

October 17, 2011

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

Dear Mr. Saporito:

Your letter dated August 13, 2011, addressed to Mr. William Borchardt, Executive Director for Operations, has been referred to the Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206. In your petition, you requested that the NRC take escalated enforcement action against licensees of the US NRC to:

1. Suspend or revoke NRC licenses granted to each licensee for operation of nuclear power plants in the US.
2. Issue a notice of violation with a proposed civil penalty in the amount of \$100,000,000.00 (One Hundred-Million dollars).
3. Issue a confirmatory order to bring each licensee to cold-shutdown until specific actions (listed below) are completed and validated through NRC inspection activities.
 - a. 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;
 - b. Upgrade existing station power backup systems to support nuclear reactor residual heat removal systems for a continuous 30-day period of time;
 - c. Establish security procedures for each plant operator's electric grid;
 - d. Install security hardware for each plant operator's electric grid; and
 - e. Establish a security force to protect each plant operator's electric grid from a physical terrorist attack as well as a cyber terrorist attack.

By teleconference on September 22, 2011, you addressed the Petition Review Board (PRB) to discuss your petition. A transcript of that teleconference, which supplements your petition, is publicly available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML112710210.

On October 3, 2011, the PRB met internally to discuss your request for immediate action and to make a recommendation regarding your petition, as supplemented during the teleconference held on September 22, 2011.

The PRB consisted of NRC experts on grid security, senior management, and a representative from our Office of General Counsel. The PRB denied the request for immediate action because there was no immediate safety concern to plants that would affect the health and safety of the public. Per Criterion 2 under "Criteria For Review," in Management Directive (MD) 8.11, the petitioner must provide some element of support beyond the bare essentials and the supporting facts must be credible and sufficient to warrant further inquiry. The PRB recommended that the petition does not meet the criteria for review because the assertions made in the petition do not go beyond mere speculations, nor are they specific to nuclear safety, therefore, the petition fails

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to meet the level sufficient to warrant further inquiry. Moreover, the petition, in part, relates to an area of concern (grid security and reliability), which is outside the purview of NRC regulations.

The PRB has completed its review of your petition. The PRB's determination is to not accept your petition for review under the 10 CFR 2.206 process because your petition did not meet the criteria for review as stated in MD 8.11.

Sincerely,

/RA/

Robert Nelson, Acting Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

cc: Distribution via Listserv

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Office of Nuclear Reactor Regulation

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