

EDO Principal Correspondence Control

FROM: DUE: 10/12/11

EDO CONTROL: G20110668  
DOC DT: 09/08/11  
FINAL REPLY:

Thomas Saporito  
Saprodani Associates

TO:

Vietti-Cook, SECY

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO:

Leeds, NRR

DESC:

ROUTING:

2.206 - Licensed Activities at North Anna Nuclear  
Plant (Unit 1 and 2) (EDATS: OEDO-2011-0622)

Borchardt  
Weber  
Virgilio  
Ash  
Mamish  
OGC/GC  
McCree, RII  
Burns, OGC  
Mensah, NRR  
Banic, NRR  
Scott, OGC  
Bowman, OEDO  
Sanfilippo, OEDO

DATE: 09/12/11

ASSIGNED TO:

CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** OEDO-2011-0622

**Source:** OEDO

## General Information

**Assigned To:** NRR

**OEDO Due Date:** 10/12/2011 11:00 PM

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** 2.206 - Licensed Activities at North Anna Nuclear Plant (Unit 1 and 2)

**Description:**

**CC Routing:** RegionII; 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:** G20110668

**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:** 9/8/2011

**Originating Organization:** Saproani Associates

**Document Received by OEDO Date:** 9/12/2011

**Addressee:** Annette Vietti-Cook, SECY

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** E-mail

**Jaegers, Cathy**

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**From:** saporito3@gmail.com on behalf of Thomas Saporito [thomas@saprodani-associates.com]  
**Sent:** Thursday, September 08, 2011 7:14 PM  
**To:** NRCExecSec Resource  
**Cc:** Kugler, Andrew; Gody, Tony; Evans, Carolyn; Jaczko, Gregory; Wert, Leonard; Sykes, Marvin; Checkle, Melanie; DeMiranda, Oscar  
**Subject:** North Anna Nuclear Plant  
**Attachments:** 2011.09.08 North Anna (2.206).pdf

Dear Ms. Cook:

Attached please find an Enforcement Petition filed under 10 C.F.R. 2.206 for processing by the NRC Executive Director for Operations in connection with licensed activities at the North Anna Nuclear Plant (Unit 1&2).

Kind regards,

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Thomas Saporito, Senior Consultant  
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We are an Advocate of GreenPeace USA

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

*In the Matter of:*

**SAPRODANI ASSOCIATES, and  
THOMAS SAPORITO**

**DATE: 08 SEP 2011**

**Petitioner,**

**v.**

**VEPCO and  
NORTH ANNA NUCLEAR PLANT  
(Units 1 and 2)**

**Licensee.**

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**PETITION UNDER 10 C.F.R. §2.206 SEEKING ENFORCEMENT  
ACTION AGAINST VEPCO AND NORTH ANNA NUCLEAR PLANT**

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 VEPCO and North Anna Nuclear Plant*" (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 and suspend, or revoke the NRC licenses granted to the licensee for operation of the licensees' North Anna Nuclear Plant (Units 1&2) 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 \$1,000,000.00 (one-million) dollars; and (3) that the NRC issue a Confirmatory Order to the licensee requiring the licensee to keep the North Anna Nuclear Plant (Units 1&2) in a "cold-shutdown" mode of operation until such time as:

1. The licensee completes an "independent" seismic and geological evaluation of the North Anna Nuclear Plant site to ascertain the degree and magnitude (inclusive of acceleration considerations) of future earthquake events which could result in destructive forces outside the safety design basis of the facility as experienced by the licensee's facility during the August 23rd, 2011, earthquake event. The independent seismic and geological evaluation must specifically address a "worst case" scenario earthquake event based on the results of the area evaluation; and
2. The licensee completes a retrofit of the North Anna Nuclear Plant (Units 1&2) based on recommendations by an independent seismic and geological evaluation to enhance the facility's ability to withstand any future earthquake events of a magnitude outside the facility's safety design basis reasonably believed possible to occur as determined by an independent concern; and
3. The NRC approves a submittal by the licensee which *upgrades* the licensee's current Final Safety Analysis Report (FSAR) and/or Updated Final Safety Analysis Report (UFSAR) to incorporate the plant retrofit for Units 1&2 as described in Items 1 and 2, above; and
4. The licensee completes its investigation of both Units 1&2, to determine the extent of any damage to the physical plant and safety-related systems and components, including but not limited to, (1) the nuclear reactor core fuel assemblies, components, structures, supports, CRDMs, etc.; (2) installation of free-field seismic instrumentation; (3) torque-test all safety-related equipment

support, installation, and retention bolts to insure that the bolts have not sheared from the recent earthquake event; (4) inspect all snubbers throughout the entire facility to insure the devices remain intact and able to perform their designed function; (5) inspect and validate all Nuclear Steam Supply piping and related piping systems including the nuclear reactor hot and cold leg piping on both units to validate its integrity and to evaluate the seismic capability of the piping to withstand an earthquake event greater than the plant's current design basis and to meet any enhanced plant design basis described in Items 1,2, and 3 above; (6) determine the digital sample rate used and relied upon by Kinometrics in converting the analog taped capture of the earthquake event to ensure that a sufficient sample rate was used during the conversion process; (7) hire and/or train personnel to ensure that any future acceleration determination can be quickly completed "in-house" by the licensee rather than expend critical time to have such determinations made off-site; and (8) ensure through an independent evaluation that the measured earthquake event acceleration was not skewed by the location of the scratch plate in the auxiliary building of Unit 1, due to a shift in the soil from the earthquake event.

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

On August 23, 2011, the North Anna Nuclear Plant (Units 1&2) automatically tripped offline as a direct result of ground-force movement acceleration caused by an earthquake event. Subsequent to the earthquake event, the licensee initiated various inspection activities and tests to discover the extent of damage to the nuclear facility. To date, the licensee's inspection and testing activities continue and remain incomplete and non-validated.

On September 8th, 2011, the licensee attended a public meeting with the NRC to discuss the licensee's inspection and testing activities to date. During the context of this meeting, the licensee stated to the NRC that prior to restart of Unit 2, the licensee would "positively demonstrate" that no significant damage had occurred at the nuclear facility. Notably, the licensee averred to the NRC that it desired to restart Unit 2, as early as September 22nd, 2011.

The licensee is required under its UFSAR and/or FSAR at Section 3.7.4.6, to ensure that all safety-related equipment and systems are fully operational and can function within the plant's safety design basis. However, the licensee cannot meet this requirement because the plant sustained damage from an earthquake event of a magnitude outside the licensee's safety design basis as described in the UFSAR and/or FSAR. Moreover, the licensee stated to the NRC that no inspection of Unit 2, safety-related systems and components comprised within the nuclear reactor core such as nuclear fuel rods, assemblies, CRDMs, supports, brackets, etc. is required and will not be performed because Unit 2, is bound by Unit 1 inspection activities.

Here, the licensee's zeal for economic considerations in restarting Unit 2, is unwarranted, lacks common sense, and is likely to result in a nuclear accident which will harm public health

and safety and the environment with a release of radioactive particles. To be clear, Unit 2, **cannot be bound** by a physical inspection and testing of safety-related systems employed at Unit 1. Indeed, both Unit 1&2 must be thoroughly inspected and tested to determine the extent of any damage to critical safety-related equipment, systems, and components prior to any restart of the nuclear reactor. The inspection activities should include removal of the entire nuclear fuel core assemblies for inspection via closed circuit television; and inspection of the reactor vessel internals on **both units**. Furthermore, the seismic event of August 23rd, 2011, was admittedly outside the safety design basis of both Unit 1&2. Therefore, the NRC cannot allow the licensee to restart either nuclear reactor until: (1) thorough inspection and testing activities are completed on both units; (2) the licensee retrofits both units to sustain an earthquake event greater than August 23rd, earthquake event; and (3) the licensee upgrades its UFSAR and/or FSAR to incorporate any needed physical changes made to Units 1&2.

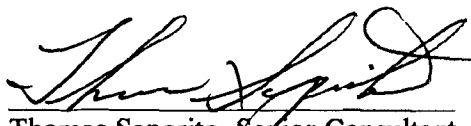
**C. There Is No NRC Proceeding Available in Which the Petitioner is or Could be a Party and Through Which Petitioner's Concerns Could be Addressed**

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 8th day of September 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}

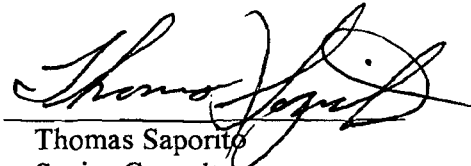
Hon. Gregory B. Jaczko, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
{Sent via electronic mail}

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 Saporito  
Senior Consultant