From: Thomas Saporito [saporito3@gmail.com]
Sent: Wednesday, November 17, 2010 10:24 AM
To: Feintuch, Karl
Cc: Heller, James
Subject: Re: Your petition dated 11/122010, under 10CFR2.206, pertaining to the Duane Arnold Energy Center, Docket 05000331

Dear Mr. Feintuch:

Please make the necessary arrangements for me to speak with the NRC Petition Review Board (PRB) regarding the subject matter 2.206 Petition related to NextEra's Duane Arnold Energy Center via teleconference call. In addition, please provide a toll-free call-in number and pass code to enable my participation via teleconference call with the PRB.

Kind regards,

Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468
Phone: (561) 972-8363
Email: saporito3@gmail.com

On 11/16/2010 11:59 PM, Feintuch, Karl wrote:
November 16, 2010

Mr. Thomas Saporito, Petitioner
Post Office Box 8413
Jupiter, Florida 33468-8363
saporito3@gmail.com

I have been assigned as the Petition Manager for the 10 CFR 2.206 petition you submitted to the NRC on November 12, 2010, regarding your concerns about an "*indication identified in the N2A Recirculation Inlet Safe End to Safe End extension Dissimilar Metal Weld*," at the Duane Arnold [Energy Center, (DAEC)] the preliminary assessment of which the licensee of DAEC attributed to "*stress corrosion cracking*."

Section 2.206 of Title 10 of the Code of Federal Regulations describes the petition process – the primary mechanism for the public to request enforcement action by the Nuclear Regulatory Commission (NRC) in a public process. This process permits anyone to petition NRC to take enforcement-type action related to NRC licensees or licensed activities. Depending on the results of its evaluation, the NRC could modify, suspend or revoke an NRC-issued license or take any other appropriate enforcement action to resolve a problem. The NRC staff's guidance for the disposition of 2.206 petition requests is in Management Directive 8.11, which is publicly available.

The 2.206 process provides a mechanism for any member of the public to request enforcement action against NRC licensees. Therefore, because you specifically requested in your letter that the NRC:

(1) take enforcement action against the licensee of the DAEC;

(2) issue a confirmatory order requiring the licensee to bring the DAEC to a "cold-shutdown " mode of operation;
(3) issue a confirmatory order preventing the licensee from bringing the DAEC to any mode of operation other than "cold shutdown until the licensee completes further testing of its safety-related primary and secondary systems and components; and
(4) issue a confirmatory order requiring the licensee to obtain an "independent" evaluation of all relevant systems by a "certified" independent contractor,

your petition was referred to the 2.206 process. The 2.206 process is separate from the allegations process which affords individuals who raise safety concerns a degree of protection of their identity. In the 2.206 process, all of the information in your letter will be made public, including your identity.

In addition, in accordance with NRC Management Directive 8.11 (which I have attached for your reference), you have the opportunity to address the NRC Petition Review Board (PRB) to further discuss your petition, either in person at the NRC Headquarters in Rockville, MD, or by telephone conference.

I would appreciate if you could advise me by Thursday, November 18, 2010, if you agree to the NRC's processing your request under the 2.206 process. In addition, please advise me if you would like to address the PRB.

If you would like to meet in person, I will need to schedule a formal public meeting at the NRC Headquarters. If you would prefer to address the PRB via telephone, I will also work with you to coordinate a date/time during the upcoming weeks. To assist in planning a compatible schedule for all participants at the PRM meeting, please provide your anticipated "windows of opportunity" (that is, periods of time on specific days between now and November 29, 2010) for meeting in person or by telephone.

If you have any questions, please contact me by telephone or email.

Thank you,

Karl Feintuch
Project Manager
Plant Licensing Branch 3-1
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
301-415-3079
karl.feintuch@nrc.gov

E-mail Properties

Mail Envelope Properties (4CE3F37B.8070101)

Subject: Re: Your petition dated 11/122010, under 10CFR2.206, pertaining to the Duane Arnold Energy Center, Docket 05000331
Sent Date: 11/17/2010 10:23:47 AM
Received Date: 11/17/2010 10:23:47 AM

From: Thomas Saporito

Created By: saporito3@gmail.com

Recipients:
Karl.Feintuch@nrc.gov (Feintuch, Karl)
Tracking Status: None
James.Heller@nrc.gov (Heller, James)
Tracking Status: None

Post Office:
gmail.com

Files	Size	Date & Time
MESSAGE	22700	11/17/2010

Options
Expiration Date:
Priority: olImportanceNormal
ReplyRequested: True
Return Notification: False

Sensitivity: olNormal
Recipients received: