



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

June 10, 2010

Mr. Thomas Gurdziel
9 Twin Orchard Drive
Oswego, NY 13126

Dear Mr. Gurdziel:

In your letter to Bill Borchardt, Executive Director for Operations of the Nuclear Regulatory Commission (NRC), dated April 5, 2010, you requested, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.206 of the NRC's regulations, that Davis-Besse Nuclear Power Station, Unit 1 remain shut down until questions that you forwarded to the NRC Region III Office, which were also included in your 10 CFR 2.206 petition request, are satisfactorily addressed by the NRC.

Your petition was referred to the Office of Nuclear Reactor Regulation. As the basis for your request, you state that there is an inadequate specification for testing of the control rod drive mechanism nozzles. In addition, you state that looking at the top surface of the reactor pressure vessel head does not allow observation of the bottom parts where the cracks occur, and this only allows for operation until a complete through-weld/nozzle wall failure can be identified with reactor coolant residue on the top of the head.

On April 29, 2010, the petition manager, Michael Mahoney, contacted you by telephone to discuss the 10 CFR 2.206 process. During that call, you confirmed your understanding of the process and declined an opportunity to address the NRC Petition Review Board (PRB) by phone or in person. On May 11, 2010, the PRB met to discuss your petition and to make the initial recommendation. The PRB's initial recommendation was that the petition did not meet the criteria for review because you did not set forth facts sufficient to constitute a basis for the requested action. On May 24, 2010, the petition manager contacted you by telephone to inform you of the PRB's initial recommendation and to offer you a second opportunity to provide additional facts in support of your petition request. You declined this opportunity to address the PRB; therefore, the PRB's initial recommendation is final.

The PRB has concluded that your submittal dated April 5, 2010, does not meet the criteria for review under 10 CFR 2.206. You failed to set forth facts sufficient to constitute a basis for the requested action. In your response, you indicated that you did not want to meet with the PRB on this matter.

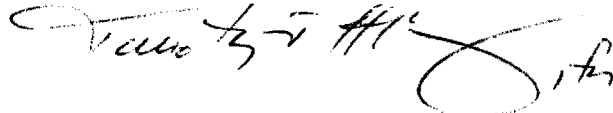
T. Gurdziel

- 2 -

The Division of Reactor Projects in the Region III Office will be addressing your concerns in separate correspondence from the 10 CFR 2.206 process. The NRC's special inspection report will likely address the majority of your concerns. We will provide you with a copy of the report when it is complete. If, after reviewing it, you have further questions, please contact the Region III public affairs officer, Viktoria Mitlyng at (630)-829-9662 or Viktoria.Mitlyng@nrc.gov.

Thank you for your interest in these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Blount". The signature is fluid and cursive, with a large loop at the end.

Thomas B. Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-346

cc: Distribution via Listserv

T. Gurdziel

-2-

The Division of Reactor Projects in the Region III Office will be addressing your concerns in separate correspondence from the 10 CFR 2.206 process. The NRC's special inspection report will likely address the majority of your concerns. We will provide you with a copy of the report when it is complete. If, after reviewing it, you have further questions, please contact the Region III public affairs officer, Viktoria Mitlyng at (630)-829-9662 or Viktoria.Mitlyng@nrc.gov.

Thank you for your interest in these matters.

Sincerely,

/RA by T. McGinty for/

Thomas B. Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-346

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