



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

April 28, 2009

Mr. Thomas Saporito  
Post Office Box 8413  
Jupiter, Florida 33468-8413

Dear Mr. Saporito:

Your email dated April 8, 2009, and addressed to Mr. Tracy Orf of the Office of Nuclear Reactor Regulation, requested "an opportunity to again speak directly with the NRC [Nuclear Regulatory Commission] PRB [Petition Review Board] via a public teleconference to further support my [10 CFR (*Code of Federal Regulations*)] 2.206 petition with respect to FPL's [Florida Power and Light] response to the NRC's NOV [Notice of Violation] regarding security violations at the Turkey Point Nuclear Plant."

As the basis for your request, you state that FPL's response to NOV EA-07-138 provides additional information for you to present in support of your request dated April 27, 2008. Your request was not accepted into the 10 CFR 2.206 petition process for the reasons stated in the NRC staff's response dated July 7, 2008:

Our petition review board has reviewed your submittal, and the NRC staff has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206. As stated in NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," the NRC staff will not review a petition if the petition raises issues that have already been the subject of NRC staff review and evaluation. As your security officer inattentiveness assertions were previously reviewed consistent with NRC policy, an NOV has already been issued on these matters, and your submittals provide no significant new information, the NRC staff finds that no basis exists for further review of your security officer inattentiveness assertions under the 10 CFR 2.206 petition process.

FPL's response to NOV EA-07-138 is part of the associated enforcement activity, and as such, the issue has already been the subject of NRC staff review and evaluation. Therefore, no new information could be presented based on FPL's response. If you are aware of new information of which the NRC staff has not reviewed, you are welcome to submit a new request for action under 10 CFR 2.206.

T. Saporito

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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,

A handwritten signature in black ink, reading "Thomas B. Blount". The signature is written in a cursive style with a large, looping initial 'T'.

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

Docket Nos. 50-250 and 50-251

cc: Distribution via Listserv

T. Saporito

- 2 -

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  
U.S. Nuclear Regulatory Commission

Docket Nos. 50-250 and 50-251

cc: Distribution via Listserv

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| OFFICE | LPLII-2/PM | LPLII-2/PM | LPLII-2/LA | LPLII-2/BC | DPR/DD   |
| NAME   | TOrf       | SLingam    | BClayton   | TBoyce     | TBlount  |
| DATE   | 04/22/09   | 04/27/09   | 04/22/09   | 04/27/09   | 04/28/09 |

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