



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

October 17, 2011

Mr. Thomas Saporito
P.O. Box 8413
Jupiter, FL 33468-8413

Dear Mr. Saporito:

By letter dated August 1, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11214A228), and addressed to the Chairman, U.S. Nuclear Regulatory Commission (NRC or the Commission), you requested that the NRC take escalated enforcement action against Exelon Generation Company, LLC, the licensee for Limerick Generating Station (LGS), Units 1 and 2. Specifically, you asked that under Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, the NRC deny the licensee's application for renewal of Operating License Numbers NPF-39 and NPF-85. Your request was referred to the Office of Nuclear Reactor Regulation (NRR) for evaluation. After reviewing your request, NRR denied it by letter dated August 17, 2011 (ADAMS Accession No. ML112231397), referring you instead to the license renewal process. By letter dated August 20, 2011 (ADAMS Accession No. ML11237A013), you asked the NRC Chairman to order the NRC staff to accept your request as a petition under 10 CFR 2.206. Your August 20, 2011, letter has been assigned back to NRR to provide a response.

Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions" (ADAMS Accession No. ML041770328), is the governing procedure that the NRC staff uses to process 10 CFR 2.206 requests. This procedure contains no provision for appeals of NRC staff decisions made while evaluating 10 CFR 2.206 requests. Thus, your latest request is not being considered an appeal. However, to be responsive, the NRC staff will further explain the basis for our decision regarding your August 1, 2011, request.

In accordance with MD 8.11, one criterion for rejecting a petition filed under 10 CFR 2.206 is that:

The request is to deny a license application or amendment. This type of request should initially be addressed in the context of the relevant licensing action, not under 10 CFR 2.206.

Because your request is to deny the LGS license renewal application, this criterion applies, and it is the basis for the staff's decision. This criterion applies regardless of whether you personally can demonstrate standing to intervene in the license renewal proceeding because, regardless of whether you become a party to the proceeding, the proceeding could lead to the result you seek, which is denial of the licensee's renewal application.

In addition, MD 8.11 requires that the petition must contain a request for enforcement-related action. The action you seek, denial of a license renewal application, is not an enforcement-related action. Rather, it is a licensing action. Thus, your August 1, 2011, request was subject to rejection under this criterion as well.

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You also state that your August 1, 2011, request was submitted prior to the availability of the hearing process for license renewal. While this is correct, the timing of your submission is not relevant in determining the appropriate process to address your concerns, given that the license renewal application review is currently ongoing.

The NRC acknowledges receipt of the concerns you raise in your August 1, 2011, request, including your concern with reactor vessel embrittlement. However, your concerns fall within the scope of the license renewal application review. Pursuant to 10 CFR 54.21(c)(1), an applicant for a renewed license must identify time-limited aging analyses (TLAAs) in the renewal application. In accordance with this requirement, LGS, in their application dated June 22, 2011, (ADAMS Accession No. ML11179A101), Section 4.2, identified reactor pressure vessel neutron embrittlement as a TLA. The NRC staff will document the results of its review of the renewal application, including the TLAAs, in a safety analysis report, which is scheduled to be issued in January 2013. Your specific concerns have been forwarded to the NRC's license renewal project manager for the LGS application, for consideration during that review.

Thank you for bringing this matter to the attention of the NRC. Please contact Peter Bamford, Project Manager for LGS, Units 1 and 2, if you have any questions. Mr. Bamford may be reached at 301-415-2833.

Sincerely,

A handwritten signature in black ink, appearing to read 'RN', with a long horizontal flourish extending to the right.

Robert Nelson, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket Nos. 50-352 and 50-353

cc: Distribution via Listserv

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Sincerely,
/RA/

Robert Nelson, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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ADAMS Accession Nos: Pkg ML112430359; Incoming ML11237A013; Letter ML112430369

OFFICE	LPL1-2/PM	LPL1-2/LA	DLR/RPB1/BC	OGC	LPL1-2/BC	DPR/DD
NAME	PBamford	ABaxter	DMorey	MClark	HChernoff	RNelson
DATE	9/19/11	9/19/11	9/19/11	9/25/11	10/17/11	10/17/11

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