

October 27, 2008

Mr. Thomas Saporito
P.O. Box 8413
Jupiter, Florida 33468-8413

Dear Mr. Saporito:

You submitted a letter dated August 3, 2008, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC), pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206, "Requests for action under this subpart," of the Commission's regulations. In your letter, you requested that a notice of violation and proposed imposition of civil penalty in the amount of \$100,000 be issued to Florida Power & Light Company (FPL). As the basis for your request, you state that a June 3, 1994, Decision by the Secretary of Labor states that FPL violated Section 211 of the Energy Reorganization Act when it discharged you. Your letter was referred to the Office of Nuclear Reactor Regulation for review.

In accordance with Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," your letter was referred to a Petition Review Board (PRB). In an e-mail dated August 6, 2008, Tracy Orf, the petition manager, informed you of the NRC's receipt of your submittal and offered you an opportunity to present additional information to the PRB. On August 14, 2008, a teleconference was held where you presented information to the PRB. The PRB met on September 11, 2008, and its initial recommendation was to not accept your letter for review in the 10 CFR 2.206 process. In an e-mail dated September 12, 2008, the petition manager, notified you of the PRB's initial recommendation and offered you another opportunity to address the PRB. Although a teleconference was scheduled for September 17, 2008, you were unable to participate. In your e-mail dated September 17, 2008, you stated that the teleconference did not need to be rescheduled.

The PRB has reviewed your submittal in accordance with Management Directive 8.11. The NRC staff has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206. Specifically, your submittal does not meet the following criterion:

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.

T. Saporito

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Director's Decision DD-95-7 dated May 11, 1995; Director's Decision DD-97-20 dated September 8, 1997; and a letter dated September 2, 2004, from Ledyard B. Marsh to you, already address your previous similar requests for enforcement action against FPL. It was explicitly stated in DD-95-7 that "the NRC does not at this time conclude that FP&L's questioning of the Petitioner in an attempt to discover [the] Petitioner's safety concerns was a violation, therefore, this portion of the request is denied." As your request for enforcement actions was previously reviewed, consistent with NRC policy, your submittal provides no significant new information, and your DOL case was subsequently dismissed, thus, the NRC staff continues to find no basis for further review of your request for enforcement action under the 10 CFR 2.206 petition process, now or in the future. Accordingly, since your request has already been reviewed, evaluated, and resolved, it meets the criteria for rejection from the 2.206 process.

Thank you for bringing these issues to the attention of the NRC. If you have additional questions, please feel free to contact Mr. Tracy Orf at (301) 415-2788.

Sincerely,

/RA/

Thomas B. Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

Director's Decision DD-95-7 dated May 11, 1995; Director's Decision DD-97-20 dated September 8, 1997; and a letter dated September 2, 2004, from Ledyard B. Marsh to you, already address your previous similar requests for enforcement action against FPL. It was explicitly stated in DD-95-7 that "the NRC does not at this time conclude that FP&L's questioning of the Petitioner in an attempt to discover [the] Petitioner's safety concerns was a violation, therefore, this portion of the request is denied." As your request for enforcement actions was previously reviewed, consistent with NRC policy, your submittal provides no significant new information, and your DOL case was subsequently dismissed, thus, the NRC staff continues to find no basis for further review of your request for enforcement action under the 10 CFR 2.206 petition process, now or in the future. Accordingly, since your request has already been reviewed, evaluated, and resolved, it meets the criteria for rejection from the 2.206 process.

Thank you for bringing these issues to the attention of the NRC. If you have additional questions, please feel free to contact Mr. Tracy Orf at (301) 415-2788.

Sincerely,

/RA/

Thomas B. Blount, Deputy Director
 Division of Policy and Rulemaking
 Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

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Closure Letter: No: ML082680016 Closeout E-Mail: ML

OFFICE	LPLII-2/PM	LPLII-2/PM	LPLII-2/LA	LPLII-2/BC	OE/CRB	NRR/DPR
NAME	TOrf	BMozafari	BClayton	BMozafari for TBoyce	DSolorio	TBlount
DATE	10/10/08	10/10/08	10/10/08	10/10/08	10/24/08	10/27/08

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Florida Power and Light Company

TURKEY POINT PLANT

cc:

Senior Resident Inspector
Turkey Point Nuclear Plant
U.S. Nuclear Regulatory Commission
9762 SW. 344th Street
Florida City, Florida 33035

Mr. William A. Passetti, Chief
Department of Health
Bureau of Radiation Control
2020 Capital Circle, SE, Bin #C21
Tallahassee, Florida 32399-1741

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