



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

December 16, 2009

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

Dear Mr. Saporito:

An e-mail that you have submitted has been referred to the Office of Nuclear Reactor Regulation pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the U.S. Nuclear Regulatory Commission's (NRC's) regulations. This e-mail is dated November 27, 2009, addressed to the Executive Director of Operations, NRC. In your e-mail, you request

that the NRC conduct a timely investigation of the licensee to determine whether the licensee failed to protect the TPN [Turkey Point Nuclear Plant] security perimeter in accordance with NRC regulations and requirements. To the extent that the licensee failed to comply with any NRC regulation or requirement, the Petitioner requests that the NRC issue the licensee a Confirmatory Order and Imposition of a Civil Penalty in the monetary amount of \$500,000 dollars USD.

As the basis for your request, you stated from a review of a recent news article in the Miami Herald newspaper, it appeared that a number of Cuban immigrants breached the TPN security perimeter in violation of NRC regulations 10 CFR Part 50.

In accordance with NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the NRC staff has determined that your petition does not meet the criteria for review under 10 CFR 2.206. During our preparation to convene a 2.206 Petition Review Board, we determined that an identical concern was already being reviewed by the NRC's Region II (RII) office in a separate NRC process. Per MD 8.11, the NRC does not review a 2.206 petition if an identical issue is being reviewed in parallel under a separate NRC process. It is my understanding that a representative from RII will be in contact with you regarding this matter. This letter, therefore, closes out your request for a 2.206 petition.

Please contact Jason Paige if you have any questions regarding this action at 301-415-5888.

Sincerely,

A handwritten signature in black ink, appearing to read "T. H. Boyce".

Thomas H. Boyce, Chief  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: Distribution via Listserv

December 16, 2009

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Please contact Jason Paige if you have any questions regarding this action at 301-415-5888.

Sincerely,  
*/RA/*

Thomas H. Boyce, Chief  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251  
cc: Distribution via Listserv

Distribution: G2009-0681/EDATS: OEDO-2009-0750		
PUBLIC	RidsNrrDpr Resource	TMensah, NRR
LPLII-2 R/F	JHamman, RII	MBarkman, OGC
RidsNrrOd Resource	RidsEdoMailCenter Resource	RidsRgn2MailCenter Resource
RidsNrrAdes Resource	RidsNrrOgcRp Resource	RidsNrrDorLpl2-2 Resource
RidsNrrAdro Resource	RidsLABClayton Resource	RidsNrrPMTurkeyPoint Resource
RidsNrrDori Resource	RidsOcaMailCenter Resource	

ADAMS Package Accession No.: ML093500024  
Incoming: ML093360516 Letter No. ML093500042

OFFICE	DORL/LPLII-2/PM	DORL/LPLII-2/LA	NRR/DPR/DD	DORL/LPLII-2/BC
NAME	JPaige	BClayton	TBlount	TBoyce
DATE	12/16/09	12/16/09	12/16/09	12/16/09

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