

September 22, 2011

Via Electronic Mail

Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn.: Rulemaking & Adjudications Staff
hearing.docket@nrc.gov

RE: Extension of time for opportunity to request a hearing and petition for leave to intervene in the NRC's Notice of Opportunity for Hearing Regarding Renewal of Facility Operating License Nos. NPF-39 and NPF-85 for an Additional 20-Year Period, Exelon Generation Company, LLC, Limerick Generating Station, Docket ID NRC-2011-0166, Docket Numbers 50-352 and 50-353

To whom it may concern:

The Natural Resources Defense Council ("NRDC") writes today to respectfully request that the Nuclear Regulatory Commission ("NRC" or "the Commission") extend for 30 days the deadline to request a hearing and petition for leave to intervene on the following: *Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing Regarding Renewal of Facility Operating License Nos. NPF-39 and NPF-85 for an Additional 20-Year Period, Exelon Generation Company, LLC, Limerick Generating Station*, (hereinafter "Limerick Relicensing Project"), 76 Fed. Reg. 52992 (August 24, 2011). An extension of time is necessary for the following good cause reasons, in accordance with the factors in 10 C.F.R. § 2.309(c) providing for nontimely filings.

The proposed relicensing application and associated environmental report are requests for federal approval of activities that will have significant impact on the environment and affected communities. A detailed public review and careful consideration of the more than 2,100 pages will take considerable time. Indeed, such review needs at least the entirety of the usual allotted 60 day review period and the current timeline, which commenced August 24, 2011, has substantially overlapped with a period where NRDC has expended substantial programmatic energy both of our own accord and *at the request* of the NRC.

Specifically, NRDC has been actively engaged in responding to the Fukushima disaster and how the lessons learned from this accident should affect the practices of the domestic nuclear industry. The petitions we filed in response to the Near-Term Task Force ("NTTF") Recommendations were done on our own volition, of course, and are public record. *See* on the NRC Adams Website, Accession Number ML112290034. We have, however, expended considerable resources *at the request* of the Commission during the precise time period when we might have been otherwise reviewing the Limerick re-licensing application.

Specifically, at the invitation of the NRC, Christopher Paine, NRDC Nuclear Program Director, served on an external stakeholder panel during the NRC staff meeting on prioritization of the NTTF recommendations. *See* Docket ID NRC-2011-0196, <http://pbadupws.nrc.gov/docs/ML1124/ML11249A161.pdf>. NRC's request for our participation and comment arrived on short notice prior to the meeting on August 31, 2011. *See* Accession Number ML112430120. Indeed, that request arrived one day prior to the noticing of the Limerick re-license application in the Federal Register. Next, Dr. Thomas Cochran, NRDC Consulting Senior Scientist, and again at the invitation of the NRC, provided additional comments to the NRC Commissioners during a meeting evaluating the NRC staff recommendations resulting from the previously noted August 31 public meeting. *See* <http://www.nrc.gov/reading-rm/doc-collections/commission/tr/2011/20110914.pdf>. As with the August 31 NRC Staff meeting, the Commissioner's September 14 meeting was announced on short notice and demanded a significant NRDC staff effort to provide constructive suggestions and meaningful responses to selected issues.

In short, NRDC and its experts have already expended considerable time just to start the review of the application and related materials, but it is clear that the time period lost between August 24 and mid-September responding to the NRC's request for our public input severely disadvantages any contribution we might make to the development of a sound record, and thus, we write promptly to request an additional 30 days.¹ More time is needed to address impacts to the regulatory process and requirements as they pertain to relicensing efforts, in particular the required severe accident mitigation alternatives ("SAMA"). NRDC is collecting and analyzing a sizable number of referenced documents that have merely been cited (and not hyperlinked or otherwise made widely available via the Internet). Examples of documents that will need to be reviewed by the public include background information on possibly outdated SAMA analyses, emergency planning considerations for the densely populated surrounding areas, and the lack of certain reactor safety systems and protocols. The 60 day review period – that commenced August 24 and

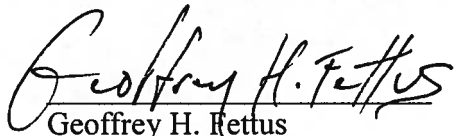
¹ We note that we do not begrudge the time spent over the past month responding to the NRC and while we appreciate the opportunity to provide our views, the truncated time periods provided by the Commission on the NTTF process have not allowed for nearly as meaningful a public process as the issues merit. Please see our September 2, 2011 comments for more on this concern, cited above. We further note that we have heard several reports of an inability to access the entire relicensing application on the ADAMS network. Locating documents on ADAMS has long been fraught with problems and remains a source of concern for NRDC and many others. *See* Attachment 1.

concludes on October 24 – is insufficient time to gather and thoroughly review all the relevant documents to constructively address whether this application meets the NRC's requirements.

Review of these documents and information by NRDC and our experts will “assist in developing a sound record” in the proceedings. 10 C.F.R. § 2.309(c)(1)(viii). NRDC has an important interest in this matter. We have members who live near the proposed project who will be directly impacted by the project's activities. While we have made no intervention decisions, if we are not provided an adequate opportunity to request a hearing and intervene, substantial injury to its members may result. A demonstration of standing will be made with the intervention petition if or when it is filed.

In light of the aforementioned, we request that the Secretary grant an extension of 30 days to the existing timeline for the opportunity to request a hearing and petition for leave to intervene in this matter. Please do not hesitate to contact me if you have questions or concerns. Thank you for your attention and consideration of this matter.

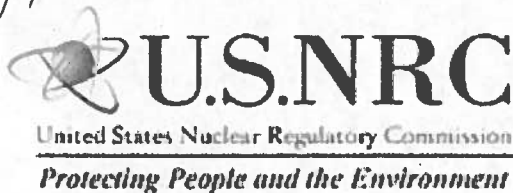
Sincerely,



Geoffrey H. Rettus
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Att. 1.



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*Exception: The time period for responding to Information Quality correction requests is 45 days.

Sincerely,

The NRC Web Team

Below is what you submitted to the NRC Public Document Room Staff on Thursday, September 22, 2011 at 09:49:02

PDR Category: ADAMS help

comments: The ADAMS advanced search tool is broken. When I enter "component design bases inspection" in the exact phrase box and specify a document date greater than 1/1/2010, I get 107 hits returned. But ML 110460708 dated 02/15/2011 is not among those hits even though it satisfies the search criteria. I experienced similar search failures when looking for ML 103560658. Searches that should have returned this document failed to do so.

organization: Union of Concerned Scientists

state: ---

phone: 423-488-8318

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