

NO. 10-1050, 10-1052, 10-1069, 10-1082 *Consolidated*

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

No. 10-1050

IN RE AIKEN COUNTY, Petitioner

No. 10-1052

ROBERT L. FERGUSON, *et al.*, Petitioners,

v.

BARACK OBAMA, President of the United States, *et al.*, Respondents.

No. 10-1069

STATE OF SOUTH CAROLINA, Petitioner,

v.

UNITED STATES DEPARTMENT OF ENERGY, *et al.*, Respondents.

No. 10-1082

STATE OF WASHINGTON, Petitioner,

v.

UNITED STATES DEPARTMENT OF ENERGY, *et al.*, Respondents.

PETITIONERS' STATUS REPORT

The consolidated Petitioners provide this Status Report, in the event that it is necessary, as set forth herein.

Petitioners would advise that last week, when they were contemplating the filing of their Supplemental Filing Regarding Motion To Lift Stay And Set Expedited Briefing Schedule, one of the counsel for Petitioners was advised by Court staff that the filing of Petitioner's Motion to Lift Stay on September 27, 2010, had obviated the need for a further status report because the motion automatically lifted the abeyance order. If, however, this was incorrect or misunderstood by counsel, Petitioners would advise that the status of the NRC matter is as set forth by Petitioners in the aforementioned Motion to Lift Stay, in Petitioners' Reply Memorandum, filed October 15, 2010, in connection with that motion, and in the Supplement to that filing, which was filed on October 25, 2010.

Again, the Petitioners urge that the Court reset this matter for briefing and hearing. The NRC has taken no action of substance in this case for four months. The ALSB ruled that DOE may not withdraw its license application, yet the NRC continues to allow DOE to shut down the project. The Court should not permit the government to manipulate the judicial process so as to deny parties their statutory right to review.

RESPECTFULLY SUBMITTED this 27th day of October, 2010.

s/ Thomas R. Gottshall

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CERTIFICATE OF SERVICE

I herby certify that on the 27th day of October 2010, a copy of the foregoing Petitioners' Status Report was filed electronically using the CM/ECF system, which will provide service on the following parties:

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I herby certify that service of the same was made on the following parties

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