

DR. MARSHALL BARRY, PH.D.
ECONOMIC CONSULTANT

74 ELIOT AVENUE
WEST NEWTON, MASSACHUSETTS 02165

AREA CODE 617 - 332-1382

January 26, 1986

Nunzio J. Palladino, Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Palladino:

On January 6, 1986, Harold R. Denton, Director, Office of Nuclear Reactor Regulation, wrote in response to my letters to you dated December 5 and 9, 1985. While his response in your behalf was somewhat informative, it did not adequately address my concerns on the safety of the Florida Power and Light Company's St. Lucie Plant, Unit No. 1.

A summary of his argument is as follows:

St. Lucie Unit No. 1 was continuously out of service from 2/26/83 to 4/16/84. The ASME Code permits an extension of the 10 year interval inspection if the nuclear facility is shutdown for a period of time exceeding 6 months. Since the F.P.&L. shutdown was for nearly 14 months, Unit No. 1 should have its 10 year interval extended to February 11, 1988.

Unfortunately for the safety of the public, Mr. Denton's Office of Nuclear Reactor Regulation has erred in its calculation of the appropriate extension. A careful reading of Mr. Denton's November 20, 1985 letter to Mr. Williams of F.P.&L. (Docket No. 50-335) provides evidence that even F.P.&L. on April 5, 1985 agreed with my conclusion as to the appropriate and safe extension due to the aforementioned shutdown.

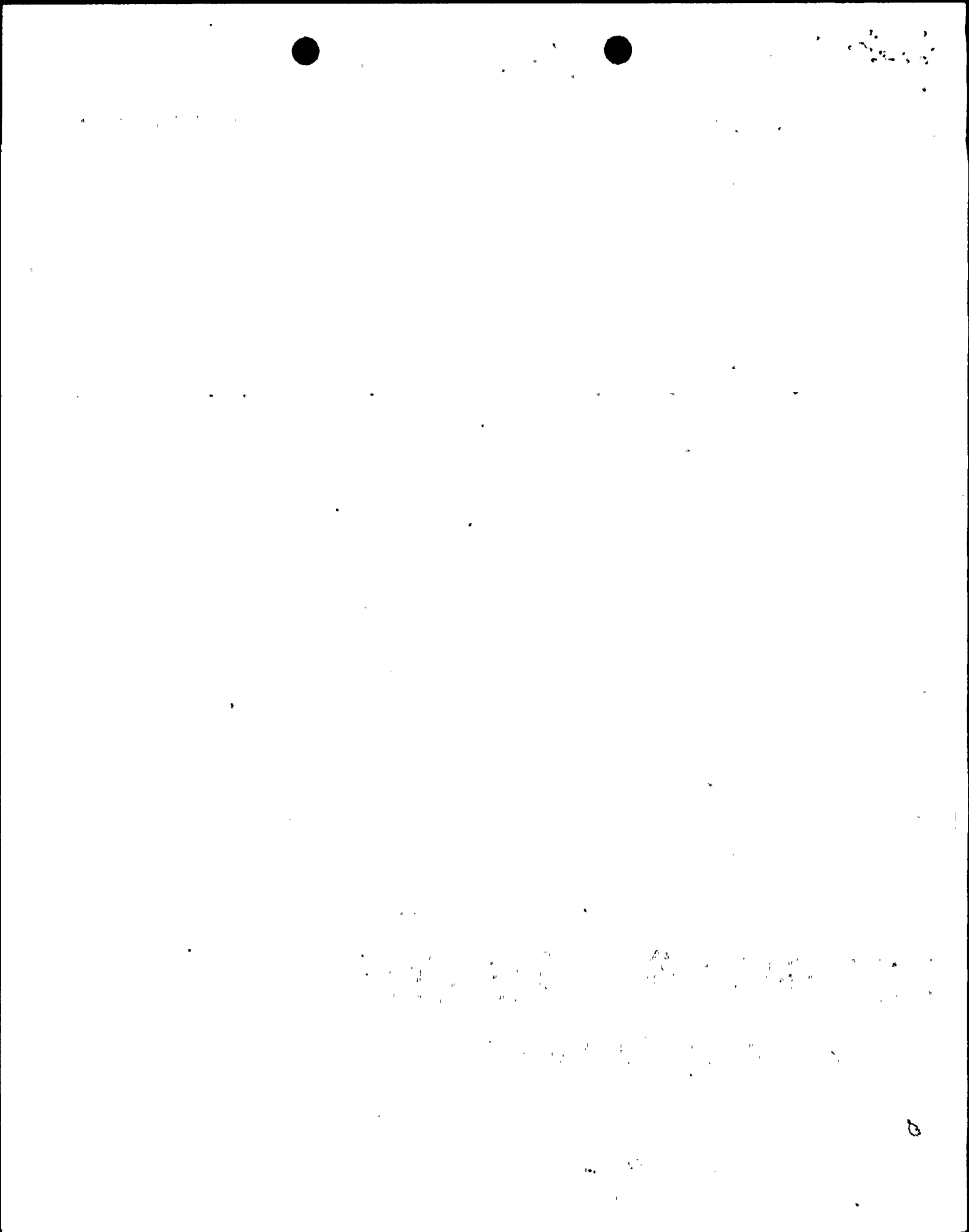
A summary of my findings is as follows:

1. St. Lucie Unit No. 1 was core loaded on 3/3/76 and became critical on 4/22/76. The 10 year interval for this reactor's continuous operation would have been April 22, 1986, barring any extension for a shutdown in excess of 6 months duration as provided for in Section XI.

2. The shutdown of 14 months would have extended the first inspection interval from April, 1986 to June, 1987.

3. On April 5, 1985 F.P.&L. requested an extension

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to June 30, 1987 only. This original request to the NRC recognized the intent that the 10 year interval inspection should occur after 10 years of operation in order to protect the public's safety, property, and interest. Since Unit No. 1 became critical on April 22, 1976, an extension of 14 months to its 10 year interval would have coincided with the initial request by F.P.&L. for the June 30, 1987 date.

4. Subsequently, the NRC entertained an amended request for an extension of the 10 year inspection interval from F.P.&L. On November 13, 1985, over 7 months after the prior request was submitted, F.P.&L. wrote Mr. Denton requesting a further extension of nearly 8 months to February 11, 1988. This second request was approved by Mr. Denton on November 20, 1985. In only one week, the Office of Nuclear Reactor Regulation determined that

Approval of the update of the pressure test requirements and the extension of the 10-year inspection interval is authorized by law, and will not endanger life or property, or the common defense and security, and is otherwise in the public interest.

Clearly, after holding the original request from F.P.&L. for 7 months without action, the NRC acted on the amended extension with remarkable haste. Given mailing time, any possibility of danger to life or property, common defense and security, and public interest was evaluated and dismissed by the NRC in less than one week.

5. On further research, I have identified the basis for this extension to February 11, 1988. Alarming, it has nothing to do with the length of operation of the nuclear plant. Rather, it is based on the period of commercial operation. On December 22, 1976, F.P.&L. was permitted to sell power generated at St. Lucie Unit No. 1 to the public. As stated, the unit had been in operation since it became critical on April 22, 1976, eight months prior to its commercial date.

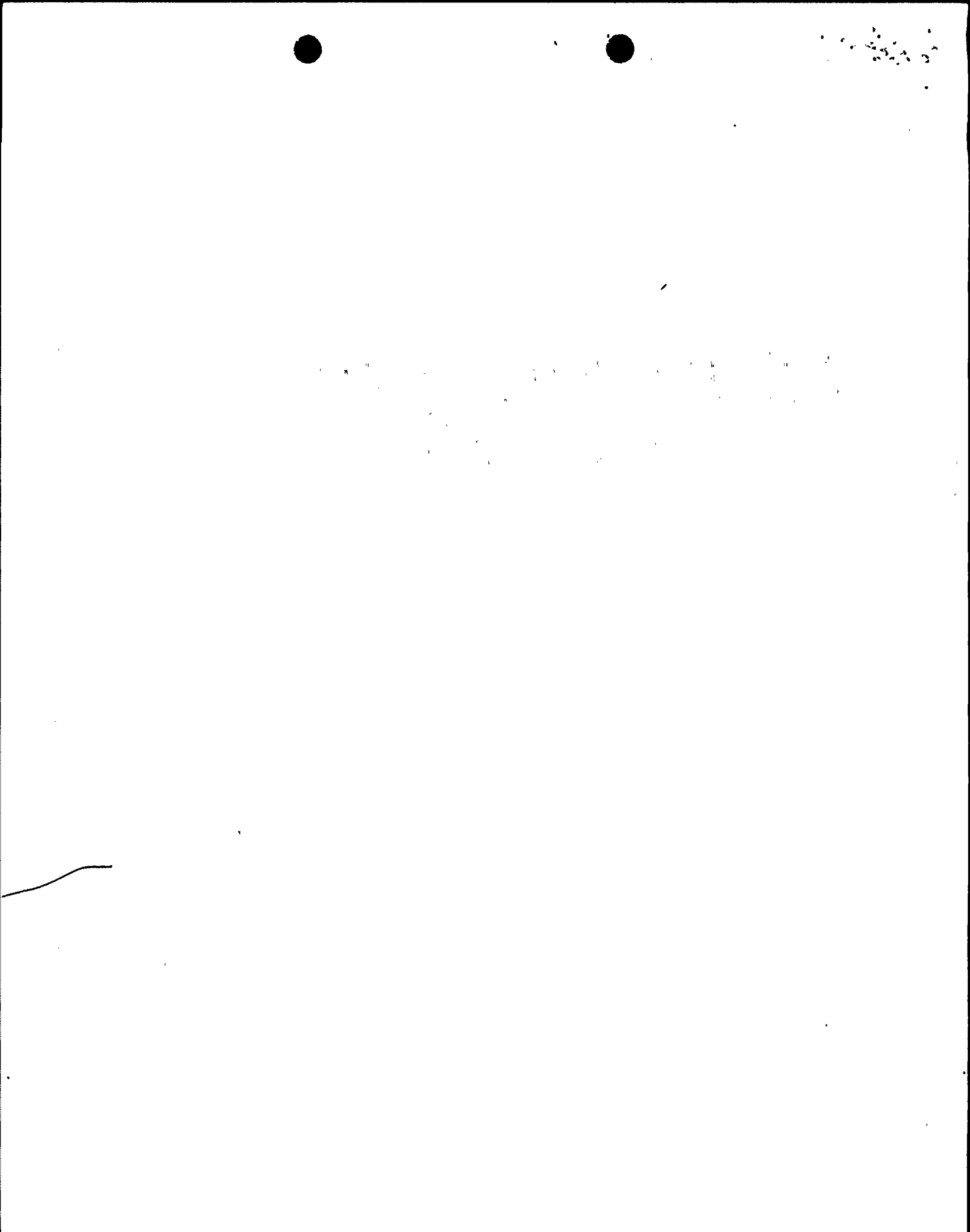
6. The lag in time between when the unit was in operation (4/22/76) and when it was "commercial" (12/22/76) has no bearing on the necessity for a 10 year interval inspection in order

to protect the safety and interest of the public. In fact, the lag times between the critical and commercial status designations of different nuclear units will vary. However, it is the purpose of the NRC's regulations to inspect at a 10 year interval of operation, as extended by the shutdowns in excess of 6 months. The public interest is not served if this safety guideline relates to 10 years of commercial operation rather than to 10 years of plant operation.

7. The prior facts and conclusions raise again the issues reported in the media on December 7, 1985, in which NRC staff acknowledged the link between the safety of nuclear power plants and the financial condition of the operating company. Clearly, the postponement of the 10 year interval for F.P.&L. 8 months beyond the actual 10 year operating period generates a considerable financial windfall for F.P.&L. at the expense of the ratepayers and the public interest. No evidence has been presented by the NRC that there was a thorough evaluation of the St. Lucie Unit No. 1 plant to ensure that the 10 year inspection interval could be extended to 10 years, 8 months without any threat to the public. In fact, the reverse appears to be the case given the brief period of less than one week in which the NRC considered the amended request from F.P.&L. It would appear as if the NRC made an arbitrary decision which, while favorable to F.P.&L.'s short-run financial condition, was not based on the NRC's legislative mandate to act in the public interest.

8. Another shortcoming in Mr. Denton's response to me dated January 6, 1986 was his failure to include a full and complete copy of all internal staff memoranda on the issue of financial vs. safety considerations. The one paragraph excerpt from Mr. Dircks' memorandum to the commission is hardly responsive to my request.

9. Finally, my request for a list of all other nuclear plants which received a similar "waiver" was apparently misunderstood. My request, quite simply, was for a list of all nuclear plants which have received or requested a change in their ASME Code safety inspection schedules or requirements. The name of the operating utility and the plant location in

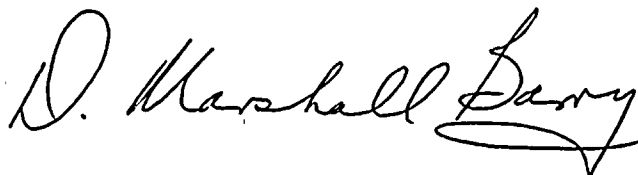


1/26/86, Page 4

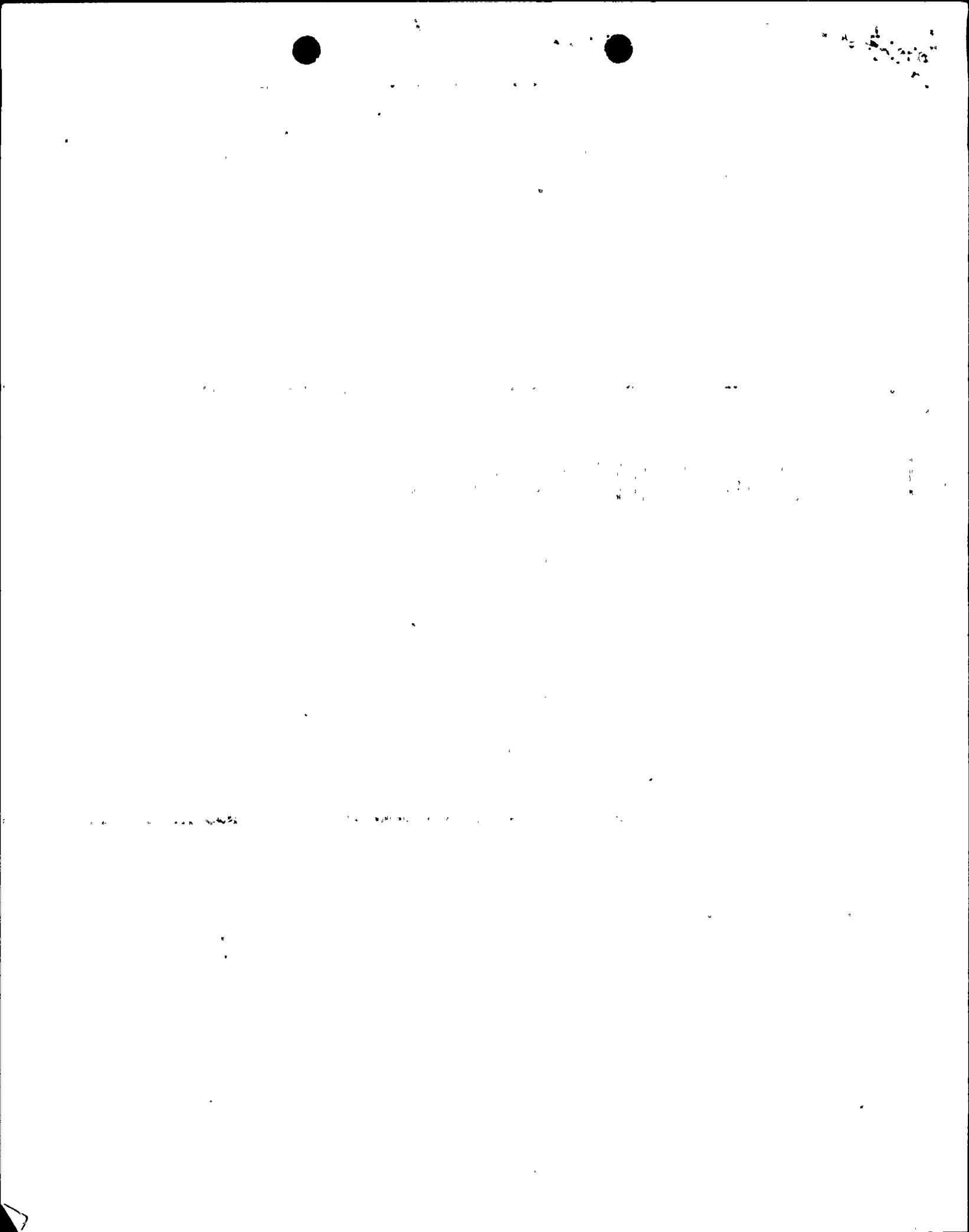
each case are also requested along with the final NRC decision on the request.

Thank you for your assistance and response.

Sincerely yours,

A handwritten signature in cursive script that reads "D. Marshall Barry". The signature is written in dark ink and is positioned above the typed name.

D. Marshall Barry, Ph.D.



January 24, 1986

DISTRIBUTION:
Docket File (w/o Encl.)
PAD #2 R/F (w/o Encl.)
CVogan (w/o Encl.)
PTam (w/Encl.)

DOCKET NO(S). 50-334

(See attached list of addressees)

SUBJECT: DUQUESNE LIGHT COMPANY
BEAVER VALLEY POWER STATION, UNIT 1

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application, dated _____.
- Draft/Final Environmental Statment, dated _____.
- Notice of Availability of Draft/Final Environmental Statement, dated _____.
- Safety Evaluation Report, or Supplement No. _____, dated _____.
- Notice of Hearing on Application for Construction Permit, dated _____.
- Notice of Consideration of Issuance of Facility Operating License, dated _____.
- Monthly Notice; Applications and Amendments to Operating Licenses Involving no Significant Hazards Considerations, dated _____.
- Application and Safety Analysis Report, Volume _____.
- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Monthly operating reports for August 1985; September 1985; and
October 1985. Annual Reports of Facility Changes, Tests, and Experiments, 1984.

Division of PWR Licensing-A
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc:

OFFICE	LA:PAD-3						
SURNAME	CVogan:bg						
DATE	1/22/86						

DISTRICT OF COLUMBIA
DOCKET FILE (w/ Encs.)

January 24, 1986

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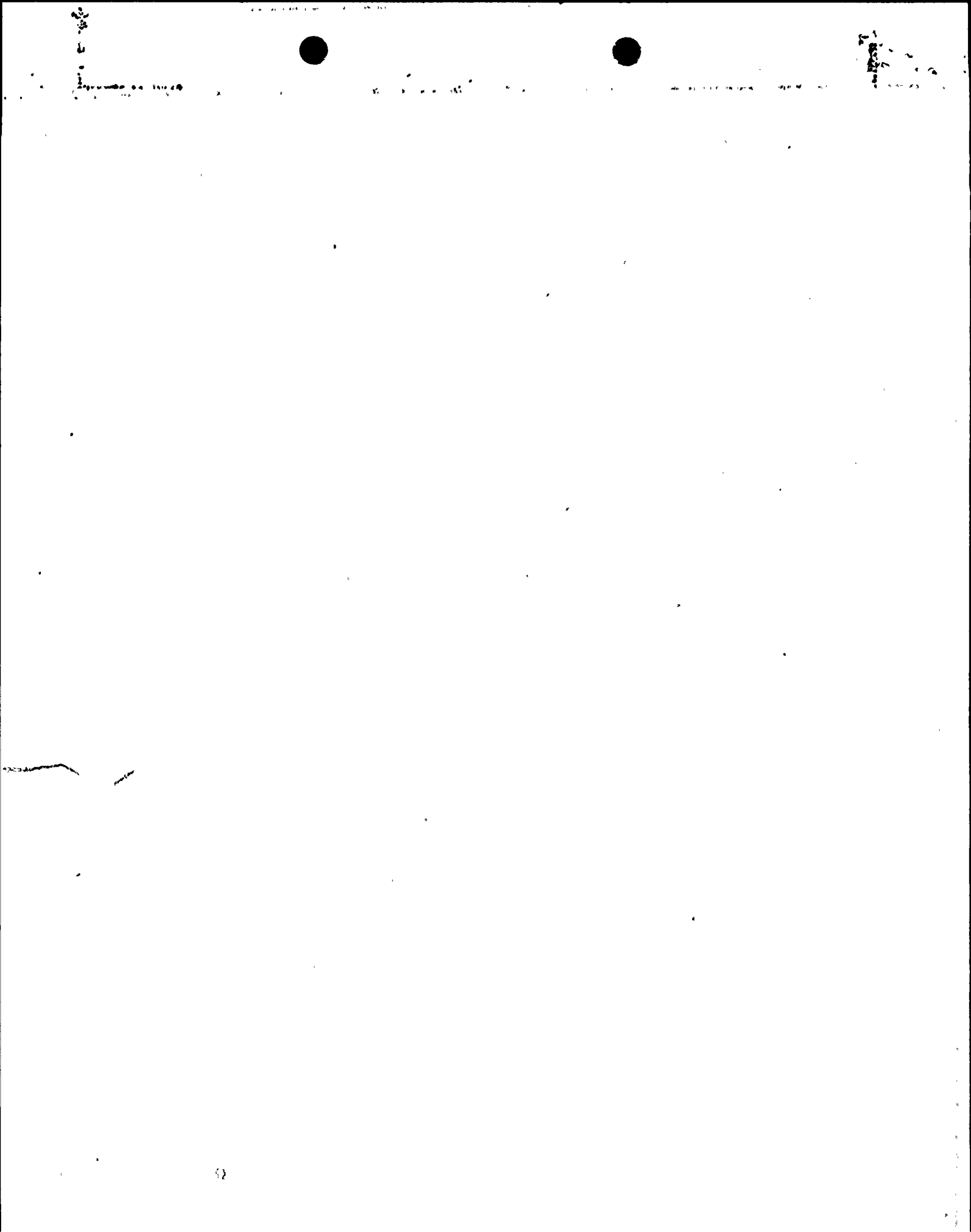
Beaver Valley

cc: Chief
Division of Ecological Services
Bureau of Sport Fisheries & Wildlife
U. S. Department of the Interior
Washington, DC 20240

Director
National Oceanographic Data Center
Environmental Data Service
National Oceanic & Atmospheric Administration
U. S. Department of Commerce
Washington, DC 20235

Dr. William B. Stroube, Jr.
FDA Research Chemist
National Bureau of Standards
Reactor Building 235, Room B-108
Washington, DC 20234

U. S. Environmental Protection Agency
Region III Office
ATTN: EIS COORDINATOR
841 Chestnut Street
Philadelphia, PA 19107



November 29, 1985

DOCKET NO(S). 50-335 /389

See attached list of addressees

SUBJECT: ST. LUCIE PLANT, UNIT NOS. 1AAND 2

The following documents concerning our review of the subject facility are transmitted for your information.

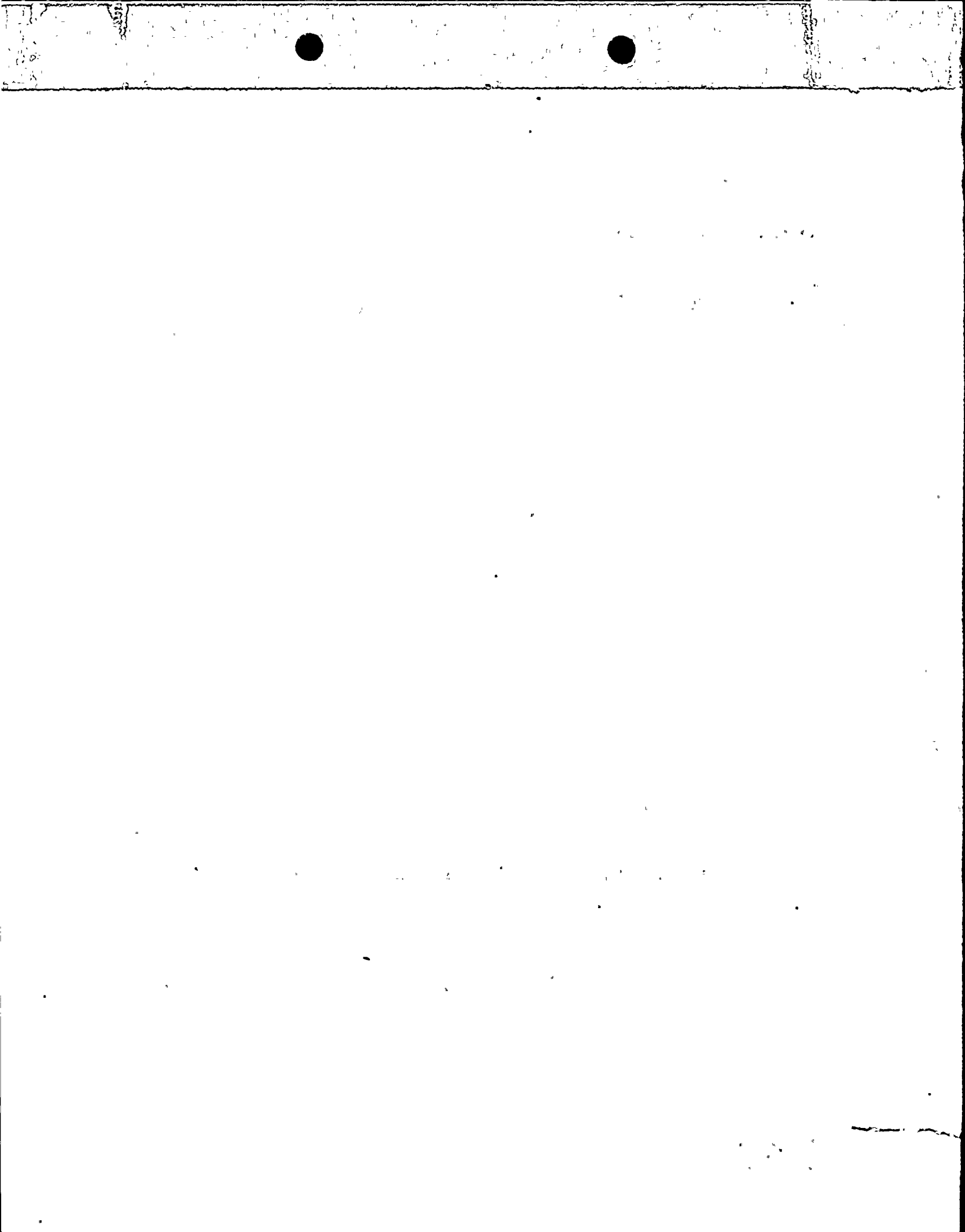
- Notice of Receipt of Application, dated _____.
- Draft/Final Environmental Statment, dated _____.
- Notice of Availability of Draft/Final Environmental Statement, dated _____.
- Safety Evaluation Report, or Supplement No. _____, dated _____.
- Notice of Hearing on Application for Construction Permit, dated _____.
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- Application and Safety Analysis Report, Volume _____.
- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Monthly Operating Reports for July and August, 1985

Office of Nuclear Reactor Regulation
Division of PWR Licensing-B PWR#8

Enclosures:
As stated

ccw/enclosures:
See next page

OFFICE	PWR#8						
SURNAME	PK Kreutzer						
DATE	11/25/85						



October 2, 1985

DOCKET NO(S). 50-335
50-389

See attached list of addresses

SUBJECT: St. Lucie Plant, Unit 1 and Unit 2, Florida Power & Light Co.

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application, dated _____.
- Draft/Final Environmental Statment, dated _____.
- Notice of Availability of Draft/Final Environmental Statement, dated _____.
- Safety Evaluation Report, or Supplement No. _____, dated _____.
- Notice of Hearing on Application for Construction Permit, dated _____.
- Notice of Consideration of Issuance of Facility Operating License, dated _____.
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- Application and Safety Analysis Report, Volume _____.
- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Combined Semiannual radioactive effluent release rept; Forwards

Combined Semiannual Radiactive Effluent release rept Jan-Jun 1985; monthly operating repts for June 1985

Office of Nuclear Reactor Regulation
Division of Licensing, ORB#3

Enclosures:
As stated

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OFFICE	PKreutzer						
SURNAME	ORB#3:DL						
DATE	10/4/85						

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September 5, 1985

DOCKET NO(S). 50-335
50-389

See attached list of addresses

SUBJECT: **SM. Lucie Plant, UNIT 1 and Unit 2, Florida Power & Light Company**

The following documents concerning our review of the subject facility are transmitted for your information.

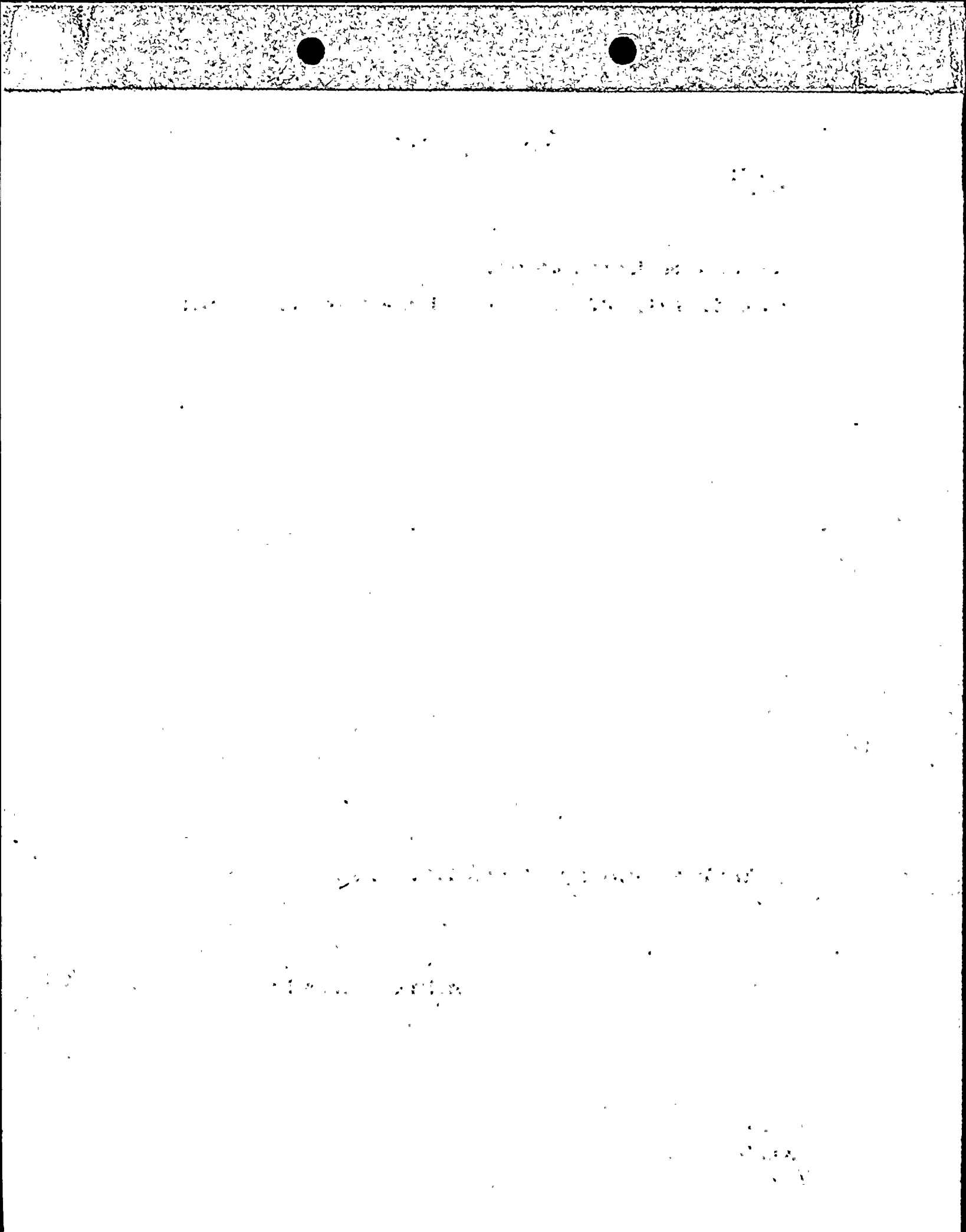
- Notice of Receipt of Application, dated _____.
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- Monthly Notice; Applications and Amendments to Operating Licenses Involving no Significant Hazards Considerations, dated _____.
- Application and Safety Analysis Report, Volume _____.
- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Monthly operating repts for May 1985. W/850617

Office of Nuclear Reactor Regulation
Division of Licensing

Enclosures:
As stated

cc:

OFFICE	ORB#3:DL						
SURNAME	PKrantzer						
DATE	9/5/85						



April 15, 1985

DOCKET NO(S). 50-335
and 50-389

See attached list of addressees

SUBJECT: ST. LUCIE PLANT, UNIT NOS. 1 AND 2

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application, dated _____.
- Draft/Final Environmental Statment, dated _____.
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- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) ~~1983 Annual Radiological Environmental Operating Rept; combined semi-annual radioactive effluent release report Jul - Dec 1984; semiannual radioactive release reports Jul - Dec 1984~~

Office of Nuclear Reactor Regulation
Division of Licensing, ORB#3:DL

Enclosures:
As stated

cc: w/enclosures:
See next page

OFFICE	ORB#3:DL						
SURNAME	PKreutzer						
DATE	4/15/85						



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April 15, 1985

DOCKET NO(S). 50-335
and 50-389

See attached list of addressees

SUBJECT: ST. LUCIE PLANT, UNIT NOS. 1 AND 2

The following documents concerning our review of the subject facility are transmitted for your information.

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- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Semiannual Radioactive Effluent Release Rept, Jan-June, 1983; Semiannual Radioactive Effluent Release Rept; Supplemental Annual Radiological Environ Monitoring Rept, 1981, and 1982

Office of Nuclear Reactor Regulation
Division of Licensing, ORB#3

Enclosures:
As stated

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OFFICE	ORB#3:DL						
SURNAME	PKreutzer						
DATE	4/15/85						

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March 22, 1985

DOCKET NO(S). 50-335/389

See attached list of addressees

SUBJECT: ST. LUCIE PLANT, UNIT NOS. 1 AND 2

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application, dated _____.
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- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Monthly Operating Reports for December 1984 and January 1985

Office of Nuclear Reactor Regulation
Division of Licensing, ORB#3

Enclosures:
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OFFICE	ORB#3:DL						
SURNAME	PKreutzer						
DATE	3/22/85						



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February 2, 1985

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DOCKET NO(S). 50-335
and 50-389

See next page for addresses

SUBJECT: ST. LUCIE PLANT, UNIT NOS. 1 & 2

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application, dated _____.
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- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____ dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Monthly operating reports for October, November and December, 1984.

Office of Nuclear Reactor Regulation
Division of Licensing, ORB#3

Enclosures:
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OFFICE	ORB#3: DL PKretzner						
SURNAME	PKretzner						
DATE	1/14/85						



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Docket File
ORB#3 Reading
PMKreutzer
DSells

September 10, 1984

335
DOCKET NO(S): 50-355/389

Mr. J. W. Williams, Jr., Vice President
Nuclear Energy Department
Florida Power & Light Company
P. O. Box 14000
Juno Beach, Florida 33408

SUBJECT: ST. LUCIE UNITS 1 AND 2

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application.
- Draft/Final Environmental Statement, dated _____.
- Notice of Availability of Draft/Final Environmental Statement, dated _____.
- Safety Evaluation Report, or Supplement No. _____, dated _____.
- Notice of Hearing on Application for Construction Permit.
- Notice of Consideration of Issuance of Facility Operating License.
- Application and Safety Analysis Report, Volume _____.
- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____, dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Monthly Notice covering period through August 22, 1984.
Expiration date for hearing requests and comments September 21, 1984.

Division of Licensing, ORB#3
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc: w/enclosures:
See next page

OFFICE	ORB#3:DL						
SURNAME	PMKreutzer/dn						
DATE	9/10/84						

Florida Power & Light Company

cc:

Harold F. Reis, Esquire
Newman & Holtzinger
1025 Connecticut Avenue, NW
Washington, DC 20036

Norman A. Coll, Esquire
McCarthy, Steel, Hector and Davis
14th Floor, First National Bank Building
Miami, Florida 33131

Administrator
Department of Environmental Regulation
Power Plant Siting Section
State of Florida
2600 Blair Stone Road
Tallahassee, Florida 32301

Mr. Weldon B. Lewis
County Administrator
St. Lucie County
2300 Virginia Avenue, Room 104
Fort Pierce, Florida 33450

U.S. Environmental Protection Agency
Region IV Office
ATTN: Regional Radiation Representative
345 Courtland Street, NE
Atlanta, Georgia 30308

Mr. Charles B. Brinkman
Manager - Washington Nuclear Operations
C-E Power Systems
Combustion Engineering, Inc.
7910 Woodmont Avenue
Bethesda, Maryland 20014

Regional Administrator
Nuclear Regulatory Commission
Region II
Office of Executive Director for Operations
101 Marietta Street, Suite 2900
Atlanta, Georgia 30303

Mr. Jack Schreve
Office of the Public Counsel
Room 4, Holland Building
Tallahassee, Florida 32304

Resident Inspector
c/o U.S. NRC
Senior Resident Inspector
7585 S. Hwy 1A
Jensen Beach, Florida 33457

State Planning & Development
Clearinghouse
Office of Planning & Budget
Executive Office of the Governor
The Capitol Building
Tallahassee, Florida 32301

