

Southern Alliance for Clean Energy, Inc.: Southern Alliance for Clean Energy has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in the Southern Alliance for Clean Energy.

Southern Alliance for Clean Energy, a corporation organized and existing under the laws of the State of Tennessee, is a non-profit, non-partisan, membership organization that promotes responsible energy choices that solve global warming problems and ensure clean, safe, and healthy communities throughout the Southeast. Southern Alliance for Clean Energy has staff and members throughout the Southeast, including offices in Atlanta and Savannah, Georgia.

Georgia Women's Action for New Directions, Inc. Georgia Wand, Inc. f/k/a Women's Action for New Directions, Inc, "WAND", Inc. (Georgia WAND): Georgia WAND has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in Georgia WAND.

Georgia WAND, a corporation organized and existing under the laws of the State of Georgia, is a non-profit, membership organization. It is also a chapter of a national

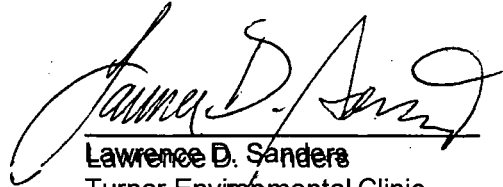
organization, Women's Action for New Directions. Women's Action for New Directions's mission is to act politically to reduce violence, and to redirect excessive military resources toward unmet human and environmental needs. Women's Action for New Directions also works on issues surrounding health and social justice.

Blue Ridge Environmental Defense League, Inc. (BREDL): BREDL has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in BREDL.

BREDL, a corporation organized and existing under the laws of the State of North Carolina, is a regional, community-based non-profit, environmental organization whose founding principles are earth stewardship, environmental democracy, social justice, and community empowerment. BREDL encourages government agencies and citizens to take responsibility for conserving and protecting our natural resources. BREDL advocates grassroots involvement to empower whole communities in environmental issues. BREDL also functions as a "watchdog" of the environment by monitoring issues and holding government officials accountable for their actions.

Dated: March 5, 2010

Respectfully submitted,

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Turner Environmental Clinic
Emory University School of Law
1301 Clifton Road
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CERTIFICATE OF SERVICE


I hereby certify that I have served the foregoing Petition for Review and Rule 26.1 Disclosure Statement on the parties admitted to participate in the administrative proceedings below who are not respondents herein, by sending a copy via First Class Mail to each of the following addresses:

M. Stanford Blanton, Esq.
Balch & Bingham LLP
1710 Sixth Avenue North
Birmingham, AL 35203-2014

Moanica Caston, Esq.
Southern Nuclear Operating Co.
40 Inverness Center Parkway
P.O. Box 1295, Bin B-022
Birmingham, AL 35201-1295

Kathryn M. Sutton, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Dated: March 5, 2010


Lawrence D. Sanders
Counsel for Petitioners