

EDO Principal Correspondence Control

FROM: DUE: 11/18/09

EDO CONTROL: G20090604
DOC DT: 10/17/09
FINAL REPLY:

Thomas Saporito
Jupiter, Florida

TO:

Borchardt, EDO

FOR SIGNATURE OF :

** GRN **

CRC NO:

Johnson, NRO

DESC:

ROUTING:

2.206 - Florida Power & Light Company, Units 6 and
7/Combined Operation License Application
(EDATS: OEDO-2009-0636)

Borchardt
Virgilio
Mallett
Ash
Mamish
Burns/Gray
Leeds, NRR
Reyes, RII
Burns, OGC
Mensah, NRR
Marco, OGC
Diaz-Toro, OEDO

DATE: 10/20/09

ASSIGNED TO:

CONTACT:

NRO

Johnson

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20090376.

Template: EDO-001

E-RIDS: EDO-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: OEDO-2009-0636

Source: OEDO

General Information

Assigned To: NRO

OEDO Due Date: 11/18/2009

Other Assignees:

SECY Due Date: NONE

Subject: 2.206 - Florida Power & Light Company Units 6 & 7/Combined Operation License Application

Description:

CC Routing: NONE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20090604

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: 2.206 Review

Priority: Medium

Signature Level: NRO

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Ref. G20090376

Document Information

Originator Name: Thomas Saporito

Date of Incoming: 10/17/2009

Originating Organization: Citizens

Document Received by OEDO Date: 10/19/2009

Addressee: R. W. Borchardt, EDO

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

From the Desk of Thomas Saporito
Candidate for the Office of Governor for the State of Florida

Post Office Box 8413, Jupiter, Florida 33468-8413
Voice: (561) 247-6404 Fax: (561) 952-4810
Email Address: saporito3@gmail.com
Website: www.GovernorSaporito.com

October 17, 2009

Bill Borchard
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

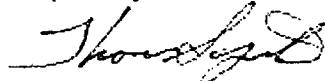
In re: Request for Enforcement Action Against the Florida Power and Light Company
Under 10 C.F.R. 2.206 – In re: FPL Turkey Point Units 6 and 7

Dear Mr. Borchard:

Enclosed herewith, please the undersigned's petition under 10 C.F.R. 2.206 requesting that the U.S. Nuclear Regulatory Commission (NRC) take enforcement action against its licensee the Florida Power and Light Company (FPL) regarding the licensee's June 30, 2009 Combined Operation License Application (COLA).

For the reasons stated in the petition, the NRC should grant the petition and take the requested enforcement action against FPL to ensure for public health and safety.

Respectfully submitted,



Thomas Saporito

A copy of this document was provided to:

Hon. Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Lewis Hay III
Chief Executive Officer
Florida Power and Light Company
700 Universe Blvd.
Juno Beach, Florida 33408

BEFORE THE U.S. NUCLEAR REGULATORY COMMISSION

In re:

Florida Power and Light Company,

Date: 17 OCT 2009

**Turkey Point Nuclear Plant,
Units 6 and 7**

Dockets 52-040 and 52-041

**THOMAS SAPORITO'S PETITION FOR ENFORCEMENT ACTION UNDER 10 C.F.R. 2.206 AGAINST
THE FLORIDA POWER AND LIGHT COMPANY, TURKEY POINT NUCLEAR PLANT, UNITS 6 AND 7**

NOW COMES, Thomas Saporito, ("Saporito") (hereinafter "Petitioner") and submits a petition under 10 C.F.R. 2.206 seeking enforcement action by the U.S. Nuclear Regulatory Commission (NRC) against its licensee the Florida Power and Light Company (FPL) regarding a violation of NRC regulations and requirements under 10 C.F.R. Part 52 at the licensee's Turkey Point Nuclear Plant (TPN), Units 6 and 7 in the licensee's filing of a June 30, 2009, Combined Operation and License Application (COLA). For the reasons set-out below, the NRC should issue a Confirmatory Order rejecting and denying the licensee's proposed route for the construction of high-voltage distribution power lines as defined in the licensee's COLA to protect public health and safety.

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:

- 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.
- 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.
- 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

- 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".

- 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.
- 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.
- 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.

SPECIFIC REQUEST FOR NRC ENFORCEMENT ACTION

1. Petitioner hereby requests that the NRC issue a Confirmatory Order rejecting and denying the licensee's proposed route for the construction of high-voltage distribution power lines as defined in the licensee's COLA to protect public health and safety.

BASIS AND JUSTIFICATION

On April 7, 2009, the City of South Miami in the State of Florida affirmed through a binding resolution that:

- WHEREAS, Florida Power and Light (FPL) is considering the construction of a transmission line in order to increase capacity and connect the turkey point power station to downtown Miami and points North; and,
- WHEREAS, one proposed FPL route is along US Highway 1 and a second potential route is the railroad corridor along the Ludlum Trail through the City of South Miami; and,
- WHEREAS, the Ludlum Trail proposed route runs adjacent to and in close proximity to established residential neighborhoods and two existing schools; and,
- WHEREAS, the proposed US Highway 1 route runs adjacent to and in close proximity to an established residential neighborhood, hospitals, schools and other occupied commercial buildings; and,
- WHEREAS, locating transmission lines through densely populated areas imposes an unreasonable burden on the affected community due to exposure to EMF, audible noise, visual impact and danger of collapsed lines; and,
- WHEREAS, the siting of electric transmission power lines along public highway right-of-ways and other corridors with relatively small right-of-ways poses significant health and safety concerns; and,

- WHEREAS, the siting of electric transmission power lines along public highway right-of-ways with larger buffer and wider right-of-ways such as State Road 826, State Road 836, and State Road 874 for example, minimizes impacts on residential communities, businesses, hospitals and schools; and,
- WHEREAS, the Mayor and City Commission seek to lobby the State Legislature relating to same.

Thus, the citizens of south Florida most adversely affected by the licensee's COLA demand that the licensee not construct high-voltage distribution power lines as intended by the licensee in its COLA. To the extent that the licensee's COLA intends to cause harm to public health and safety through the proposed route in the construction of high-voltage distribution power lines as described above, the NRC should issue a Confirmatory Order to the licensee rejecting and denying the licensee's proposed route for the construction of high-voltage distribution power lines as defined in the licensee's COLA to protect public health and safety.

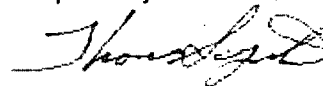
CONCLUSION

The NRC staff should accept SEC's petition because the petition:

- Contains a request for enforcement-related action seeking a Confirmatory Order against the licensee; and
- Petitioner has provided facts that constitute the basis for taking the specified enforcement-related action which is credible and sufficient to warrant further inquiry; and
- There is no NRC proceeding available in which the petitioner is or could be a party and through which the petitioner's concerns could be addressed; and
- The request is not simply a general statement of opposition to nuclear power or a general assertion without supporting facts; and
- The petitioner does not raise issues that have already been the subject of NRC staff review and evaluation either on the FPL facility or other similar facilities or on a generic basis for which a resolution has been achieved or the issues have been resolved or the resolution is applicable to the FPL TPN facility; and
- The request is not to deny a license application or amendment; and
- The request does not address deficiencies within existing NRC rules.

WHEREFORE, ALL THE ABOVE STATED REASONS, the NRC staff should grant the 10 C.F.R. 2.206 petition submitted by the Petitioner in the interest of protecting public health and safety regarding the licensee's COLA as it relates to the construction of high-voltage EMF producing distribution power lines.

Respectfully submitted,



Post Office Box 8413
Jupiter, Florida 33468-8413

Ruth Nettles

070650 - EI

From: Thomas Saporito [saporito3@gmail.com]
Sent: Thursday, October 15, 2009 3:32 PM
To: Filings@psc.state.fl.us
Cc: Kelly.jr@leg.state.fl.us
Subject: Notice of Electronic Filing in Docket No. 070650-EI
Attachments: 2009-04-07 City of Miami Resolution 67-09-12876.pdf

Electronic Filing on this 15th day of October, 2009.

a. Person responsible for this electronic filing:

Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
Tel: 561-247-6404

b. Docket No. 070650-EI

c. in the Matter of: Petition to Determine Need for Turkey Point Nuclear Units 6 and 7 Electrical Power Plant, by Florida Power & Light Company

d. Document being filed on behalf of Thomas Saporito.

e. There is a total of 4 pages.

f. The document attached for electronic filing – City of South Miami – April 7, 2009 Resolution No. 67-09-12876

Thank you for your attention and cooperation to this request.

Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
Tel: 561-247-6404

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Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
Voice: (561) 247-6404
Fax: (561) 952-4810
Email: saporito3@gmail.com
Web: <http://SaporitoEnergyConsultants.com>

DOCUMENT NUMBER - DATE

10601 OCT 15 8

FPSC-COMMISSION CLERK



MEMORANDUM

Agenda Item 15(B)4

TO: Honorable Chairman Dennis C. Moss, and
Members, Board of County Commissioners

DATE: July 21, 2009

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Resolution No. 67-09-12876
City of South Miami, Florida

Diane Collins, Acting Division Chief
Clerk of the Board Division

Diane Collins

Attached for your information is a copy of Resolution No. 67-09-12876 of the Mayor and City Commission of the City of South Miami, Florida, relating to opposing the proposed routes along the Ludlum Trail or along US Highway 1, for the FPL Transmission Line; and proposing the evaluation of an alternate route along SR 826, SR 836 or SR 874; providing for transmittal to the State, agencies, and other communities; providing an effective date.

DC/fcd
Attachments

DOCUMENT NUMBER-DATE

10601 OCT 15 8

FPSC-COMMISSION CLERK

RESOLUTION NO. 67-09-12876

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, RELATING TO OPPOSING THE PROPOSED ROUTES ALONG THE LUDLUM TRAIL OR ALONG US HIGHWAY 1, FOR THE FPL TRANSMISSION LINE; AND PROPOSING THE EVALUATION OF AN ALTERNATE ROUTE ALONG SR 826, SR 836 OR SR 874; PROVIDING FOR TRANSMITTAL TO THE STATE, AGENCIES, AND OTHER COMMUNITIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Power and Light (FPL) is considering the construction of a transmission line in order to increase capacity and connect the turkey point power station to downtown Miami and points North; and,

WHEREAS, one proposed FPL route is along US Highway 1 and a second potential route is the railroad corridor along the Ludlum Trail through the City of South Miami; and,

WHEREAS, the Ludlum Trail proposed route runs adjacent to and in close proximity to established residential neighborhoods and two existing schools; and,

WHEREAS, the proposed US Highway 1 route runs adjacent to and in close proximity to an established residential neighborhood, hospitals, schools and other occupied commercial buildings; and,

WHEREAS, locating transmission lines through densely populated areas imposes an unreasonable burden on the affected community due to exposure to EMF, audible noise, visual impact and danger of collapsed lines; and,

WHEREAS, the siting of electric transmission power lines along public highway right-of-ways and other corridors with relatively small right-of-ways poses significant health and safety concerns; and,

WHEREAS, the siting of electric transmission power lines along public highway right-of-ways with larger buffers and wider right-of-ways such as State Road 826, State Road 836, and State Road 874 for example, minimizes impacts on residential communities, businesses, hospitals and schools; and,

Additions shown by underlining and deletions shown by ~~overstriking~~.

WHEREAS, the Mayor and City Commission seek to lobby the State Legislature relating to same.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA;

Section 1. That the Mayor and City Commission does hereby state its opposition to the Ludlam Trail route and the U.S. Highway 1 route for the proposed transmission line proposed by FPL, and propose the relocation of the FPL transmission lines along larger public highway rights-of-way, including, but not limited to SR 826, 836 and 874.

Section 2. In the event that one of the routes through the City of South Miami is ultimately selected that the Mayor and Commission formally request FPL to place the transmission lines running through the City under ground to reduce the adverse impacts of electric magnetic fields on the citizens and visitors to South Miami.

Section 3. The Mayor and City Commission encourage FPL to work with the Department of Transportation to identify transmission line routes that minimize exposure to population centers.

Section 4. The Mayor and City Commission directs the City Clerk to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Presiding Officer and Members of the municipalities in Miami-Dade County and the Executive Director of the Miami-League of Cities, and the Florida Department of Environmental Protection and FPL.

Section 5. This resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this 7th day of April, 2009.

ATTEST:

[Signature] CITY CLERK

APPROVED:

[Signature] MAYOR

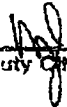
READ AND APPROVED AS TO FORM:

[Signature] Luis R. Figueredo, Office of City Attorney

COMMISSION VOTE: 5-0
Mayor Felu: Yea
Vice Mayor Beasley: Yea
Commissioner Palmer: Yea
Commissioner Beckman: Yea
Commissioner Newman: Yea

CERTIFICATION

Nikki Payne Deputy Clerk with
the City of South Miami, Miami-Dade
County, Florida, do hereby certify this
document to be a true and correct
copy of
Resolution No. 67-09-12876
dated April 7, 2009, according to
the records of the City of South
Miami, Florida. Given my hand
and the official Seal of the City
of South Miami, Florida this 30 day
of April AD 2009.



Deputy City Clerk