

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

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NATURAL RESOURCES DEFENSE)	
COUNCIL, INC.,)	
)	
Petitioner,)	No. 13-1311
)	
v.)	
)	
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and the)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
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PETITIONERS' STATEMENT OF ISSUES TO BE RAISED

The Nuclear Regulatory Commission's ("Commission") regulations require that in order for a Petitioner to challenge and obtain judicial review of Commission decisions related to the relicensing of nuclear power plants, the Petitioner must timely intervene in the relicensing proceeding and pursue "Contentions" in that proceeding. If the Contentions are not admitted into the proceeding they may not be pursued, including before a United States Court of Appeals.

In connection with the relicensing for the Limerick Generating Station, Petitioner Natural Resources Defense Council ("NRDC") submitted several environmental Contentions concerning Severe Accident Mitigation Alternatives ("SAMAs"). The Commission ruled that those Contentions could only be

considered through waiver of the application of 10 C.F.R. § 51.53(c)(3)(ii)(L), which, the Commission ruled, immunizes nuclear power plants from challenges concerning SAMAs during relicensing if a SAMA analysis had previously been completed. The Commission also denied NRDC's Petition seeking such a waiver, on the grounds that NRDC had not satisfied the waiver criteria. The issues presented are:

1. Whether the Commission erred in ruling NRDC may only pursue its SAMA Contentions by obtaining a waiver of 10 C.F.R. § 51.53(c)(3)(ii)(L), where the Commission at the same time recognizes that another provision of its own regulations, 10 C.F.R. § 51.53(c)(3)(iv), and the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.*, unequivocally *require* the Commission to consider any new and significant information regarding environmental impacts during license renewal, including information concerning SAMAs?

2. Whether the Commission erred in denying NRDC's waiver Petition, which the Commission had ruled was a prerequisite to NRDC pursuing its SAMA Contentions, where the result of the denial is that although the Commission has recognized new and significant information concerning SAMAs *must* be considered during relicensing – and has on that basis referred NRDC's concerns to the Commission Staff with instructions to fully consider them in the relicensing process – NRDC will have no opportunity to challenge and seek judicial review of

the adequacy of the Staff's analysis because the NRDC's Contentions have not been admitted?

DEFERRED APPENDIX STATEMENT

The parties agree to utilize a Deferred Appendix.

Respectfully submitted,

/s/ Howard M. Crystal

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January 27, 2014

CERTIFICATE OF SERVICE

I, Howard M. Crystal, hereby certify that I caused a true and correct copy of
Petitioners' Statement of Issues to be served by U.S. mail on the following this
27th day of January, 2014 on the following:

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/s/ Howard M. Crystal
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