

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

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

1. CASE NO. 14-1217 2. DATE DOCKETED: 10/29/14
3. CASE NAME (lead parties only) Natural Resources Def. Council v. U.S. Nuclear Regulatory Commission

4. TYPE OF CASE: [X] Review [] Appeal [] Enforcement [] Complaint [] Tax Court

5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? [] Yes [X] 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): Docket ID NRC-2012-0246
c. Give date(s) of order(s): Date published 9/19/2014; date effective 10/20/2014
d. Has a request for rehearing or reconsideration been filed at the agency? [] Yes [X] No
If so, when was it filled? 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 to Docketing Statement (USCA Form 41)

f. Are any other cases involving the same underlying agency order pending in this Court or any other?
[X] 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 [X] 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 [X] No If YES, provide program name and participation dates.

Signature [Handwritten Signature] Date 12/01/2014
Name of Counsel for Appellant/Petitioner Geoffrey H. Fettus
Address NRDC, 1152 15th Street, NW, Suite 300, Washington, D.C. 20005
E-Mail gfettus@nrdc.org Phone (202) 289-2371 Fax (202) 289-1060

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.

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

NATURAL RESOURCES DEFENSE)	
COUNCIL, INC., <i>et al.</i>)	
)	
Petitioner,)	No. 14-1217
)	(consolidated with Case Nos.
v.)	14-1210, 14-1212, 14-1216)
)	
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and the)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

ADDENDUM TO DOCKETING STATEMENT (USCA FORM 41)

a. Response to item 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, all of which were filed in the D.C. Circuit: *The State of New York, et al. v. United States Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 14-1210; *Prairie Island Indian Community v. United States Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 14-1212; and *Beyond Nuclear, et al. v. United States Nuclear Regulatory Commission and the United States of America*, D.C. Cir. No. 14-1216.

b. Response to item 6(e): “Identify the basis of appellant’s/petitioner’s claim of standing. See D.C. Cir. Rule 15(c)(2).”

Petitioner NRDC seeks judicial review of NRC’s *Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel* (“Generic EIS”), 79 Fed. Reg. 56,263 (Sept. 19, 2014), which finds the continued storage of spent nuclear fuel in storage pools at nuclear reactor sites indefinitely beyond the licensed operating life of a reactor will have “small” environmental impacts. Petitioner NRDC also challenges NRC’s *Final Rule for Continued Storage of Spent Nuclear Fuel* (“Continued Storage Rule”), 79 Fed. Reg. 56,238 (Sept. 19, 2014), which adopts the Generic EIS as the basis for licensing and relicensing decisions.

In tandem, the Continued Storage Rule and Generic EIS allow NRC to license and relicense nuclear reactors and on-site waste storage facilities with no further analysis of the environmental impacts of indefinite continued storage of nuclear waste at sites around the country, sites that are in close proximity to NRDC members. NRDC challenges the Generic EIS and Continued Storage Rule on several grounds, including that the Generic EIS fails to (1) meaningfully analyze the environmental impacts of indefinite, continued storage of spent nuclear fuel at reactor sites, (2) discuss a reasonable range of alternatives to the continuation of current storage practices, (3) discuss mitigation measures, or (4) consider site-

specific differences. NRDC members have concrete interests in a full and accurate review by NRC of the environmental impacts of continued, indefinite storage of spent fuel at reactor sites including assessment of alternatives, mitigation measures, and site specific factors. The Generic EIS failed to do such a review.

To establish standing to challenge such a failure in this instance, a party filing suit in federal court must demonstrate three elements: first, that he or she has suffered a cognizable injury; second, that the injury is fairly traceable to the opposing party's conduct; and third, that a favorable court decision would be likely to redress the injury. *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 180-81 (2000). The alleged injury must be "concrete and particularized, actual or imminent." *National Parks Conservation Ass'n v. Manson*, 414 F.3d 1, 4 (D.C. Cir. 2005). However, "[p]rocedural rights are special: The person who has been accorded a procedural right to protect his concrete interests can assert that right without meeting all the normal standards for redressability and immediacy." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 572 n. 7 (1992) (internal quotations omitted). That is, a party alleging a procedural injury "never has to prove that if he had received the procedure the substantive result would have been altered. All that is necessary is to show that the procedural step was connected to the substantive result." *Sugar Cane Growers Coop. v. Veneman*, 289 F.3d 89, 94-95 (D.C.Cir.2002); see also *Lemon v. Geren*, 514 F.3d

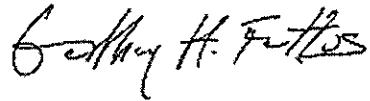
1312, 1315 (D.C. Cir. 2008) (a party suffers a procedural injury when an agency fails to follow a statutorily-mandated procedure if that procedure could change the agency's mind in a particular matter).

In this case, NRDC's members have suffered a cognizable injury directly traceable to the NRC's conduct, and a favorable court decision would redress that injury. These NRDC members live, work and conduct their lives in close proximity to nuclear power plants managing spent nuclear fuel and will suffer harm from the agency's failure to address the environmental impacts of potentially indefinite nuclear waste storage under the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 *et seq.* See Alden Decl. (Attachment A) at ¶¶ 3-8, Cohen Decl. (Att. B) at ¶¶ 3-7; Korey Decl. (Att. C) at ¶¶ 3-9; Rowe Decl. (Att. D) at ¶¶ 3-9; School Decl. (Att. E) at ¶¶ 3-8 and Schwarz Decl. (Att. F) at ¶¶ 3-8. These members are reasonably concerned they may be injured by nuclear waste stored indefinitely at power plants near their homes, and worry the environmental analysis and rule under review are inadequate under the law and inadequate to address their concerns. See, e.g., Alden Decl. at ¶¶ 5-8, Korey Decl. at ¶¶ 7-9, and School Decl. at ¶¶ 6-8. Therefore, they are harmed by the challenged rules. See *Nuclear Info. & Res. Serv. v. Nuclear Regulatory Comm'n*, 509 F.3d 562, 567 (D.C. Cir. 2007) (concerns about risk of harm from nuclear waste stored at facility constitute injury for standing purposes).

By promulgating the Continued Storage Rule and the Final Generic EIS in the course of licensing or relicensing nuclear facilities, the NRC has failed to meaningfully analyze or consider the environmental impacts of nuclear waste storage in the event no permanent disposal solution is ever found. Accordingly, the agency has caused the procedural injury that NRDC's members have suffered. A ruling in NRDC's favor would redress these members' injuries by vacating the challenged rule and associated Final Generic EIS and then require the agency to take a hard look at the problem of indefinite, on-site nuclear waste storage before granting or renewing operating licenses for nuclear facilities. *See* Alden Decl. at ¶ 9-10, Cohen Decl. at ¶ 8, Korey Decl. at ¶ 10, Rowe Decl. at ¶ 11, and School Decl. at ¶ 9. Thus, a Court ruling would redress these members' injuries.

In addition, NRDC satisfies the three-part test for organizational standing established in *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333, 343 (1977). First, as discussed above, NRDC's members have standing in their own right. *Id.* Second, the interests that this suit will protect are germane to NRDC's organizational purposes. *See* Trujillo Decl. (Attachment G) at ¶¶ 5-6; *Hunt*, 432 U.S. at 343. Third, neither the claims asserted nor the relief requested requires the participation of individual members in the lawsuit. *Hunt*, 432 U.S. at 343. Accordingly, NRDC has standing to bring this petition before the Court.

Respectfully submitted,



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Attorney for Petitioners

Filed this date of December 1, 2014

Attachment A

Declaration of Diane Alden

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

NATURAL RESOURCES DEFENSE)	
COUNCIL, INC., <i>et al.</i>)	
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UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and the)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

DECLARATION OF DIANE ALDEN

I, Diane Alden, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (“NRDC”). I have been a member for over 15 years. I joined NRDC because I believe the government could do a better job of protecting the environment. I am committed to the long-term sustainability of the planet, and have a deep respect for life and for nature.

3. My current address is 124 Quaker Bridge Rd., Croton-on-Hudson NY, 10520, where I have lived for about 38 years.
4. My home is approximately eight miles southeast of the Indian Point Energy Center in Buchanan, NY. I am aware that regulators at the Nuclear Regulatory Commission (“NRC”) are currently considering a re-permitting application for this facility, which will keep it open for another 20 years.
5. I am aware that Indian Point stores nuclear waste from the reactors at the facility itself. This concerns me a great deal. I have read about various accidents and violations that have occurred at the plant, and I am worried that radioactive materials from this nuclear waste may be leaking into the environment. I have no way of knowing whether it is being stored in a safe manner or not. Simply put, the government has not informed those of us in the neighboring communities about the risks that come with nuclear waste storage on site at power plants. I am concerned that these risks will be magnified by the proposed expansion of the Algonquin gas pipeline across the property of the plant.
6. In addition to the issue of radiation leaks, I am also concerned about what might happen to this spent nuclear fuel in the event of an accident at Indian Point. If something were to go wrong at the plant, I might not be able to evacuate in time, given the population density in the area and the limited number of transportation

routes. In this situation, those of us living near the plant could be exposed to the nuclear waste stored on site, and I have grave doubts about whether the government has prepared adequately for such a catastrophe. Even if the government has so prepared, it has not provided sufficient information to the community.

7. I am aware that cancer rates in my area are higher than average. In the time that I have lived at my current residence, three of the pet cats I have owned have had thyroid disease, and my husband passed away from thyroid cancer in September of 2009. I have often wondered whether radiation from the plant might have been a factor my husband's cancer and my pets' illnesses, and it gives me great concern about what might happen to more residents in the future because of exposure from the spent fuel stored at the plant. If the NRC were to conduct a full analysis of the health, safety and environmental consequences of spent nuclear fuel storage at Indian Point, I could better educate myself about the relationship between nuclear waste and cancer rates in the area.


8. I previously served as a standing declarant for NRDC in a suit to require the NRC from considering the risks involved in storing nuclear waste on site at power plants when it undertakes an environmental review. I am aware that, following this previous NRDC lawsuit, the NRC must analyze the environmental impacts of

failing to secure permanent storage for spent nuclear fuel rods. However, I also know that in its Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel (GEIS), the NRC failed to consider the environmental impacts of a representative range of reasonable alternatives for ensuring prolonged but safe surface storage of these fuel rods. I understand as well that, in the GEIS, the NRC assumed that the regulation of spent nuclear fuel will continue indefinitely at the same level as it exists today. These aspects of the NRC's analysis are of grave concern to me: how can we know what risks we are exposed to if the NRC does not consider them fully when deciding whether to grant a permit? Because of this rule, citizens like me do not have enough of a say in nuclear permitting decisions.

9. If the NRC were to revoke this rule and were to analyze the hazards posed by spent nuclear fuel storage at plants like Indian Point, my concerns would be lessened. Not only would it educate me on the risks that I am exposed to, but it would give me some confidence that the NRC were really doing its job of overseeing these plants and ensuring that they are operating safely. I would also be interested in submitting comments to the agency if it were to publish a more thorough environmental review that included discussions about nuclear waste storage. As of now, however, I cannot be confident that the agency is doing its job properly. Nor can I be confident that the nuclear waste at Indian Point is being stored safely.

10. I feel that the NRC is giving short shrift to health and safety concerns by ignoring nuclear waste storage issues in their environmental reviews of plants like Indian Point. I had hoped that NRDC's previous lawsuit would solve this problem, but it is clear to me that the NRC is not fulfilling its obligations under the law. I therefore support NRDC's efforts to take the NRC to court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on 11/25/14.


Diane Alden

Attachment B

Declaration of Beverly Cohen

**UNITED STATES COURT OF APPEALS
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Respondents.)	
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DECLARATION OF BEVERLY COHEN

I, Beverly Cohen, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (“NRDC”), and have been a member for about 16 years. I am concerned about a number of environmental issues, including the protection of marine mammals, the reduction of waste, and the necessary transition to cleaner, safer sources of energy. I am politically active on these issues, and volunteer for electoral candidates who share my concerns.

3. I have lived at 993 Bluebell Way, San Luis Obispo, CA 93401 for about six-and-a-half years. I moved to San Luis Obispo to be near my daughter, my son-in-law, and their two children, who live in town.

4. My home is about 13 miles east by north of the Diablo Canyon Power Plant, which is located near Avila Beach, California. I have been informed that the Nuclear Regulatory Commission (“NRC”) is in the process of re-licensing Diablo Canyon for another 20 years of operation.

5. I am aware that Diablo Canyon stores nuclear waste on site. This concerns me greatly. I used to live in Los Angeles, and my house sustained significant damage from an earthquake. Though I have acquaintances who work at Diablo Canyon who assure me of the plant’s structural integrity, I worry that the plant is similarly vulnerable, and that an earthquake would expose my grandchildren to dangerous radiation. My concerns have grown in recent years, as fossil fuel companies have sought to begin fracking in nearby Santa Barbara County. It is my understanding that fracking can provoke seismic activity. I believe it is likely that something will eventually go wrong at Diablo County, and that given the enormity of that prospect, we ought to take all possible safety precautions at the plant.

6. I am also concerned about the possibility of an evacuation, in the event of a mishap at Diablo Canyon. There are only two roads by which one could leave the

area, and I fear that because of traffic, many residents of San Luis Obispo would not be able to leave quickly enough. I have worried about this possibility ever since I moved to San Luis Obispo, at which point I had to procure potassium iodide tablets to protect against the potential effects of radiation. It is disconcerting to live—and to know that my grandchildren live—somewhere that might require special medication just to be minimally habitable.

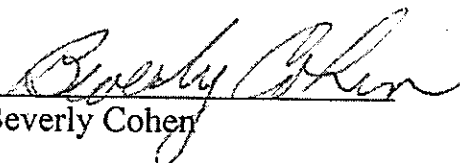
7. I have been active on environmental issues related to Diablo Canyon. I have attended demonstrations and written letters on behalf of community groups concerned about the plant. My interest in these issues has been particularly keen following the Fukushima Daiichi nuclear disaster. While some of the groups in which I have been involved, such as San Luis Obispo Mothers for Peace, seek to have Diablo Canyon shut down altogether, my immediate interest has always been in improving the safety of the plant. Even if the plant were to shut down, we would still be left with the nuclear waste that already exists. Without safe permanent storage, closing the plant would simply mean transferring the danger to whoever were to next hold the waste.

7. I am aware that the NRC must analyze the environmental impacts of failing to secure permanent storage for spent nuclear fuel rods. However, I also know that in its Generic Environmental Impact Statement for Continued Storage of Spent

Nuclear Fuel (GEIS), the NRC failed to consider the environmental impacts of a representative range of reasonable alternatives for ensuring prolonged but safe surface storage of these fuel rods. I understand as well that, in the GEIS, the NRC assumed that the regulation of spent nuclear fuel will continue indefinitely at the same level as it exists today. It seems to me that the regulators have failed to do their jobs properly. Nuclear waste poses a serious threat to San Luis Obispo and other communities near nuclear power plants. When dealing with the possibility of catastrophe, we cannot just assume that everything will work as planned.

8. In view of what I have described above, I fully support NRDC's efforts to bring the NRC to court. I believe that NRDC's success in this lawsuit would help ensure the safe storage of nuclear waste, and would thereby alleviate some of my concerns about Diablo Canyon.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on 11/25/14.


Beverly Cohen

Attachment C

Declaration of Deanna Reeves Korey

**UNITED STATES COURT OF APPEALS
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Respondents.)	
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DECLARATION OF DEANNA REEVES KOREY

I, Deanna Reeves Korey, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (“NRDC”), and have been a member for 12 years. I joined NRDC because I have always had a deep commitment to protecting the natural environment. My grandfather was a chemical engineer and a founding member of the Water Environment Federation; he helped Wisconsin become the first state to pass comprehensive water pollution laws and went on to advise national and

international bodies on water amelioration projects. My parents continued this legacy of environmental stewardship and activism. From an early age, I remember we were taught to painstakingly separate our paper, metal cans, and glass containers, drive to the community “recycling center,” and sort them into the designated dumpsters, long before household recycling became the norm in the United States. I have tried to continue the tradition, not only through private actions, but also through political engagement. I consistently write to Members of Congress in support of environmental causes, attend political rallies, and donate to environmental organizations. Among the issues I consider most important is the global transition to safe, sustainable sources of energy. NRDC has proven to be effective in fighting for the policies that I wish to see implemented.

3. Since 1987, I have lived at 90 Lexington Dr., Croton-on-Hudson, NY 10520, where I raised my three children, who are now grown. I am an artist, writer, and former educator. I was most recently employed in a research library.

4. My home is approximately five miles southeast of the Indian Point Energy Center, which is located in Buchanan, NY. I have been informed that the Nuclear Regulatory Commission (“NRC”) is in the process of re-licensing Indian Point for another 20 years of operation.

5. I began paying attention to the environmental and health risks of the Indian Point Energy Center shortly after I moved to Croton-on-Hudson. At that time, I received the booklet, "Community Emergency Planning for Indian Point" produced by Westchester County. When I studied the evacuation plan in the booklet, I found it woefully inadequate: it did not sufficiently account for traffic patterns in the area, nor did it consider that individuals under pressure tend to ignore directions.

6. Since reading that booklet, I have remained engaged with issues relating to Indian Point. In recent years, these have included, among others: the leaking of strontium-90 into the Hudson River from the spent fuel rod pool; the discharge of hot wastewater from the plant into the Hudson River; the security of the plant in the wake of the September 11th, 2001 attacks; and most recently, the expansion of the Algonquin gas pipeline near the plant. I have attended numerous meetings of community groups opposed to the operation of Indian Point.

7. I am aware that Indian Point stores spent nuclear fuel rods on site, and this worries me very much. It is my understanding that spent fuel rod assemblies at Indian Point have been stored for decades in pools meant to hold waste only temporarily, until they could be relocated to a permanent storage facility. The growing density of hot spent fuel rods magnifies the danger of a malfunction at the

plant. I am concerned, particularly following the 2011 Fukushima Daiichi nuclear disaster, that nuclear waste stored onsite at Indian Point could meltdown or combust, thereby exposing my community to dangerous levels of radioactivity.

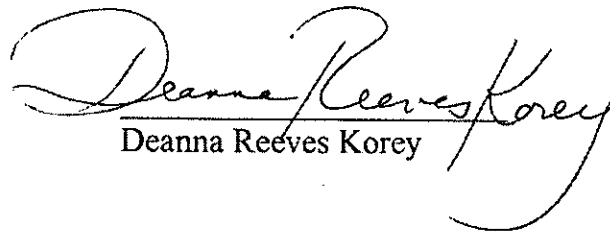
8. I am also concerned about the structural integrity of Indian Point. The reactors at Indian Point were constructed approximately forty years ago, and it is my understanding that they were not designed for such extended operation. Moreover, the plant lies in what I know to be is a seismically active region, which heightens the risk and my fear of an unpredictable release of radioactivity.

9. I am aware that the NRC must analyze the environmental impacts of failing to secure permanent storage for spent nuclear fuel rods. However, I also know that in its Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel (GEIS), the NRC failed to consider the environmental impacts of a representative range of reasonable alternatives for ensuring prolonged but safe surface storage of these fuel rods. I understand as well that, in the GEIS, the NRC assumed that the regulation of spent nuclear fuel will continue indefinitely at the same level as it exists today. These aspects of the GEIS trouble me. I feel they are indicative of a hubristic attitude that Fukushima exposed all too well.

10. For the foregoing reasons, I fully support NRDC's efforts to bring the NRC to court. If NRDC were to win in this case, the concerns that I have described

above would be lessened, because I would know that the NRC's formerly lax oversight would be tempered by the requirements of the law. I would feel that the NRC might take a more responsible and diligent approach to the relicensing process for Indian Point, in a way that more accurately reflects the unpredictability inherent in storing nuclear waste on site with inadequate protections.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on November 25, 2014


Deanna Reeves Korey

Attachment D

Declaration of Blake Rowe

**UNITED STATES COURT OF APPEALS
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Respondents.)	
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DECLARATION OF BLAKE ROWE

I, Blake Rowe, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (“NRDC”), and have been a member for over 16 years. I joined NRDC because of my abiding commitment to living sustainably and minimizing waste. These values are fundamental to many of my family members and peers. My wife and I have personally sought to help protect the planet by founding a company called Eco-Bags Products, Inc. Since 1989, Eco-Bags has sold ethically and sustainably

sourced reusable bags. Until 2007, I was responsible for the technical aspects of the administration of Eco-Bags Products. I believe that we need to hold all corporations accountable for activities that despoil the planet. In my view, NRDC does this effectively by helping to enforce the rule of law.

3. My current address is 42 Stone Ave., Ossining, New York 10562, where I live with my wife and my son. My daughter lived with us until 2010. I am an elementary school music teacher.

4. My home is approximately eight miles southeast-by-south of the Indian Point Energy Center, which is located in Buchanan, New York. I have been informed that the Nuclear Regulatory Commission (“NRC”) is in the process of relicensing Indian Point for another 20 years of operation.

5. I am keenly interested in the environmental and human health impacts of the Indian Point Energy Center. I have closely followed the relicensing process in the local news. I have also attended public hearings relating to the plant and signed various petitions put forth by community groups that aim to improve the environmental safety of the plant’s operations.

6. I am aware that Indian Point stores spent nuclear fuel rods on site, and this seriously concerns me. I am personally opposed to the use of nuclear power, largely because of the long-term threat posed by fuel rods such as these. It is my

understanding that they remain dangerously radioactive for thousands of years. Therefore, by using nuclear power, and particularly by failing to adequately consider the problem of storing spent fuel rods, we are seriously endangering future generations, and forcing them to deal with our problems. When I reflect upon how significantly both society and technology have evolved even over the last few hundred years, the thought of making decisions for the next few millennia seems absurd.

7. My feelings about the storage of spent nuclear fuel rods were confirmed in October 2013, when I attended an NRC hearing on the Commission's Waste Confidence Draft Generic Environmental Impact Statement. At that hearing, I found the NRC staff who spoke to be shortsighted in their understanding of the threat posed by nuclear waste. In my view, they grossly overestimated the durability of the proposed arrangements for containing this waste.

8. I also worry about the immediate dangers that Indian Point poses to my community. I fear the possibility of a catastrophic meltdown. I understand that the spent nuclear waste previously contaminated the Hudson River, endangering the biota there. I believe that such leaks are a persistent risk of any nuclear power plant, but also that leaks are more likely when the NRC neglects to require adequate safety measures.

9. I am aware that the NRC must analyze the environmental impacts of failing to secure permanent storage for spent nuclear fuel rods. However, I also know that in its Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel (GEIS), the NRC failed to consider the environmental impacts of a representative range of reasonable alternatives for ensuring prolonged but safe surface storage of these fuel rods. I understand as well that, in the GEIS, the NRC assumed that the regulation of spent nuclear fuel will continue indefinitely at the same level as it exists today. These aspects of the GEIS trouble me deeply.

10. I fear that the NRC has been improperly influenced by the nuclear power industry, and has therefore not devised an adequate regulatory regime. The nuclear power industry cannot be counted on to police itself. I therefore believe that to protect future generations from the threat of spent nuclear waste, we must bring the NRC under the rule of law.

11. For the foregoing reasons, I fully support NRDC's efforts to bring the NRC to court. If NRDC were to win in this case, the concerns that I have described above would be lessened, because I would know that the NRC would be required to fully consider the intergenerational threats posed by the storage of nuclear waste, and to better protect human health and the environment near the Indian Point Energy Center.

best of my knowledge, information and belief. Executed on 11/26/2014

Blake Rowe

Blake Rowe

Attachment E

Declaration of David School

**UNITED STATES COURT OF APPEALS
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DECLARATION OF DAVID SCHOOL

I, David School, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (“NRDC”), and have been a member for almost 14 years. I am broadly concerned about environmental issues, and support a number of advocacy organizations working to protect our planet. I worry when companies, including those in the nuclear power industry, undertake potentially harmful activities with little transparency to the public. I believe that we need environmental organizations like

NRDC to hold these companies accountable for their behavior, and to give citizens fair notice regarding the risks to which we are exposed by their practices.

3. I first became aware of the dangers of nuclear power when I lived in Freeport, IL, near the Byron Nuclear Generating Station.

4. My current address is 2947 E. 1499th Rd., Ottawa, IL 61350, where I live with my wife and eight year-old son. I have lived at this address for about 14 years. I am a retired special education director. My adult daughter and her family live nearby, in Seneca, IL.

5. My home is approximately 13 miles northwest of the LaSalle County Nuclear Generating Station, which is located in Marseilles, IL. I have been informed that the Nuclear Regulatory Commission ("NRC") is in the process of re-licensing LaSalle for another 20 years of operation.

6. I understand that LaSalle stores nuclear waste onsite. This concerns me, because I do not know whether the means of storing the waste are safe. It seems to me that from the advent of nuclear power, we have never had a permanent solution, or even a satisfactory comprehensive plan, for storing waste. Disasters such as those at Chernobyl and Fukushima have shown the potential for immense damage, should anything malfunction at a nuclear plant. Storing nuclear waste

onsite magnifies these risks. It is my view that we cannot simply assume that nuclear plants such as LaSalle are safe.

7. I am also concerned about the possibility of water pollution from the nuclear waste stored at LaSalle. It is my understanding that the waste there is stored in a manmade cooling pond. I fear that radioactive material from this pond might seep into the Illinois River, and from there, given a leak of sufficient magnitude, into the Mississippi River. This could expose a terribly large number of people to dangerous radiation. I have not been able to find any indication of a sufficient system of failsafe mechanisms to prevent a disaster such as this.

8. I am aware that the NRC must analyze the environmental impacts of failing to secure permanent storage for spent nuclear fuel rods. However, I also know that in its Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel (GEIS), the NRC failed to consider the environmental impacts of a representative range of reasonable alternatives for ensuring prolonged but safe surface storage of these fuel rods. I understand as well that, in the GEIS, the NRC assumed that the regulation of spent nuclear fuel will continue indefinitely at the same level as it exists today. In my view, this indicates that the NRC has not done enough to address the problem of storing nuclear waste. By not adequately dealing

with storage, we are simply postponing necessary investments and passing along unnecessary risks to future generations.

9. I fully support NRDC's efforts to bring the NRC to court, for the reasons that I have described above. I believe that if NRDC were successful in this lawsuit, it would help bring about a more transparent nuclear regulatory system, because the NRC would be forced to address the tough questions posed by nuclear waste. NRDC's success in this lawsuit would also deter the nuclear power industry from claiming that the energy they produce is clean and cheap. It is essential that we understand the true costs of their activities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on 11/25/14.


David School

Attachment F

Declaration of Dorothy Schwarz

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

NATURAL RESOURCES DEFENSE)
COUNCIL, INC., *et al.*)
))
Petitioner,)
))
v.)
))
UNITED STATES NUCLEAR)
REGULATORY COMMISSION and the)
UNITED STATES OF AMERICA,)
))
Respondents.)

No. 14-1217
(consolidated with Case Nos.
14-1210, 14-1212)

DECLARATION OF DOROTHY SCHWARTZ

I, Dorothy Schwartz, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (“NRDC”), and have been a member for almost 30 years. We have to live in this world, and we are messing the world up. I do what I can to support groups that are helping to keep us from messing it up even more, and so, I joined NRDC. I have long viewed the world from this environmental perspective. I have spent most of my life in Cleveland, where, a result of pollution, the Cuyahoga River caught fire

several times. Now that I have five grandchildren, I think more and more often of what kind of world we will leave for them. I believe that NRDC's work helps provide a better world for my grandchildren.

3. I live at 21 Villa Ct., San Luis Obispo, CA 93401. I moved to San Luis Obispo two years ago to be closer to my grandchildren, who live in the area, after about ten years of frequent visiting from Cleveland. I am a retired social worker. I am 84 years old.

4. My home is approximately ten miles east by north of the Diablo Canyon Power Plant, which is located near Avila Beach, California. I have been informed that the Nuclear Regulatory Commission ("NRC") is in the process of re-licensing Diablo Canyon, which would keep the plant open for another 20 years.

5. I understand from reading the local newspaper that Diablo Canyon stores nuclear waste on site. It seems to me that it is only a matter of time before something goes wrong with this waste, to potentially catastrophic effect. I know that Diablo Canyon sits in a seismically active region, in which an earthquake could cause structural damage to the plant, exposing the population nearby to radioactivity from the waste. It is also my understanding that, though California is not famous for such events, the region has a history of very large tsunamis. Given that nuclear waste remains dangerously radioactive for thousands of years, it

strikes me as conceivable that a tsunami could provoke a nuclear disaster, as it did in Fukushima. I don't want my grandchildren, or their grandchildren, exposed to that horrible threat.

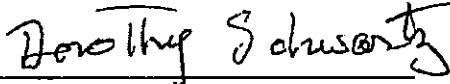
6. Because I am concerned about nuclear waste, I have assisted local efforts to address some of the environmental challenges posed by Diablo Canyon, by signing petitions and making phone calls on behalf of community groups.

7. I am aware that the NRC must analyze the environmental impacts of failing to secure permanent storage for spent nuclear fuel rods. However, I also know that in its Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel (GEIS), the NRC has failed to consider the environmental impacts of a representative range of reasonable alternatives for ensuring prolonged but safe surface storage of these fuel rods. I understand as well that, in the GEIS, the NRC has assumed that the regulation of spent nuclear fuel will continue indefinitely at the same level as it exists today. I consider this irresponsible. We can't keep storing our nuclear waste on site at power plants indefinitely, simply hoping that nothing will go wrong.

8. I fully support NRDC's efforts to bring the NRC to court, for the reasons that I have described. I believe that, if NRDC were successful in this lawsuit, it would help ensure that nuclear waste is stored with appropriate attention to the

long-term hazards of keeping it on site. I would be grateful for the peace of mind that would come from knowing that the NRC had to fully address this grave problem.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on 11-25-14.


Dorothy Schwartz

Attachment G

Declaration of Gina Trujillo

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

NATURAL RESOURCES DEFENSE)	
COUNCIL, INC., <i>et al.</i>)	
)	
Petitioner,)	No. 14-1217
)	(consolidated with Case Nos.
v.)	14-1210, 14-1212, 14-1216)
)	
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and the)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

DECLARATION OF GINA TRUJILLO

I, Gina Trujillo, declare as follows:

1. I am the director of member services and member development at the Natural Resources Defense Council, Inc. (NRDC). I have been the director of member services and member development for over 9 years.

2. My duties include supervising the preparation of materials that NRDC distributes to members and prospective members. Those materials describe NRDC and identify its mission.

3. NRDC is a membership organization incorporated under the laws of the State of New York. It is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.

4. NRDC currently has approximately 300,461 members. There are NRDC members residing in each of the fifty United States and in the District of Columbia.

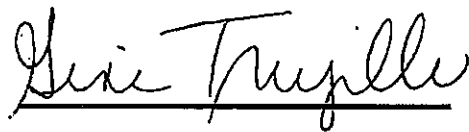
5. NRDC's mission statement declares that "The Natural Resources Defense Council's purpose is to safeguard the Earth: its people, its plants and animals, and the natural systems on which all life depends." Furthermore, NRDC "strive[s] to protect nature in ways that advance the long-term welfare of present and future generations," and "work[s] to foster the fundamental right of all people to have a voice in decisions that affect their environment."

6. Since its inception in 1970, NRDC has, as one of its organizational goals, sought to improve the environmental, health, and safety conditions at the nuclear facilities operated by the Department of Energy and the civil nuclear facilities licensed by the Nuclear Regulatory Commission and their predecessor agencies. To that end, NRDC utilizes its institutional resources (such as its capacities for legislative advocacy, public outreach and education, and litigation)

to minimize the risks that nuclear facilities and its attendant waste pose to its members and to the general public.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.

Dated: December 1, 2014

A handwritten signature in cursive script, reading "Gina Trujillo", is written over a solid horizontal line.

Gina Trujillo