



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

August 17, 2011

Mr. Thomas Saporito
Post Office Box 8413
Jupiter, FL 33468-8413

Dear Mr. Saporito:

Your petition request dated August 1, 2011, and addressed to the Chairman, U.S. Nuclear Regulatory Commission (NRC or the Commission), was referred to the Office of Nuclear Reactor Regulation. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206 of the Commission's regulations, 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, and deny the licensee's application for renewal of Operating Licenses NPF-39 and NPF-85. As a basis for your request, you indicated the following:

Petitioner contends here that the LGS Units 1 and 2 employ nuclear reactor vessels which have been in operation for a period of years sufficient to cause the metal in the nuclear reactor vessels to become dangerously brittle and subject to cracking or shattering from continued operations and stresses during an extended 20-year period beyond the original safety design basis for which the NRC granted the primary operating licenses identified above. Petitioner contends here that the licensee has not and cannot provide the NRC with sufficient and reliable test data to show that the material condition of the nuclear reactor vessels in question has not degraded and become dangerously brittle; or that continued operations of the nuclear reactors for 20-years beyond the initial 40-year license period will not cause the reactor vessels to crack or shatter and result in a Loss-of-Coolant Accident (LOCA) and cause harm to the health and safety of the public and to the environment at large.

The NRC staff reviewed your request and in accordance with Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff has concluded that your request does not meet the criteria for review under 10 CFR 2.206. Per MD 8.11, the NRC will not review a request where there is a proceeding through which a petitioner is, or could be, a party, and through which the petitioner's concerns could be addressed. More specifically, MD 8.11 also states that requests to deny a license application or amendment should initially be addressed in the context of the relevant licensing action, not under 10 CFR 2.206. The license renewal process contains an opportunity for hearing pursuant to 10 CFR 54.27, and hence provides you with a proceeding through which your concerns could be addressed. For this reason, your request does not meet the criteria for acceptance.

T. Saporito

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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 regarding this action. Mr. Bamford may be reached at 301-415-2833.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold K. Chernoff", with a stylized flourish at the end.

Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-352 and 50-353

cc: Distribution via Listserv

T. Saporito

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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 regarding this action. Mr. Bamford may be reached at 301-415-2833.

Sincerely,

/ra/

Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-352 and 50-353

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