



OFFICE OF THE
SECRETARY

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

NOV 6 1989

'89 NOV -6 A11:56

Mr. Thomas J. Saporito, Jr.
1202 Sioux Street
Jupiter, Florida 33458

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RE: Docket Nos. 50-250/251 (2.206)

SERVED NOV - 6 1989

Dear Mr Saporito:

On June 20, 1989 and by supplemental letters dated June 22 (as amended August 12) and July 3, 1989, you requested the Commission to take certain actions regarding the Turkey Point facility. On September 25, 1989, the Director of the Office of Nuclear Reactor Regulation (NRR) issued Director's Decision DD-89-08 denying your request. On October 5, 1989, you sent to my Office (filed on October 13, 1989) a document entitled "Answer to Director's Decision Under 10 C.F.R. 2.206." In that document you contest the finding of the Director of NRR expressed in DD-89-08. You further allege that Dr. Thomas E. Murley, the Director of NRR is in collusion with the licensee and that his actions appear to be a violation of the public trust. You have also requested that a copy of your "Answer" be filed with the Federal Register and placed in the Commission Public Document Room.

NRC regulations provide that, within 25 days after the date of the Director's Decision, the Commission may on its own motion review that decision, in whole or in part, to determine if the Director has abused his discretion. Review is at the discretion of the Commission; no individual has the right to such a review. No petition or other request for Commission review of a Director's Decision under this section will be entertained by the Commission (See 10 CFR 2.206 (c)). Therefore, to the extent that you request that the Commission undertake a formal review of DD-89-08, I deny this request in accordance with my authority under 10 CFR 2.772. "

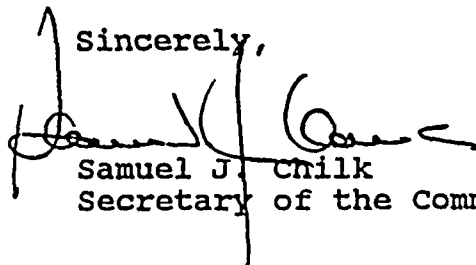
The time provided by NRC regulation within which the Commission may act to review the Director's Decision DD-89-08 in this docket has expired. The Commission has declined any review. Accordingly, the decision became final agency action on October 20, 1989. \

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The allegations of collusion and of a violation of public trust by Dr. Murley expressed in your "Answer" have been referred to the NRC Inspector General. Your request to have your "Answer" filed with the Office of the Federal Register is denied since it is not one of the types of documents which may be published in the Federal Register (See 44 U.S.C. Sections 1501-1511). However, your answer will be placed in the NRC Public Document Room. The Office of Nuclear Reactor Regulation will provide a separate response to your "Answer".

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel J. Chilk', is written over the typed name and title. The signature is fluid and cursive.

Samuel J. Chilk
Secretary of the Commission

cc: Service List



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of)	
)	
FLORIDA POWER & LIGHT COMPANY)	Docket Nos. 50-250
)	and 50-251
(Turkey Point Nuclear Station,)	
Units 3 and 4))	(2.206 Request)
-----)	(DD-89-08)

CERTIFICATE OF SERVICE

I hereby certify that copies of the notification of expiration of Commission review of DD-89-08 dated November 6, 1989, have been served upon the following persons in accordance with the requirements of 10 CFR Section 2.712.

Mr. Thomas J. Saporito, Jr.
1202 Sioux Street
Jupiter, Florida 33458

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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Jack R. Goldberg, Esquire
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Patty Henderson

Office of the Secretary
of the Commission

Dated at Rockville, Maryland
this 6th day of November 1989