



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

September 3, 2010

Thomas Saporito
P.O. Box 8413
Jupiter, Florida 33468-8413

Dear Mr. Saporito:

This is in reference to your letter dated August 6, 2010, that requested the following actions be taken:

1. The U. S. Nuclear Regulatory Commission (NRC) take escalated enforcement action against Florida Power Corporation (the licensee, Progress Energy) and suspend, or revoke the NRC license granted to the licensee for operation of the Crystal River Unit 3 Nuclear Generating Plant and
2. The NRC issued a notice of violation with a proposed civil penalty against the collectively named and each singularly named licensee captioned above in this manner.

In your August 6, 2010, 10 CFR 2.206 petition, you chronologically listed different instances when you engaged the NRC petition review board and staff relating to the delamination issue and your applications for employment with the licensee. As the basis for your requests, you stated the licensee continues in violation of NRC requirements and regulations under 10 CFR 50 and 50.7 and under other NRC authority and regulations in the refusal to hire the Petitioner solely because of the Petitioner's engagement in protected activities.

In accordance with NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the NRC staff has determined that your petition does not meet the criteria for review under 10 CFR 2.206. During our preparation to convene a 2.206 Petition Review Board (PRB), we determined that an identical concern was already being reviewed by the NRC's Region II (RII) office in a separate NRC process and you are a party to this process. Per MD 8.11, the NRC does not review a 2.206 petition if an identical issue is being reviewed in parallel under a separate NRC process. It is my understanding that RII has already been in contact with you with regards to this matter.

Your letter dated December 5, 2009, addressed to the Executive Director for Operations, NRC, was referred to the Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206, "Requests for action under this subpart," of the Commission's regulations. You requested that the NRC take enforcement action against the licensee and issue a confirmatory order requiring the licensee to take additional action in regards to the Crystal River Unit 3 Nuclear Generating Plant containment delamination.

In the August 6, 2010, letter, you also stated that at the end of the June 30, 2010, public meeting, you [the Petitioner] verbally supplemented your December 5, 2009, petition by asserting that: (1) the licensee discovered new cracks when concrete was removed from the external walls of the containment building near the access-cut made for replacement of steam

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generators; (2) the licensee failed to identify these cracks earlier upon the initial discovery of the delamination event; (3) the licensee cannot realistically provide any degree of assurance to the NRC that additional cracks within the containment building structure do not exist because, as with the newly discovered cracks, the licensee has no means to inspect the existing containment building structure to detect the existence of further cracks in the concrete; and (4) the licensee has not sufficiently addressed the delamination event to effectively make repairs that will return Crystal River Unit 3 Nuclear Generating Plant to the safety margins described in the licensee's FSAR [final safety analysis report] and technical specifications. Per MD 8.11, the NRC petition review board will consolidate the above information with your December 5, 2009, petition. The NRC PRB will provide its responses to these matters in its proposed director's decision.

Based on the above, this letter closes out your request for a 2.206 petition. Please contact Jason Paige if you have any questions regarding this action at 301-415-5888.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Broaddus". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Douglas A. Broaddus, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: Listserv

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delamination event; (3) the licensee cannot realistically provide any degree of assurance to the NRC that additional cracks within the containment building structure do not exist because, as with the newly discovered cracks, the licensee has no means to inspect the existing containment building structure to detect the existence of further cracks in the concrete; and (4) the licensee has not sufficiently addressed the delamination event to effectively make repairs that will return Crystal River Unit 3 Nuclear Generating Plant to the safety margins described in the licensee's FSAR [final safety analysis report] and technical specifications. Per MD 8.11, the NRC petition review board will consolidate the above information with your December 5, 2009, petition. The NRC PRB will provide its responses to these matters in its proposed director's decision.

Based on the above, this letter closes out your request for a 2.206 petition. Please contact Jason Paige if you have any questions regarding this action at 301-415-5888.

Sincerely,

/ra/

Douglas A. Broaddus, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: Listserv

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ADAMS Package No: ML102290513
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NAME	JPaige	BClayton	TBlount*	DBroaddus
DATE	8/18/10	8/17/10	08/19/10	9/3/10

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