

UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT

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BLUE RIDGE ENVIRONMENTAL)	
DEFENSE LEAGUE, INC.,)	
RIVERKEEPER, INC., and SOUTHERN)	
ALLIANCE FOR CLEAN ENERGY, INC.,)	
)	
Petitioners,)	No.11-1056
v.)	(consolidated with Case Nos.
)	11-1045, 11-1051, 11-057)
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and the)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
_____)	

NONBINDING STATEMENT OF ISSUES

Petitioners, Blue Ridge Environmental Defense League, Inc., Riverkeeper, Inc., and Southern Alliance for Clean Energy, Inc., hereby state that they intend to raise the following issues in this petition for review:

1. Whether the Temporary Fuel Storage Rule, 75 Fed. Reg. 81,037 (Dec 23, 2010) and the Waste Confidence Decision, 75 Fed. Reg. 81,037 (Dec. 23, 2010), violate the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*, by failing to make an adequate analysis of the environmental impacts of spent fuel storage and disposal.

2. Whether the NRC violated NEPA and the Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2)(A), by failing to revise Table S-3 of 10 C.F.R. § 51.51 and prepare a supporting EIS in conjunction with the Waste Confidence Decision.
3. Whether the Temporary Storage Rule and Waste Confidence Decision rely upon outdated information, incorrect assumptions, and faulty analysis, and are therefore “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” in violation of the APA.
4. Whether the Temporary Fuel Storage Rule and Waste Confidence Decision permit the NRC to grant operating licenses to nuclear power plants without adequate assurances that the facilities are not “inimical . . . to the health and safety of the public,” in violation of the Atomic Energy Act (“AEA”), 42 U.S.C. § 2133(d).

Respectfully submitted,

/s/

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