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United States Court of Appeals
District of Columbia Circuit

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

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UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
FILED
OCT 23 2009
CLERK

CENTER FOR A SUSTAINABLE COAST,
SAVANNAH RIVERKEEPER, SOUTHERN
ALLIANCE FOR CLEAN ENERGY, GEORGIA
WOMEN'S ACTION FOR NEW DIRECTIONS,
and BLUE RIDGE ENVIRONMENTAL
DEFENSE LEAGUE,

Petitioners,

~~09-1262~~
Case Number:

v.

NUCLEAR REGULATORY COMMISSION and
THE UNITED STATES OF AMERICA,

09-1262

Respondents.

ORIGINAL

PETITION FOR REVIEW

Pursuant to F.R.A.P. 15 and 28 U.S.C. § 2342-2344, Petitioners' hereby petition this Court for review of Respondent Nuclear Regulatory Commission's (NRC) issuance of an Early Site Permit (ESP) and Limited Work Authorization (LWA) to SNC² for Units 3 and 4 of the Vogtle nuclear power plant, *Southern Nuclear Operating Co.*, Early Site Permit No. ESP-004, (Aug. 26, 2009) (Attachment 1), and all decisions and orders memorialized therein, including but not limited to:

- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-07-03, 65

¹ The Center for a Sustainable Coast, Savannah Riverkeeper, Southern Alliance for Clean Energy, Georgia Women's Action for New Directions, and Blue Ridge Environmental Defense League are collectively referred to as "Petitioners."

² Southern Nuclear Operating Company, Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia are collectively referred to as "SNC."

NRC 237 (2007) (Board Memorandum and Order Ruling on Standing and Contentions);

- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-08-2, 67 NRC 54 (2008) (Board Memorandum and Order Ruling on Dispositive Motion and Associated Motion to Strike Regarding Environmental Contention 1.2);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), (unpublished order) (Jan. 26, 2009) (Board Memorandum and Order Ruling on In Limine Motions);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), (unpublished order) (Feb. 23, 2009) (Board Memorandum and Order Ruling on In Limine Motions);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-09-07, ___ NRC ___, slip op., (June 22, 2009) (First Partial Initial Decision);
- *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-09-19, ___ NRC ___, slip op., (Aug. 17, 2009) (Second and Final Partial Initial Decision).

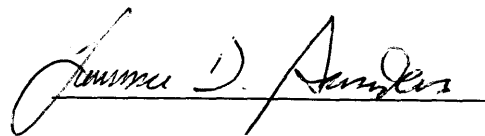
On August 26, 2009, the NRC issued the ESP and LWA to SNC for two nuclear power units and for limited construction activities at the Vogtle site located in Burke County, Georgia, approximately twenty-six miles southeast of Augusta, Georgia (Attachment 1). Additionally, the NRC provided notice of issuance of the ESP and LWA for the Vogtle Electric Generating Plant ESP site in the Federal Register on August 31, 2009, at 74 Fed. Reg. 44,879 (Attachment 2).

Petitioners contend that in issuing the ESP and LWA to SNC for the Vogtle ESP site, the NRC violated the Atomic Energy Act, 42 U.S.C. § 2011 *et seq.*, the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, the Administrative Procedure Act, 5

U.S.C. § 701 *et seq.*, and the regulations issued pursuant to those statutes. Accordingly, Petitioners seek review and reversal of the issuance of the ESP and LWA for the Vogtle ESP site. Petitioners additionally seek injunctive relief and any other relief the court deems appropriate.

Dated: October 22, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence D. Sanders", written over a horizontal line.

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CERTIFICATE OF SERVICE

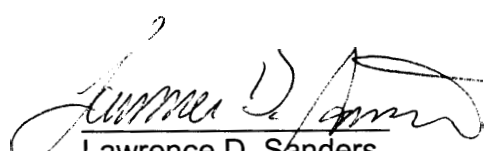
I hereby certify that I have served the foregoing Petition for Review and Rule 26.1 Disclosure Statement on the parties admitted to participate in the administrative proceedings below who are not respondents herein, by sending a copy via First Class Mail to each of the following addresses:

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Dated: October 22, 2009


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