



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

May 3, 2011

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

Dear Mr. Gurdziel:

Your letter dated March 28, 2011, addressed to the Executive Director for Operations, 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*, Section 2.206 (10 CFR 2.206) of the Commission's regulations. In your letter, you requested that the NRC immediately issue a shutdown order to Progress Energy. In your letter, you stated that, "they damaged their own Crystal River [Unit] 3 containment by deciding to NOT use an already-in-place containment equipment hatch and NOT release tendon tension gradually (and under control). Then, following best available advice, they damaged their containment again when tensioning tendons."

The NRC staff has reviewed your letter in accordance with NRC's Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," and has determined that your petition does not meet the criteria for review under 10 CFR 2.206. Per MD 8.11, the staff will not treat a general assertion of a safety problem without supporting facts as a formal petition under 10 CFR 2.206. Specifically, your petition does not include facts that constitute the basis for the requested actions. Your letter referred to information concerning events of which the NRC was already aware; however, it did not provide sufficient facts to support your petition. In addition, Crystal River, Unit 3 is currently in Mode 5 (cold shutdown) and has been in an extended outage since September 2009 due to a delamination in October 2009 and a second delamination in March 2011.

This letter closes out your request for a 10 CFR 2.206 petition review. Please contact Farideh Saba, if you have any questions regarding this action at 301-415-1447.

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas A. Broaddus".

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

Docket No. 50-302

cc: Distribution via Listserv

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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

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