

August 1, 2012

Administrative Judge
William J. Froehlich, Chair
Atomic Safety and Licensing Board
Mail Stop: T-3F23
Washington, DC 20555-001

Administrative Judge
Dr. William E. Kastenbergl
Atomic Safety and Licensing Board
Mail Stop: T-3F23
Washington, DC 20555-0001

Administrative Judge
Dr. Michael F. Kennedy
Atomic Safety and Licensing Board
Mail Stop: T-3F23
Washington, DC 20555-0001

In the Matter of
Exelon Generation Company, LLC
(Limerick Generating Station, Units 1 and)
Docket Nos. 50-352-LR / 50-353-LR

Dear Administrative Judges:

Pursuant to 10 C.F.R. §§ 2.1203 and 2.336 and as modified by the Atomic Safety and Licensing Board's ("Board") Initial Scheduling Order dated May 7, 2012, the staff of the Nuclear Regulatory Commission ("Staff") is providing an index (Attachment 1) identifying documents subject to disclosure under the Board's Order. Attachment 2 logs documents that are protected by the deliberative process privilege. Attachment 5, the Declaration of Brian E. Holian, formally invokes the deliberative process privilege for those documents listed in Attachment 2. Attachment 3 logs documents that are proprietary.

On or about August 1, 2012, the materials listed in Attachment 1 may be accessed through the Agencywide Documents Access and Management System ("ADAMS") and through the Electronic Hearing Docket ("EHD"). The index contains the ADAMS accession number, document date, and the document title for the documents in the hearing file.

Pursuant to 10 C.F.R. § 2.336(c), attached is also the Affidavit of Leslie Perkins, certifying that all relevant materials required by this section have been disclosed, and that the disclosures are accurate and complete as to documents identified by July 26, 2012.

The NRC Staff notes that it has made a good faith effort to identify and characterize all documents meeting the criteria of 10 C.F.R. § 2.336(b) and 10 C.F.R. § 2.1203 in this proceeding. In identifying these documents, the Staff does not concede their relevance to the license renewal issues to be decided in this proceeding.

Sincerely,

Signed (electronically) by

Maxwell C. Smith
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Enclosures: Attachment 1: Hearing File Index – Update 1
Attachment 2: Deliberative Process Privilege Log – Update 1
Attachment 3: Proprietary Privilege Log – Update 1
Attachment 4: Affidavit of Leslie Perkins
Attachment 5: Declaration of Brian E. Holian

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
EXELON GENERATION COMPANY, LLC) 50-352-LR/ 50-353-LR
)
(Limerick Generating Station, Units 1 and 2))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the letter from Maxwell C. Smith to the Board, dated July 2, 2012; Attachment 1 – Limerick License Renewal Hearing File Index Initial, Update 1; Attachment 2 – Limerick License Renewal Hearing File Deliberative Process Privilege Log, Update 1; Attachment 3 – Proprietary Privilege Log, Update 1; Attachment 4 - Affidavit of Leslie Perkins Concerning Mandatory Disclosure Requirement of 10 C.F.R. § 2.336(b); and Attachment 5 – Declaration of Brian E. Holian in the above captioned proceeding have been served upon the following by the Electronic Information Exchange, this 1st day of August, 2012:

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/Signed (electronically) by/

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Attachment 1 - Limerick License Renewal Hearing File and Mandatory Disclosures
Hearing File Index - Update 1

Accession No.	Date	Title
ML12018A087	7/16/12 12:00AM	Summary of Telephone Conference Call Held on January 4, 2012, Between the NRC and Exelon Concerning RAI Pertaining to the Limerick Generating Station, License Renewal Application (TAC NOS. ME6555 and ME6556).
ML12139A061	6/25/12 12:00AM	Summary of Telephone Conference Call held on May 16, 2012, between the U.S. Nuclear Regulatory Commission and Exelon Generation Company, LLC, Concerning Requests for Additional Information Pertaining to the Limerick Generating Station, License Renewal.
ML12139A071	7/20/12 12:00AM	4/12/2012 Telecon Summary with Exelon Generation Company, LLC.
ML12139A074	7/20/12 12:00AM	4/5/2012 Telecon Summary with Exelon Generation Company, LLC.
ML12164A800	7/20/12 12:00AM	6/11/2012 Telecon Summary with Exelon Generation Company, LLC.
ML12174A329	6/22/12 12:00AM	Limerick Generating Station, Units 1 and 2, Response to NRC Request for Additional Information, dated June 21, 2012, Related to License Renewal Application.
ML12180A459	6/25/12 12:00AM	2012/06/25 Limerick LR - DRAFT Teleconference summary
ML12180A461	6/25/12 12:00AM	2012/06/25 Limerick LR - RE: DRAFT Teleconference summary
ML12180A484	6/28/12 12:00AM	2012/06/28 Limerick LR - Everything ok?
ML12180A488	6/28/12 12:00AM	2012/06/28 Limerick LR - RE: Everything ok?
ML12181A441	7/10/12 12:00AM	RAI for the Review of the Limerick Generating Station, Units 1 and 2, License Renewal Application (TAC No. ME6555 and ME6556).
ML12181A487	6/29/12 12:00AM	2012/06/29 Limerick LR - DRAFT Request for Additional Information RE: Limerick Generating Station LRA
ML12181A489	6/28/12 12:00AM	2012/06/28 Limerick LR - Call for Friday
ML12192A676	7/9/12 12:00AM	2012/07/09 Limerick LR - RAI
ML12192A680	7/9/12 12:00AM	2012/07/09 Limerick LR - RE: DRAFT Teleconference summary
ML12192A681	7/9/12 12:00AM	2012/07/09 Limerick LR - RE: DRAFT Teleconference summary
ML12192A684	7/9/12 12:00AM	2012/07/09 Limerick LR - RE: DRAFT Teleconference summary
ML12193A012	7/3/12 12:00AM	2012/07/03 Limerick LR - RE: I am out of the office on Thursday and Friday
ML12193A013	7/3/12 12:00AM	2012/07/03 Limerick LR - I am out of the office on Thursday and Friday
ML12193A014	7/3/12 12:00AM	2012/07/03 Limerick LR - RE: I am out of the office on Thursday and Friday
ML12193A128	7/10/12 12:00AM	2012/07/10 Limerick LR - FW: LIMERICK: Request for Additional information for the Review of the Limerick Generating Station, Units 1 and 2, License Renewal Application (TAC Nos. ME6555 and ME6566)
ML12193A131	7/11/12 12:00AM	2012/07/11 Limerick LR - RE: LIMERICK: Request for Additional information for the Review of the Limerick Generating Station, Units 1 and 2, License Renewal Application (TAC Nos. ME6555 and ME6566)

Attachment 1 - Limerick License Renewal Hearing File and Mandatory Disclosures
Hearing File Index - Update 1

ML12193A132	7/10/12 12:00AM	2012/07/10 Limerick LR - FW: LIMERICK: Request for Additional information for the Review of the Limerick Generating Station, Units 1 and 2, License Renewal Application (TAC Nos. ME6555 and ME6566)
ML12193A134	7/11/12 12:00AM	2012/07/11 Limerick LR - RE: LIMERICK: Request for Additional information for the Review of the Limerick Generating Station, Units 1 and 2, License Renewal Application (TAC Nos. ME6555 and ME6566)
ML12194A280	7/11/12 12:00AM	2012/07/11 Limerick LR - FW: 7/11/12 - LIM - Response to NRC RAI dated 7/10/12 re. LGS LRA
ML12201B410	7/13/12 12:00AM	2012/07/13 Limerick LR - RE: DRAFT Teleconference summary
ML12201B411	7/13/12 12:00AM	2012/07/13 Limerick LR - DRAFT Teleconference summary
ML12201B428	7/19/12 12:00AM	2012/07/19 Limerick LR - DRAFT Teleconference summary
ML12205A504	7/19/12 12:00AM	2012/07/19 Limerick LR - RE: DRAFT Teleconference summary

Attachment 2 - Limerick License Renewal Hearing File and Mandatory Disclosures
Deliberative Process Privilege Log - Update 1

Item #	Accession No.	Title	Author Name/ Affiliation	Addressee Name/ Affiliation	Comment	Date	Estimated Page Count
2-0001	ML12180A468	2012/03/05 Limerick LR - Limerick LR RAI response	Robert Kuntz, NRC/NRR/D LR	Juan Uribe, Sergiu Basturescu, NRC/NRR/DE; Janak Raval, NRC/NRR/DSS; Angela Buford, NRC/NRR/DLR	Internal Transmission of Applicant's Response to RAIs	3/5/12 12:00AM	19
2-0002	ML12180A469	2012/02/16 Limerick LR - FW: 2/16/12 - LIM - Response to RAI dated 1/17/12	Robert Kuntz, NRC/NRR/D LR	Seung Min, William Holston, Michelle Kichline, William Gardner, Rajender Auluck, Angela Buford, NRC/NRR/DLR; Naeem Iqbal, NRC/NRR/DRA; Patrick Purtscher, Juan Uribe, NRC/NRR/DE	Internal Transmission of Applicant's Response to RAIs	2/16/12 12:00AM	50
2-0003	ML12192A711	2012/01/11 Limerick LR - Conditions in the Safety Evaluations of BWRVIP-78, -86, -116 and -86, Rev. 1	Seung Min, NRC/NRR/D LR	Patrick Purtscher, Jeffrey Poehler, Dan Widrevitz, NRC/NRR/DE; Bo Pham, NRC/NRR/DE	Internal Discussion of Staff Review of Reactor Pressure Vessel and/or Surveillance Capsule Fluences	1/11/12 12:00AM	55
2-0004	ML12193A005	2011/12/08 Limerick LR - RE: 12.7.11-LIM - Response to NRC RAI dated 11.18.11.pdf - Adobe Acrobat Professional	Seung Min, NRC/NRR/D LR	Robert Kuntz, NRC/NRR/DLR	Internal Transmission of Applicant's Response to RAIs	12/8/11 12:00AM	3

Attachment 2 - Limerick License Renewal Hearing File and Mandatory Disclosures
Deliberative Process Privilege Log - Update 1

2-0005	ML12193A212	2012/04/19 Limerick LR - RE: Limerick RAI Response for CASS RWCU Pump Casings - Basis for Management of Loss of Fracture Toughness/Thermal Aging	Seung Min, NRC/NRR/D LR	James Medoff, NRC/NRR/DLR	Internal Transmission of Applicant's Response to RAIs	4/19/12 12:00AM	49
2-0006	ML12193A353	2011/08/23 Limerick LR - RE: Limerick AMP audit	Seung Min, NRC/NRR/D LR	On Yee, Ching Ng, Bo Pham, NRC/NRR/DLR	Internal Discussion of Proposed Audit Activiites	8/23/11 12:00AM	3
2-0007	ML12193A362	2011/08/23 Limerick LR - RE: Limerick AMP audit	Seung Min, NRC/NRR/D LR	Bo Pham, NRC/NRR/DLR	Internal Discussion of Proposed Audit Activiites	8/23/11 12:00AM	3
2-0008	ML12194A278	2012/07/11 Limerick LR - FW: 7/11/12 - LIM - Response to NRC RAI dated 7/10/12 re. LGS LRA	Robert Kuntz, NRC/NRR/D LR	Mark Yoo, Ching NG, Billy Rogers, NRC/NRR/DLR	Internal Transmission of Applicant's Response to RAIs	7/11/12 12:00AM	17

Attachment 2 - Limerick License Renewal Hearing File and Mandatory Disclosures
 Proprietary Privilege Log - Update 1

Item #	Accession No.	Title	Author Name/ Affiliation	Addressee Name/ Affiliation	Comment	Date	Estimated Page Count
P2-0001	ML12192A711	2012/01/11 Limerick LR - Conditions in the Safety Evaluations of BWRVIP-78, -86, - 116 and -86, Rev. 1	Seung Min, NRC/NRR/DLR	Patrick Purtscher, Jeffrey Poehler, Dan Widrevitz, NRC/NRR/DE; Bo Pham, NRC/NRR/DE	Attaches and Discusses Proprietary Information	1/11/12 12:00AM	55

In the Matter of
EXELON GENERATION COMPANY, LLC
(Limerick Generating Station, Units 1 and 2)
Docket Nos. 50-352-LR and 50-353-LR

Attachment 4
Affidavit of Leslie Perkins

August 1, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
Exelon Generation Company, LLC) Docket Nos. 50-352-LR/ 50-353-LR
)
(Exelon Generation Station, Units 1 and 2))

AFFIDAVIT OF LESLIE PERKINS CONCERNING
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(b)

I, Leslie Perkins, do hereby state as follows:

1. I am employed as a Project Manager in the Division of License Renewal in the U.S. Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I serve as a project manager for the Limerick Generating Station, Units 1 and 2 license renewal application ("LRA"). Among other things, I am managing the preparation of the hearing file and mandatory disclosures in connection with the LRA at issue in this proceeding.

2. I hereby certify that all relevant materials related to the issues in connection with the LRA that are required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete for documents identified by the Staff as of July 26, 2012.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Accordance with 10 CFR § 2.304 (d)
Leslie Perkins
Project Manager

Executed in Rockville, Maryland
this 1st day of August, 2012

In the Matter of
EXELON GENERATION COMPANY, LLC
(Limerick Generating Station, Units 1 and 2)
Docket Nos. 50-352-LR and 50-353-LR

Attachment 5
Declaration of Brian E. Holian

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
EXELON GENERATION COMPANY, LLC) 50-352-LR/ 50-353-LR
)
(Limerick Generating Station, Units 1 and 2))
)

DECLARATION OF BRIAN E. HOLIAN

I, Brian E. Holian, do hereby state as follows:

1. I am employed as the Director of the Division of License Renewal (“DLR”) in the U.S. Nuclear Regulatory Commission’s (“NRC”) Office of Nuclear Reactor Regulation (“NRR”). My supervisory responsibilities include oversight of the NRC Staff’s review and evaluation of the Limerick Generating Station, Units 1 and 2 license renewal application.

2. As part of their responsibilities in updating the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified documents as privileged because they contained information concerning the Staff’s pre-decisional deliberative process. The documents are listed in Attachment 2 to the submission of the Staff’s Hearing File Index, Update 1.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that it contains pre-decisional information concerning the Staff’s review of the license renewal application. The documents contain either the Staff’s analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to the matters

discussed therein. The documents comprise part of the deliberative process necessary for the Staff's review of the pending license renewal application.

4. Further, I have determined that disclosure of the documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to the documents listed in Attachment 2 to the submission of the Staff's Hearing File Index, Update 1.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Accord with 10 CFR 2.304(d).
Brian E. Holian

Executed in Rockville, Maryland
this 1st day of August, 2012