

March 7, 2005

Mr. Thomas Saporito
National Environmental Protection Center
11911 U.S. Highway One, Suite 201
North Palm Beach, Florida 33408

Dear Mr. Saporito:

In a letter addressed to Mr. Luis Reyes, the U.S. Nuclear Regulatory Commission (NRC) Executive Director for Operations, dated February 10, 2005, you indicated that the NRC had not provided a timely response to your petitions dated July 1, 2004, as supplemented on July 4, 2004. A teleconference was held between you and the Petition Review Board on August 2, 2004, and on September 2, 2004, the NRC issued a letter in response to your request, describing how your petition was dispositioned. A copy was sent to you at the address supplied, and was made publicly available on September 13, 2004, under ADAMS Accession Number ML042450002.

As indicated in the NRC staff's reply dated September 2, 2004, the Petition Review Board (PRB) considered the information provided in your petitions as well as the information you provided during a teleconference with the PRB on August 2, 2004. The PRB determined that there was no need for action to immediately shut down Turkey Point Units 3 and 4 or St. Lucie Units 1 and 2. A review of NRC activities revealed that you had previously raised these same issues to the NRC staff under the Title 10, *Code of Federal Regulations* (10 CFR) Section 2.206 Petition process in a letter dated April 23, 1997, as supplemented on May 11 and May 17, 1997. The issues you raised were previously reviewed by the NRC Office of Investigations (OI) in 1988 and inspected by NRC inspectors in 1991. The OI was unable to substantiate that individuals were terminated as a result of protected activity, nor was an overall atmosphere of intimidation, threats, coercion, harassment or negative evaluations identified by the NRC inspection staff. The Director's Decision 97-20 denying your original petition was issued in a letter to you dated September 8, 1997.

Consistent with NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff will not review a petition if the petition 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." As these issues were previously reviewed and no significant new information was provided, the PRB concluded that your petition did not meet the criteria for consideration under 10 CFR 2.206.

If you have additional questions, please feel free to contact Ms. Eva Brown at (301) 415-2315.

Sincerely,

/RA/

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250, 50-251,
50-335, and 50-389

Mr. Thomas Saporito
National Environmental Protection Center
11911 U.S. Highway One, Suite 201
North Palm Beach, Florida 33408

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Docket Nos. 50-250, 50-251,
50-335, and 50-389

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SUBJECT: G20050113 - Response to Thomas Saporito letter dated 2/10/05 re: Petition Request
2.206 of July 1, 2004 (G20040468)

Dated: March 7, 2005

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