

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE NUCLEAR REGULATORY COMMISSION

_____)	
In the Matter of)	
Southern Nuclear Operating Company, Inc.)	Docket Nos. 52-025-COL &
Combined License for Vogtle Electric)	52-026-COL
Generating Plant Units 3 and 4)	
_____)	February 9, 2012

**PETITIONERS' MOTION FOR A HOUSEKEEPING
STAY OF LICENSING DECISION FOR VOGTLE UNITS 3 AND 4**

Petitioners (who were previously admitted as intervenors to this proceeding), the Southern Alliance for Clean Energy, Blue Ridge Environmental Defense League, Center for a Sustainable Coast, Citizens Allied for Safe Energy, and Georgia Women's Action for New Directions, respectfully request the Nuclear Regulatory Commission ("NRC" or "Commission") to stay, for seven (7) days, the effectiveness of CLI-12-02, its decision to authorize issuance of a combined operating license ("COL") and extended limited work authorization ("LWA") for Units 3 and 4 of the Vogtle Electric Generating Plant. The purpose of the requested housekeeping stay is to allow Petitioners the opportunity to review the Commission's decision (issued only hours ago), prepare a petition for review to be filed with the U.S. Court of Appeals, and prepare a motion to the Commission to stay the effectiveness of the Vogtle licensing decision pending judicial review.

In support of this Motion, the Petitioners state as follows:

1. The Petitioners believe that in CLI-12-02 the Commission has violated the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. ("NEPA") by failing, prior to the approval of the Vogtle COL, to supplement the underlying Environmental Impact Statement

(“EIS”) to address new and significant information regarding the environmental implications of the Fukushima Daiichi Nuclear Power Station Accident. *See* CLI-12-02, slip op. at 85.

Therefore Petitioners intend to petition the U.S. Court of Appeals for the District of Columbia Circuit to review the Commission’s decision. Petitioners and other organizations that commented on the proposed design certification rule for the AP1000 standardized reactor design¹ also plan to appeal the AP1000 design certification rule (approved on December 30, 2011) on the same ground. Petitioners will seek consolidation of those appeals.

2. Petitioners also plan to request the Commission to stay the effectiveness of the Vogtle licensing decision pending judicial review of the Vogtle COL decision and the AP1000 rule. As required by NRC regulations, Petitioners will demonstrate that they satisfy the traditional requirements for issuance of a stay in 10 C.F.R. § 2.342(e), i.e., irreparable harm to Petitioners, a strong likelihood of success on the merits, a lack of significant harm to the NRC and Southern Nuclear Operating Company, and a public interest in the issuance of a stay.

3. CLI-12-02 constitutes the last NRC decision that is required before a COL may be issued for Vogtle Units 3 and 4. Pursuant to 10 C.F.R. §§ 2.340(f) and (i), the decision is immediately effective and will result in the issuance of a COL at any time within ten (10) days unless it is stayed by the Commission.

4. To allow for an orderly process and to provide the Petitioners with a meaningful opportunity to prepare their stay motion and judicial appeal, they request a seven (7) day housekeeping stay of the effectiveness of CLI-12-02. The issuance of a brief housekeeping stay in this case is consistent with NRC customary practice to facilitate orderly Commission and/or

¹ These organizations include: Friends of the Earth, Citizens Allied for Safe Energy, North Carolina Waste Awareness and Reduction Network, Nuclear Information and Resource Service, the AP1000 Oversight Group, Bellefonte Efficiency and Sustainability Team, Concerned Citizens of Shell Bluff, Mothers Against Tennessee River Radiation, and Nuclear Watch South.

judicial review. *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-96-5, 43 NRC 53, 60 (1996); *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), CLI-91-8, 33 NRC 461, 468 (1991); *Sacramento Municipal Utility District* (Rancho Seco Nuclear Generating Station), CLI-92-2, 35 NRC 47, 61 (1992).

Respectfully submitted,

(Electronically signed by)

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February 9, 2012

CERTIFICATE OF COUNSEL

Pursuant to 10 CFR § 2.323(b), I certify that I have consulted with counsel for the NRC, Ann P. Hodgdon, and Southern Nuclear Operating Company, Stan Blanton, regarding this Motion. Both Mr. Blanton and Ms. Hodgdon oppose the Motion.

(Electronically signed by)

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Generating Plant Units 3 and 4)	

NOTICE OF APPEARANCE BY DIANE CURRAN

Pursuant to 10 C.F.R. § 2.314, Diane Curran hereby enters an appearance in this proceeding as duly authorized legal counsel for the Southern Alliance for Clean Energy, Blue Ridge Environmental Defense League, Center for a Sustainable Coast, Citizens Allied for Safe Energy, and Georgia Women's Action for New Directions.

Undersigned counsel is a member in good standing of the bars of the District of Columbia; the State of Maryland; the U.S. District Court for the District of Columbia; the U.S. Supreme Court; and the U.S. Courts of Appeals for the D.C. First, Third, Ninth, and Tenth Circuits.

Respectfully submitted,

(Electronically signed by)

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **PETITIONERS' MOTION FOR A HOUSEKEEPING STAY OF LICENSING DECISION FOR VOGTLE UNITS 3 AND 4** and **NOTICE OF APPEARANCE BY DIANE CURRAN** were served upon the following persons by Electronic Information Exchange and/or electronic mail.

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Dated: February 9, 2012

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