



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

July 12, 2011

Mr. Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413

Dear Mr. Saporito:

Your petition request dated June 4, 2011, and 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* (10 CFR), Section 2.206 of the Commission's regulations. You requested that the NRC take escalated enforcement action against the Tennessee Valley Authority (TVA, the licensee) and Mr. Thomas Kilgore, Chief Executive Officer, and suspend or revoke the NRC license granted to TVA for operation of the Browns Ferry Nuclear Plant, and to issue a notice of violation with a proposed civil penalty against TVA and Mr. Kilgore. As a basis for your request you summarized the inspection and enforcement actions taken by the NRC staff related to the failure of the low pressure coolant injection (LPCI) valve 1-FCV-74-66, acknowledging the May 9, 2011, issuance of the Final Significance Determination, Notice of Violation, and Assessment Follow-Up letter.

The NRC staff reviewed your request and in accordance with Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff has concluded that your request does not meet the criteria for review under 10 CFR 2.206. Per MD 8.11, the NRC will not review a request where the petitioner raises issues that have already been the subject of an NRC staff review and evaluation on that facility, for which a resolution has been achieved. This includes requests to reconsider or reopen a previous enforcement action. These requests will not be treated as a 2.206 petition unless they present significant new information. The NRC staff completed its evaluation of the inspection findings related to the failed LPCI valve, and rendered its regulatory decision in its May 9, 2011, letter. The NRC staff has thoroughly considered all available information provided by the licensee during and after the April 4, 2011, Regulatory Conference and concluded that the finding was correctly characterized. Your request did not identify any significant new information that was not already considered by the staff in making its regulatory decision. For this reason, your request does not meet the criteria for acceptance.

In your request, you also noted that there is no proceeding available to address your concerns. The NRC strives to include the public in as many of its proceedings as possible. Regulatory conferences associated with inspection findings that do not involve sensitive information are posted in advance on the NRC's public website at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>. The public is invited to observe these meetings or listen in by phone and would be given one or more opportunities to ask questions of the NRC staff after the business portion concludes, but before the meeting is adjourned. In this manner, you could participate in such proceedings and discuss your concerns with the NRC. While the inspection and enforcement process is complete for this finding, the licensee has requested an appeal of the

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NRC decision, which may afford you one or more additional opportunities to participate through the public meeting process.

Thank you for bringing this matter to the attention of the NRC. Please contact Christopher Gratton, Project Manager for Browns Ferry Nuclear Plant, if you have any questions regarding this action at 301-415-1055.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Broaddus". The signature is fluid and cursive, with a large initial "D" and "B".

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

Docket Nos. 50-259, 50-260, and 50-296

cc: Distribution via Listserv

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/RA/

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

Docket Nos. 50-259, 50-260, and 50-296

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