

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

SIERRA CLUB,)	
)	
Petitioner,)	No. 21-1104
)	
vs.)	
)	PETITION FOR REVIEW
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and)	
the UNITED STATES OF)	
AMERICA,)	
)	
Respondent.)	

Pursuant to 42 U.S.C. § 2239, 28 U.S.C. § 2344, 5 U.S.C. § 702, 42 U.S.C. § 10139, Fed. R. App. P. 15(a), and D.C. Cir. Rule 15(a), Petitioner Sierra Club hereby petitions for review of the following orders entered by the United States Nuclear Regulatory Commission (NRC or Commission): the Commission’s Memorandum and Order CLI-20-04, issued on April 23, 2020, and February 18, 2021, attached as Exhibits A and B.

Sierra Club seeks review of Orders CLI-20-04 and CLI-21-04 on the grounds that the Commission wrongfully and unlawfully applied the Atomic Energy Act (AEA), 42 U.S.C. §§ 2011 et seq.; the Nuclear Waste Policy Act (NWPA), 42 U.S.C. §§ 10101 et seq.; and the Administrative Procedure Act (APA), § 706.

Petitioners further maintain that in Order CLI-21-04, the NRC wrongfully and unlawfully applied the AEA, NWPA, APA and/or the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq when it ruled that Sierra Club failed to plead any contentions that were admissible into the aforementioned proceeding. Specifically, Sierra Club seeks review of the Commission's rulings on the following contentions:

- Contention 1: The AEA and NWPA prohibit the licensing of the proposed CIS facility.

- Contention 4: Transportation Risks

- Contention 8: Decommissioning Funds

- Contention 9: Impacts From Beyond Design Life and Service Life of Storage Containers

- Contention 11: Earthquakes

- Contentions 15-19: Groundwater Impacts

- Contention 26: Material False Statement

- Contention 30: Nuclear Waste Technical Review Board Report

Therefore, Sierra Club respectfully requests this Court to review, reverse and vacate Orders CLI-20-04 and CLI-21-04, order the dismissal of

the license application under review, and grant such other and further relief as may be warranted, at law and in equity.

This Petition is timely because it is filed within the 60-day period established by the Hobbs Act, 28 U.S.C. § 2344, for bringing a petition for judicial review of an agency action. Order CLI-21-04 was issued on February 18, 2021.

Further, venue is appropriate within the D.C. Circuit pursuant to 28 U.S.C. § 2343.

/s/ *Wallace L. Taylor*

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ATTORNEY FOR SIERRA CLUB

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2021, I served a copy of the Petition for Review that I filed this date upon the following persons of record in the underlying agency proceeding before the U.S. Nuclear Regulatory Commission:

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