

Whited, Jeffrey

From: Thomas Saporito <saprodani@gmail.com>
Sent: Tuesday, February 10, 2015 6:22 AM
To: Whited, Jeffrey
Subject: Re: 2.206 Enforcement Petition (Ebola)

Mr. Whited:

Thank you for your response from the NRC's PRB regarding their failure to accept the Enforcement Petition submitted to the agency under 10 CFR 2.206. To the extent that the PRB has failed to accept the Enforcement Petition as written - for the reasons stated by the PRB - the matter appears ripe for a legal challenge through the appeal process once the PRB finalizes its decision in this important public policy matter. Therefore, no further audience is sought with the PRB at this time.

Please provide me with the final determination in this matter once it has been completed.

Thank you!
Thomas

On Mon, Feb 9, 2015 at 9:59 AM, Whited, Jeffrey <Jeffrey.Whited@nrc.gov> wrote:

Mr. Saporito,

As requested, below are some further details and explanation regarding the basis for the PRB's decision.

In Section B. of your Petition, you state, in part, that:

The United States Government (Government), has made known the fact that at least three individuals in the United States became infected with the Ebola virus and that many others are currently under observation to determine if they have contracted the Ebola virus. Petitioner contends that any licensee of the NRC who operates a nuclear facility in the United States may have employees who become infected with the Ebola virus in the near future; and that NRC licensee [whose] nuclear facilities become contaminated with the Ebola virus will not be able to operate in full compliance with NRC regulations and requirements under 10 CFR 50.

The PRB has determined that the above stated information does not constitute a basis for your requested actions. During the conference call between yourself and the PRB, you further outlined situations and scenarios

wherein an employee or an entire facility might be contaminated with the Ebola virus. The PRB determined this additional information provided also did not constitute a basis for your requested actions.

Further, the following information, stated in Section A of your Petition, as Enforcement Actions you requested the NRC to take against all licensees, are not 2.206 related actions:

5. The licensees further detail in written policies and procedures mandatory employee self-identification of suspected Ebola virus;

6. The licensee further detail in written policies and procedures mandatory employee training and testing for Ebola virus [symptoms] and actions to be taken where an employee is suspected of being infected with the Ebola virus; and

7. The licensees designate and/or construct a building or structure where any licensee employee suspected of having the Ebola virus can be taken and isolated until proper medical personnel can provide medical care accordingly.

The NRC, through regulations contained in 10 CFR, requires appropriate staffing levels for the safe operation of any licensed nuclear power reactor. If any licensee was not able to properly staff their facility for any reason, the licensee would be required to safely shut down the reactor. Your contention does not provide sufficient details that dispute the licensee's ability to meet this regulatory requirement.

Again, please let me know if you would like to have an additional conference call with the PRB to discuss their determination.

Respectfully,

Jeffrey Whited

Project Manager

Plant Licensing Branch II-1

Division of Operating Reactor Licensing

Office of Nuclear Reactor Regulation

U.S. Nuclear Regulatory Commission

[\(301\)415-4090](tel:(301)415-4090)

jeffrey.whited@nrc.gov

From: Thomas Saporito [mailto:saprodani@gmail.com]

Sent: Friday, January 30, 2015 11:26 AM

To: Whited, Jeffrey

Subject: Re: 2.206 Enforcement Petition (Ebola)

Mr. Whited:

In consideration of your recent email communication related to a 2.206 Enforcement Petition concerning licensed operations at NRC commercial nuclear facilities, you state, in relevant part, that:

The PRB has determined that you do not meet this criterion because the facts set forth in your petition, as further outlined during your conference call, do not constitute a basis for the requested actions. Further, some of the requested actions are not 2.206 related actions.

To the extent that I have an opportunity to further address the NRC PRB related to this opinion, please provide further details and explanation to enable me to appropriately consider further engagement with the PRB members in this matter.

Regards,

On Fri, Jan 30, 2015 at 7:58 AM, Whited, Jeffrey <Jeffrey.Whited@nrc.gov> wrote:

Mr. Saporito,

The purpose of this e-mail is to inform you that the U.S. Nuclear Regulatory Commission Petition Review Board (PRB) has made a determination regarding your petition that was submitted on October 16, 2014, and supplemented via e-mail and conference call dated December 17, 2014. The PRB has determined that your petition does not meet the criteria for reviewing petitions under Title 10 of the *Code of Federal Regulations* Part 2.206 (10 CFR 2.206).

The PRB has made this determination based on criterion 2 for reviewing petitions under 10 CFR 2.206 as outlined in Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions" (MD 8.11). Criterion 2 states, in part, that:

The facts that constitute the bases for taking the particular action are specified. The petitioner must provide some element of support beyond the bare essentials. The supporting facts must be credible and sufficient to warrant further inquiry.

The PRB has determined that you do not meet this criterion because the facts set forth in your petition, as further outlined during your conference call, do not constitute a basis for the requested actions. Further, some of the requested actions are not 2.206 related actions.

In accordance with the process outlined in MD 8.11, I would like to offer you an opportunity to comment on the above determination. This opportunity would be in the form of a meeting or teleconference between yourself and the PRB. Please advise me if you would like to do this. If I do not hear from you by Friday, February 13, 2015, I will assume that you do not want to meet with the PRB.

Please let me know if you have any questions or concerns regarding this matter.

Respectfully,

Jeffrey Whited

Project Manager

Plant Licensing Branch II-1

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