

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

In the Matter of:

DATE: MARCH 16³¹, 2015

THOMAS SAPORITO

and

SAPRODANI ASSOCIATES

Petitioner,

v.

FMRI (Fansteel), Inc.

Kerr-McGee Cimarron Corporation Former Fuel Fabrication Facility

Kerr-McGee Corporation's Cushing Refinery Site

Sequoyah Fuels Corporation (SFC)

and

ALL NRC LICENSEES.

**PETITION UNDER 10 C.F.R. §2.206 SEEKING
ENFORCEMENT ACTION AGAINST ALL NRC LICENSEES**

NOW COMES, Thomas Saporito, a citizen of the United States of America, (hereinafter "Petitioner") and Saprodani Associates (collectively "Petitioner") and hereby submits a "*Petition Under 10 C.F.R. §2.206 Seeking Enforcement Action Against All NRC Licensees*" - including – but not limited to those captioned above. 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 the operation of civilian 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

entity(s) 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 or nuclear-related facilities in the United States of America. Thus, through Congressional action in creation of the agency; and the fact that the named-actionable party(s) identified above by the Petitioner is/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:

1. 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.
2. 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.
3. 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

1. 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".
2. 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.

3. 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.
4. 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 take escalated enforcement action against the above-captioned licensees and issue a Confirmatory Order to the licensees requiring the licensees to take the following actions in a timely manner and within 30-days of the issuance of the NRC Confirmatory Order:

1. The licensees complete an "**independent**" investigation and assessment via a contractor to assess and to fully understand any and all risks associated with the possibility and/or probability of a seismic event occurring due to hydraulic fracking activities within the state where the NRC licensed facility is located; and
2. The licensees complete a comprehensive assessment of their respective nuclear facilities to determine any and all adverse affects to plant operations should a seismic event occur stemming from a hydraulic fracking activity near their nuclear facilities; and
3. The licensees complete a risk assessment detailing the level of risk which a hydraulic fracking induced seismic event could result in a violation of NRC regulations and/or requirements under 10 CFR Part 50 – and under other NRC regulations and requirements.

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

The scientists at the U.S. Geological Survey in collaboration with the University of Colorado, Oklahoma Geological Survey and Lawrence Berkeley National Laboratory, found that:

Large areas of the United States that used to experience few or no earthquakes have, in recent years, experienced a remarkable increase in earthquake activity that has caused considerable public concern as well as damage to structures. This rise in seismic activity, especially in the central United States, is not the result of natural processes. Large areas of the United States that used to experience few or no earthquakes have, in recent years, experienced a remarkable increase in earthquake activity that has caused considerable public concern as well as damage to structures. This rise in seismic activity, especially in the central United States, is not the result of natural processes. *See, Attachment-One.*

The NRC has licensess in the State of Oklahoma as documented in Attachment-Two. To the extent that the oil industry is actively engaged in the hydraulic fracking business across the United States of America – the majority of NRC licensees appear subject to a seismic event related to hydraulic fracking activity.

To the extent that hydraulic fracking has been found to lubricate plates deep beneath the Earth's surface – the plates have become more suseptable to slipping – resulting in seismic events – which may not otherwise have occurred – or been considered – or evaluated by the NRC - or the agency's licensees when the NRC granted licenses at the time that licensee applications were submitted to the agency for approval.

Petitioner contends that the requested enforcement actions described in this Petition are required to protect public health and safety and the environment which is the Congressional mandate for which the NRC must fully comply.

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

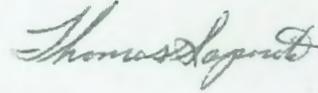
Petitioner avers here that there is no NRC proceeding available in which the Petitioner is or could be a party and through which Petitioner's concerns could be addressed.

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
401 Old Dixie Hwy #3525
Tequesta, Florida 33469

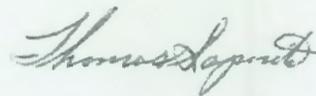
Email: saprodani@gmail.com
Telephone: (561) 972-8363

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this this 31st day of March 2015, a copy of foregoing document was provided to those identified below by means shown below:

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

Local and National Media Sources

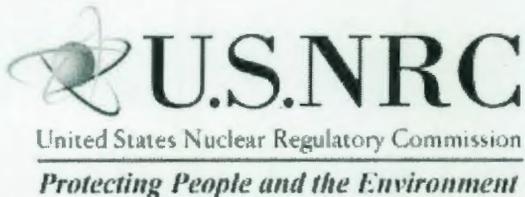


By: _____

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ATTACHMENT-ONE



Home > Facility Locator > Find NRC-Licensed Facilities by Region or State > Oklahoma

Oklahoma

NRC's Regional Office in Arlington (Region IV) is responsible for carrying out the agency's duties in Oklahoma. No operating nuclear reactors or fuel cycle facilities are located in Oklahoma. Oklahoma is an Agreement State.

More information about Oklahoma's role in ensuring the safe use of radioactive materials can be obtained from the NRC Office of State Program's Directory of State Regulations, Legislation, and Web Sites.

Operating Nuclear Power Reactors

- none

Facilities Undergoing Decommissioning

- FMRI (Fansteel), Inc.
- Kerr-McGee Cimarron Corporation Former Fuel Fabrication Facility
- Kerr-McGee Corporation's Cushing Refinery Site
- Sequoyah Fuels Corporation (SFC)

Page Last Reviewed/Updated Friday, February 20, 2015

ATTACHMENT-TWO

This release can be found in the USGS Newsroom at:
<http://www.usgs.gov/newsroom/article.asp?ID=4132>.



News Release

February 19, 2015

Susan Garcia
Leslie Gordon

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Coping with Earthquakes Induced by Fluid Injection

MENLO PARK, Calif.— A paper published today in *Science* provides a case for increasing transparency and data collection to enable strategies for mitigating the effects of human-induced earthquakes caused by wastewater injection associated with oil and gas production in the United States. The [paper](http://www.sciencemag.org/lookup/doi/10.1126/science.aaa0494) (<http://www.sciencemag.org/lookup/doi/10.1126/science.aaa0494>) is the result of a series of workshops led by scientists at the U.S. Geological Survey in collaboration with the University of Colorado, Oklahoma Geological Survey and Lawrence Berkeley National Laboratory, suggests that it is possible to reduce the hazard of induced seismicity through management of injection activities.

Large areas of the United States that used to experience few or no earthquakes have, in recent years, experienced a remarkable increase in earthquake activity that has caused considerable public concern as well as damage to structures. This rise in seismic activity, especially in the central United States, is not the result of natural processes.

Instead, the increased seismicity is due to fluid injection associated with new technologies that enable the extraction of oil and gas from previously unproductive reservoirs. These modern extraction techniques result in large quantities of wastewater produced along with the oil and gas. The disposal of this wastewater by deep injection occasionally results in earthquakes that are large enough to be felt, and sometimes damaging. Deep injection of wastewater is the primary cause of the dramatic rise in detected earthquakes and the corresponding increase in seismic hazard in the central U.S.

“The science of induced earthquakes is ready for application, and a main goal of our study was to motivate more cooperation among the stakeholders — including the energy resources industry, government agencies, the earth science community, and the public at large — for the common purpose of reducing the consequences of earthquakes induced by fluid injection,” said coauthor Dr. William Ellsworth, a USGS geophysicist.

The USGS is currently collaborating with interested stakeholders to develop a hazard model for

induced earthquakes in the U.S. that can be updated frequently in response to changing trends in energy production.

“In addition to determining the hazard from induced earthquakes, there are other questions that need to be answered in the course of coping with fluid-induced seismicity,” said lead author of the study, USGS geophysicist Dr. Art McGarr. “In contrast to natural earthquake hazard, over which humans have no control, the hazard from induced seismicity can be reduced. Improved seismic networks and public access to fluid injection data will allow us to detect induced earthquake problems at an early stage, when seismic events are typically very small, so as to avoid larger and potentially more damaging earthquakes later on.”

“It is important that all information of this sort be publicly accessible, because only in this way can it be used to provide the timely guidance needed to reduce the hazard and consequences of induced earthquakes,” said USGS hydrologist and co-author of the paper, Dr. Barbara Bekins.

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NRCExecSec Resource

From: Thomas Saporito <saprodani@gmail.com>
Sent: Tuesday, March 31, 2015 10:51 AM
To: NRCExecSec Resource
Subject: 2.206 Enforcement Petition - All NRC Licensees (Hydraulic Fracking)
Attachments: 2015.03.31 Fracking 2.206 Petition.pdf; Attachment-One.pdf; Attachment-Two.pdf

NRC Secretary:

Please provide the attached 2.206 Enforcement Petition (March 31, 2015) - along with two attachments - to the NRC Executive Director for Operations for immediate processing under NRC regulations and requirements accordingly.

Should you have any questions regarding the above, please do not hesitate to contact me.

Please confirm receipt of the 2.206 Enforcement Petition and two attachments via email.

Kind regards,

Thomas

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