

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BLUE RIDGE ENVIRONMENTAL
DEFENSE LEAGUE, CENTER FOR A
SUSTAINABLE COAST, CITIZENS ALLIED
FOR SAFE ENERGY, FRIENDS OF THE
EARTH, GEORGIA WOMEN'S ACTION FOR
NEW DIRECTIONS, NORTH CAROLINA
WASTE AWARENESS AND REDUCTION
NETWORK, NUCLEAR INFORMATION
AND RESOURCE SERVICE, SOUTHERN
ALLIANCE FOR CLEAN ENERGY,
and NUCLEAR WATCH SOUTH,

Petitioners

Case No. _____

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION, and
UNITED STATES OF AMERICA,

Respondents.

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**PETITION FOR JUDICIAL REVIEW OF
NRC'S AP1000 RULE**

Pursuant to § 189 of the Atomic Energy Act, 42 U.S.C. § 2239, and 28
U.S.C. §§ 2341-2344; the Administrative Procedures Act, 5 U.S.C. § 551 et seq.;
and Rule 15 of the Federal Rules of Appellate Procedure, the petitioners, Blue
Ridge Environmental Defense League (representing itself and its chapters,
Bellefonte Efficiency and Sustainability Team, Concerned Citizens of Shell Bluff,



and Mothers Against Tennessee River Radiation), Center for a Sustainable Coast, Citizens Allied for Safe Energy, Friends of the Earth, Georgia Women's Action for New Directions, North Carolina Waste Awareness and Reduction Network, Nuclear Information and Resource Service, Southern Alliance For Clean Energy and Nuclear Watch South, by an through the undersigned counsel, hereby petition this Court for review of the United States Nuclear Regulatory Commission's ("NRC") decision to approve a final rule amending Title 10 of the Code of Federal Regulations, Part 52, Appendix D, "Design Certification Rule for the AP1000 Design," SECY-11-0145, December 22, 2011, and published it in the Federal Register at 76 Fed. Reg. 82,079 on December 30, 2011 ("AP1000 Rule"). A copy of the AP1000 rule is attached to this petition. The NRC acted arbitrarily, abused its discretion, and violated the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*), the Administrative Procedures Act (5 U.S.C. § 701 *et seq.*), the Atomic Energy Act (42 U.S.C. § 2011 *et seq.*), the Commission's policies and regulations, the Council on Environmental Quality's regulations, and other applicable laws and regulations in certifying the AP1000 reactor design.

The Petitioners are public interest organizations who commented on the proposed AP1000 rule and/or who were intervenors in the NRC licensing proceeding for the Combined License for Vogtle Electric Generating Plant Units 3 and 4 (Docket Nos. 52-025-COL & 52-026-COL) which has adopted the AP1000

reactor design by reference.

This filing is timely because it is made within the 60-day period established by the Hobbs Act for bringing judicial review. Venue is appropriate in the D.C. Circuit pursuant to 28 U.S.C. § 2343.

Therefore, the Petitioners respectfully request that this Court review the AP1000 Rule, vacate it, remand the matter to the NRC for further analysis and the preparation and issuance of a supplemental environmental assessment or environmental impact statement, and grant any other relief that the Court may deem just and appropriate.

Respectfully submitted,



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