

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT


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AGENCY DOCKETING STATEMENT

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

- 1. CASE NO. 11-056 2. DATE DOCKETED: 02/28/11
- 3. CASE NAME (lead parties only) Blue Ridge Env. Def. League v. U.S. 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: U.S. Nuclear Regulatory Commission
 - b. Give agency docket or order number(s): NRC-2008-0404 and NRC-2008-0482
 - c. Give date(s) of order(s): December 28, 2010
 - d. Has a request for rehearing or reconsideration been filed at the agency? Yes No
If so, when was it filed? _____ By whom? _____
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):
Please see addendum.
- 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)
Please see addendum.
- g. Are any other cases, 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 03/30/2011
 Name of Counsel for Appellant/Petitioner Diane Curran
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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.

Addendum to BREDL et al. Docketing Statement

Question 6(f): “Are any other cases involving the same underlying agency order pending in this Court or any other?”

This case has been consolidated with the following three proceedings: *State of New York, et al. v. United States Nuclear Regulatory Commission* (D.C. Cir. No. 11-1045); *Natural Resources Defense Council, Inc. v. United States Nuclear Regulatory Commission* (D.C. Cir. No. 11-1051); and *Prairie Island Indian Community v. United States Nuclear Regulatory Commission* (D.C. Cir. No. 11-1057).

Question 6(e): “Identify the basis of appellant’s/petitioner’s claim of standing.”

All three Petitioners have been found by the NRC’s Atomic Safety and Licensing Board (“ASLB”) to have representational standing in currently pending NRC reactor licensing cases. See *Virginia Electric and Power Co. d/b/a Dominion Virginia Power and Old Dominion Electric Cooperative* (North Anna Power Station, Unit 3), LBP-08-15, 68 NRC 294, 302-304 (2008) (concluding that BREDL has standing in the North Anna new reactor licensing case); *Entergy Nuclear Operations, Inc.* (Indian Point, Units 1 and 2), LBP-08-13, 68 NRC 43, 59-60 (2008) (concluding that Riverkeeper has standing to challenge the application for renewal of the Indian Point license renewal case); and *Tennessee Valley Authority* (Watts Bar Nuclear Plant, Unit 2), LBP-09-26, 70 NRC 939, 946-

948 (2009) (ruling that SACE has standing to challenge the proposed issuance of an operating license for Watts Bar Unit 2).

In all three cases, the ASLB concluded that Petitioners' hearing requests and declarations submitted by their members demonstrated that the members lived within the 50-mile radius which establishes presumptive injury in an NRC reactor licensing case. The ALSB also found that these members had authorized their respective organizations to represent their interests in the proceedings. In addition, in the *Indian Point* case, the ASLB found that Riverkeeper had established its own institutional standing.

The ASLB's standing determinations establish Petitioners' right to seek protection of their health and safety and environmental interests under the Atomic Energy Act and the National Environmental Policy Act ("NEPA") in individual reactor licensing proceedings. Those same interests are raised in this appeal, where Petitioners seek to ensure that the NRC's generic determinations regarding the health and environmental risks of spent fuel storage and disposal -- on which the NRC relies in its individual licensing proceedings -- fully comply with the requirements of the Atomic Energy Act and NEPA. Therefore, the ASLB's standing decisions in the individual licensing cases also establish Petitioners' standing to bring this appeal.