

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

-----X  
THE STATE OF VERMONT  
DEPARTMENT OF PUBLIC SERVICE,  
Petitioner,

-against-

**11-1168**

No. 11-\_\_\_\_ -ag

UNITED STATES NUCLEAR  
REGULATORY COMMISSION, and  
UNITED STATES OF AMERICA,  
Respondents.  
-----X

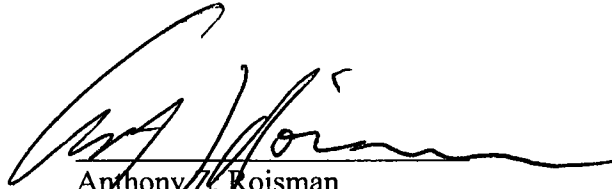
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**PETITION FOR JUDICIAL REVIEW OF  
ADMINISTRATIVE AGENCY ACTION**

Pursuant to § 189 of the Atomic Energy Act, 42 U.S.C. § 2239, 28 U.S.C. §§ 2341-2344; the Administrative Procedure Act, 5 U.S.C. § 551 et seq.; and Rule 15 of the Federal Rules of Appellate Procedure, the petitioner, the State of Vermont Department of Public Service, by its attorney Anthony Z. Roisman, hereby petitions this Court for review of the United States Nuclear Regulatory Commission's ("NRC") Issuance of Renewed Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station issued March 21, 2011. *See* 76 Fed. Reg. 17162 (March 28, 2011). The NRC acted arbitrarily, abused its discretion, and violated the clear mandate of the Clean Water Act (33 U.S.C. § 1341) by failing to have as part of the record of its decision "a certification from the State [of Vermont] in which the discharge originates or will originate . . . that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this Act [33 USCS §§ 1311, 1312, 1313, 1316, 1317]" from the owner and operator of the Vermont Yankee Nuclear Power Station, Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.

The NRC issued this renewed facility operating license on March 21, 2011 and published notice of this issuance in the Federal Register on March 28, 2011. This filing is within the Hobbs Act's 60-day statute of limitations and is timely. 28 U.S.C. § 2344. Venue is appropriate within the D.C. Circuit pursuant to 28 U.S.C. § 2343. Therefore, the State of Vermont Department of Public Service respectfully requests that this Court review the NRC's Issuance of Renewed Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station, vacate the license and remand the matter to the NRC with instructions to reject the proposed license renewal until, and unless, the owner and operator of the Vermont Yankee Nuclear Power Station provides the NRC with a valid and currently effective certification of compliance with the applicable water quality standards of the State of Vermont and Clean Water Act as required by 33 U.C.S. § 1341(a)(1).

Dated: May 18, 2011  
Lebanon, New Hampshire



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UNITED STATES COURT OF APPEALS  
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MAY 20 2011

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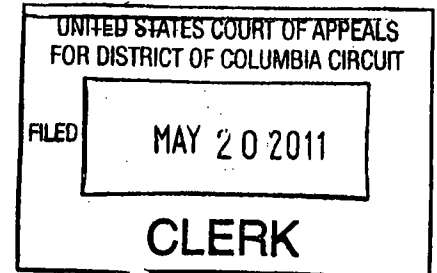
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REGULATORY COMMISSION, and  
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**CERTIFICATE OF SERVICE**

John Beling, hereby declares that on May 19, 2011, he served a copy of the Petition for Review in this proceeding and the attachment thereto on the individuals below by United States Postal Service, properly sealed in an envelope and deposited in a receptacle designated for that purpose:

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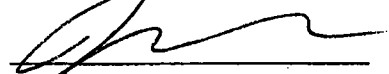
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I declare under penalty of perjury that the foregoing is true and correct.

Dated: Montpelier, Vermont

May 19, 2011



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