



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
September 30, 2015

saprodani@gmail.com

Mr. Thomas Saporito
Senior Consultant
Saprodani Associates
401 Old Dixie Hwy, Unit 3525
Tequesta, FL 33469

SUBJECT: PETITION UNDER 10 CFR 2.206 SEEKING ENFORCEMENT ACTION
AGAINST ALL NRC LICENSEES

Dear Mr. Saporito:

Your petition dated March 16, 2015, as supplemented on July 30, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML15093A066 and ML15218A493, respectively), has been reviewed by the U.S. Nuclear Regulatory Commission (NRC) Office of Nuclear Reactor Regulation (NRR) pursuant to Title 10 of the *Code of Federal Regulations* Section 2.206 (10 CFR 2.206) of the Commission's regulations. In your petition, you requested that the NRC take escalated enforcement action against all licensees by issuing a confirmatory order requiring that each licensee assess risks to the plant associated with hydraulic fracturing (fracking) induced seismic activity. As the basis for your request, you included that scientists at the U.S. Geological Survey found, in part, 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.

On May 7, 2015, Mr. Perry Buckberg, petition manager, contacted you to offer you an opportunity to address the Petition Review Board (PRB) prior to the PRB making its initial recommendation to accept or reject the petition for review in accordance with Management Directive 8.11 (MD 8.11), "Review Process for 10 CFR 2.206 Petitions." You accepted the opportunity, and on July 30, 2015, you addressed the PRB during a recorded teleconference. The meeting transcript from this teleconference is available in ADAMS at Accession No. ML15218A475. During the conference call, you clarified that the petition targets NRC-licensed operating commercial nuclear power plants, or a commercial nuclear power plant that has been decommissioned, but still has radioactive fuel onsite.

On August 31, 2015, the PRB met internally to discuss your petition, as supplemented, as well as the July 30, 2015, conference call and made an initial recommendation that the petition met the MD 8.11 criteria for rejection related to issues that have already been the subject of NRC staff review and evaluation.

On September 8, 2015, Mr. Buckberg informed you of the PRB's initial recommendation and offered you a second opportunity to address the PRB to provide additional, relevant information in support of your petition request. On September 8, 2015, you declined this opportunity.

Based on the discussions outlined above, the PRB has determined that your petition meets the criteria for rejecting petitions under 10 CFR 2.206. The applicable criterion states:

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.

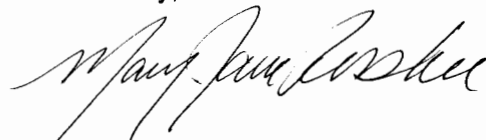
The PRB has determined that fracking induced seismic activity meets this rejection criteria because the NRC has documented previous considerations of this phenomenon in at least the following four instances:

1. May 11, 2012 (ADAMS Accession No. ML12132A426)
2. September 6, 2012 (ADAMS Accession No. ML12250A382)
3. December 20, 2012 (ADAMS Accession No. ML12355A705)
4. January 24, 2013 (ADAMS Accession No. ML12349A102)

In conclusion, the PRB's final determination is that the petition meets the criteria for rejection in accordance with MD 8.11 because the issue of fracking induced seismic activity has been considered by the NRC in the past.

Thank you for bringing these issues to the attention of the NRC.

Sincerely,



Mary Jane Ross-Lee, Deputy Director
Division of Engineering
Office of Nuclear Reactor Regulation

cc: Distribution via Listserv

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Division of Engineering
Office of Nuclear Reactor Regulation

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