

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 14, 2011 14:22

PAPER NUMBER: LTR-11-0412 **LOGGING DATE:** 07/14/2011
ACTION OFFICE: OGC

AUTHOR: Marcia Waldron
AFFILIATION: PA
ADDRESSEE: Gregory Jaczko
SUBJECT: NJ Environmental Federation vs U.S. NRC

ACTION: Appropriate
DISTRIBUTION: Chairman, Comrs, EDO

LETTER DATE: 07/11/2011
ACKNOWLEDGED: No
SPECIAL HANDLING:

NOTES:
FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995



July 11, 2011

Chairman
Nuclear Regulatory Commission
One White Flint North
11545 Rockville Pike
Rockville, MD 20852-2476

RE: NJ Env Fedr, et al v. NRC, et al

Case Number: 09-2567

Agency Case Number: CLI-09-07

Agency Case Number: CLI-08-23

Agency Case Number: CLI-08-28

Dear Secretary,

Enclosed herewith is the certified judgment together with copy of the opinion in the above-captioned case(s). The certified judgment or order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order is also enclosed showing costs taxed, if any.

Very truly yours,

Marcia M. Waldron

Marcia M. Waldron, Clerk

By: *Christina M. Koperna*

Christina M. Koperna, Case Manager
267-299-4930

cc:

John E. Arbab

Brad Fagg

Kevin J. Pflug

Robert M. Rader I

William J. Schulte

Richard Webster

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-2567

NEW JERSEY ENVIRONMENTAL FEDERATION;
SIERRA CLUB; NUCLEAR INFORMATION AND
RESOURCE SERVICE; NEW JERSEY PUBLIC
INTEREST RESEARCH GROUP;
GRANDMOTHERS, MOTHERS AND MORE
FOR ENERGY SAFETY,
Petitioners

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION; UNITED STATES OF AMERICA,
Respondents

EXELON GENERATION COMPANY, LLC,
Intervenor on behalf of Respondents
per Clerk Order of 7/1/09

On Petition for Review from an
Order of the Nuclear Regulatory Commission
(NRC Nos. CLI-09-07, CLI-08-23 and CLI-08-28)

Argued January 5, 2011
Before: AMBRO and FISHER, *Circuit Judges*, and SÁNCHEZ, * *District Judge*.

JUDGMENT

*The Honorable Juan R. Sánchez, District Judge for the United States District Court for the Eastern District of Pennsylvania, sitting by designation.

This cause came on to be heard on the record from the Nuclear Regulatory Commission and was argued by counsel on January 5, 2011. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the petition for review of the orders of the Nuclear Regulatory Commission entered April 1, 2009, October 6, 2008 and November 6, 2008, be and the same are hereby DENIED. All of the above in accordance with the opinion of this Court.

Costs taxed against Petitioners.

ATTEST:

/s/ Marcia M. Waldron
Clerk

Dated: May 18, 2011

The seal of the United States Court of Appeals for the Third Circuit is circular, featuring an eagle with wings spread, perched atop a shield. The shield is supported by two figures. The eagle's chest is covered by a banner with the words "FIDELITY BRAVERY INTEGRITY". The seal is surrounded by the text "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT".
Certified as a true copy and issued in lieu
of a formal mandate on 07/11/11

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit

09-2567

Chairman
Nuclear Regulatory Commission
One White Flint North
11545 Rockville Pike
Rockville, MD 20852-2476
