

EDO Principal Correspondence Control

FROM: DUE: 09/22/11

EDO CONTROL: G20110625
DOC DT: 08/13/11
FINAL REPLY:

Thomas Saporito
Saprodani Associates

TO:

Borchardt, EDO

FOR SIGNATURE OF :

** GRN **

CRC NO:

Leeds, NRR

DESC:

ROUTING:

2.206 - Seeking Enforcement Action Against All
Licensees of the U.S. Nuclear Regulatory
Commission (EDATS: OEDO-2011-0580)

Borchardt
Weber
Virgilio
Ash
Mamish
OGC/GC
Zimmerman, OE
McCrary, OI
Burns, OGC
Mensah, NRR
Banic, NRR
Scott, OGC
Bowman, OEDO

DATE: 08/23/11

ASSIGNED TO:

CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

ERIDS: EDO-01

EDATS Number: OEDO-2011-0580

Source: OEDO

General Information

Assigned To: NRR

OEDO Due Date: 9/22/2011 11:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: 2.206 - Seeking Enforcement Action Against All Licensees of the U.S. Nuclear Regulatory Commission

Description:

CC Routing: OE; OI; OGC; Tanya.Mensah@nrc.gov; Merrilee.Banic@nrc.gov; Catherine.Scott@nrc.gov

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross-Reference Number: G20110625

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: 2.206 Review

Priority: Medium

Signature Level: NRR

Sensitivity: None

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Thomas Saporito

Date of Incoming: 8/13/2011

Originating Organization: Saprohani Associates

Document Received by OEDO Date: 8/23/2011

Addressee: R. W. Borchardt, EDO

Date Response Requested by Originator: 9/22/2011

Incoming Task Received: 2.206

**UNITED STATES NUCLEAR REGULATORY COMMISSION
BEFORE THE EXECUTIVE DIRECTOR FOR OPERATIONS**

In the Matter of:

**SAPRODANI ASSOCIATES, and
THOMAS SAPORITO**

DATE: 13 AUG 2011

Petitioner,

v.

**ALL LICENSEES OF THE U.S. NUCLEAR
REGULATORY COMMISSION**

Licensee.

**PETITION UNDER 10 C.F.R. §2.206 SEEKING ENFORCEMENT
ACTION AGAINST ALL LICENSEES OF THE U.S.
NUCLEAR REGULATORY COMMISSION**

NOW COMES, SaproDani Associates, by and through and with, Thomas Saporito, Senior Consultant for SaproDani Associates (hereinafter "Petitioner") and submits a "*Petition Under 10 C.F.R. §2.206 Seeking Enforcement Action Against All Licensees of the U.S. Nuclear Regulatory Commission*" (Petition). For the reasons stated below, the U.S. Nuclear Regulatory Commission (NRC) should grant the Petition as a matter of law:

NRC HAS JURISDICTION AND AUTHORITY TO GRANT PETITION

The NRC is the government agency charged by the United States Congress to protect public health and safety and the environment related to operation of commercial nuclear reactors in the United States of America (USA). Congress charged the NRC with this grave responsibility in creation of the agency through passing the Energy Reorganization Act of 1974 (ERA). In the instant action, the above-captioned entities are collectively and singularly a "licensee" of the NRC and subject to NRC regulations and authority under 10 C.F.R. §50 and under other NRC regulations and authority in the operation of one or more nuclear reactors. Thus, through Congressional action in creation of the agency, and the fact that the named-actionable parties identified above by Petitioner are collectively and singularly a licensee of the NRC, the agency has jurisdiction and authority to grant the Petition.

STANDARD OF REVIEW

A. Criteria for Reviewing Petitions Under 10 C.F.R. §2.206

The staff will review a petition under the requirements of 10 C.F.R. §2.206 if the request meets all of the following criteria:

- The petition contains a request for enforcement-related action such as issuing an order modifying, suspending, or revoking a license, issuing a notice of violation, with or without a proposed civil penalty, etc.
- The facts that constitute the basis for taking the particular action are specified. The petitioner must provide some element of support beyond the bare assertion. The supporting facts must be credible and sufficient to warrant further inquiry.
- There is no NRC proceeding available in which the petitioner is or could be a party and through which petitioner's concerns could be addressed. If there is a proceeding available, for example, if a petitioner raises an issue that he or she has raised or could raise in an ongoing licensing proceeding, the staff will inform the petitioner of the ongoing proceeding and will not treat the request under 10 C.F.R. §2.206.

B. Criteria for Rejecting Petitions Under 10 C.F.R. §2.206

- The incoming correspondence does not ask for an enforcement-related action or fails to provide sufficient facts to support the petition but simply alleges wrongdoing, violations of NRC regulations, or existence of safety concerns. The request cannot be simply a general statement of opposition to nuclear power or a general assertion without supporting facts (e.g., the quality assurance at the facility is inadequate). These assertions will be treated as routine correspondence or as allegations that will be referred for appropriate action in accordance with MD 8.8, "Management of Allegations".
- The petitioner raises issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question. This would include requests to reconsider or reopen a previous enforcement action (including a decision not to initiate an enforcement action) or a director's decision. These requests will not be treated as a 2.206 petition unless they present significant new information.
- The request is to deny a license application or amendment. This type of request should initially be addressed in the context of the relevant licensing action, not under 10 C.F.R. 2.206.
- The request addresses deficiencies within existing NRC rules. This type of request should

be addressed as a petition for rulemaking.

See, Volume 8, Licensee Oversight Programs, Review Process for 10 C.F.R. Petitions, Handbook 8.11 Part III.

**REQUEST FOR ENFORCEMENT-RELATED ACTION TO MODIFY,
SUSPEND, OR REVOKE A LICENSE AND ISSUE A NOTICE OF
VIOLATION WITH A PROPOSED CIVIL PENALTY**

A. Request for Enforcement-Related Action

Petitioner respectfully requests that the NRC: (1) take escalated enforcement action against the above-captioned licensee(s) and suspend, or revoke the NRC license(s) granted to each licensee for operation of the licensees' nuclear power plants in the United States; (2) that the NRC issue a notice of violation with a proposed civil penalty against the collectively named and each singularly named licensee in this matter in the total amount of \$100,000,000.00 (One Hundred-Million) dollars; and (3) that the NRC issue a confirmatory order to each licensee requiring each licensee to:

- (1) establish an affirmative action plan to meet a challenge where their respective electric grid has been sabotaged by terrorists and rendered inoperative for an extended period of time;
- (2) upgrade existing station power backup systems to support nuclear reactor residual heat removal systems for a continuous 30-day period of time;
- (3) establish security procedures for each plant operator's electric grid;
- (4) install security hardware for each plant operator's electric grid; and
- (5) establish a security force to protect each plant operator's electric grid from a physical terrorist attack as well as a cyber terrorist attack.

In addition to the above, Petitioner requests that the NRC issue a Confirmatory Order to each licensee requiring each licensee to bring their respective nuclear power plants to a "cold-shutdown" mode of operation until such time as all of the five-enumerated actions have been completed and validated through NRC inspection activities.

B. Facts That Constitute the Basis for Taking the Requested Enforcement-Related Action Requested by Petitioner

On August 13, 2011, the Bloomberg news agency reported via an interview with James Woolsey, the former U.S. Central Intelligence Director (CIA), that the U.S. electric grid is extremely vulnerable to a terrorist attack. According to Woolsey, (there is no U.S. Government agency charged with the security and protection of the U.S. electric grid.) Moreover, the U.S. is currently constructing a "so-called" smart grid where utility companies like the Florida Power & Light Company (FPL) are installing "smart meters" that allow the meter to remotely control power taken from the electric grid. According to Woolsey, this is really a "dumb-grid" where terrorists can gain access remotely using a cell phone and take down the grid. Notably, the on-

going nuclear disaster in Japan where three nuclear reactors continue to melt-down was caused by the failure of the electric grid in Japan which resulted in a station "black-out" at the Fukushima nuclear plants.

In the aftermath of the ongoing Japanese nuclear crisis, the NRC formed a special task force to gain insight about how to better safeguard U.S. nuclear power plants from a melt-down event due to a station blackout where off-site power is lost from the electric grid. Although the NRC task force recommended increasing the backup power generation and station battery capability at all U.S. nuclear power plants, the NRC task force failed to adequately address the imminent threat of a cyber attack on the U.S. electric grid which could take down significant sections of the U.S. electric grid for a significant period of time causing multiple nuclear reactors to simultaneously melt-down around the USA. Such a terrorist attack would essentially render the U.S. defenseless and result in serious harm to the American people, the environment, and the U.S. economy which could take decades to recover. The radioactive contamination spewed from multiple nuclear reactors would devastate the U.S. food chain and water table for years into the future. Generations of children would ultimately suffer serious cancer-related illnesses for decades. See, <http://saproDani-associates.com/Grid.html> and the news-video presented there.

C. There Is No NRC Proceeding Available in Which the Petitioner is or Could be a Party and Through Which Petitioner's Concerns Could be Addressed

Petitioner avers here that there is no NRC proceeding available in which the Petitioner is or could be a party and through which Petitioner's concerns could be addressed.

CONCLUSION

FOR ALL THE ABOVE STATED REASONS, and because Petitioner has amply satisfied all the requirements under 10 C.F.R. §2.206 for consideration of the Petition by the NRC Petition Review Board (PRB), the NRC should grant Petitioner's requests made in the instant Petition as a matter of law.

Respectfully submitted,



Thomas Saporito
Senior Consultant
SaproDani Associates
Post Office Box 8413
Jupiter, Florida 33468-8413
Voice: (561) 972-8363

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 13th day of August 2011, a copy of foregoing document was provided to those identified below by means shown:

Hon. William Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
{Sent via U.S. Mail and electronic mail}

Melanie Checkle, Allegations Coordinator
U.S. Nuclear Regulatory Commission
Region II Headquarters
Atlanta, Georgia 30303
{Sent via electronic mail}

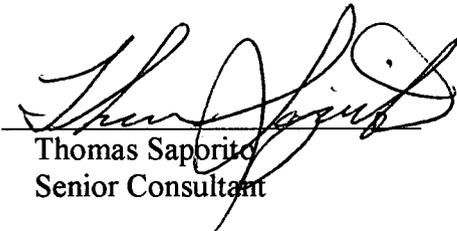
Hon. Gregory B. Jaczko, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
{Sent via electronic mail}

Oscar DeMiranda
Senior Allegations Coordinator
U.S. Nuclear Regulatory Commission
Region II Headquarters
Atlanta, Georgia 30303
{Sent via electronic mail}

Carolyn Evans, Dir. of Enforcement
U.S. Nuclear Regulatory Commission
Region II Headquarters
Atlanta, Georgia 30303
{Sent via electronic mail}

Local and National Media Sources

By:



Thomas Saprito
Senior Consultant

Saprodani Associates
Post Office Box 8413
Jupiter, Florida 33468

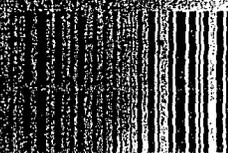
Honorable William Borchardt
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

USPS® FIRST-CLASS MAIL®

0 lb. 1.60 oz.

SHIP
TO

WASHINGTON DC 20555



20555