

**From:** Thomas Saporito [saporito3@gmail.com] on behalf of Thomas Saporito [thomas@saprodani-associates.com]  
**Sent:** Thursday, May 12, 2011 7:45 AM  
**To:** Tam, Peter  
**Subject:** Re: Initial Recommendation by the Petition Review Board (PRB) re. Your 3/12/11 Petition

Mr. Tam:

This serves to acknowledge receipt of the NRC Petition Review Board's (PRB) initial determination - in connection with an enforcement petition filed on behalf of Saprodani Associates and myself under 10 C.F.R. 2.206 related to operation of 104-nuclear reactors in the United States.

Please make the necessary arrangements for a second opportunity allowing Petitioners to engage the NRC PRB in connection with our 2.206 enforcement petition accordingly.

Kind regards,  
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On 5/12/2011 7:32 AM, Tam, Peter wrote:  
Mr. Saporito:

On April 14, 2011, you addressed the PRB during a teleconference, clarifying that your petition falls into three requests as follows:

Order the immediate shutdown of all nuclear power reactors located on or near an earthquake fault line in the United States;

Order the immediate shutdown of all power reactors employing GE Mark I containment design in the United States, characterizing such design as flawed from the nuclear safety standpoint

Advise other countries employing the GE Mark I nuclear power reactors about the serious nuclear safety design flaws associated with that design, which is likely to result in a serious nuclear accident comparable to the Japanese nuclear disaster.

You supplemented the above Item 2 request by specifically naming NRC-licensed plants that employ the GE Mark I containment design (Browns Ferry, Brunswick, Cooper, Dresden, Duane Arnold, Hatch, Fermi, Hope Creek, Fitzpatrick, Monticello, Nine Mile Point, Oyster Creek, Peach

Bottom, Pilgrim, and Vermont Yankee) and characterizing them as "flawed nuclear reactors" which pose an "unwarranted risk to the national security and common defense of the United States of America." You stated that "for these reasons standing alone, petitioners urge the NRC to order the immediate shutdown of all GE Mark I nuclear power reactors in the United States." Subsequently, on April 14 and 16, 2011, you provided additional supporting documents to substantiate this claim.

The PRB met internally on April 28, 2011, to discuss your petition, as supplemented, and in accordance with the criteria for review and rejection described in MD 8.11, made its initial recommendation.

### Requests 1 and 2

The NRC's ongoing monitoring of events at the Fukushima Daiichi Nuclear Power Plant in Japan and review of available information to date leads the NRC to conclude that U. S. plants (including those at or near earthquake faults and those that employ the GE Mark I reactors) continue to operate safely and do not pose an immediate safety concern to the members of the public.

The supporting facts provided in the petition for Requests 1 and 2, as supplemented by the April 14, 2011, teleconference and April 14 and 16, 2011, submittals, were found to be insufficient to warrant that the NRC immediately shut down U. S. nuclear power plants at or near earthquake faults or those employing the Mark I reactors.

Specifically regarding Request 2 (pertaining to your concerns on GE Mark I reactors) you asserted that due to design flaws, that GE Mark I reactors are more vulnerable to severe accident challenges. To support your assertion, you provided supplemental documentation (dated April 14 and 16, 2011) to the NRC following the April 14, 2011, teleconference. The PRB reviewed the supplemental information you provided, which consisted of newspaper articles, reports by watchdog groups, correspondence between individuals, internal Atomic Energy Commission memoranda, and other information. The PRB noted that your concern was previously addressed by the NRC in NUREG-0661, "Safety Evaluation Report Mark I Containment Long-Term Program - Resolution of Generic Technical Activity A-7" dated July 1980, and Generic Letter 89-16 "Installation of a Hardened Wetwell Vent" dated September 1989.

However, your concern about the impact of a Fukushima-type earthquake and tsunami on U. S. nuclear plants is consistent with the NRC's mission of protecting public health and safety. Currently, the NRC's monitoring of the events that unfolded at Fukushima has resulted in the Commission establishing a senior-level task force to conduct a methodical and systematic review to evaluate currently available technical and operational information from the Fukushima events. This will allow the NRC to determine whether it should take certain near-term operational or regulatory actions potentially affecting all 104 operating reactors in the United States. The areas of inquiry include the ability to protect against natural disasters and severe accidents. As identified in the charter, the task force will evaluate 10 CFR 50.54 (hh)(2), which states:

Each licensee shall develop and implement guidance and strategies intended to maintain or restore core cooling, containment, and spent fuel pool cooling capabilities under the circumstances associated with loss of large areas of the plant due to explosions or fire, to include strategies in the following areas: (i) Fire

fighting; (ii) Operations to mitigate fuel damage; and (iii) Actions to minimize radiological release.

In as much as this taskforce charge encompasses your request, which has been interpreted by the PRB to be a determination if additional regulatory action is needed to protect public health and safety in the event of earthquake damage and loss-of-coolant accidents similar to those experienced by the nuclear power reactors in Japan resulting in dire consequences, the PRB is accepting your petition in part.

### Request 3

Your request for the NRC to share information with international stakeholders is a general request for the NRC to ensure that policies exist to support the sharing of information related to the Fukushima earthquake. The NRC's current policies and practices support its openness goals with external, including international, stakeholders. Therefore, since your request is an action that the NRC is currently implementing, the PRB determined that this request does not meet the criteria for review on the basis that the request does not set forth sufficient facts to warrant further actions beyond the actions that the NRC has already undertaken to ensure openness on this issue with all external stakeholders.

**You have previously indicated that you intended to address the PRB after it has rendered its initial recommendation. By return e-mail please confirm that you still have such intention. Upon your confirmation we will schedule another recorded and transcribed conference call with you.**

*Peter S Tam*, Senior Project Manager  
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