



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

August 31, 2011

Mr. Thomas Saporito
Senior Consulting Associate
Saprodani Associates
Post Office Box 8413
Jupiter, Florida 33468

Dear Mr. Saporito:

Your petition dated April 17, 2011, received by the U.S. Nuclear Regulatory Commission (NRC) on May 12, 2011, and addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, has been referred to the Office of Nuclear Reactor Regulation pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) of the NRC's regulations. You request that the NRC:

1. suspend or revoke the NRC license granted to the licensee for operation of the H.B. Robinson Plant,
2. issue a notice of violation with a proposed civil penalty against the licensee, and
3. issue a notice of violation with a proposed civil penalty against William Johnson, Chairman and Chief Executive Officer, Progress Energy, Inc.

As the basis for your request, you state the sequence of events related to a March 28, 2010, electrical fire at the H. B. Robinson Plant. On May 25, 2011, the petition manager contacted you to discuss the 10 CFR 2.206 process and to offer you an opportunity to address the NRC's petition review board (PRB), prior to making its initial recommendation. On May 25, 2011, you accepted the opportunity to address the PRB via a teleconference.

On June 14, 2011, you addressed the PRB by teleconference to provide additional information in support of your petition request. On June 27, 2011, the PRB met internally to discuss the initial recommendation. In accordance with NRC's Management Directive (MD) 8.11, which describes the 10 CFR 2.206 process, the PRB made an initial recommendation that your petition met the criteria for rejection on the basis that the issue raised has already been the subject of NRC staff review and evaluation for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question.

On July 8, 2011, the petition manager informed you of the PRB's initial recommendation and you requested a second opportunity to address the PRB via a teleconference. On July 28, 2011, you addressed the PRB by teleconference to discuss the PRB's initial recommendation. The results of that discussion have been considered in the PRB's determination regarding whether or not the petition meets the criteria for consideration under 10 CFR 2.206. No new information was provided during the call that was not already previously considered by the NRC staff. Therefore, the PRB's final recommendation is that your petition meets the criteria for rejection because, per MD 8.11, the issue raised has already been the

subject of NRC staff review and evaluation for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question.

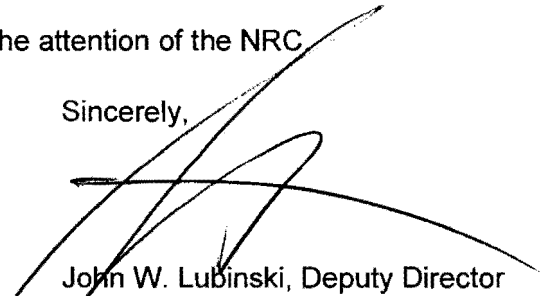
A Special Inspection Team began their inspection of the March 28, 2010, event on March 30, 2010, and the inspection was upgraded to an Augmented Inspection Team (AIT) on April 19, 2010. The team developed a sequence of events, reviewed related records, interviewed operators and individuals involved with the fire and plant response, and conducted walkdowns of affected areas. On July 2, 2010, the AIT issued their inspection report with a total of 14 open items. Those open items were later closed after subsequent inspections including the following enforcement actions:

- White finding for failure to follow operating procedure and inadequate command and control
- Green finding for failure to design and implement a simulator model that demonstrated reference plant response
- White finding for failure to implement element 3 of the systems approach to training
- Green noncited-violation for failure to establish an adequate PATH-1 emergency operating procedure
- Green finding for deficiencies in nonsafety-related cable installation result in fire and reactor trip
- Green finding for failure to correct a control power fuse defect in 4kV breaker 52/24
- Green finding for failure to have adequate work and post maintenance testing instructions for the volume control tank comparator module

There are no remaining open items from the AIT inspection, and in accordance with MD 8.11, you have not provided any significant new information to justify the NRC varying from its enforcement policy.

Thank you for bringing these issues to the attention of the NRC

Sincerely,



John W. Lubinski, Deputy Director
Division of Component Integrity
Office of Nuclear Reactor Regulation

Docket No. 50-261

cc: Licensee (w/copy of incoming 2.206 request)
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/RA/

John W. Lubinski, Deputy Director
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