

Addendum to BREDL et al. Docketing Statement for No. 12-1151

Question 6(g): “Are there 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?”

The same issues are presented in *Blue Ridge Environmental Defense League v. NRC*, No. 12-1106, which has been consolidated with this case. In the instant case, Petitioners assert the NRC violated the National Environmental Policy Act (“NEPA”) when it licensed two new reactors at the Vogtle nuclear power plant without addressing the environmental implications of the Fukushima Daichii nuclear accident in a supplemental environmental impact statement (“EIS”). In No. 12-1106, Petitioners raise the same claim with respect to the NRC’s approval of the AP1000 standardized reactor design, to which the new Vogtle reactors will be built.

Question 6(e): “Identify the basis of appellant’s/petitioner’s claim of standing.”

To establish standing, 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 Env’tl. Servs., Inc.*, 528 U.S. 167, 180-81 (2000). As this Court has recognized, an agency’s failure to comply with the procedural requirements of the National Environmental Policy Act (“NEPA”) constitutes a

cognizable injury for purposes of establishing standing. *National Parks Conservation Ass'n v. Manson*, 414 F.3d 1, 4 (D.C. Cir. 2005).

In this case, Petitioners have been injured by the NRC's failure to comply with NEPA in licensing Units 3 and 4 of the Vogtle nuclear power plant. All four Petitioners – Blue Ridge Environmental Defense League (“BREDL”), Center for a Sustainable Coast (“CSC”), Georgia Women's Action for New Directions (formerly Atlanta Women's Action for New Directions) (“Georgia WAND”), and Southern Alliance for Clean Energy (“SACE”), were found by the NRC's Atomic Safety and Licensing Board (“ASLB”) to have representational standing in the NRC licensing proceeding for Units 3 and 4 of the Vogtle nuclear power plant. *See Southern Nuclear Operating Co. (Vogtle Electric Generating Plant, Units 3 and 4)*, LBP-09-3, 69 NRC 139, 150 (2009). The ASLB concluded that Petitioners' hearing requests and declarations submitted by their members demonstrated that the members lived within the 50-mile radius which establishes presumptive injury in an NRC reactor licensing case. The ALSB also found that these members had authorized their respective organizations to represent their interests in the proceedings.

Petitioners also demonstrate their standing to bring this appeal by attaching current declarations from members of each of the organizations who live within 50

miles of the Vogtle reactors and who authorize their respective organizations to represent their interests in this appeal. Those declarations are as follows:

- Declaration of Charles N. Utley (March 19, 2012) (BREDL)
- Declaration of Carey K. Barber (March 19, 2012) (BREDL)
- Declaration of Shirley Coleman (March 19, 2012) (BREDL)
- Declaration of Stephen N. Willis (March 18, 2012) (CSC)
- Declaration of Annie L. H. Stephens (March 21, 2012) (Georgia WAND)
- Declaration of Lillie Bell Wilson (March 21, 2012) (Georgia WAND)
- Declaration of Susan Bloomfield (March 17, 2012) (SACE)
- Declaration of William J. Mareska (March 17, 2012) (SACE)

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

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BLUE RIDGE ENVIRONMENTAL
DEFENSE LEAGUE, et al.

Petitioners

v.

No. 12-1151

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

Respondents.
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BLUE RIDGE ENVIRONMENTAL
DEFENSE LEAGUE, et al.

Petitioners

v.

No. 12-1106
(NRC-76FR82079)

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

Respondents.
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DECLARATION OF Charles N. Utley

Under penalty of perjury, I declares as follows:

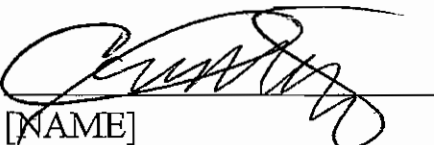
1. My name is Charles N. Utley. I am a member of Blue Ridge Environmental Defense League. “(BREDL)”

2. I live at 3417 Sutton Place, Augusta, GA 30906. My home lies within 50 miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License (“COL”) for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

3. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

4. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

5. Therefore, I have authorized BREDL to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC’s approval of the amended AP1000 design.


[NAME]

March 19, 2012

UNITED STATES COURT OF APPEALS
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DECLARATION OF Carey K. Barber

Under penalty of perjury, I declares as follows:

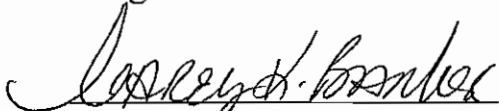
1. My name is Carey K. Barber. I am a member of Blue Ridge Environmental Defense League. "(BREDL)"

2. I live at 2489 Teakwood Dr Heph GA 30815. My home lies within 50 miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License ("COL") for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

3. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

4. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

5. Therefore, I have authorized BREDL to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC's approval of the amended AP1000 design.


[NAME]

March 19, 2012

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DECLARATION OF Shirley Coleman

Under penalty of perjury, I declares as follows:


1. My name is Shirley Coleman. I am a member of Blue Ridge Environmental Defense League. "(BREDL)"

2. I live at 4352 Creekview Dr. Heph. Ga.. My home lies within 50 miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License ("COL") for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

3. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

4. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

5. Therefore, I have authorized BREDL to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC's approval of the amended AP1000 design.


[NAME]

March 19, 2012

**UNITED STATES COURT OF APPEALS
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DECLARATION OF Stephen N. Willis

Under penalty of perjury, Stephen N. Willis declares as follows:

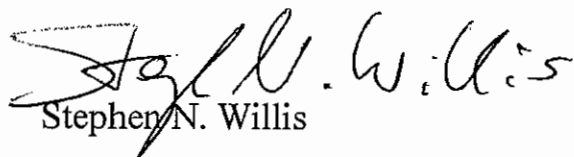
1. My name is Stephen N. Willis. I am a member of the Center for a Sustainable Coast.

2. I live at 801 East Victory Drive, Savannah, Georgia 31405. My home lies within 120 miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License ("COL") for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

3. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

4. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

5. Therefore, I have authorized the Center for a Sustainable Coast to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC's approval of the amended AP1000 design.


Stephen N. Willis

March 18, 2012

**UNITED STATES COURT OF APPEALS
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DECLARATION OF ANNIE LAURA HOWARD STEPHENS

Under penalty of perjury, Annie Laura Howard Stephens declares as follows:

1. My name is Annie Laura Howard Stephens. I am a member of Georgia Women's Action for New Directions ("Georgia WAND").

2. I live at 906 Cates Mead Road, Waynesboro, Georgia. My home lies within seven miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License ("COL") for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

3. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

4. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

5. Therefore, I have authorized Georgia WAND to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC's approval of the amended AP1000 design.

Annie Laura Howard Stephens

Annie Laura Howard Stephens

March 21, 2012

**UNITED STATES COURT OF APPEALS
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DEFENSE LEAGUE, et al.

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DECLARATION OF LILLIE BELL WILSON

Under penalty of perjury, Lillie Bell Wilson declares as follows:

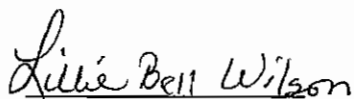
1. My name is Lillie Bell Wilson. I am a member of Georgia Women's Action for New Directions ("Georgia WAND").

2. I live at 906 Cates Mead Road, Waynesboro, Georgia. My home lies within 25 miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License ("COL") for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

3. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

4. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

5. Therefore, I have authorized Georgia WAND to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC's approval of the amended AP1000 design.



Lillie Bell Wilson

March 21, 2012

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DECLARATION OF SUSAN BLOOMFIELD

Under penalty of perjury, Susan Bloomfield, declares as follows:

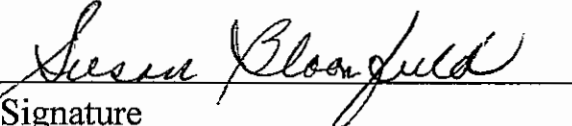
1. My name is Susan Bloomfield. I am a member of Southern Alliance for Clean Energy ("SACE").

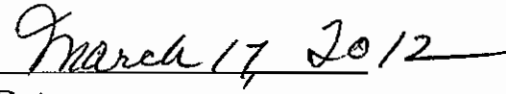
2. I live at 14 Raintree Place, Augusta, Ga 30309. My home lies within 35-36 miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License ("COL") for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

3. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

4. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

5. Therefore, I have authorized SACE to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC's approval of the amended AP1000 design.


Signature


Date

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Respondents.
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DECLARATION OF WILLIAM J. MARESKA

Under penalty of perjury, William J. Mareska, declares as follows:

1. My name is William J. Mareska. I am a member of Southern Alliance for Clean Energy ("SACE").

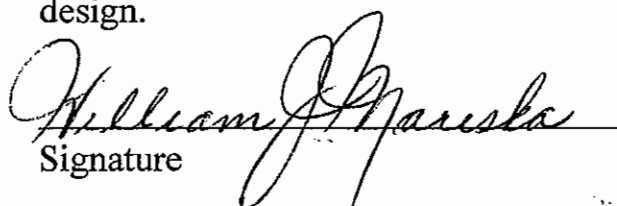
2. I live at 14 Raintree Place, Augusta, Ga 30309. My home lies within 35-36 miles of the Plant Vogtle site in Burke County, Georgia, for which Southern Nuclear Operating Company, Inc. has received a Combined License ("COL") for the construction and operation of two new nuclear reactors. The new Vogtle reactors will be built to the AP1000 standardized design that has been recently amended and certified by the NRC.

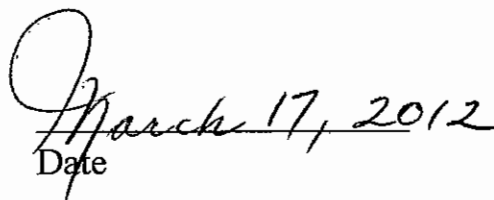
3. I own a business and work at 3802 Washington Road, Martinez, GA 30307. My business lies with in 36 to 37 miles of the Plant Vogtle site in Burke County, GA.

4. Based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or more new nuclear reactors so close to my home could pose a grave risk to my health and safety and the integrity of the natural environment where I live. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill and that the environment around me could become contaminated and unlivable.

5. I believe that the Environmental Impact Statement for the new Vogtle reactors did not adequately consider the safety and environmental risks posed by the reactors or weigh an adequate range of alternatives for mitigating or avoiding those risks.

6. Therefore, I have authorized SACE to represent my interests in this lawsuit by appealing the Vogtle COL and the NRC's approval of the amended AP1000 design.


Signature


Date