



OFFICE OF THE  
GENERAL COUNSEL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 27, 2014

Mark Langer, Clerk  
United States Court of Appeals  
for the District of Columbia Circuit  
United States Courthouse  
333 Constitution Avenue, NW  
Washington, DC 20001

Re: *NRDC v. NRC et. al.*, No. 13-1311 (scheduled for oral argument November 21, 2014)

Dear Mr. Langer:

Pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure, Respondent Nuclear Regulatory Commission (NRC), on behalf of the Federal Respondents, hereby informs the Court that the NRC, on October 20, 2014, renewed the operating licenses for the Limerick Generating Station. The NRC's *Federal Register* notice announcing the renewal action is enclosed. In arguing that the petition for review in this case was incurably premature, the Brief of Federal Respondents (pages 27-35) discusses the connection between the Court's jurisdiction and the timing of a final NRC license renewal decision. Further, as discussed in the Brief of Federal Respondents at pages 35-37, events that may occur in NRC proceedings after NRDC filed its petition for review in this case are relevant to whether the matter is ripe for judicial review. At this point, absent NRDC filing anything further with the NRC in connection with the Limerick license renewal, the NRC does not anticipate that there will be any further developments in the NRC proceeding.

Respectfully submitted,

/s/ James E. Adler

James E. Adler  
Senior Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission

Enclosure: *Federal Register* notice announcing NRC's renewal of Limerick licenses (October 24, 2014)

environmental impacts associated with the approval of the requested exemption.

#### *Alternative to the Proposed Action*

Since there are no significant environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. This alternative would have the same environmental impacts.

#### *Agencies and Persons Consulted*

A draft of this EA was sent by email dated April 3, 2014, to both Ms. Aggie Leitheiser, Assistant Commissioner of the Minnesota Department of Health (MDH) (ADAMS accession no. ML14100A328) and Mr. Ron Johnson, President of Tribal Council for the Prairie Island Indian Community (PIIC) (ADAMS accession no. ML14100A354). The MDH response was received by email dated April 7, 2014 (ADAMS accession No. ML14100A098). The email response states that MDH reviewed the draft EA and had no comments. The PIIC response with comments was received by email on April 11, 2014 (ADAMS accession No. ML14154A335). Following revisions to the draft EA, it was reissued to MDH and PIIC for comment.

By email dated July 25, 2014, the revised EA was sent to Ms. Aggie Leitheiser at MDH and Mr. Philip Mahowald, General Counsel for the PIIC. The MDH response was received by email dated August 11, 2014 (ADAMS accession no. ML14266A174). The email response states that MDH reviewed the draft EA and had no comments. The PIIC's email response was received by email dated September 4, 2014 (ADAMS accession no. ML14251A373). The email response states that PIIC reviewed the draft EA and had no comments.

The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity that has the potential to impact historic properties because the proposed action would occur within the established Prairie Island site boundary. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

### **III. Finding of No Significant Impact**

The environmental impacts of the proposed action have been reviewed in

accordance with the requirements set forth in 10 CFR Part 51. Based upon this environmental assessment, the NRC finds that the proposed action, issuance of an exemption from specific physical security requirements in 10 CFR 73.51(d)(3), as further discussed in the safety evaluation, will not significantly impact the quality of the human environment. Accordingly, preparation of an environmental impact statement for the proposed exemption is not warranted, and a finding of no significant impact is appropriate.

Dated at Rockville, Maryland, this 16th day of October, 2014.

For the Nuclear Regulatory Commission.

#### **Michele Sampson,**

*Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2014-25356 Filed 10-23-14; 8:45 am]

**BILLING CODE 7590-01-P**

### **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-352 and 50-353; NRC-2011-0166]**

#### **Exelon Generation Company, LLC; Limerick Generating Station, Units 1 and 2**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License renewal and record of decision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued renewed facility operating license Nos. NPF-39 and NPF-85 to Exelon Generation Company, LLC (the licensee), the operator of the Limerick Generating Station, Units 1 and 2 (Limerick). Renewed facility operating license Nos. NPF-39 and NPF-85 authorize operation of Limerick by the licensee at reactor core power levels not in excess of 3515 megawatts thermal for each unit, in accordance with the provisions of the Limerick renewed licenses and technical specifications. In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to renew facility operating license Nos. NPF-39 and NPF-85.

**DATES:** The license renewal referenced in this document is effective on October 20, 2014.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0166 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0166. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Richard Plasse, Office of Nuclear Reactor Regulation, telephone: 301-415-1427; email: [Richard.Plasse@nrc.gov](mailto:Richard.Plasse@nrc.gov), U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the NRC has issued renewed facility operating license Nos. NPF-39 and NPF-85 to Exelon Generation Company, LLC, the operator of Limerick. Renewed facility operating license Nos. NPF-39 and NPF-85 authorize operation of Limerick by the licensee at reactor core power levels not in excess of 3515 megawatts thermal for each unit, in accordance with the provisions of the Limerick renewed licenses and technical specifications. The NRC's ROD that supports the NRC's decision to renew facility operating license Nos. NPF-39 and NPF-85 is available in ADAMS under Accession No. ML14281A259. As discussed in the ROD and the final supplemental environmental impact statement (FSEIS) for LGS, Supplement 49 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Limerick Generating Station, Units 1 and 2," dated August 2014 (ADAMS Accession Nos. ML14238A284 and ML14238A290), the NRC has considered

a range of reasonable alternatives that included natural gas combined-cycle, supercritical pulverized coal, new nuclear, wind power, purchase power, and the no action alternative. The ROD and FSEIS documents the NRC decision for the environmental review that the adverse environmental impacts of license renewal for Limerick are not so great that preserving the option of license renewal for energy planning decisionmakers would be unreasonable.

Limerick Units 1 and 2 are boiling water reactors located in Limerick Township, Pennsylvania. The application for the renewed licenses, "Limerick Generating Station License Renewal Application," dated June 22, 2011 (ADAMS Accession No. ML111790800), complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. As required by the Act and the NRC's regulations in 10 CFR Chapter 1, the NRC has made appropriate findings, which are set forth in the licenses. A public notice of the proposed issuance of the renewed licenses and an opportunity for a hearing was published in the **Federal Register** on August 24, 2011 (76 FR 52992).

For further details with respect to this action, see: (1) Exelon Generation Company, LLC, license renewal application for Limerick Generating Station, Units 1 and 2 dated June 22, 2011, as supplemented by letters dated through June 4, 2014; (2) the NRC's safety evaluation report published in January 2013, and supplemented in August 2014, (ADAMS Accession Nos. ML12354A349 and ML14190B070); (3) the licensee's Final Safety Analysis Report; (4) the NRC's final environmental impact statement (NUREG-1437, Supplement 49), for the LGS, Units 1 and 2, published in August 2014; and (5) the NRC's ROD.

Dated at Rockville, Maryland, this 20th day of October, 2014.

For the Nuclear Regulatory Commission.

**Christopher G. Miller,**

*Director, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. 2014-25365 Filed 10-23-14; 8:45 am]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

**Advisory Committee on Reactor Safeguards; Notice of Meeting**

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor

Safeguards (ACRS) will hold a meeting on November 6-8, 2014, 11545 Rockville Pike, Rockville, Maryland.

**Thursday, November 6, 2014, Conference Room T2-B1, 11545 Rockville Pike, Rockville, Maryland**

8:30 a.m.-8:35 a.m.: *Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.-10:00 a.m.: *Draft Regulatory Guide DG-1299, "Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding DG-1299, "Regulatory Guidance on the Alternate Pressurized Thermal Shock Rule."

10:15 a.m.-12:15 p.m.: *SECY-14-XXXX, "Proposed Updates of Licensing Policies, Rules, and Guidance for Future Reactor Applications"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding SECY-14-XXXX, "Proposed Updates of Licensing Policies, Rules, and Guidance for Future Reactor Applications."

1:15 p.m.-2:45 p.m.: *Meeting with Representatives of the Nuclear Energy Institute* (Open)—The Committee will hear presentations by and hold discussions with representatives of the Nuclear Energy Institute regarding topics of mutual interest.

3:00 p.m.-6:00 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. The Committee will also consider a response to the August 28, 2014, letter from the Executive Director for Operations regarding Standard Review Plan Chapter 19 and Section 17.4.

**Friday, November 7, 2014, Conference Room T2-B1, 11545 Rockville Pike, Rockville, Maryland**

8:30 a.m.-8:35 a.m.: *Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.-9:45 a.m.: *Future ACRS Activities/Report of the Planning and Procedures Subcommittee* (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the

Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:00 a.m.-11:00 a.m.: *Meeting with NRC Commissioner, William C. Ostendorff* (Open)—The Committee will meet with NRC Commissioner, William C. Ostendorff, on topics of mutual interest.

11:15 a.m.-11:30 a.m.: *Reconciliation of ACRS Comments and Recommendations* (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

11:30 a.m.-12:00 p.m.: *Assessment of the Quality of Selected NRC Research Programs—FY 2014* (Open)—The Committee will discuss the quality assessment of selected NRC research projects.

1:00 p.m.-6:00 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports.

**Saturday, November 8, 2014, Conference Room T2-B1, 11545 Rockville Pike, Rockville, Maryland**

8:30 a.m.-11:30 a.m.: *Preparation of ACRS Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports.

11:30 a.m.-12:00 p.m.: *Miscellaneous* (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307-59308). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301-415-5844, Email: *Quynh.Nguyen@nrc.gov*), five

**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2014, the undersigned counsel for Respondent U.S. Nuclear Regulatory Commission filed the foregoing letter and its enclosure in Case Number 13-1311 with the U.S. Court of Appeals for the District of Columbia Circuit by filing the same with the Court's CM/ECF filing system. That method is calculated to serve:

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