

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

NATURAL RESOURCES DEFENSE	)	
COUNCIL, INC.,	)	
	)	
Petitioner,	)	No. 14-1225
	)	
v.	)	
	)	
UNITED STATES NUCLEAR	)	
REGULATORY COMMISSION and the	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondents.	)	
	)	

**PETITIONERS' STATEMENT OF ISSUES TO BE RAISED**

In order to challenge a Nuclear Regulatory Commission (“Commission”) decision related to nuclear power plant relicensing, an applicant must timely intervene as a party before the Commission and obtain a hearing on admissible “contentions.” *See generally* 10 C.F.R. § 2.309. If intervention is denied, the applicant is not a party, and thus may neither obtain a hearing before the Commission, *see id.*, nor file a legal challenge in this Court once a final relicensing decision is made. *E.g., Alaska v. FERC*, 980 F.2d 761, 763 (D.C. Cir. 1992).

In connection with the relicensing of the Limerick Generating Station, Petitioner Natural Resources Defense Council (“NRDC”) timely sought to intervene and obtain a hearing over the failure to consider new and significant

information concerning Severe Accident Mitigation Alternatives (“SAMAs”) – i.e., measures that may seriously diminish the otherwise catastrophic consequences of a severe nuclear accident at the facility, located near Philadelphia, Pennsylvania.

The Commission initially ruled that NRDC may only obtain a hearing through the “waiver” of Commission regulations, and then denied NRDC’s waiver request.

The issues presented are:

1. Whether the Commission erred in ruling NRDC may only obtain a hearing through the waiver of Commission regulations, when the Commission recognizes that it must consider *any* new and significant information regarding environmental impacts during license renewal, and also does not dispute that the issues NRDC seeks to raise are material to the relicensing decision.

2. Whether the Commission erred in denying NRDC’s waiver request, thereby precluding NRDC from both a hearing and ultimate judicial review over matters the Commission deems material to its relicensing decision.

Respectfully submitted,

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