

May 15, 1979

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In the Matter of, FLORIDA POWER AND LIGHT COMPANY (Turkey Point Nuclear Generating Unit Nos. 3 and 4) Docket Nos. 50-250 and 251

'Dear Board Members:

Enclosed please find a copy of the NRC Office of Nuclear Reactor Regulation's Safety Evaluation issued in connection with the abovecaptioned matter.

Sincerély,

Steven C. Goldberg Counsel for NRC Staff

Enclosure: As stated

cc;w/enclosure: Mark P. Oncavage Harold F. Reis, Esq. Norman A. Coll, Esq. Martin H. Hodder, Esq. Atomic Safety and Licensing Appeal Board Atomic Safety and Licensing Board Panel Docketing and Service Section

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# SAFETY EVALUATION

BY THE OFFICE OF NUCLEAR REACTOR REG	ΰL	AT	ION	
LICENSE NOS DPR-31 AND DPR-41	-			
FLORIDA POWER AND LIGHT COMPANY	-			
TURKEY POINT PLANT UNITS 3 AND 4	i t	, , ,		
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#### 1.0 INTRODUCTION

By letter dated September 20, 1977 Florida Power and Light Company (FPL) submitted a report entitled "Steam Generator Repair Report-Turkey Point Units 3 and 4."<sup>1</sup> This report was revised December 20, 1977, March 7, April 25, June 20, August 4, and December 15, 1978 and January 26, 1979. The report describes a proposed program to repair the six steam generators on Units 3 and Units 4 by replacing the lower assembly, including the tube bundles, of each generator. We determined that the proposed program requires our review, approval and issuance of license amendments. Our evaluation of this program is presented in this report. A Notice of Proposed Issuance was published on December 13, 1977 (42 F.R. 6259.)

FPL plans to repair all six steam generators in Turkey Point 3 and 4. The unit 4 steam generators have the most tubes plugged and therefore will be repaired first. The repair of Turkey Point 3 steam generators is expected to be started about one year later. Since power demands in the FPL system peak in the summer, and the repair is expected to take from six to nine months per unit, the repair should be started in the fall in order to be completed before the next summer peak demand. When FPL system submitted the repair plan on September 20, 1977 the corporate plan was to be prepared to start the repair for Unit 4 in October 1978. The repair of unit 4 steam generator is now not expected to start before fall of 1979.

The steam generator repair program proposed by FPL for the Turkey Point Plant is similar to the one proposed by Virginia Electric Power Company  $(VEPCO)^2$ ,<sup>3</sup>,<sup>4</sup> for the Surry Station (plant). The two plants are similar. Each of the plants contain two Westinghouse three-loop PWR units that commenced commercial operation in 1972 and 1973. Both plants originally used a sodium phosphate secondary water chemistry treatment and both plants changed to all volatile chemistry treatment (AVT); Turkey Point in late 1974, Surry in early 1975. The repair program of the Surry units was approved on January 19, 1979.

# 1.1 <u>History of Steam Generator Operation</u>

Turkey Point Units 3 and 4 began commercial operation on December 14, 1972, and September 9, 1973, respectively. Like almost all units with U-tube design steam generators, they began operation using a sodium phosphate secondary water chemistry treatment. This treatment was designed to remove precipitated or suspended solids by blowdown and was successful as a scale inhibitor. However, during early use many PWR U-tube steam generators with Inconel 600 tubing experienced stress corrosion cracking. The cracking was attributed to free caustic which can be formed when the Na/PO<sub>4</sub> ratio exceeds the recommended limit of 2.6. In ĩ

addition, some of the insoluble metallic phosphates, formed by the reaction of sodium phophates with the dissolved solids in the feedwater, were not adequately removed by blowdown. The reaction products of these inpurities and of corrosion products with the sodium phosphates tended to accumulate as sludge on the tubesheet and tube supports. In the sludge pile and associated crevices in the central region of the tube bundle where restricted water flow and high heat flux occur, the soluble sodium phosphates became concentrated by evaporative processes and precipitated. This phophate precipitation (hideout) at crevices in areas of the steam generator, noted above, caused localized wastage resulting in thinning of the tube wall. The problem of stress corrosion cracking was corrected by maintaining the Na/PO<sub>4</sub> ratio below 2.6. Although the recommended Na/PO<sub>4</sub> ratio was maintained, it did not correct the phosphate hideout problem or the wastage of the Inconel-600 which increases as the sodium/phosphate ratio is lowered. Largely to correct the wastage and caustic stress corrosion cracking encountered with the phosphate treatment for the secondary coolant have now converted to an all volatile chemistry (AVT). Both Turkey Point 3 and 4 were converted around August, 1974.

In 1975, radial deformation, or the so-called "denting", of steam generator tubes occured in several PWR facilities including Turkey Point 3 and 4, after 4 to 14 months operation, following the conversion from a sodium phosphate treatment to an AVT chemistry for the steam generator secondary coolant. Tube denting is most severe in rigid regions or so-called "hard spots" in the tube support plates. These hard spots are located in the tube lanes between the six rectangular flow slots in the support plates near the center of the tube bundle and around the peripherial locations of the support plate where the plate is wedged to the wrapper and shell. The hard spot areas do not contain the array of water circulation holes found elsewhere in the support plates.

The phenonmenon of denting has been attributed to the accelerated corrosion of the carbon steel support plates in the annular spaces where the tubes intersect the support plate due to buildup, by processes analogous to phosphate hideout, of an acid environment in the crevices, containing chlorides. The resultant corrosion product (magnetite) from the carbon steel plate occupies approximately twice the volume of the material corroded. Thus, the continuing corrosion exerts sufficient compressive forces to diametrically deform the tube and crack the tube support plate ligaments between the tube holes and water circulation holes. As a result of the tube support plate deformation, the rectangular flow slots began to "hourglass;" i.e., the central portion of the parallel flow slot walls have moved closer so that some of the flow slots are closed or narrower in the center than at the ends.

On September 15, 1976, during normal operation, one U-tube in the inner-most parallel to the rectangular flow slots in steam generator A at Surry Unit No. 2 rapidly developed a substantial primary to secondary leak (about 80 gpm). After removal of the damaged tube and subsequent laboratory analysis, it was established that the leak resulted from an axial crack, approximately 4-1/4 inches in length, in the U-bend apex due to intergranular stress corrosion cracking that initiated from the primary side. Since the initial parallel flow slot wall in the top support plate has moved closer, the support plate material around the tubes nearest this central portion of these flow slots has also moved inward, in turn forcing an inward displacement of the legs of the U-bends at these locations caused increase in the loop strain and ovality of the tubes at the U-bend apex. It is this additional increase in strain at the apex of the U-bend which is believed to have initiated stress corrosion cracking of the Inconel 600 alloy tubing exposed to PWR reactor coolant. Similarly, leaks have developed in severely dented tubes by primary side stress corrosion as a result of the increase in strain.

Subsequent to the above leak we imposed augmented inservice inspection requirements on Surry Units 1 and 2, Turkey Point Units 3 and 4, San Onofre Unit 1 and Indian Point Unit 2. In addition, operating restrictions and limited periods of operation, typically six months, between inspections are also imposed on severely degraded units, i.e., Surry Units 1 and 2 and Turkey Point Units 3 and 4. The augmented inspection requirements include an assessment of the magnitude and progression of tube denting, and support plate deformation and cracking.

# 1.2 <u>Reasons for Steam Generator Replacement</u>

The six steam generators at Turkey Point Units 3 and 4 have all undergone a significant amount of degradation since they began operation. The wastage and denting phenomena, discussed earlier, have led to tube wall thinning, support plate flow slot hourglassing and plate ligament cracking, tube denting, stress corrosion cracking, and several instances of reactor coolant leakage through cracked tubes. As of May 1979, tube plugging for various reasons has resulted in removing 17.5% of the steam generator tubes in Unit 3 and 20.5% of the tubes in Unit 4 from service.

Due to the on-going denting problem, the certainty that additional tube plugging can result in power derating, and the economic considerations of operating the two units at substantially reduced power, FPL submitted<sup>1</sup> a proposal for the repair of the degraded portions of the steam generators.

# 2.0 <u>DESCRIPTION OF STEAM GENERATOR REPAIRS</u> 2.1 <u>Mechanical Design and Materials Changes</u>

During 1975 several modifications were made to the steam generators to increase the circulation ratio. The modifications consisted of removing the downcomer resistance plate, improving the moisture separators, modifying the blowdown arrangement inside the steam generators, installing tube lane blocking devices, and modifying the feedring. These modifications will be retained or improved upon in the repaired steam generators under the proposed repair program. Also, additional modifications, as discussed below, will be incorporated.

A flow distribution baffle plate, located 18" above the tubesheet, will be used. The baffle plate in designed to assist and direct lateral flow across the tubesheet surface, minimize the number of tubes exposed to sludge, and cause the sludge to deposit near the center of the tube bundle at the blowdown intake.

An improved blowdown system is to be incorporated. The new system will use two 2-inch Schedule 40 Inconel internal blowdown pipes which will increase blowdown capacity. The blowdown intake location is coordinated with the baffle plate design so that the maximum intake is located where the greatest amount of sludge is expected to deposit.

The repaired generators will have all the tubes expanded to the full depth of the tubesheet to eliminate the potential contaminant concentration sites.

The tube support plate material will be changed from carbon steel to SA-240 Type 405 ferritic stainless steel. The new baffle plates will also be constructed of SA-240 Type 405. This material is much more corrosion resistant in the chemistry expected during operation of the steam generator than in the currently used carbon steel. Corrosion of SA-240 will result in an oxide which is protective under conditions in which carbon steel corrodes rapidly, as demonstrated by laboratory tests.

The new tube support plates will have a quatrefoil design. The quatrefoil design, consisting of four flow lobes and four support lands, provides support to the tube while allowing water flow around it. The design has a lower pressure drop across the thickness of the plate than the existing drilled circulation hole design and results in higher average flow velocities along the tubes, which should prevent sludge deposition.

Also, the tubes will be recessed slightly into the tubesheet holes and then welded to the tubesheet cladding. This design reduces entry pressure losses and eliminates locations for possible crud buildup. Since the circulation ratio will be greater in the repaired generators, modifications to the moisture separator equipment will be made to accommodate this increase, and minimize moisture and soluble corrodent species carryover into the turbines.

The new lower shell assemblies will have additional access ports that will improve the ability to inspect the tubesheet and flow distribution baffle, and will assist in sludge lancing. A 2-inch nozzle is being added to the upper shell to facilitate the wet layup of the steam generators during periods of inactivity. This nozzle can be used for addition of chemicals to maintain water quality. To lessen downtime and facilitate maintenance and inspection, a 3/8-inch primary shell drain is included in the channel head of the repaired generators to improve drainage of the channel head. Also closure rings will be welded inside the channel head at the base of each primary nozzle so that closure plates can be installed during primary chamber maintenance.

## 2.2 <u>Heat Treatment of Tubing</u>

The Inconel 600 tubing in the repaired steam generators will be thermally treated to produce a microstructure with improved resistance to stress corrosion cracking by PWR reactor coolant. In addition, the tubes in the innermost eight rows of the bundle will be stress relieved after bending to minimize residual stresses. Several benefits are expected to result from this reduction of residual stresses. These include improved resistance in stress corrosion cracking in NaOH and to intergranular attack in sulphur-containing species.

# 2.3 ASME Code Regulatory Guide Implementation

All new component parts of the repaired steam generators will be designed and fabricated to the 1974 edition of the ASME Boiler and Pressure Vessel Code, including all addenda through Winter, 1976. Additionally all piping weld and preps, welding, and nondestructive examination will be in accordance with the applicable sections of the lastest edition of the ASME Code. Also, applicable Regulatory Guides will be utilized as identified in the FPL Report<sup>1</sup> (Section 2.14).

# 2.4 <u>Removal and Reinstallation Operations</u>

The repair will consist of replacing the lower assembly of each steam generator including the shell and the tube bundle and refurbishing and partially replacing the steam separation equipment in the upper assembly.

The old lower assembly will be removed from the containment building through the existing equipment hatch and transported to a special storage facility that will be constructed on the Turkey Point site. The new lower assemblies will arrive at the site by barge. They will be transferred to a wheeled transporter and hauled on the existing road to the containment building equipment hatch.

Prior to the repair work, the unit will be shut down and all systems will be placed in condition for long term layup. The reactor vessel head will be removed for refueling. All of the normal procedures for fuel cooling and fuel removal will be followed. The fuel will be removed from the reactor and placed in the spent fuel storage facility. The reactor vessel head will be replaced. The equipment hatch will be opened and access control will be established. The biological shield wall and a section of the operating floor concrete and structural steel will be removed to provide access to the steam generator. Guide rails will be installed for transporting the lower assembly through the equipment hatch.

After this preparatory work, the cutting of system piping can begin. This will include cutting and removal of sections of steam lines, feedwater lines, reactor coolant inlet and outlet lines, and miscellaneous smaller lines for the service air and water and the instrumentation system. The steam generator supports will be disassembled and the steam generator lower assembly will be lowered and placed in a horizontal position on a transport mechanism. This mechanism will carry the assembly through the equipment hatch. A mobile crane will lift the lower assembly onto a transporter that will carry it to the steam generator storage facility on the site.

After removal and storage of all three steam generator lower assemblies, their replacements will be transported from the barge dock or temporary storage location to the equipment hatch. The same machinery used to remove the lower assemblies will be used to install the new assemblies in their cubicles. The steam generator support system will be reinstalled and the upper assembly with its refurbished internals will be mounted on the lower assembly. After welding the two assemblies together, the piping will be replaced and the biological shield and internal structures will be reconstructed. While the pre-operational and startup test program following these major repair activities are still being developed there will be cleaning, hydrostatic testing, baseline inservice inspections, and pre-operational testing of instruments, components and systems. Then the reactor will be refueled and startup tests will be performed. The performance of the repaired steam generators will be tested for moisture carryover and verification of thermal and hydraulic characteristics.

# 2.5 <u>Post Installation Testing</u>

A detailed preoperational testing program will be carried out by FPL prior to fuel loading to reestablish the integrity of the reactor coolant system and the main steam and feedwater system, to ensure that all systems are in evaluation. Hydrostatic pressure tests will be performed as well as the baseline inservice inspection of piping. The fuel manipulator crane will be re-assembled and tested.

After the residual heat removal system has been tested and placed in service, fuel will be transferred to the reactor vessel. One third of the fuel assemblies placed in the vessel will be new fuel assemblies and the operation will not differ significantly from a normal refueling.

During the initial startup of the unit, tests will be performed to verify the thermal and hydraulic performance of the nuclear steam supply system.

FPL has not yet completed the preparation of detailed procedures for preoperational testing and startup of the unit after completion of the steam generator repairs. We will review the detailed procedures prior to fuel loading to verify that adequate testing will be performed to ensure safe startup of the unit after completion of these repairs.

## 2.6 <u>Radiological Considerations</u>

A major aspect of the repair effort is its radiological impact, including the occupational exposure accumulated during the repair effort and the radiological effluents released from the site. These considerations are discussed below.

Battelle-Pacific Northwest Laboratories (PNL) has performed a generic radiological assessment of steam generator repair and disposal under contract to the NRC, which has been published in a separate NRC report, NUREG/CR-0199, "Radiological Assessment of Steam Generator Removal and Replacement."<sup>5</sup> The PNL estimates of occupational exposures (man-rems) developed in this report were derived by dividing the repair program into sub-activities ("maintenance activities") and determining the estimated exposure rate for each sub-activity. The sub-activity man-hours multiplied by the corresponding exposure rates in rem per hour gave the exposure in man-rem for each sub-activity. The total exposure for the repair program is the sum of the exposures for each of the sub-activities.

Repair program sub-activities were defined by PNL from a composite of the work descriptions for the repair of the steam generators at Surry and Turkey Point as determined by VEPCO and FPL. Man-hour estimates for each sub-activity were developed by PNL based on prior experience with similar activities and on standard estimating techniques.

Exposure rates were based on information from several sources including data from measurements made at several operating PWRs including the Turkey Point Units. PNL usually selected exposure rate values on the high end of the range of values measured at the several plants. The PNL estimates of occupational exposures are intended to be conservative and represent upper bound values. The PNL estimates are presented as a range of values. The PNL lower value was estimated assuming credit for various techniques to reduce exposures, e.g., providing water shielding by maintaining high steam-generator water levels, remote tooling and distance where applic - able. FPL has committed to these types of techniques, consequently, it is appropriate to compare the PNL lower value with the FPL estimates.

The FPL occupational exposure estimates include a detailed estimate of doses based on major job functions of 1300 man-rem per Unit. These detailed estimates do not include dose savings from use of temporary shielding and local decontamination or dose costs from implementation of these. However, FPL has estimated a range of doses for the steam generator repair program of from 650-1450 man-rem per Unit. The range of doses presented represents the best FPL judgment with respect to the predicted worker doses considering uncertainties in prediction of job man-hours and radiation fields. The radiation field uncertainties consider the effectiveness of temporary shielding and the time required to place such shielding. Therefore, although FPL has not included the effect of temporary shielding and local decontamination in its detailed estimate, FPL has considered it in its predicted range of doses. For comparison purposes in this report, we are evaluating the PNL lower estimate (3380 man-rems)<sup>5</sup> versus the FPL detailed estimate.

The FPL estimates are generally lower than the PNL lower values because the actual plant data are lower than the PNL radiation field estimates. The FPL dose estimates are based on a range of radiation field values from actual in-plant surveys at Turkey Point. The estimates assume occupancy is in an average radiation field. FPL has stated that use of temporary shielding will be determined based on radiation surveys and an estimate of the dose savings from use of shielding compared to the dose incurred from installation of the shielding. We expect the actual radiation fields to be within the range of values given in the report.<sup>1</sup> Based on our evaluation of FPL and PNL assumptions, as discussed in the following paragraphs, we have concluded that the FPL estimate should be more representative of the actual doses. We have included the PNL estimate for comparison purposes.

The FPL estimates include 200 man-rems for miscellaneous activities such as supervision, quality assurance and health physics. We have divided the estimate equally between the removal and re-installation phase in this evaluation to permit comparison with the PNL estimates.

PNL also provides estimates of radioactive effluents which could be released as a result of the repair effort. The estimates given in this report are on a per Unit basis, i.e., repair of 3 steam generators, unless otherwise noted.

# 2.6.1 <u>Occupational Radiation Exposure</u>

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Separation, disassembly, removal and re-installation of the repaired steam generators must be done in radiation fields. Federal regulations as specified in 10 CFR Section 20.1(c), state that licensees should make

"every reasonable effort to maintain radiation exposures . . . as low as is reasonably achievable" (ALARA). The FPL efforts to reduce occupational exposures to ALARA levels are addressed in this section.

The repair program activities can be broken down into four major categories: post-shutdown preparation, steam generator removal, installation of the repaired steam generators, and disposal of portions not reused in the repaired steam generators.

All of the activities associated with the repair activities and return to power have been incorporated into the dose estimates. These include health physics and quality assurance/quality control activities.

#### 2.6.1.1 Post Shutdown Preparation

The post-shutdown activities include defueling the reactor and storing the spent fuel in the storage pool. The defueling activities will be similar to a normal refueling except that the entire core will be unloaded and the reactor vessel head reinstalled. The time involved in defueling an entire core will be similar to the time involved in defueling, shuffling and refueling 1/3 of a core. Since the radiation fields will be essentially the same as for a normal refueling, consequently, the expected occupational exposure should be similar to a normal refueling.

Following defueling and prior to starting removal of the first steam generator, temporary structures will be installed to facilitate the steam generator separation and removal activities. Water will be kept in the steam generators for shielding value as long as practical (until the pipes are to be cut). These structures include contamination control envelopes around the reactor coolant piping at the separation points, temporary ventilation systems, scaffolding, and construction of a temporary platform with guide rails at the equipment hatch to facilitate removal of the steam generator lower assemblies.

The preparation activities also include radiation surveys and local decontamination. Portions of the concrete shield walls will be removed to permit later removal of the steam generator lower assemblies. Some small sections of containment internal structures must also be removed to permit removal of the lower assemblies.

The thermal insulation around the steam generator, reactor coolant and main steam piping will also be removed. A new 250 ton construction hoist will be placed on the polar crane bridge because the existing trolley is not capable of handling the lower assemblies. Load testing of the new hoist will assure that current OSHA safety standards are met.

In order to reduce occupational exposures many of the activities will be performed with the steam generator secondary side partially filled with water to lower radiation fields. FPL has estimated a total dose of 257 man-rem per Unit (excluding refueling) for these post-shutdown preparation activities. The major portion of this dose estimate is attributed to installation of temporary structures, local decontamination and removal of insulation. FPL has not provided a detailed estimate for installation of temporary shielding. FPL states that the need for temporary shielding will be treated on an individual case basis. The need for shielding will be evaluated based on the dose savings for performing the job with shielding versus the dose incurred during installation and removal of the shielding.

PNL (NUREG/CR-0199)<sup>5</sup> has estimated an occupational dose of 450 man-rem for the post-shutdown preparation activities including 20 man-rem for defueling. The PNL estimate also assumes control of the steam generator secondary side water level to shield radiation emanating from the primary side corrosion products. PNL has included an estimate of 144 man-rem for radiation surveys, local decontamination and installation of shielding. It is our opinion that some shielding and local decontamination will be necessary. As discussed above, although FPL has not provided an estimate for installation of shielding in the detailed dose estimate, the range of dose estimates FPL has provided does consider the effectiveness of temporary shielding and the time required for installation of the shielding, and is based on FPL knowledge of plant specific design.

# 2.6.1.2 Steam Generator Removal

Removal activities include removal of the main steam lines, feedwater lines, reactor coolant inlet and outlet and miscellaneous pipe segments. These must all be removed to provide clearances in the steam generator The highest exposures will most likely occur during preparation and area. cutting of the reactor coolant piping and cutting and removal of the steam generator upper internals because of the manhours required in the radiation areas to complete the cutting. The reactor coolant system pipe cuts will be performed in a contamination control envelope with a ventilation system containing a HEPA filter to minimize the spread of airborne particulates. FPL plans to use remote cutting tools wherever possible to minimize the time personnel stay in radiation areas. It is planned to used mockups to familiarize personnel in the specifics of the cutting operations including space restraints, protective clothing, and special tasks required. The familiarization training should minimize time spent in radiation fields. The cut reactor coolant pipe ends, in addition to being sealed may be shielded to reduce radiation streaming from the internal surfaces.

The steam generator upper shell will be cut and removed from the lower assembly and stored on the containment operating floor. Remote cutting tools will be used wherever possible. The expected low contamination levels on the secondary side preclude the necessity of using contamination control envelopes at this location to control the spread of airborne activity. The steam generator wrapper and upper internals will be cut from outside the steam generator after the upper shell has been removed. The steam generator water level will be kept high to shield personnel making the cuts from radiation emanating from the lower shell internals. The PNL dose estimate for cutting the wrapper assumed the cut would be performed from inside the steam generator upper shell in much higher radiation fields because PNL assumed no credit for shielding from keeping the water level high. The FPL estimate of occupational exposure to cut the wrapper is lower than the PNL estimate because it is based on radiation fields actually measured at Turkey Point which are lower than those assumed by PNL.

All openings in the steam generator lower shell will be sealed with welded metal seals prior to removal of the steam generator lower assembly from the containment. The sealed assembly will be rigged for lifting, its supports will be disassembled, and it will then be removed from the containment.

The upper shell and most of the internal moisture separation equipment will be reused. The upper shell will be prepared for reinstallation on the new steam generator lower assembly. The contribution to the occupational exposures will be minimal due to the low contamination levels expected on secondary side portions of the steam generator and the ambient radiation levels at the work areas.

All three existing generators will be removed before any of the new generator sections are brought into the containment. FPL has estimated a total occupational exposure of 436 man-rem per Unit for the removal activities. PNL (NUREG/CR-0199)<sup>5</sup> has estimated a dose of 1100 man-rem for the removal phase.

# 2.6.1.3 Installation of Repaired Steam Generators

The installation phase involves bringing in and installing the new lower shell assemblies, attaching the upper shells, transporting and reinstalling all the removed piping and associated transition pieces, reconstructing the concrete walls removed earlier, removing all temporary work structures, cleanup, performing preoperational structural integrity tests, refueling and preparing the containment for startup tests prior to return to power. Similar to the removal situation and for the same reasons, the major dose contribution to the installation activities is expected to be from reconnecting the reactor coolant system piping. To minimize radiation exposure, an automatic welding device will be used. PNL (NUREG/CR-0199)<sup>5</sup> has estimated a savings of 500 man-rem per generator (1500 man-rem per Unit) based on using remote welding as compared to manual welding. This yields a total PNL estimated exposure of 1800 man-rem per unit for the installation phase. FPL has estimated the exposure for this phase to be 569 man-rem per Unit. The PNL estimate assumed worker occupancy in higher radiation fields than those based on Turkey Point plant surveys by FPL.

# 2.6.1.4 Disposal of Portions Not Reused

Disposal also affects the occupational exposures. This entails transportation to and placement in the storage facility. A description of this facility is contained in Section 2.6.6. FPL has estimated 39 man-rem per Unit will be expended for the onsite storage. PNL (NUREG/CR-0199)<sup>5</sup> has estimated 30 man-rem per Unit. These estimates are essentially the same. FPL has estimated 1300 man-rem per Unit will be expended for the repair program. This estimate is based on dose rate survey data from the Turkey Point Units (see figure 3.2 of the EIA<sup>14</sup>) estimates of man hours involved for the individual procedures and estimated savings from dose rate reduction techniques as addressed previously. In addition, FPL estimated a range of exposures from 650-1450 man-rem/Unit based on uncertainties regarding job man-hours, radiation fields and the effectiveness of temporary shielding. PNL (NUREG/CR-0199)<sup>5</sup> has estimated a total dose of 3380 man-rem per Unit for the whole repair program.

FPL has committed to making every reasonable effort to keep radiation exposures ALARA in accordance with 10 CFR Section 20.1(c). The radiation protection program followed during the repair effort will be in accordance with the FPL Health Physics Manual and its implementing procedures.

The FPL plant procedures contain sections relating specifically to health physics, including such items as protective clothing, personnel monitoring, radiation surveys, use of temporary shielding and treatment of contaminated personnel. FPL has stated that the Health Physics Manual reflects a management commitment to maintain occupational exposures ALARA and that the plant Health Physics Supervisor is responsible for ensuring that the ALARA policy is implemented.

FPL has stated that additional facilities will be provided for the repair effort, including a radiological protection training facility and an additional health physics area.

All craft personnel will be required to take training in radiological protection. The course will include instructions and demonstration in radiation protection principles, theory and practice, emergency planning and the FPL Radiological Protection Program. Personnel will be required to pass a comprehensive examination to have unescorted access in the radiation controlled area. Those failing to pass the exam or those who take only a short basic course will need an escort in the controlled area.

Extensive training in other areas will be used throughout the repair. FPL has stated that scale models will be used to familiarize supervisory and key craft personnel with the repair effort. The models will be used to develop construction work plans to establish the most efficient work procedures. The models will also supplement work plans and allow supervisors and craft personnel to achieve the most efficient use of manpower which will reduce occupancy in radiation fields and, thus, reduce the total occupational dose. These models include a model of the entire containment which will be used in conjunction with radiation survey data to establish temporary shielding requirements. The model will also be useful in making man-rem assessments for particular work activities in radiation fields.

Other models include a scale model of the steam generator internal details and a model of laydown space requirements inside containment. We have concluded that use of the models will be a helpful tool in planning an efficient repair program and will serve to reduce occupational exposures by reducing potential occupany in radiation fields to a minimum.

FPL has stated that full scale mockups will be used to train craft personnel in steam generator cutting and welding operations. This training will minimize occupational exposures by familiarizing personnel with the operations which should reduce the time spent for the actual operation.

FPL has stated that use of temporary shielding and local decontamination will be evaluated on an individual job basis. The man-rem expenditure for installing and removing shielding will be compared to the man-rem savings of using the shielding.

Low radiation background areas will be established inside the containment. Personnel needed inside containment but not immediately engaged in an activity will be required to wait in these areas in order to keep their exposures ALARA.

FPL has stated that special tools such as remote equipment for cutting and welding will be used whenever possible. Use of remote and automatic tooling will save exposure by reducing personnel man-hours to perform the job, allowing personnel to keep away from high radiation sources and allowing personnel to remain behind shielding to keep their exposures low.

Decontamination can be an effective dose reduction technique where radiation fields can be significantly reduced. However, several factors must be considered when decontamination is being considered. Chemical compatibility of the decontamination fluid with the materials of the installed system must be proven. Additional exposure would result from installation and operation of decontamination equipment and processing of the radioactive waste generated. Based on present limited experience in large scale, high volume chemical decontamination of reactor coolant systems, we believe that considerable economic impact, e.g., increased reactor outage time and development of equipment and procedures, would result from the use of chemical decontamination. Also, the research necessary to prove the safety of such operations could have a major schedule impact. Because of these considerations, we conclude that chemical decontamination of the tubes is not a viable option for this program at this time. Local work area surfaces, however, can be decontaminated using mild solutions. This should provide worthwhile radiation exposure reductions for several of these areas. FPL will evaluate the use of local decontamination wherever dose reduction benefit can be gained similar to the evaluation for use of temporary shielding.

#### Summary

We have reviewed the FPL submittal regarding occupational exposures and we conclude that the repair program can be accomplished without exceeding the requirements of 10 CFR 20 and that the efforts proposed to maintain occupational exposures ALARA are acceptable.

# 2.6.2 Radioactive Waste Treatment

Radioactive waste treatment will be used to provide treatment of radioactivity generated as a result of the repair effort so that radioactive releases to the environment are kept to a minimum. The currently installed station waste treatment systems and temporary systems as discussed below will be used to process airborne and liquid wastes.

# 2.6.3 <u>Airborne Radioactive Releases</u>

The Unit will be shutdown and the core unloaded before repair work is started; therefore, no gaseous wastes will be generated from reactor operations during the repair period which is expected to last about six months. The major source of airborne radioactivity generation associated with the repair program will come from activities such as cutting and weld preparation work on open radioactive coolant piping and concrete removal. The major source of radioactivity is expected to be particulates generated from cutting the reactor coolant system (RCS) piping. These cuts are expected to be performed in a local contamination control envelope which will be ventilated to the containment through a local high efficiency particulate air (HEPA) filter. The secondary system piping cuts and concrete removal will not require local contamination control envelopes because of the low contamination levels in the secondary side piping and on the concrete. All containment releases will be exhausted by the purge system via the plant vent. Releases will be monitored by the existing sample station and monitor on the plant vent. There will be a slight negative pressure on the containment to prevent release through the access hatches.

FPL has estimated that a maximum of  $1.1 \times 10^{-2}$  Ci of air borne radioactivity per Unit will be released to the environment as a result of the RCS piping cuts based on expected contamination levels on the reactor coolant side surfaces and expected cutting kerfs. This activity is expected to pass through local HEPA filters to the containment atmosphere and then through the containment purge exhaust system to the environment. Although the HEPA filters will be purchased to a removal efficiency of 99.97%, a filter efficiency of 99% was assumed for the filters. We have independently estimated 0.27 Ci may be generated locally by cutting of the RCS piping resulting in a release of  $2.7 \times 10^{-3}$  Ci to the environment assuming a 99% efficiency for removal of particulates by the local HEPA filter. The difference between FPL's estimate and our estimate is due to the assumption of a different size cutting kerf. Our estimates are based on the information given by PNL in NUREG/CR-01995. In addition, PNL has estimated that 8.1 x  $10^{-3}$  Curies may be released from secondary system piping cuts. We, therefore, estimate the total release for pipe cutting for removal of three steam generators to be  $1.1 \times 10^{-2}$  Curies. These projected releases are less than the actual average airborne radioactivity releases during 1976 and 1977. For 197617 these releases were 3.8 x 10 2 Ci of particulates and 0.3 Ci of halogens (0.338 Ci combined). During 197718, the

particulate and halogen airborne releases per unit totaled 0.726 Ci (2.6 x  $10^{-2}$  Ci of particulate activity and 0.7 Ci of halogens).

The estimated gaseous radioactive effluent per unit resulting from the repair effort,  $1.1 \times 10^{-2}$  Ci of particulates, is small compared to Turkey Point historical data. The projected airborne releases from the steam generator are expected to be well below the plant radiological effluent Technical Specifications. FPL has submitted information to show conformance with the design objectives of Appendix I to 10 CFR Part 50. Although we have not completed the evaluation of this information, comparisons of the FPL data with the evaluation given in the Final Environmental Statement (FES)<sup>6</sup> for Turkey Point indicate that the steam generator repair doses will be less than the Appendix I design objectives. The FES doses are based on total iodine and particulate releases of 0.8 Curies per year and on over 3600 Ci of noble gases per year, which are much greater than the projected releases from the repair effort. Therefore, we conclude that the releases will be within the Appendix I to 10 CFR Part 50 Design Objective and will be ALARA.

#### 2.6.4 Liquid Waste

During the steam generator repair outage, radioactive liquid waste may be generated from (1) disposal of reactor coolant water, (2) disposal of secondary coolant water, (3) local decontamination solutions and (4) laundry waste water.

FPL is planning to store the reactor coolant for reuse after the repair is complete. Therefore, there should be no release to the environment from reactor coolant. However, FPL has estimated the liquid effluent dose if the coolant were to be discharged. The reactor coolant would be treated by the chemical and volume control system prior to any release to the environment and FPL has estimated that the resultant effluent would contain a maximum of 0.08 Ci of mixed filssion and actuation products.

FPL has stated that if reactor coolant water is discharged it can be proccessed through a mixed bed demineralizer and the boric acid evaporator. Based on the reactor coolant system activities given in Table 2-2 and the decontamination factors given in Table 1-3, both from NUREG-0017 (PWR-GALE Code)<sup>7</sup>, we have estimated the release to the environment of  $2 \times 10^{-2}$  Ci from discharging the reactor coolant system. Actual releases will depend upon coolant concentrations at the time of processing and on the processing equipment used. The plant liquid effluent Technical Specification must be met during the repair effort.

Secondary coolant water may be contaminated if the Unit operates with a steam generator tube leak immediately prior to shutdown. We do not discount this possibility. However, based on experience with previous leaks, if such a leak were present the activity levels are expected to be relatively low and would not contribute significantly to the total activity released from the plant.

Local decontamination will be used to lower radiation levels in the plant. FPL has stated that decontamination wastes are expected to be minimal and will be treated as part of the normal liquid radwaste processing stream. Wastes will be collected and sampled and processed or discharged as dictated by the plant Technical Specifications.

The major volume of liquid radioactive effluent releases will be from laundry waste water. The FPL maximum estimates are based on 22,000 gallons per day being generated and released for a total of 6.6  $\times$  10<sup>6</sup> gallons during a 300 day outage. The waste water is expected to be of low specific activity and should not require processing before release. However, it must be sampled to verify it is low in radioactivity concentration. If radioactivity levels exceed those allowed by the Technical Specifications, the waste water will be processed to acceptable levels prior to release. FPL has estimated the maximum expected release to the environment from laundry wastes to be 0.47 Ci per Unit with Co-60 making up 27 percent of the total activity and Co-58 making up 36 percent of the total activity. FPL has estimated that only 10,000 gallons per day will be released, yielding an estimated total activity release of only 0.20 Ci per Unit from this source. Using the figure 6.6  $\times$  10<sup>6</sup> gallons, FPL has estimated a total maximum liquid release of 0.55 Ci of radioactivity (except tritium) for the repair effort for one Unit.

We have independently estimated the total liquid release from laundry and general decontamination wastes to be 2.4 Ci. Our estimate is based on the radioactivity releases given in Table 2-20 of NUREG-0017<sup>7</sup> adjusted for the FPL maximum estimated release volume. For comparison, the annual average Turkey Point release of mixed fission (not including dissolved noble gases) and activation products was 4.3 Ci of radioactivity in 1.7 x 10<sup>7</sup> gallons per Unit in 1976<sup>17</sup> and 4.5 Ci in 1.3 x 10<sup>7</sup> gallons per Unit in 1977.<sup>18</sup>

Any liquid effluent containing radioactivity would be discharged into the condenser cooling water and subsequently be discharged into the closed cycle cooling canal. Pursuant to a Final Judgement dated September 20, 1971 in the U.S. Distric Court for the Southern District of Florida (Civil Action No. 70-328-CA; reproduced in Appendix C of the FES<sup>6</sup>) Florida Power and Light Company shall not discharge into Biscayne Bay or Card Sound any water used for cooling its condensers at its generating facilities at Turkey Point.

The estimated plant liquid effluent radioactivity resulting from the repair effort is small compared to Turkey Point historical data.<sup>17</sup>,<sup>18</sup> The plant Technical Specifications limit the radioactivity in liquid effluents from Turkey Point Units 3 and 4 combined to 20 Ci per calendar quarter (excluding tritium and dissolved gases). Consequently, the projected releases due to the repair program (2.4 Ci) are expected to be well within the plant Technical Specification limits. FPL has submitted information to show conformance with the design objectives of Appendix I to 10 CFR Part 50. We have not completed our evaluation of the Appendix I information at this time, however, based on the results of our review to date, we expect that the current Technical Specification limits on liquid effluents will not be reduced as a result of our review of the Appendix I evaluation. On this basis we conclude that the Technical Specification limits will assure that releases from the steam generator repair activities will be well within the Appendix I design objectives for liquid effluents.

#### 2.6.5 <u>Solid Waste</u>

Radioactive solid wastes generated during the repair effort will include contaminated building materials used to construct temporary structures, concrete removed during the repair, miscellaneous piping, disposable protective clothing, solidified liquid wastes, the lower sections of the steam generators and portions of the upper internals not reused. The disposal of the lower sections of the steam generators is discussed in Section 2.6.6.

The building materials used in temporary work structures should be free of any significant contamination. Only those materials expected to be used for a temporary contamination envelope around the reactor coolant piping would be exposed to significant contamination from airborne particulates resulting from the cutting operations. The other structures will be exposed to such contamination as may result from cutting the secondary piping. The secondary system contamination levels are very small and cutting will not generate significant contaminants.

To facilitate the steam generator lower assembly removal some concrete will be removed from the biological shield surrounding the steam generators and from other structures. FPL has estimated a total of 1600 cubic feet (about 45.4 cubic meters) of concrete will be removed per Unit with a total activity of 3.1  $\mu$ Ci. The PNL estimate (NUREG/CR-0199)<sup>5</sup> agrees with the FPL estimate.

A major portion of the volume of solid radioactive waste generated (other than the lower sections of the steam generators) will be rags, trash, disposable protective clothing and miscellaneous tools and building materials. FPL has estimated about 25,800 cubic feet (about 730 cubic meters) of such waste containing approximately 100 Ci of radioactivity will be packaged and shipped to a burial facility. In addition, FPL has estimated 30 Ci of activity will be contained in evaporator bottoms and spent resins.

FPL has estimated the repair of one Unit will result in a total solid waste volume of 27,400 cubic feet (780 cubic meters) containing 130 Ci being shipped to a licensed burial facility. The FPL estimates are based on typical quantities and types of wastes generated during a normal refueling outage. PNL (NUREG/CR-0199)<sup>5</sup> has estimated a total of 81,000 cubic feet (2,290 cubic meters) of solid radwaste will be generated during the repair of one Unit. This compares with the average amount of radioactive solid waste shipped (per Unit) of 25,400 cubic feet (720 cubic meters) and 240 Ci during 1976<sup>17</sup> and 19,000 cubic feet (539 cubic meters) and 210 Ci during 1977.<sup>18</sup> All radioactive waste shipments will conform to NRC and Department of Transportation (DOT) regulations.

# 2.6.6 <u>Disposal of Steam Generator Lower Assemblies</u>

The steam generator lower assemblies will comprise the largest source of radioactive waste requiring disposal. Several options for the disposal of the lower assemblies were considered:

- (1) Immediate intact shipment to a licensed burial facility;
- (2) Immediate cut-up and shipment to a licensed burial facility;
- (3) Onsite storage until facility decommissioning.

Because of the size and packaging involved, the only method for immediately shipping the assemblies intact would be by barge. At present, there are no licensed burial facilities with receipt capabilities available. Therefore, this option is not viable for the immediate disposition but may become an option in the future.

Immediate cut-up and shipment is possible now with transportation by truck or rail. The assemblies could be cut into suitable sized segments and packaged and transported. Cutting of the assemblies and subsequent handling would result in increased occupational exposures due to the activity on the surfaces exposed to reactor coolant. Some dose reduction could be achieved by decontamination of the reactor coolant surfaces. However, effective decontamination factors may not be achievable due to presence of a significant number of plugged tubes which would prevent decontamination chemicals from entering approximately 19% of the tubes.

Reduced exposures due to decontamination would be accompanied by a significant increase in decontamination solution liquid radioactive wastes. These wastes would have to be processed and solidified. PNL (NUREG/CR-0199)<sup>5</sup> has estimated a total exposure of 810 man-rem for immediate cut-up and shipment following chemical decontamination.

We conclude that immediate cut up and offsite shipment will cause an unnecessary man-rem burden on the workers without providing a significant operational benefit to FPL and to the public as compared to onsite storage as discussed below.

FPL has proposed long term onsite storage to allow for decay of radioactivity to relatively low levels to minimize radiation exposures before processing for shipment. The lower assemblies would be stored in an engineered storage facility specifically contructed for this purpose. Such storage would provide for FPL responsibility and control of access and exposure to the assemblies until the radiation has decayed to levels that will allow easy disposal (e.g., Unit decommissioning). Based on decay of the expected radioactive corrosion products it is estimated that storage for 30 years can reduce the radiation levels to less than 1% of those expected when the assemblies are removed from containment. The assemblies will be sealed with steel plates or plugs prior to removal from containment to eliminate airborne particulates from being released from internal surfaces. Internal decontamination will not be necessary because of the seals. Some surface contamination will be present on the outside of the assemblies. FPL has stated that the external surfaces will be decontaminated such that removable contamination levels will be less than 2200 dpm/100 square cm prior to removal from containment. Therefore, any release to the environment from transport of the assemblies to the onsite storage facility should be negligible.

The onsite storage facility will be a concrete structure approximately 110 ft x 60 ft with a height of 17 ft. The outside walls will be approximately 2 ft thick. The facility floor is earthen with no provisions for collecting No water accumulation is expected since the roof is watertight and water. the generators will be drained prior to storage. Because the external contamination levels will be <2200 dpm/100 square cm airborne releases from the external surfaces of the generators are not expected. FPL has proposed quarterly surveillance of the facility consisting of visual inspections and random swipes of the generators and area radiation surveys to assure that no airborne contaminants are being released from the facility. There will be a limited amount of direct radiation which penetrates the storage building walls. Based on the maximum expected radioactive inventory of the steam generators and the shielding of the storage facility FPL has estimated, using commonly accepted practices, an annual dose of less than one mrem to an individual at the site boundary. We have reviewed the bases for this estimate and consider the bases acceptable. We conclude that the expected radiation levels on contact with the outside of the facility walls are approximately the levels for unrestricted areas specified in 10 CFR Section 20.105. If upon completion of the storage phase FPL finds levels in excess of 10 CFR Section 20.105 FPL will be required to provide adequate control and posting pursuant to 10 CFR Section 20.203.

We have reviewed the FPL proposed surveillance program for the storage facility and find it acceptable. We conclude that the program will provide adequate assurance that there will be no significant releases from the storage facility.

The use of an onsite storage facility will minimize immediate occupational exposures since no immediate disassembly and packaging for equipment is necessary. In addition, the long storage time will allow for significant decay of radioactivity so that ultimate disposal at the end of station life will not be a significant occupational dose impact. Therefore, we conclude that use of an onsite storage facility is in accordance with ALARA philosophy.

We have reviewed the FPL proposed method of storage and conclude that there is reasonable assurance that this storage will not endanger the health and safety of the public and is acceptable. In addition, we conclude that the measures to be taken to control and monitor this storage will keep occupational exposures and radioactive effluents as low as reasonably achievable.

#### Summary

We have concluded that FPL's efforts to maintain occupational exposure to ALARA values during the repair effort are reasonable and adequate radiation protection will be achieved. We have further concluded that the radioactive effluents which may be released as a result of the repair effort are less than those expected during normal operations, can be maintained within the radiological effluent Technical Specifications and will not affect the health and safety of the public.

# 2.7 Quality Assurance

The Quality Assurance Program for the repair of the steam generators will be in accordance with the Florida Power and Light "FPL Quality Assurance Topical Report", (FPLTQAR 1-76A),<sup>8</sup> except as amplified in Section 3.6.1 of Rev. 3 of the FPL Steam Generator Repair Report. We find these amplifications to be acceptable clarifications of FPL commitments contained in FPLTQAR 1-76A, Rev. 2. Work performed by Bechtel on the repair of the steam generators will comply with the "Bechtel Quality Assurance Program for Nuclear Power Plants," (BQ-TOP-1).<sup>9</sup>

The Quality Assurance Program for the design and fabrication of the steam generator replacement lower shell assemblies and other components will be in accordance with the Westinghouse Electric Corporation topical report (WCAP-8370 Rev. 8A).<sup>10</sup>

Each of the above reports has been reviewed by the NRC for compliance with Appendix B to 10 CFR Part 50 and has been found acceptable. We now have reviewed the aforementioned reports with specific consideration for the proposed steam generator repair. Based on our review we find that: (1) the repair activity is within the scope of the approved programs, and (2) adequate controls exist within the approved programs for the proposed work activities. Accordingly, we find the provisions established for the quality related activities associated with the repair of the steam generators acceptable.

#### 3.0 EVALUATION

Several design changes, as discussed above, will be incorporated in the repaired steam generators. Our evaluation of these changes is given below.

# 3.1 Effects of Steam Generator Design Changes

The existing steam generators contain large amounts of sludge which has contributed to their previously discussed degradation. Since an AVT secondary water chemistry treatment will be used when the repaired steam generators begin operation, and residual phosphates will not be present in the system, any sludge which accumulates should not be of a chemical com+ position that could lead to degradation of the repaired generators. Along with the absence of phosphates, planned condenser retubing and the installation and use of condensate polishers will essentially eliminate sludge. Furthermore, even if sludge should form, we concur that a flow distribution baffle plate should minimize, or at least reduce, the number of tubes exposed to the sludge, and cause the sludge to deposit near the blowdown intake. Use of this baffle plate, in conjunction with the increased blowdown capacity, will reduce the amount of sludge that can accumulate in the generator.

Full depth expansion of the tubes in the tubesheet is an improvement over the existing partially expanded aranagement and will minimize both crevice boiling and buildup of impurities in the tube to tubesheet crevice region.

A quatrefoil support plate design will be used in the repaired steam generators. In contrast, the existing steam generators use drilled hole support plates which have a very limited opening between the tube and tube support plate. The majority of flow in this drilled plate design is through separate circulation holes. The tube denting phenomenon, discussed earlier, has occurred when corrosion products (magnetite) have built up in the tube/ tube support plate intersections (annuli) to the extent that the gap between the tube and support plate closes completely. The broached or quatrefoil design has no separate circulation holes. Substantial flow and much flow velocity will take place through the large open spaces in the quatrefoils around each tube. This results in a continuous flushing action, tending to wash out this tube/tube support plate area and thus prevent sludge deposits or scales.

The quatrefoil support plate design has led to some tube degradation, in the form of a type of erosion cavitation mechanism, in once-through steam generators. Although FPL has suggested that this will not be a problem in recirculating designs, we feel that the phenomenon is not understood well enough to assume that recirculating type designs will not see this type of degradation. Despite this reservation and for the reasons discussed above

with regard to tube denting, we concur that the quatrefoil support plate design is an improvement over the existing drilled hole design and should be less prone to denting.

The repaired steam generators will use SA-240 Type 405 ferritic stainless steel for both the tube support plates and flow distribution baffle plate. The corrosion data provided indicate that, under the test condition, Type 405 stainless steel will be a greatly improved material for tube support plates over the carbon steel presently used. In the event that denting reactions be initiated, we would have some concern over the propensity of this material for stress corrosion cracking in a chloride environment. However, Westinghouse appears to have taken the proper precautions in stress relieving it to minimize the likelihood that stress corrosion will occur in the absence of denting.

The Inconel 600 tubing will be thermally treated, which should result in improvement in its resistance to stress corrosion cracking in the reactor coolant and secondary water, particularly in the U-bend regions. Further, in the eight innermost rows of tubes, the U-bends will be stress relieved after bending. We find this residual stress relieving process to be satisfactory and an improvement over existing practice.

#### SUMMARY

Based on the information discussed and the evaluation made above, we conclude that the structural, mechanical, and materials aspects of the FPL proposed steam generator repair program are acceptable and there is reasonable assurance that the health and safety of the public will not be endangered. We further conclude that the new steam generator design has incorporated features to eliminate the potential for various forms of tube degradation observed to date.

#### 3.2 <u>Effects of Repair Activities</u> 3.2.1 <u>Protection of Safety Related Equipment</u>

FPL will take measures and establish controls to prevent construction accidents and protect safety-related structures, systems and components from the hazards associated with steam generator transportation and repair activities. The general precautionary measures that will be taken by FPL include the following:

- 1. The reactor vessel will be completely defueled prior to the repair work.
- 2. The entire repair process will be preplanned to assure that it can be completed safely and efficiently.

- 3. The repair program will be carried out in accordance with the FPL corporate Quality Assurance Manual (FPS-NQA-100) and Section X1 of the ASME Code. Bechtel Corporation has been retained by FPL as the Architect Engineer for the repair program.
- 4. The containment boundary will not be disturbed except to open the equipment hatch.
- 5. The existing polar crane trolley will be replaced by a higher capacity temporary construction hoist. The temporary hoist will be inspected and tested prior to its use for construction lifts on the polar crane bridge and the removal of the steam generators.

Defueling of the reactor will begin shortly after shutdown and the normal procedures for defueling will be followed. The fuel will be stored in the spent fuel storage pool for the duration of the outage. The temperature of the pool is normally maintained at 95°F or less when the pool contains all of the fuel from the core and the spent fuel elements currently being stored. We independently estimated the cooling capability of the fuel pool cooling system in its evaluation of the increased storaged capacity of the pool. With our assumptions, including transferring the fuel 150 hours after shutdown, the calculation indicated that the fuel pool temperature would not exceed 139°F. The spent fuel cooling system is failure were to disable one of these trains, the remaining train could maintain the pool water temperature below 160°F. We find that these temperatures are acceptable.

In addition, if all of the system cooling of the fuel pool of the unit under repair were to be lost, the fuel pool could still be cooled by the operating unit cooling systems. The component cooling water (CCW) system of the operating unit has sufficient capacity to supply operational cooling needs, including its spent fuel pool, as well as the cooling needs of the spent fuel pool of the unit under repair, through the existing piping inter-ties between Unit 3 and 4. Moreover, based on our independent analysis, if the spent fuel pool cooling were to fail following a fuel core off-load, the heat-up rate would be such that boiling of the pool water would take 8-1/2 hours. This is sufficient time in which to make repairs or find an alternate source of make-up water for the spent fuel pool. Therefore, the present cooling capacity of the spent fuel pool and available makeup sources is adequate for the complete defueling of the reactor as planned for the steam generator repair activities.

In addition, specific potential hazards considered by FPL included the dropping of a steam generator lower assembly, a transporter accident, the toppling of a crane, the interaction of systems shared by both units and fires, each of which is discussed below.

In assessing potential hazards associated with the transportation of the steam generator lower assemblies, FPL considered failures of the transporter which consists of a semi-trailer and a haul vehicle. FPL considered structural failure, overturning, and road failure. In considering overturning, the licensee found that it would require the loaded trailer bed to be inclined beyond a 31° angle from the horizontal. The planned side slopes of the haul route are far less than this 31° angle. Further, administrative limits will be placed on the turning radius and speed of the transporter to preclude overturning. The roadway along the haul route has been evaluated and appropriate sections will be upgraded in order to preclude roadway collapse or damage to the facilities that pass under it, such as electrical duct banks and intake cooling water lines.

FPL has considered the consequences of dropping a steam generator assembly (the heaviest load to be lifted during this repair program) either inside or outside the containment building. Since there will be no fuel in the containment building while heavy loads are being lifted, there will be no hazard associated with fuel assemblies. FPL has evaluated the consequences of a postulated drop of the 205 ton steam generator lower assembly on buried facilites along the haul route. These include intake cooling water piping and electrical duct banks. Because of the existing cooling water interties between the two reactor units, the cooling systems would be re-aligned as necessary to provide cooling to a possibly damaged cooling system of one of the units. In the event of damage to the local control cables, alternate starting procedures for the affected pumps are available. With regard to dropping a steam generator assembly outside of the containment building, no other safety related structures (such as the radioactive facility and the fuel storage building) are within the range of the devices used to lift the steam generators from the equipment hatch platform to the transporter. Based on our review of the FPL consideration above we have concluded that dropping a steam generator lower assembly will present no undue risk to safety-related structures.

FPL considered the toppling of a crane having a 70 foot boom. The potential consequences of such an accident were considered with respect to the safetyrelated structures, systems and components of the operating unit. The dieselgenerator building and the auxiliary building were determined to be able to withstand the boom impact without penetration that would result in damage to equipment necessary for the safe shutdown of the operation unit or, in the case of the auxiliary building, the maintaining of the spent fuel pit cooling system. During the repair the fuel is removed from the affected containment building so that a toppling of the crane on this containment would not present a safety problem. Damage to the refueling water storage tanks and the primary water storage tanks, located along the proposed haul route, is precluded since the crane boom will be in the lowered position while traversing these roads. Based on our review of the FPL considerations, we have concluded that the falling of the crane boom on these safety related structures would not prevent the safe shutdown of an operating unit and would not prevent adequate cooling of the fuel assemblies in the spent fuel pool.

# 3.2.2 Other Interactions with the Operating Unit

The normal and emergency electrical power distribution systems were reviewed to ensure that construction loads will not jeopardize the supply of electrical power to the operating unit. The results of that review are discussed below.

# 3.2.2.1 Offsite Power System

The offsite power supply system consist of two start-up transformers to the Turkey Point Units 3 and 4. Each of the two units has a dedicated start-up transformer which can automatically supply all AC power to both safety nonsafety loads of each unit. Each start-up transformer is capable of supplying the auxiliary loads for its associated nuclear unit and the safety loads for the other nuclear unit.

The temporary loads which are required for the repair of a steam generator will be fed from a temporary 1500 kva transformer. After the reactor has been brought to cold shutdown the temporary transformer will be energized by the non-safety 4.16kv supply system through the start-up transformer to the switchgear of the reactor coolant pump of the unit under repair, the onsite electrical distribution system will be configured the same as during a normal plant refueling shutdown. On this basis we conclude that the temporary electrical system modification will not degrade the onsite power system in the operating unit. A fault in this temporary load distribution addition will not cause a loss of power on the reactor coolant pumps in the operating reactor.

# 3.2.2.2 Emergency Power System

A. The onsite emergency diesel-generator system for Turkey Point Units 3 and 4 consist of 2 diesel-generators. The two diesel generators supply the emergency power to the Turkey Point Units 3 and 4. The dieselgenerators start on either a safety injection signal or on the loss of voltage on a 4160V bus(es) of either unit.

Upon loss of voltage, the following automatic sequence is initiated:

- (1) Diesel-generators are started;
- (2) "Preferred supply" breakers of the 4160V buses are tripped;
- (3) Diesel-generator supply breakers close.

In case of a safety injection signal on the operating unit in coincidence with the loss of power, step 3 above is followed by the sequential starting of all engineered safeguard equipment for the operating unit.

In case of a safety injection signal in the operating unit, without loss of power, both diesel-generators are started and maintained in an idling mode. During the repair of the steam generators, the engineered safety features (ESF) equipment of the unit under repair will be disabled after the reactor has been defueled by the associated feeder breakers being locked open and tagged. In addition to the lockout of power to the ESF loads connected to the buses of the unit under repair, all those buses that can carry any initiation signal to the shared diesel-generators and which could potentially cause them to become dedicated to the unit under repair (and its loads) will disabled by disconnection. This step is necessary in order to prevent any possibility that the shared diesel-generators, and its loads, may become dedicated to the unit under repair . We find these provisions, proposed by FPL to ensure dedication of on-site emergency power to the operating unit, acceptable. Upon completion of the steam generator replacement work in each unit. the circuitry is to be tested for proper performance prior to the resumption of power operation for that particular nuclear unit.

With regard to the power requirements for the spent fuel pool cooling, we have determined that emergency power, assuming a total loss of off-site power, is not required to be available in less than 8 hours for any safety functions. FPL has confirmed that power could and would be restored within 8 hours by manual operator actions to the fuel pool of the unit under going repair. We have required that FPL prepare procedures to ensure this latter capability.

B. The diesel fuel-oil storage system for the two diesel-generators at Turkey Point Units 3 and 4 consists of two day tanks within the diesel generator buildings and one main storage tank outside the building. Inasmuch as the day tanks have a combined capacity of only 8000 gallons the main storage tank must be operational in order to meet the Technical Specifications for the plant, which require that there be an availability of 40,000 gallons of diesl fuel-oil.

During the construction phase of the steam generator repair program the containment ramp will be removed and replaced by a temporary loading platform. Inasmuch as the containment ramp of Unit No. 3 is a part of the oil retention dike around the main storage tank, the removal of the ramp eliminates the fire protection feature of the dike. In view of this, some remedy is needed in order to restore the main fuel oil storage facility to its fully available condition. One alternative is to replace the missing portion of the dike with a temporary structure, and the other alternative is to drain the diesel fuel-oil from the main storage tank and place the fuel-oil in a temporary location elsewhere on the site. If the fuel oil is placed in a temporary location, the supply must be verified to be operational prior to disabling the permanent system.

Either of these alternatives is acceptable in concept. However, the final choice by FPL must be designed to assure that the Technical Specifications of the plant are satisfied and that the choice meets

the minimum NRC standards and requirements associated with the operating license. This will include appropriate application of quality assurance and seismic site requirements to any temporary structures, piping and components; of cleanliness requirements on the fuel-oil; and of other existing functional and operation requirements of this fuel oil supply. We require that these details be addressed and adequately demonstrated by FPL prior to initiating the construction changes affecting the fuel-oil retention dike surrounding the main diesel fuel-oil storage tank.

#### C. Summary

The spent fuel pool emergency power requirements are acceptable on the basis that FPL submits acceptable procedures to ensure that power can be restored to the spent fuel pool of the unit under repair within 8 hours. The diesel oil fuel storage supply is acceptable, however the details of the FPL plan to assure the diesel fuel supply during the repair of Unit 3 must be addressed and adequately demonstrated prior to initiating the construction changes affecting the fuel oil supply. On the basis of our above review and the satisfactory resolution of the conditions cited we conclude that the provisions by FPL to ensure dedication of onsite emergency power to the operating unit are acceptable.

#### 3.2.3 Fire Protection

An evaluation of the fire protection program for the Turkey Point plant Units 3 and 4 containment buildings was included in the NRC Safety Evaluation dated March 21, 1979<sup>11</sup>. This information is supplemented by the FPL report "Steam Generator Repair Report for the Turkey Point Power Station, Units 3 and 4",<sup>1</sup> which addressed the specific fire hazards associated with the steam generator repair outage. In this regard it should be noted that a fire inside containment cannot cause off-site radioactivity exposures of consequence because the fuel will be removed from the containment of the unit under repair nor can it impair the safe shutdown capability of the plant. Nevertheless, the following is a summary of the fire protection measures to be taken during the repair operations.

The use of combustibles in the containment will be minimized to the extent practicable. Fire retardant scaffolding and materials will be used. Good housekeeping will assure that wood crates and other combustible trash are removed from the containment in a timely manner.

However, additional amounts of combustible materials will necessarily be introduced into containment including protective clothing, cleaning fluid, charcoal filters and plastic sheeting but the use of these will be minimized in those areas in which cutting and welding is being done. The fire protection for the containment consists of fire extinguishers throughout the containment and portable fire etinguishers will be accessible in the work areas when cutting and welding is performed. A portable foam system suitable for use inside containment on liquid hydrocarbon fires will be on site and promptly available upon demand throughout the repair. The existing containment lighting system and emergency lighting are available.

Even though FPL will not provide a permanently-installed fire water standpipe system in each containment before the initiation of the steam generator reapir program a fire hose of sufficient length to reach the most remote steam generator compartments will be available and dedicated to fight fire inside containment. A fire watch will be continually present during all welding and cutting operations.

Administrative controls related to fire protection are presently in effect at the plant and are applicable during the steam generator repair outage. Additional fire protection personnel will be assigned to the replacement activities in the containment. All administrative site procedures will be reviewed for the control of combustibles and these procedures will identify all known potential fire hazards. A fire plan for the repair activities will be formulated and coordinated with the station fire plan.

Based on our review of the fire protection measures to be taken to protect safety-related structures, systems and components, we have concluded that there is reasonable assurance that the proposed construction activities can be conducted without significantly increasing the potential for damage to safety-related systems.

#### 3.3 <u>Transient and Accident Analyses</u> 3.3.1 Discussion

This section discusses the effect the repaired steam generators have on the transient and accident analyses. As can be seen from Tables 3.3-1 and 3.3-2, FPL has stated that the majority of the relevant design parameters and plant operating parameters will not be changed from those for the present steam generators during steady state. Therefore systems responses to transient conditions with the repaired steam generators are expected to be essentially the same as for the original steam generators prior to tube plugging. The impact on the transient and accident analyses is, therefore, not significant and FPL analyses presented in Final Safety Analysis Report (FSAR) remain valid for the repaired steam generators.

In the following sections we have discussed possible changes in the events previously analyzed in the FSAR. The following plant conditions were used in those analyses:

# TABLE 3.3-1

STEAM GENERATOR DESIGN DAT	A (PER	STEAM GENERATOR	<u>)</u> 1	
		<u>Original</u>	<u>Refur</u>	bished
Design Pressure, Reactor Coolant/Steam, p Reactor Coolant Hydrostatic Test Pressure	sig	2485/1085		N.C.*
(tube side), psig	I I	3107 : : : : :		NC
Hydrostatic Test Pressure, Shell Side, ps	iσ	1356		N C
Design Temperature, Reactor Coolant/Steam	19			n. o.
degrees F	' <b>)</b>	650/556		NC
Steam Conditions at 100% load Outlet Noz	710.	0007000		n. c.
Steam Flow. 1b per br		3 2 4 106		N C
Steam Temperature degrees Fabrenbeit		516 0 E E		N.C.
Steam Proscure neig	,	770		
Feedwater Temperature at 100% load dogno				N.C.
Fabrenheit	62	10C C		<b>N</b> 0
Overall Height fitain		430.5		N.C.
Shell OD uppen/leven in	1	03-1.0		N.C.
Shell bicknoce import/leven in	· ·	166/12/		N.C.
Untube OD in		3.5/2.63		N.C.
Tubo Woll Thickness (naminal) in	· ·	0.8/5		N.C.
Number of Monueue (TD - i-		0.050		N.C.
Number of Manways/10, 10.	1	4/16		N.C.
Number of Handnoles/10, 1n.		2/6		6/6
Number of U-tubes		3260		3214 (~ -1.4%)
Tube length (largest U-bend), in.		397.5		N.C.
lotal Heat Iransfer Surface Area, 3ft		44,430		43,467 (~ -2.2%)
Reactor Coolant Water, Volume, ft		945		935 (~ -1.1%)
Reactor Coolant Flow, 1b/hr		$33.83 \times 10^{\circ}$		N.C.
Secondary Side Volume, ft <sup>9</sup>		4580	i i j	4596 (~ +0.3%)
†Secondary Side Mass No Load, 1bs		134,000		N.C.
†Secondary Side Mass 100% Power, 1bs		76,300		80,300 (~ +5.2%)
Center of Gravity (from the support pads)				
ft/in.	-	25/4		N. C.

4,

\*No change †Values are rounded off

# TABLE 3.3-2

# COMPARISON OF PARAMETERS FOR ORIGINAL AND REPAIRED STEAM GENERATORS<sup>1</sup>

Primary Pressure Drop	Decreased by 0.7 psi
Fouling Factor	Unchanged
*Nominal Flow Area	Decreased by $\sim 1.5\%$
Equivalent Tube Length	Unchanged
Total Heat Transfer Surface Area	Decreased by ~2.2%
Heat Transfer Coefficient	Increased by $\sim 2.5\%$
Nominal Power/SG	Unchanged
Nominal Hot Leg Temperature	Unchanged
Nominal Cold Leg Temparature	Unchanged

\*This decrease in flow area is due to the reduction in number of steam generator tubes. Credit has not been taken for the compensating increase in flow area due to the improved manufacturing tolerance on the tube wall thickness.

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Thermal design flow, gpm/loop	89,500
S. G. tube plugging, %	0
*Power level, Mwt (100%)	2200
*T <sub>avg</sub> at 100% power, °F <sup>·</sup>	574.2
$\Delta T$ at 100% power, °F	55.9
Steady state DNBR	1.63
N Fah	1.75
F <sub>Q</sub> maximum	2,55

\*The analyses conservatively used 102% power (2244) and  $T_{avg}$  +4° (578.2)

It should be noted that for this evaluation the FSAR constitutes the reference cycle. Therefore, if the values of any core physics or plant operating parameters for the reload cycle following the steam generator repair are not bounded by those used in the FSAR, a reevaluation of the affected event(s) will be required prior to operation. Any such reanalyses submitted to the staff should be in accordance with Regulatory Guide 1.70, Revision 3.<sup>12</sup>

It should also be pointed out that the current Emergency Core Cooling System (ECCS) analysis of record for the plant using an approved model is only for the current condition of the original steam generators, i.e., with plugged tubes. If credit for the unplugged configuration of the repaired steam generators is to be taken, a new ECCS analysis using the approved model will be required. A reload report will be submitted for our review and approval prior to startup of the repaired unit if the fuel loading is different than previously reviewed.

#### 3.3.2 Non-LOCA Accidents and Transients

In our evaluation, only the potential effects of the repaired steam generators on the FSAR analyses have been considered. All other parameters are assumed to have their FSAR values. As will be seen, most events are not affected by the slight changes which have been made to a few of the relevant parameters.

For some events, such as Rod Cluster Control Assembly (RCCA) withdrawal and RCCA ejection, there will be no effect due to the repair of the steam generators. The nuclear and thermal time constants of the fuel are much smaller than the fluid mixing and transport time. These events are terminated in less than a loop transport time and, therefore, are unaffected by the steam generators. For the RCCA drop accident and the malpositioning of part length rods (note that removal of these part length rods has been approved by the NRC<sup>15</sup>) the neutron flux redistribution is the limiting consideration. Since this is not dependent on the steam generator performance these analyses are not affected.

3-11
For the loss of reactor flow events, the reactor is rapidly tripped on low frequency, low voltage or low coolant flow. Changes in coolant temperature due to secondary parameter changes would not be detected in the core during the time frame of interest for these events. These analyses are, therefore, also unaffected.

For a chemical and volume control system malfunction, the boron dilution rate depends on the charging pump characteristics and the reactor coolant volume. The small reduction in reactor coolant volume ( $\sim1\%$ ) from the FSAR value will not significantly change the time available for operator action. Therefore, this minor design change will have a negligible affect on the analysis of this event.

The turbine generator design analysis is not affected by the repair of the steam generators since steam and feedwater conditions are unchanged.

The steam generator repair may affect those events for which the transient reactor coolant conditions result from an interaction of the reactor coolant with the secondary system. These remaining events, which are generally concerned with coolant heatup or cooldown through the secondary side, are discussed in the following sections. For the repaired steam generators the increase in the heat transfer coefficient (U) offsets the decrease in heat transfer area (A) so that the resulting heat transfer (UA) remains essentially unchanged.

## 3.3.2.1 Excessive Load Increase

This event involves a rapid increase in steam generator steam flow which causes a power mismatch between the reactor core power and the steam generator load demand. This results in a decrease in reactor coolant temperature and increase in core power. The FSAR analysis shows that a 10% increase in steam flow from full power can be accommodated without reactor trip. The repaired steam generators, which have a higher ( $\sim$ 5%) full power fluid inventory, could cause the transient to progress slower. However, the same final steady state condition will be reached.

# 3.3.2.2 <u>Startup of an Inactive Reactor Coolant Loop</u>

This event involves the injection of colder water into the core and a significant increase in core flow. This results in a rapid increase in core power. The FSAR analysis assumed that the water in the inactive loop was at the saturation temperature of the secondary side. This is independent of the heat transfer characteristics of the steam generator and will, therefore, be unchanged. The reduction in reactor coolant volume would cause a negligible reduction in the duration of the cold water slug. The delay time for the slug to reach the core will remain unchanged. Therefore, the FSAR analysis of this event would not be significantly affected by the repaired steam generators.

# 3.3.2.3 Excessive Heat Removal Due to Feedwater System Malfunction

This event involves the addition of excessive feedwater to the steam generator or the inadvertant opening of the feedwater bypass valve. This results in a decrease in reactor coolant temperature and an increase in core power due to moderator feedback. At full power, the FSAR analysis shows that a new steady state condition is reached without reactor trip. Since the repaired steam generators will have a higher full power secondary side mass inventory, the cooldown rate would be slower. However, the same endpoint condition will be reached."

### 3.3.2.4 Loss of External Electrical Load

A loss of external electrical load event such as a turbine trip results in an increase in reactor coolant temperature and pressure and a decrease in core power. The complete loss of load from 102 percent power analyzed in the FSAR assumed that there was not a direct reactor trip due to the turbine trip. The increase in full power inventory of the repaired steam generators would provide additional heat capacity and reduce the heatup rate. Therefore, there are no adverse effects on this event due to the repair of the steam generators.

#### 3.3.2.5 Loss-of Normal Feedwater

The loss of normal feedwater results in a loss of capability of the secondary system to remove the heat generated in the core. Since the repaired steam generators will have a higher full power secondary side mass inventory, additional steam generator heat removal capacity is available. Also, since the dimensions of the steam generators have not changed, the FSAR conclusions that the tubesheet in the steam generators receiving auxiliary feedwater will remain covered and adequate heat transfer capability will be maintained remain valid. Therefore, there are no adverse effects on this event due to the repaired steam generators.

# 3.3.2.6 Loss of All AC Power to the Station Auxiliaries

The loss of AC power with turbine trip and reactor trip results in a reactor coolant flow coastdown to natural dirculation flow rates and an increase in secondary pressure. In the repaired steam generators the tubes will be recessed slightly into the tubesheet holes, thus reducing pressure drop at the entrance to the tubes which will enhance flow. Therefore, the FSAR analysis of this event is conservative for the repaired steam generators.

#### 3.3.2.7 Rupture of a Main Steam Pipe

A steamline break results in a rapid depressurization of the steam generator, a decrease in reactor coolant temperature, and an increase in core reactivity. The FSAR analysis was performed for end of cycle, hot shutdown conditions. This event is unaffected by the repair of the steam generators because the no load fluid inventory of the steam generators which was used in the FSAR is still bounding, and the flow area of the main steam line, the reactivity coefficients and the emergency shutdown system are unchanged.

# 3.3.3 Loss-of-Coolant Accident (LOCA)

The minor design and operational differences of the repaired steam generator, such as number of tubes, full power fluid inventory, and pressure drop across the steam generator, are not expected to significantly affect the LOCA analysis. The reduction in flow area and reactor coolant volume due to the lesser number of tubes is approximately equivalent to 1.4% of the tubes in the original steam generator being plugged.

The FSAR ECCS analysis is based on a model which the staff no longer finds acceptable. Therefore, the analysis cannot be used to satisfy the requirements of 10 CFR 50.46. As mentioned above, the ECCS analysis of record, based on the currently approved model, has been performed assuming a significant number of steam generator tubes plugged.

We consider the ECCS analysis of record to be conservative for plant operation with the repaired steam generators. If credit for the unplugged configuration of the steam generators is to be taken, a new LOCA analysis performed with the currently approved model must be submitted.

The repaired steam generators do not have a significant effect on the small break LOCA. Therefore, the current small break LOCA analyses are acceptable for the plant with the repaired steam generators.

# 3.3.4 <u>Steam Generator Tube Rupture</u>

The improved manufacturing tolerance on the tube wall thickness will result in a slight increase in the tube inner diameter. This increase in diameter (0.005 inch) will have a negligible affect on the tube rupture analysis. Therefore, the consequences of this event, as reported in the FSAR, will be unchanged by the steam generator repair.

#### 3.3.5 Summary

The changes in design and plant operational parameters listed in Tables 3.3-1 and 3.3-2 have been evaluated to determine their effect on the safety analyses. We have concluded that the repaired steam generators will not have any significant adverse effect on the transient and accident analyses and therefore, that the analyses and conclusions presented in the FSAR (except for LOCA) remain valid for the same core physics and plant operating parameters. For the LOCA, new analyses will be submitted as discussed in Section 3.3.1.

# 3.4 <u>Radiological Consequences of Postulated Accidents</u> 3.4.1 <u>Accidents During Operation with Repaired Steam Generators</u>

The repaired steam generators will not significantly affect the dose consequences of accidents involving the secondary system. The accidents involving significant dose consequences are the main steam line failure, steam generator tube failure and control rod ejection. The only design change that affects the accident dose consequences is a 5% increase in the volume of the secondary side of the steam generator. The reactor coolant system parameters which affect these accidents will not be changed significantly by the repaired steam generators. These parameters include reactor coolant leakage to the secondary system and the reactor cooldown period. The contribution to offsite doses from the secondary system is minor in all three accidents because of low activity levels in the seconary system. The major dose contribution is from reactor coolant leakage into the secondary system during the accidents.

In both the steam generator tube failure and control rod ejection accidents, the increased volume of the secondary system provides for more dilution of the activity which leaks from the reactor coolant site. Because the reactor coolant system parameters have not changed, the total reactor coolant side release time and volume will not change. Therefore, the increased secondary volume should result in a negligible change in doses.

The reactor coolant system parameters which affect the main steam line failure accident also remain unchanged. Assuming the same concentration of radionuclides (pre-existing inleakage of reactor coolant), the increased mass of the secondary side will result in a slight increase in offsite doses. The contribution to the doses from additional reactor coolant inleakage during the accident itself would be unchanged. Because the secondary volume increases by 5 percent and most of the dose is a result of "fresh" reactor coolant inleakage, the total offsite dose will increase by much less than 5 percent. This slight increase in total offsite dose will not reult in estimated consequences in excess of the 10 CFR Part 100 guidelines, and the conclusions concerning these accidents reached in the March 15, 1972 Safety Evaluation for the Turkey Point Plant<sup>13</sup> are not changed due to the repair of the steam generators.

# 3.4.2 Accidents During the Repair Effort

FPL has analyzed the potential consequences of postulated accidents associated with the repair effort. FPL has analyzed the potential for steam generator crane rigging accidents which may affect the refueling water storage tank and primary water storage tank and concluded that rigging operations will be conducted in areas sufficiently removed from these tanks to preclude damage to these structures.

FPL has also evaluated the potential for a steam generator being dislodged from the rigging and striking the radwaste or fuel handling building: FPL has concluded that both buildings are capable of withstanding all postulated impacts with no breach of integrity. We have evaluated the FPL report<sup>1</sup> and concur with the above conclusions. Therefore, we conclude that there will be no radioactive release to the environment from these construction related accidents.

FPL has analyzed the potential consequences of rupturing the steam generator boundary due to mechanical shock and concluded that even if the primary side boundary is breached, the tenacious nature of the corrosive film would result in insignificant releases to the environment. We have independently analyzed the potential consequences of a steam generator drop. We have assumed that dropping of a contaminated steam generator could rupture the reactor coolant side boundary, thus exposing the contaminated reactor coolant side surfaces. It is expected that most of the activity on the reactor coolant side is tightly bound to the piping This is evident by the fact that the activity was not removed surfaces. by the high velocity reactor system flowrates during operation. Radioactivity which may become loosened due to the drop will mostly be deposited on the large surface areas inside the steam generator lower plenum because there will be little air movement between the steam generator internal air spaces and the outside atmosphere. Consequently, we have conservatively assumed that 0.1 percent of the activity in the steam generator becomes airborne and is released to the atmosphere. The resultant dose to the critical organ of an individual at the site boundary is 0.02 rem to the The assumptions used in the calculation and the results are given lung. in Table 3.4-1.

#### 3.5 Special License Conditions

During the repair program the following temporary license conditions will be imposed:

- (1) All fuel shall be removed from the reactor pressure vessel and stored in the spent fuel pool.
- (2) The health physics program and procedures which have been established for the steam generator repair program shall be implemented.
- (3) Progress reports shall be provided at 60 day intervals from the start of the repair program and due 30 days after close of the interval with a final report provided within 60 days after completion of the repair. These reports will include:
  - (i) A summary of the occupation exposure expended to date using the format and detailed of Table 3.3-2 of the "Steam Generator Repair Report" as supplemented.
  - (ii) An evaluation of the effectiveness of dose reduction techniques as specified in Section 3.3.5 of the "Steam Generator Repair Report" as supplemented in reducing occupational exposures.

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# TABLE 3.4-1

ASSUMPTIONS USED IN CALCULA CONSEQUENCES OF STEAM G	TING RADIOLOGICAL ENERATOR DROP	
Activity in Steam Generator (Ci)*		1400
Fraction of Activity Becoming Airborne		0.001
Site Boundary $\chi/Q$ (S/m <sup>3</sup> )		5.5 $\times$ 10 <sup>-5</sup>
Lung Inhalation Dose Conversion Factor **	(mrem)	7.46 × 10-4
Breathing Rate $\left(\frac{m^3}{5}\right)$		$3 47 \times 10-4$
		5. 77 × 10 4
Radiological Consequence Steam Generator	s of Postulated Drop	
Site Boundary		0.02 rem
		•
* All activity is assumed to be Co-60.		
** From Regulatory Guide 1.109.16		
· ·		
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- (iii) An estimate of radioactivity released in both liquid and gaseous effluents.
- (iv) An estimate of the solid radioactive waste generated during the repair effort including volume and radioactive content.
- (4) Procedures shall be prepared to assure that power can be restored by manual operator actions to the fuel pool of the unit undergoing repair within eight hours.
- (5) The remedy chosen by FPL to provide the availability of the diesel fuel supply while the oil retention dike is removed from the main diesel safety tank shall be addressed and adequately demonstrated by FPL prior to initiating the construction changes affecting the dike.
- (6) Sixty days prior to fuel loading, the program for preoperational testing and startup shall be submitted for NRC review.

#### 3.6 Security

FPL has an approved Modified Security Plan<sup>14</sup> which will be implemented during the repair program to assure that the security program in effect at the Turkey Point Plant is not degraded as a result of steam generator repair program activities. We have reviewed the FPL program in light of these measures and have concluded that the program will not be degraded. We have concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) such activities will be conducted in compliance with the Commission's regulations and the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

Date:

MAY 1 4 1979

4-1

#### 5.0 REFERENCES

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- 13. Safety Evaluation by the Division of Reactor Licensing, U.S. Atomic Energy Commission, March 15, 1972.
- 14. Letter from NRC (Schwencer) to Florida Power and Light Co. (Uhrig) transmitting Amendment Nos. 44 and 36 to license nos. DPR-31 and DPR-41, approving the Modified Amended Security Plan, dated February 27, 1979.
- 15. Letter from NRC (Schwencer) to Florida Power and Light Company (Uhrig) transmitting Amendment Nos. 37 and 30 to License Nos. DPR-31 and DPR-41, approving the removal of the part length rods, dated September 21, 1978.
- 16. "Calculation of Annual Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Evaluating Compliance with 10 CFR Part 50, Appendix I," U.S. Nuclear Regulatory Commission, Regulatory Guide 1.109, October 1977.
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- "Radioactive Material Released from Nuclear Power Plants (1977),"
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5-2



Mr. Joseph Hendrie Chairman Nrc Washington, D.C. 20555

Dear Mr. Hendrie,

Please grant Mark Oncavage's petition for hearing and intervention on Florida Power and Light's Turkey Point repairs. Thank you.

Sincerely,

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And The é 000 Tana Nobles

Timothy Nobles





PETER BASHANSCI 5391 WEST 9 LN HIALEAH FL 33012



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JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS STEPHEN SCHNEIDER ESQ LAW OFFICE 1497 NORTHWEST 7 ST MIAMI FL 33125

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JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555



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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

RON GRETH 6421 SOUTHWEST 63 ST MIAMI FL 33143

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JOSEPH M HENRY CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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#### UNITED STATES OF AMERICA

#### NUCLEAR REGULATORY COMMISSION

4/24/79

# BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of: ) Florida Power and Light (Co.) (Turkey Point Nuclear ) Generating Units Nos. 3 and 4) Docket Nos. 50-250 50-251 SP (Proposed Amendments to Facility Operating License to permit Steam Generator Repairs)

Petitioner Reply to Licensee Response and NRC Staff Response



Statements in the Licensee's Response of March 30, 1979 and the NRC Staff Response of April 6, 1979 suggest that the Petitioner possesses no special training or expertise which would contribute toward developing a sound record. The Licensee Response on page 6 states:

> "As for the second factor, there is no indication that petitioner -- as a result of either training or experience -- would be able to significantly assist in the development of a sound record."

The NRC Staff Response, on page 4 states:

"Although Petitioner does not allege any facts that would suggest he is qualified by either specialized education or relevant experience to make a meaningful contribution to one or more of the contentions he seeks to have litigated, ..."

The justification for these statements is not to be found in 10 CFR Part 2. Paragraph 2.714 Intervention, states:

"Any person whose interest may be affected by a proceeding and who desires to participate as a party shall file a written petition for leave to intervene."

Any attempts to prejudice the petition by suggesting the



petitioner lacks expertise or specialized training undermines the spirit and letter of 10 CFR Part 2. The important consideration for granting an intervention must be the protection of the Petitioner's interest irrespective of any expertise the petitioner may or may not have. If the petitioner's interests have merit, then the requested intervention will contribute toward developing a sound record.

Important considerations in granting the instant petition must be given to (ii) The availability of other means whereby the petitioner's interest will be protected. And (iv) The extent to which the petitioner's interest will be represented by existing parties. The Licensee's Response fails to address either of these important considerations. If the petition is denied, there will be no public hearings to protect the petitioner's interests nor will there be any contribution made by the general public in this decision making process.

The legal standing of the petitioner is unquestionable. The petitioner resides on his own property approximately 15 miles north north west of the Turkey Point Nuclear facility. Personal health hazards will be encountered by the petitioner, his wife, and his infant son if the Licensee releases hazardous amounts airborne radioactivity during normal meteorological conditions.

The petitioner will also suffer economic losses if the real property owned by the petitioner becomes contaminated

- 2 -



with radioactivity.

The petitioner also maintains a sizeable investment of personal property in the form of a recreational sailboat. If Biscayne Bay becomes contaminated with radioactivity, the recreational activities will be eliminated and the petitioner will suffer economic losses since there will no longer be a market for recreational sailboats.

#### Conclusion

The intervention sought will complement the examination of the issues by the Atomic Safety and Licensing Board. The perspective is that of a concerned member of the South Florida Community. The intervention is warranted.

Respectfully submitted,

Unil P. Orennon

Mark P. Oncavage



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BEFORE THE AT	OMIC SAFETY	& LICENSING	BOAR		10 00 -1	$\langle $
In the matter of	)	Docket	Nos.	50-250	Contra-	
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intervene Turkey Point Nuclear	)				4	•
Generating Units <u>Nos. 3 and 4</u>	)					-

#### CERTIFICATE OF SERVICE

I, Mark P. Oncavage, hereby certify that copies of the Revision to, <u>Petitioner Reply to Licensee Response and NRC Staff Response</u>, have been served on the following by deposit in the United States mail, first class, properly stamped and addressed, this 24th day of April, 1979:

Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive Santa Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Norman Coll, Esq. Steel, Hector & Davis Southeast Bank Building Miami, Florida 33131

Harold F. Reis, Esq. Lowenstein, Newman, Reis, Axelrad & Toll 1025 connecticut Avenue, N.W. Washington, N.C. 20036 Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Comm. Washington, D.C. 20555

Atomic Safety and Licensing Appeal Board Panel U.S. Nuclear Regulatory Comm. Washington, D.C. 20555

Docketing and Service Section Office of the Secretary U.S. Nuclear Regulatory Comm. Washington, D.C. 20555

Mark P. Oncavage







51SP

April 19, 1979 231 Seminole Avenue Palm Beach, Florida 33480

Chairperson Joseph Hendrie Nuclear Regulatory Commission Washington, D. C. 20055

Dear Mr. Hendrie,

I join with other concerned citizens in the South Florida area to request that you grant Mark Oncovage's petition for hearing to intervene on Florida Power & Light's Turkey Point Repair proceedings.

It is my hope that you will consider the best interests of South Florida citizens in this matter and honor the Oncovage petition.

Thank you very much.

Sincerely, Mar Lawer

Randy Cousins





Chairperson Mendrie,

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Repairs are needed at the Torkey Point Reactors. There is the possibility of leaders. There must be a public hearing before they may procede, <u>Please</u> allow Mark Oncavage have and participate in a public hearing, to determine economic teasability, Bay contamination, public safety.

Thank you God bless

3.595 Avac Avod Ave Miami, FL 33 133





April 19, 1979 135 Seminole Avenue Palm Beach, Florida 33480

Chairperson Joseph Hendrie Nuclear Regulatory Commission Washington, D. C. 20055

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In the best interests of the people of South Florida, we urgently request that you grant Mark Oncovage's petition for hearing to intervene on Florida Power & Light's Turkey Point Repair proceedings.

We trust that you will honor our request as we join with other concerned citizens in this area in support of this petition.

Thank you very much.

Sincerely,

Scott & Chine Basto

Scott & Anne Basto (Mr. & Mrs.)



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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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MARGARET MURPHY 13301 SOUTHWEST 83 AVE MIAMI FL 33156



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JOSEPH M HENDRIE CHAIRMAN US REGULATORY COMMISSION WASHINGTON DC 20555

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

RICHARD BURNSIDE 9721 Southwest 165 ST MIAMI FL 33157

17:23 EST



## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of	) ·
FLORIDA POWER AND LIGHT COMPANY	) Docket No.(s) 50-250SP ) 50-251SP
(Turkey Point, Units 3 and 4)	)
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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 -Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this L4CD 197 day of

Office of the Secretary of the Commission



## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of	.)
FLORIDA POWER AND LIGHT COMPANY	)
(Turkey Point, Units 3 and 4)	) )

Docket No.(s) 50-250SP 50-251SP

## SERVICE LIST

)

Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive Santa Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Michael A. Bauser, Esq. Lowenstein, Newman, Reis, Axelrad and Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Mr. Mark P. Oncavage 12200 S.W. 110th Avenue Miami, Florida 33176

Norman A. Coll, Esq. Steel Hector & Davis 1400 S.E. First National Bank Building Miami, Florida 33131

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Dear Mr. Hendrie:

RE: Turkey Point Nuclear Plant

I am writing in the interest of my constituents who have contacted me regarding Mr. Mark Oncavage's petition for leave to intervene in the proposed repairs at Florida Power and Light's Turkey Point nuclear power plant.

It has been brought to my attention that the licensee's letter of September 20, 1977 was not available for public inspection until nearly 13 months after the deadline for filing a petition. Needless to say, this fact restricted the filing of a timely request for hearing.

Enclosed are copies of correspondence I received which should give you immediate insight into this situation.

I would greatly appreciate your looking into this situation and I look forward to hearing from you as soon as possible.

With best wishes, I am

Sincerely, WILLIAM LEHMAN

Member of Congress

WL/pkt

Enclosure





PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REFAIRS DAVE SHEKHAN 1881 NORTHWEST 171 ST CPA LOCKA FL 33054

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April 15:, 1979 303 Pine St. West Falm Seach Fl. 33407

Dear Mr. Hendrie, Massill 50-250-251SP I am writing to request that you Grant Mark Oncavage's petition for the hearing to intervene on FPL Turkey Point repair proceedings. Thankyou. A Concerned Citizen, Rita S. Gates





DONALD GILDEMEISTER 10325 SOUTHWEST 42 TERRACE MIAMI FL 33165



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JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGA'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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THE NUCLEAR REGULARTORY COMMISSION ATTN JOSEPH M HENDRIE, CHAIRMAN WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of	)
FLORIDA POWER AND LIGET COMPANY	) Docket No.(s) 50-250SP ) 50-251SP
(Turkey Point, Units 3 and 4)	· · · · · · · · · · · · · · · · · · ·
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I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in 'accordance with the requirements of Section 2.712 of 10 CFR Part 2 -Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this \_day of <u>May</u> 197<u>9</u>.

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. + LAR Lehman dtd 4/20/179 7- LARS requesting granting of Oncavage's petition

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## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter	OI
FLORIDA POWER	AND LIGHT COMPANY
(Turkey, Point,	Units 3 and 4)

Docket No.(s) 50-250SP 50-251SP

## SERVICE LIST

Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive . Santa Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Michael A. Bauser, Esq. Lowenstein, Newman, Reis, Axelrad and Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Mr. Mark P. Oncavage 12200 S.W. 110th Avenue Miami, Florida 33176

Norman A. Coll, Esq. Steel Hector & Davis 1400 S.E. First National Bank Building Miami, Florida 33131

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DOCKET KUMBER 50:-250-251 SP

April 19, 1979 231 Seminole Avenue Palm Beach, Florida 33480

Chairperson Joseph Hendrie Nuclear Regulatory Commission Washington, D. C. 20055

Dear Mr. Hendrie,

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It is my hope that you will consider the best interests of South Florida citizens in this matter and honor the Oncovage petition.

Thank you very much.

Sincerely 1.14+2

Randy Cousins





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Thank you God bless

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Miami, FL 33133





April 19, 1979 135 Seminole Avenue Palm Beach, Florida 33480

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Thank you very much.

Sincerely,

Scott & Came Basto

Scott & Anne Basto (Mr. & Mrs.)





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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND. INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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JOSEPH M HENDRIE CHAIRMAN US REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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JOSEPH M HENDRIE CHAIRMAN US REGULATORY COMMISSION WASHINGTON DC 20555

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

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RICHARD BURNSIDE 9721 Southwest 165 ST MIAMI FL 33157

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380,

Your letter to Chairman Hendrie on behalf of Mr. Mark Oncavage concerning repairs at the Turkey Point nuclear power station has been referred to me for response.

As indicated in Mr. Oncavage's letter, Florida Power and Light Co. is contemplating major repairs to the Turkey Point steam generator system. You should be aware that these repairs will require amendments to the utility's operating licenses for the Turkey Point reactors.

On December 13, 1977 the NRC published in the Federal Register (42 F.R. 62569) a notice of "Proposed Issuance of Amendments to Facility Operating Licenses."

The NRC staff is currently reviewing Florida Power and Light's proposals. Before approving the amendments to the licenses necessary, both a safety evaluation and an environmental impact appraisal will be prepared by the NRC staff.

The Notice of proposed amendments provided an opportunity for any person whose interest might be affected by the proceeding to file a petition for leave to intervene no later than January 13, 1978.

Mr. Oncavage's letters to NRC requesting a public hearing was more than a year late. Nevertheless, an Atomic Safety and Licensing Board (ASLB) has been appointed to review his request. It has not yet ruled. The NRC staff filed a response to Mr. Oncavage's revised . petition on April 6, 1979. A prehearing conference has been scheduled for May 2, 1979 by the ASLB.

I hope that this information is helpful in providing background with regard to Mr. Oncavage's request. We will advise you when a determination has been made by the Atomic Safety and Licensing Board.

Sincerely,

Garltón Kammerer, Director Office of Congressional Affairs



.4/18. K. Michael 3258 BIRD AVE. Coconur Grove, furida\_33133 XDSEPHHENDRIE 5-250-251 J. Cohairman US. N.R.C. WASHINGTON, D.C. 20555 APR: 10, 1979 DEAR SIR: -AS A MOTHER OF THREE CHILDREN, I AM VERY CONCERNED ABOUT THE PROXIMITY OF THAT NUCLEAR POWER PLANT AT TURKED POINT. My UNDERSTANDING is THAT SOME REPAIRS ARE BEING PLANNED WIFICH WILL RELEASE RADIO ACTIVE GASES INTO THE ENVIRONMENT. EVEN LOW LEVEL Amounts of RASIATION OVER A PERIOD of TIME CAN. CAUSE ILL'AESSES WHICH APPEAR MANY YEARS iN THE Lundre. I WANT TO KNOW WHAT IS GOING ON AT TURKEY Point Hopefully, MARK ONCAVAGE WILL BE ABLE TO MONITUR THEFPL HEARINGS AS A PUBLIC OBSERVER. PLEASE LET MARK PARTICIPATE Sidcerely, K. Michael

8**9**17 S.W. 149 Terr. Nuclear Regulatory Comm MAMI, FT. 33157 Mr. Joseph Herdri april 11,1979 Chairman Washington, D.C. DIAMET RUMASER 20555 Dear Mr. Hendry: I am a concerned citizen and I ask that you grant Mark Oncavage's petition for hearing and intervention on Florida Yourerand Light's Tückei Plant Point repairs It is only fair that the other side of the coin be heard and seen. Sincerely yours Uida C. Davia A-C-DARIAS Acknowledged by card
## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of )	
FLORIDA POWER AND LIGET COMPANY )	Docket No.(s) 50-250SP 50-251SP
(Turkey Point, Units 3 and 4)	
· · · · · · · · · · · · · · · · · · ·	

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 -Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this day of UPRik 1979. gch

Office of the Secretary of the Commission



### UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the l	arter	OL			
FLORIDA	POWER	AND	LIGH	T CO	PANY
(Turkey	Point,	Uni	ts 3	and	4)

Docket No.(s) 50-250SP 50-251SP

#### SERVICE LIST

Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive · Santa Fe, New Mexico 87501

Dr. Oscar E. Paris Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Michael A. Bauser, Esq. Lowenstein, Newman, 'Reis, Axelrad and Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Mr. Mark P. Oncavage 12200 S.W. 110th Avenue Miami, Florida 33176

Norman A. Coll, Esq. Steel Hector & Davis 1400 S.E. First National Bank Building Miami, Florida 33131



- 41459 4.-- S:+ OUCTER RUNASS ECO, A MIL DOCKETED USNRC NRG 3HDA AER 1/6 1979 5 WU -INFOMASTER Critics of the TEX YU WSH 069 - 1 TWX 7108240415 NRC BHDA WAD228(1530) 64-06291151012PD 04/11/79 1530-SPL069 ICS IPMATZZ CSP 3054470157 POM TOMT MIAMI FL 14 04-11 0330P 55T \* PMS HONORABLE JOSEPH M HENDRY CHAIRMAN -US NUCLEAR REGULATORY COMMISSION .WASHINGTON DC 20555 . PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS NANCY FISHBACK 3379 SOUTHWEST 26 ST MIAMI FL 33133 0652 FST -NRC BHDA

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JOSEPH M HENDRIE, CHAIRMAN U S NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS.

NORMA WATKINS

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JOSEPH HENDRIE UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FP&L'S TURKEY POINT REPAIRS

APRILE HAWKINS 8475-CORAL WAY MIAMI FLORIDA 33155

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JOSEPH M HENDRY CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS FRANCIS AND ADELE BOLISH 12325 SOUTHWEST 261 TERRACE HOMESTEAD FL 33032

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HONORABLE JOSEPH M HENDRY CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON . FPL'S TURKEY POINT REPAIRS

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JOSEPH M HENDRIE, CHAIRMAN U, S NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPLIS TURKEY POINT REPAIR

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JOSEPH M HENDRIE CHAIRMAN U.S. NUCLEAR REGULATORY-COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

ALICE LINGSWILER 10335 SOUTHWEST 42 ST MIAMI FL 33165

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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BRIAN HILL 18300 SOUTHWEST 112 CT MIAMI FL 33157

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FIL'S TURKEY POINT REPAIRS

CARLOS CORDINI 3981 KUMQUAT AVE COCONUT GROVE FL 33133

1215 EST

NRC BHDA



### UNITED STATES OF AMERICA NUCLEAR REGULATORY. COMMISSION.

In the Matter of	
FLORIDA POWER AND LIGHT COMPANY	) Docket No.(s) 50-250SP ) 50-251SP
(Turkey Point, Units 3 and 4)	)
· · · -	<b>)</b>
• • • •	

### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s)  $\times$  upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this 1 di 1979 day of

Office of the Secretary of the Compission

\* 9- Mailgrand

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### UNITED STATES OF AMERICA • NUCLEAR REGULATORY COMMISSION

In the M	latter	of	-			
FLORIDA	POWER	AND	LIGHI	CO	(PANY	
(Turkey	Point,	Uni	lts 3	and	4)	

Docket No.(s) 50-250SP 50-251SP

#### SERVICE LIST

Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive Santa Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Michael A. Bauser, Esq. Lowenstein, Newman, Reis, Axelrad and Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Mr. Mark P. Oncavage 12200 S.W. 110th Avenue Miami, Florida 33176

Norman A. Coll, Esq. Steel Hector & Davis 1400 S.E. First National Bank Building Miami, Florida 33131

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WILLIAM LEHMAN

COMMITTES

SUBCOMMITTEE ON FOREIGN OPERATIONS SUBCOMMITTEE ON TRANSPORTATION Congress of the United States House of Representatives Washington, D.C. 20515

April 12, 1979

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WASHINGTON OFFICE 2440 RAYBURN HOUSE OFFICE BUILDING WASHINGTON, D.C. 20515 (202) 225-4211

DISTRICT OFFICEI 2020 NE. 1630 STREET NORTH MIAMI BEACH, FLORIDA 33162 (303) 945-7518

PLEASE REPLY TO DISTRICT OFFICE



PROD & USU JAC 50-250 251 SP

The Honorable Joseph M. Hendrie Chairman Nuclear Regulatory Commission Washington, D.C. 20555

Dear Mr. Hendrie:

## RE: Michael Purcell

The attached communication from our constituent, Mr. Michael Purcell, is sent for your consideration.

I would very much appreciate your looking into the situation described by our constituent and advising me of your action in this case.

Thank you for your cooperation and assistance in this matter.

With best wishes, I am

Sincerely,

WILLIAM LEHMAN Member of Congress

WL/pkt

Enclosure



3058588140 POM TOMT MIAMI FL 14 04-05 1102A ESTPONA PMS THE HUNURABLE WILLIAM LEHMAN

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MACHINEION OFFICE

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS MICHAEL PURCELL 451 NORTHEAST 88TH ST MAIMI FL 33138

11:02 EST



## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of	~
FLORIDA POWER AND LIGET COMPANY	)
(Turkey Point, Units 3 and 4)	>
•	Š
•	,

Docket No.(s) 50-250SP 50-251SP

# CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in .accordance with the requirements of Section 2.712 of 10 CFR Part 2 -Rules of Practice; of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this 4 Ch 1979 day of . M. A.M.

ILL ILC

office of the Secretary of the Commission



### UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the i		01
FLORIDA	POWER	AND LIGHT COMPANY
(Turkey	Point,	, Units 3 and 4)

Docket No.(s) 50-250SP 50-251SP

#### SERVICE LIST

Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive . Santa Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Michael A. Bauser, Esq. Lowenstein, Newman, Reis, Axelrad and Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Mr. Mark P. Oncavage 12200 S.W. 110th Avenue Miami, Florida 33176

Norman A. Coll, Esq. Steel Hector & Davis 1400 S.E. First National Bank Building Miami, Florida 33131





SOUTHEAST FIRST NATIONAL BANK BUILDING

MIAMT, FLORIDA 33131

WILLIAM C. STEEL LOUIS J, HECTOR DARREY A. DAVIS DWIGHT SULLIVAN WILLIAM B. KILLIAM ERNEST J, HEWETT JERRY B. CROCKETT WILSON SMITH TALBOT D'ALEMBERTE JAMES H. SWEENT, T JOHN EDWARD SNITH NORMAN A.COLL THOS. C.CAPPS SHEPARD KING MATTHEW. H. CHILDS BARRY R. DAVIDSON NOEL M. NATION BRUCE S. RUSSELL ALVIN B. DAVIS JOSEPH P. KLOCK, JR. RICHARD C. SMITH THOMAS R. MEGUIGAN DENNIS ALARUSSA PATRICIA A. SCIIZ PAUL J. BONAVIA JUDITH M. KORCHIN JOHN M. BARKETT ROBERT J. IRVIN JEFFREY L MULLENS VANCE E. SALTER DONALD M. MIDDLEBROOKS MENRY J.WHELCHEL GERRY.S. GIBSON BRIAN A.MART RICHARD J. LAMPEN JOSE L. ASTIGARRAGA DEAN C.COLSON KATHLEEN F. PATTERSON JEFFREY S. BERCOW

April 9, 1979



WILL M. PRESTON OF COUNSEL TELEPHONE (305) 577-2800

TELEX 51-5758

DIRECT DIAL NUMBER

Steven C. Goldberg, Esquire United States Nuclear Regulatory Commission Office of the Executive Legal Director Washington, D. C. 20555

> Re: In the Matter of: FLORIDA POWER & LIGHT COMPANY - Turkey Point Nuclear Generating Units Nos. 3 and 4 - Docket Nos. 50-250 and 50-251

Dear Mr. Goldberg:

NAC/sm

On March 8, 1979, we filed a Notice of Appearance as co-counsel for the Licensee and a copy was served on you.

My co-counsel, Harold Reis, has provided me with a copy of the "NRC Staff Response to Revised Petition for Leave to Intervene Filed by Mark P. Oncavage" served by you April 6, 1979 which indicates that we were not included on your service list.

I would appreciate very much if you would amend your service list to indicate that we are co-counsel so that we can receive, simultaneously, copies of any other pleadings filed by the Staff.

Thanks very much.

Very truly yours, Norman A. Coll NORMAN A. COLL

CC: E. S. Bowers, Dr. D. B. Hall, Dr. Oscar H. Paris, Atomic Safety & Licensing Board Panel, Atomic Safety & Licensing Appeal Board Panel, Docketing & Service Section, H. F. Reis, Esq., Mark P. Oncavage



NRC. Central

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

4/6/79

#### BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	) Docket Nos. 50-250
FLORIDA POWER AND LIGHT COMPANY	) 50-251 ) (Proposed Amendments to Facility
(Turkey Point Nuclear Generating Unit Nos. 3 and 4)	) Operating Licenses to Permit ) Steam Generator Repair)

#### NRC STAFF RESPONSE TO REVISED PETITION FOR LEAVE TO INTERVENE FILED BY MARK P. ONCAVAGE

On March 19, 1979, Mark P. Oncavage (Petitioner) filed a revision to his February 9, 1979 petition for leave to intervene in this matter (Revised Petition). The initial intervention petition was submitted nearly thirteen months after the expiration of the thirty-day intervention period established in the Nuclear Regulatory Commission's notice of the proposed instant action (Notice) published in the <u>Federal Register</u> on December 13, 1977 (42 <u>Fed. Reg</u>. 62569).

In its response to the initial petition, the NRC Staff expressed the opinion that Petitioner had failed to show good cause for his untimeliness and had further failed to address the remaining factors identified in 10 C.F.R. \$2.714(a) required to be considered in connection with nontimely intervention  $\frac{1}{1}$  The revised petition contains a discussion of each of these

1/ These factors are:

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- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.


factors, a statement of Petitioner's interest in the proceeding and a list of "issues" (contentions) sought to be litigated as further required by §2.714. For the reasons set forth below, the NRC Staff continues to believe that the revised petition does not present an adequate justification for untimely intervention under the applicable requirements.

# Timeliness

With regard to the first factor, good cause for untimely filing, Petitioner renews the claim made in his initial petition that the September 20, 1977 license amendment application, and accompanying material, were not available at the NRC local public document room identified in the Notice until January 22, 1979. Significantly, however, Petitioner makes no representation that he attempted to locate the subject materials at the local library or otherwise sought to obtain such documents in a timely manner. In short, assuming <u>arguendo</u> that Petitioner's factual premise is correct, there is still no suggestion of prejudice to Petitioner arising from the unavailability of the letter.

It bears mentioning that the establishment and maintenance of a local PDR is done as a matter of public convenience and is not a regulatory requirement. Since both the initial and revised petition reveal a familiarity with the Notice

- 2 -



and its terms, Petitioner should have sought to obtain the relevant documents from the alternative sources identified therein rather than wait well over one year to acquire access to them at the local PDR, if he deemed them essential to preparing a petition to intervene.

Petitioner cites four other "factors" which he suggests complement his showing of good cause. Each of these "factors" involve information generated on the proposed amendment after the expiration of the timely intervention period. The generation of information is an ongoing process in the review of any proposed action. The existence of such information does not provide a basis for filing a petition in an untimely manner though arguably, under appropriate circumstances, could serve as a basis for seeking to amend a properly filed petition. Indeed, the regulatory scheme contemplates that information developed during the Staff review of a licensing proposal is exactly the type of material which becomes available on discovery to the timely intervenor. Accordingly, it must be concluded that Petitioner has failed to show good cause for his untimely filing.

As the Staff observed in response to the initial petition, when a late petitioner fails to furnish a good excuse for his untimeliness, he must shoulder a heavier burden with respect to the other factors than would otherwise be the case. Petitioner has not met this burden.

2/ USERDA (Clinch River Breeder Reactor Plant), ALAB-354, 4 NRC 383 (1976); Virginia Electric and Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-289, 2 NRC 395, 398 (1975).

- 3 -



With regard to the second of the specified factors, it appears from the concerns evidenced in the petition, relating to environmental impacts and radiological safety and health, that Petitioner's interests would not be protected outside of this proceeding.

With regard to the third factor, in an analagous context, the Appeal Board has indicated that, in deciding whether to allow participation in a proceeding to a petitioner lacking standing to intervene as a matter of right, foremost consideration should be given to whether his participation would likely make a valuable contribution to the Commission's decisional process. Although Petitioner does not allege any facts that would suggest he is qualified by either specialized education or relevant experience to make a meaningful contribution to one or more of the contentions he seeks to have litigated, he does assert that he anticipates offering expert witnesses on his behalf. This claim standing alone does not enable the Staff to properly assess whether Petitioner's participation would be of assistance in the development of a sound record. Were the petitioner to identify the names and qualifications of his proposed experts and those contentions which they could address, the Staff would be better able to make this assessment and to determine whether an adequate justification for accepting Petitioner's late-filed petition

- 3/ See Public Service Co. of Oklahoma (Black Fox Station, Units 1 and 2), ALAB-397, 5 NRC 1143 (1977); Virginia Electric and Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-363, 4 NRC 631, 633 (1976).
- 4/ Cf. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-413, 5 NRC 1418 (1977).

- 4 -



possibly existed. Accordingly, the Staff believes that Petitioner should identify the names and professional qualifications of the expert witnesses he proposes to introduce in support of his direct case and further to identify the contentions advanced in his revised petition which will be supported by expert testimony on or before the scheduled prehearing conference. Until such time, the Staff is unable to properly assess the weight to be accorded this factor.

With respect to the fourth factor, the petitioner offers no explanation of why his asserted interest, as well as that of the general public, will not be effectively represented by the NRC which is charged with the statutory responsibility for ensuring that nuclear generating plants are operated and maintained in such a manner as to protect environmental quality and assure public health and safety. At the same time, while the Staff's mandate is to protect the interested public at large in connection with NRC licensing proceedings, it recognizes that there is room for the advancement of individualized interests in these proceedings. Accordingly, the Staff finds that consideration of this factor weighs in favor of Petitioner.

With respect to the fifth factor, since a hearing would not be held in this proceeding absent the acceptance of the petitioner's petition, his intervention will, therefore, result in the institution of a hearing in this proceeding.

- 5 -



Given the advanced stage of the Staff's review of the license amendment application, the commencement of an evidentiary hearing has the real potential for considerable delay in this proceeding. Thus, under the circumstances of this proceeding, Petitioner's participation with the attendant likelihood of delaying the decision is a particularly weighty consideration. <u>Cf. Nuclear</u> <u>Fuel Services</u> (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273, 276 (1975).

## **Interest and Contentions**

As further required by 10 C.F.R. §2.714(a) and (b), respectively, and applicable case law, a petition must contain a showing of petitioner's interest in the proceeding and at least one adequately pleaded contention which petitioner seeks to have litigated in the matter. In the judgment of the Staff, Petitioner has at least minimally satisfied these twin requirements.  $\frac{5}{}$ Petitioner's residence and considerable recreational activity in close proximity (within 15 miles) to the plant and expressed concern over the

5/ Cf. Virginia Electric Power Co. (North Anna Nuclear Power Station, Units I and 2), ALAB-522, 8 NRC , slip op. at 3 (January 22, 1979); Gulf States Utilities Co. (River Bend Station, Units 1 and 2), ALAB-183, 7 AEC 222, 223-24 (1974).

6/ Cf. Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 1 and 2), CLI-73-10, 6 AEC 173 (1973).

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possibility of radiological releases due to the proposed action present  $\frac{7}{2}$  a cognizable interest in the proceeding.

On the matter of contentions, the Staff believes that Petitioner's first "issue", regarding radiological monitoring plans, presents the basis for an acceptable contention so as to minimally satisfy the contention requirement of 10 C.F.R. §2.714(b).

# .. Conclusion

Upon balancing the foregoing considerations, the Staff concludes that the petition, as revised, fails to present an adequate showing on the pertinent requirements of 10 C.F.R. §2.714 governing nontimely filings and should be denied.

Respectfully submitted,

then Addilly

Steven C. Goldberg. Counsel for NRC Staff

Dated at Bethesda, Maryland this 6th day of April, 1979.

77 Petitioner also evinces a concern over the "economic feasibility" of the proposed action as an electric consumer and member of the "South Florida economic community." Revised petition at 3-4. The actual economic interest advanced is vague and unarticulated. If the economic harm contemplated is that which stems from Petitioner's status as a ratepayer or taxpayer, such an interest is inadequate to confer standing under the Atomic Energy Act. Kansas Gas & Electric Co. et al. (Wolf Creek Generating Station, Unit 1), ALAB-424, 6 NRC 122, 128 (1977); Tennessee Valley Authority (Watts Bar Nuclear Generating Station, Unit 1), ALAB-413, 5 NRC 1418, 1420-1421 (1977). Moreover, alleged financial harm does not fall within the zone of interests to be protected by the National Environmental Policy Act unless it is shown to be "environmentally related, i.e., if it will or may be occasioned by the impact that the Federal action under consideration would or might have upon the environment." Id. at 1421.



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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

#### BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

FLORIDA POWER AND LIGHT COMPANY

(Turkey Point Nuclear Generating Unit Nos. 3 and 4) Docket Nos. 50-250 50-251

(Proposed Amendments to Facility Operating Licenses to Permit Steam Generator Repair)

## CERTIFICATE OF SERVICE.

I hereby certify that copies of "NRC STAFF RESPONSE TO REVISED PETITION FOR LEAVE TO INTERVENE FILED BY MARK P. ONCAVAGE", in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 6th day of April, 1979:

 \* Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive Santa Fe, New Mexico 87501

\* Dr. Oscar H. Paris Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Mr. Mark P. Oncavage 12200 S. W. 110th Avenue Miami, Florida 33176

Harold F. Reis, Esq. Lowenstein, Newman, Reis, Axelrad & Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

- \* Atomic Safety and Licensing Board Panel
  U.S. Nuclear Regulatory Commission Washington, D.C. 20555
- \* Atomic Safety and Licensing Appeal Board Panel
  U.S. Nuclear Regulatory Commission Washington, D.C. 20555
- \* Docketing and Service Section Office of the Secretary U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Steven C. Goldberg

Counsel for NRC Staff





- 20-250,251 SP

NRC BHDA

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PMS JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION

WASHINGTON DC 20555

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PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

BRIAN'LOGAN CHAIRMAN OF SIERRA CLUB MIAMI FL

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NRC BHDA



MAILGRAM SERVICE CENTER MIDDLETOWN, VA. 2545



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JOSEPH M HENRIE HONE CUIL MOSO - 250,251 SP

CHAIRMAN US NUCLEAR REGULATORY COMMISSION WASHINGTON DC 20555

PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

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PMS JOSEPH M HENDRIE CHAIRMAN US NUCLEAR REGULATORY COMMISSION

250,751 SP

WASHINGTON DC.20555 PLEASE GRANT MARK ONCAVAGE'S PETITION FOR HEARING AND INTERVENTION ON FPL'S TURKEY POINT REPAIRS

BRIAN LOGAN CHAIRMAN OF SJERRA CLUB MIAMI FL

1549 EST

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## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## Before the Atomic Safety and Licensing Board

In the Matter of FLORIDA POWER & LIGHT COMPANY (Turkey Point Nuclear Generating Units 3 and 4)

Docket Nos. 50-250-SP 50-251-SP (Proposed Amendments to Facility Operating License to Permit Steam Generator Repairs)

## ORDER RELATIVE TO A PREHEARING CONFERENCE

On March 5, 1979, an Atomic Safety and Licensing Board was established to rule on the petition of Mark P. Oncavage to intervene in this proceeding. (44 FR 12120) In a recent conference call with Mr. Oncavage, Applicant and Staff, it was agreed that a prehearing conference would be held May 2, 1979.

The prehearing conference will be held on that date in Plaza Rooms 1 and 2, Howard Johnson Downtowner, 200 Southeast Second Avenue, Miami, Florida. The proceeding will commence at 9:00 a.m. (local time).



The public is invited to attend. No limited appearance statements will be accepted at this proceeding.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING BOARD FOR THE REVIEW OF PETITIONS

Elizabeth S. Bowers, Chairman

Dated at Bethesda, Maryland This 5th day of April 1979.

## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of	)
FLORIDA POWER AND LIGHT COMPANY	) Docket No.(s) 50-250SE
(Turkey Point, Units 3 and 4)	)
	)

#### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s)  $\xrightarrow{\sim}$ upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 -Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this lith day of <u>April 1979</u>.

<u>Vicinin T. Churkvilly</u> Office of the Secretary of the Commission

+1- Mailgram - D. LORR dtd 4/5/19 2- " - M. Pircell dtd 4/5/19 2- Turk - B. Logan dtil 4/5/19 4 -31'5 Cader Relative to a Preheaving Conference ala 1/15/19



## UNITED STATES OF AMERICA NUCLEAR REGULATORY, COMMISSION

In the Matter of . )	
FLORIDA POWER AND LIGHT COMPANY	Docket No.(s) 50-250SP
(Turkey Point, Units 3 and 4)	50-25158

#### SERVICE LIST

Elizabeth S. Bowers, Esq., Chairman Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive Santa Fe, New Mexico 87501

\*

Dr. Oscar H. Paris Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Michael A. Bauser, Esq. Lowenstein, Newman, Reis, Axelrad and Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Mr. Mark-P. Oncavage 12200 S.W. 110th Avenue Miami, Florida 33176

Norman A. Coll, Esq. Steel Hector & Davis 1400 S.E. First National Bank Building Miami, Florida 33131



) , ,

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

#### BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of: FLORIDA POWER & LIGHT COMPANY (Turkey Point Nuclear Generating Units Nos. 3 and 4) Docket Nos. 50-250-SP 50-251-SP (Proposed Amendments to Facility Operating License to Permit Steam Generator Repairs)

LICENSEE'S ANSWER IN OPPOSITION TO "MOTION FOR THE PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES" OF MARK P. ONCAVAGE

On March 19, 1979, and pursuant to 10 CFR §2.741(a), Mark P. Oncavage (Petitioner) "pre-filed" a "Motion for the Production of Documents and Things and Entry upon Land for Inspection and Other Purposes". Under 10 CFR §2.741, however, such a discovery request may only be served by a party to the NRC proceedings on another party. Petitioner is not a party. Moreover, Petitioner has not particularized his request. For these reasons, the motion must be denied.

Respectfully submitted,

LOWENSTEIN, NEWMAN, REIS, AXELRAD & TOLL Co-Counsel for Licensee 1025 Connecticut Avenue, N. W. Washington, D. C. 20036 Telephone: (202) 862-8400

HAEL BAUSER

Date: March 30, 1979

STEEL, HECTOR & DAVIS Co-Counsel for Licensee 1400 Southeast First National Bank Building Miami, Florida 33131 Telephone: (305) 577-2863

NORMAN



UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

#### BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of: ) FLORIDA POWER & LIGHT COMPANY ) (Turkey Point Nuclear Generating ) Units Nos. 3 and 4)

Docket Nos. 50-250-SP 50-251-SP

(Proposed Amendments to Facility Operating License to Permit Steam Generator Repairs)

Ι

LICENSEE'S RESPONSE TO "PETITION FOR LEAVE TO INTERVENE REVISION" OF MARK P. ONCAVAGE

This response is filed on behalf of Florida Power & Light Company (FPL or Licensee) and addresses the third Petition filed by Mark P. Oncavage (Petitioner) with respect to FPL's repair program for the steam generators at Turkey Point Nuclear Generating Units Nos. 3 and 4 (<u>Turkey Point</u>).\*/

As set forth in responses previously filed by the NRC Staff and FPL, on March 1, and March 9, 1979, respectively, the first two requests were not filed until approximately thirteen months after the January 13, 1978 deadline for filing petitions for leave to intervene. They failed to make a showing of good cause for untimeliness or, indèed, to meet any of the other requirements of a valid petition to intervene.

For the reasons described below, the instant Petition

<sup>\*/</sup> The first request was contained in a letter to the Nuclear Regulatory Commission (NRC) from Mr. Oncavage, dated February 9, 1979. The second, almost identical, request was contained in a letter dated February 22, 1979, in which it was stated that he was "resubmitting my request in amended form" and that "I am petitioning to intervene". The instant, or third request, is dated March 18, 1979.



also fails to meet the requirements of 10 CFR §2.714. In view of the adequate opportunities extended to Mr. Oncavage to meet the requirements and the prejudice to which further proceedings would expose FPL, the Petition should be denied forthwith and without further proceedings.

II

#### TIMELINESS

Mr. Oncavage still has not explained why his request to intervene is so late. As demonstrated in the March responses to both the NRC Staff and Licensee, the untimely filing of Mr. Oncavage's initial letter requests -- of and by itself -- constituted a fatal deficiency requiring their denial. The same is true of the revised Petition.

Under §2.714(a) of the Commission's regulations:

"Non-timely filings will not be entertained absent a determination ... that the petitioner has made a substantial showing of good cause for failure to file on time ..."\_\_\_\_

The attempt in the Petition to justify lateness on the basis of the alleged absence of a letter dated September 20, 1977

- 2 -

<sup>\*/</sup> The quoted language is from 10 CFR §2.714 as in effect prior to its recent amendment, since "[T]he adequacy of ... petitions should: be judged by the rules in effect at the time the notice appeared in the Federal Register." Northern States Power Co. (Monticello Nuclear Generating Plant, Unit 1) CLI-72-31, 5 AEC 25 n.1 (1972) [hereinafter Monticello]. However, because -- with respect to lateness -- the amendment "codifies the Commission's decision" in Nuclear Fuel Services, Inc. (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273, 275 (1975) (see 43 Fed. Reg. 17,798, 17,799 (1978)), the legal factors pertinent to evaluating the request as a result of its lateness are the same under either the amendment, 10 CFR §2.714(a) or the prior regulation, 10 CFR §2.714(a).



from the Local Public Document Room is without merit. There is no attempt whatsoever to show why the letter in question was necessary in order to seek a hearing; \*/ or why the requester could not have asked for it earlier, from either Licnesee or the Commission, and then sought additional time as necessary. \*\*/

These omissions are not inadvertent. It is apparent that Mr. Oncavage did not attempt to locate the subject letter until some time in January of 1979. <u>See</u> Whittier Affidavit, ¶3. Although this was pointed out in the response of FPL to his earlier filed petitions, Mr. Oncavage has continued to avoid making any explanation for that delay in the instant Petition. Having waited an entire year after the time allowed for intervention had expired before even seeking information concerning the <u>Turkey Point</u> steam

\*\*/ If Mr. Oncavage had sought to inspect the letter of September 20, 1977 in the Local Public Document Room prior to January 13, 1978, and if it had been determined at that time that the letter was not available, it is clear that the librarian would have readily obtained a copy as she in fact did in January 1979. See Whittier Affidavit, \$7.

- '3 -

<sup>\*/</sup> Of course, it was not. A copy of the letter is attached to "Licensee's Response to Untimely Request for Hearing of Mark P. Oncavage," dated March 9, 1979. In essence, it merely transmitted a copy of the steam generator repair report to the NRC Staff. It is undisputed, however, that the repair report itself -- which actually described the proposed repair program -- was received by the Local Public Document Room not later than October 4, 1977. See "Affidavit of G. D. Whittier", dated March 8, 1979, ¶4 (also attached to Licensee's March 9, 1979 pleading) [hereinafter Whittier Affidavit].



generator repair, it is disingenuous for Petitioner to now assert that the alleged unavailability of a particular letter constitutes "good cause" for not filing a timely request for a hearing.\*/

In addition to matters involving the September 20, 1977 letter, Petitioner also asserts that the availability of certain information filed in the Local Public Document Room or published elsewhere only shortly before or after the January 13, 1978 deadline for seeking intervention constitutes "good cause". <u>See</u> Petition, pp. 7-8 (unnumbered). Again, however, there is no showing how or that any of the referenced information was necessary for the timely filing of a petition. In fact, the instant Petition does not even otherwise refer to or rely on any of the cited information.

Petitioner does not claim that a lack of this information

"The September 20, 1977 letter from Florida Power and Light Company to the Nuclear Regulatory Commission was not found in the applicant correspondence file for 1977 letters"

does not, as alleged by Petitioner, directly conflict with the Staff's earlier representation that:

"We are informed by the librarian, Ms. Rene Daily, that the documents have, in fact, been in the local PDR since October 4, 1977, though probably misfiled for part of the time."

- 4 -

<sup>\*/</sup> On the fifth page of the Petition, Petitioner takes issue with the NRC Staff concerning whether or not the letter in question was, in fact, timely received by the Local Public Document Room but misfiled for a period. The matter is, of course, irrelevant. However, Licensee would note that the statement in Ms. Daily's affidavit that:


filed is "good cause" for his lateness. Instead, he is claiming only that it is "good cause for extending the time limit for filing a petition for leave to intervene by thirteen months". (Petition, p. 7.) This fails to address the provisions of 10 CFR §2.714, which requires a showing of "good cause", if any, for failure to file on time. It also challenges the NRC regulations pertaining to early notice procedure which provides an opportunity to request a hearing soon after an application is filed and before much, if any, of the NRC Staff's review has taken place. The purpose of this procedure is to provide potential intervenors with the opportunity to acquire full-party status essentially at the outset and, thus, more meaningfully participate in the administrative review process. See 37 Fed. Reg. 15,127, 15,128 (1972); Dignan, Recent Amendments and Interpretations of the AEC Rules of Practice -- A Solution to Delay? 16 At. En. L.J. 3, 5-6 (1974). To the extent Petitioner disagrees with the policy of the Commission, as embodied in its regulations, the proper forum is rulemaking and not a proceeding before this Board. See 10 CFR §2.758.

Without a valid reason for filing late, Petitioner is under a substantial burden to otherwise justify his tardiness; a burden which is substantially greater than where a latecomer has a good excuse. <u>See Nuclear Fuel Services, Inc</u>. (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273, 275 (1975). Petitioner here has failed to meet that burden in terms of (1) the availability of other means whereby the Petitioner's interest will be protected; (2) the extent to which the Petitioner's participation may rea-

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sonably be expected to assist in developing a sound record; (3) the extent to which the requester's interest will be represented by existing parties, and; (4) the extent to which the Petitioner's participation will broaden the issues or delay the proceeding. 10 CFR §2.714(a).

As discussed below, Petitioner has identified no legal interest in the proceeding and has failed to specify a single valid contention. Accordingly, the first and third of the above numbered factors are inapplicable. However, the NRC Staff review has included consideration of matters identified by Petitioner as "concerns", such as the release of radioactive materials and the costs associated with the proposed repair; and there is no reason to believe that the attention these matters have received has been inadequate.

As for the second factor, there is no indication that Petitioner -- as a result of either training or experience -- would be able to significantly assist in the development of a sound record. The statements made concerning the area in which Petitioner resides and the availability of unnamed legal counsel and expert witnesses with unidentified areas of expertise could likely be made by many -- if not most -- of the residents of South Florida. Certainly the instant Petition contains no indication that Petitioner possesses or has had available to him special knowledge or expertise. There is no reason to believe that the aid of Petitioner will be of any value in developing a "sound record".

- 6 -



Insofar as the last factor -- the extent to which the Petitioner's participation would broaden the issues or delay the proceeding -- there can be no doubt that a hearing will impede Commission action on the amendment request. Such a result is particularly unacceptable here due to the prejudice which would accrue to Licensee. As explained in its March 9, 1979 response, FPL considers it essential to be in a position to make the repairs at the earliest possible date. It is now expected that completion of the NRC Staff's licensing review and shipment of the required components will make it possible to begin the repairs, if required, in June 1979. Initiating a hearing at this late date will disrupt careful planning and considerable effort and could deny Licensee the ability to commence repairs without delay. Any such delay would result in increased costs to Licensee and the potential for decreased system reliability.

#### STANDING

In order to have standing to intervene as a matter of right in domestic NRC proceedings, petitioners are required to allege both:

- (1) some injury in fact that has occurred or will probably result from the action involved to the person asserting it; and
- (2) an interest "arguably within the zone of interests" protected by the statute in question.

Portland General Electric Co. (Pebble Springs Nuclear Plant, Units

- 7 -



1 and 2), CLI-76-27, 4 NRC 610, 613 (1976). No such facts are presented here.

Insofar as the release of "radioactive airborne particulates" and "radioactive liquid releases" (Petition, pp. 1-3 (unnumbered)) is concerned, not only is the particularity required by 10 CFR §2,714(a) lacking, but any injury to either Petitioner from the former or recreational areas from the latter is purely speculative and, thus, insufficient to confer standing. <u>See Exxon</u> <u>Nuclear Co., Inc</u>. (Nuclear Fuel Recovery and Recycling Center), LBP-77-59, 6 NRC 518, 519-520 (1977). Indeed, such injury is not even alleged.

Petitioner also suggests that he has legal standing due to his status as "a consumer of the electricity that is produced by Florida Power and Light Co., and a member of the South Florida economic community". Petition, pp. 3-4 (unnumbered). The short answer is that such status involves a purely economic matter and is not within the zone of interests which may be addressed in an NRC proceeding. <u>See</u>, <u>e.g.</u>, <u>Tennessee Valley Authority</u> (Watts Bar Nuclear Plant, Units 1 and 2), ALAB-292, 2 NRC 631, 638-41 (1975).

In sum, Petitioner has failed to demonstrate sufficient legal interest to support standing. For this reason, too, inter-vention should be denied. $\frac{*}{}$ 

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<sup>\*/</sup> Neither is a discretionary grant of intervention appropriate, for the reasons stated on pages eight and nine of Licensee's March 9, 1979 Response.



## CONTENTIONS

Although not denominated as such, the statement of "issues" on the last two pages of the Petition appears to represent an attempt to specify contentions. All are inadequate, however, and should be rejected.

The matters presented are not contentions at all. Nothing is actually contended. The four paragraphs under the statement of "issues" are only requests for factual information about proposed monitoring procedures, anticipated total releases, containment and decontamination procedures, and comparative economic costs. These general expressions of concern are not sufficient to constitute contentions.

Moreover, these general subjects have been addressed in the Steam Generator Repair Report and its various revisions. <u>See</u>, <u>e.g.</u>, Steam Generator Repair Report, §3.3.3; Questions 33, 34, 35 and 41, App. A; Question 1, App. B (control of airborne radioactivity and surface contamination); §3.3.4 (supplemental personnel monitoring requirements); Questions 30, 32, App. Å; Question 6, App. D (liquid releases); §6.5 (radiological monitoring). Nothing in the Petition suggests that the Petitioner takes issue with any statement contained in that document with respect to the issues referred to in the Petition. Clearly, Petitioner has no legal right to demand, and it is not necessary to convene, a public hearing to respond to such requests for information by a member of the public.

### CONCLUSION

Licensee respectfully submits that the Petition must be



denied without further proceedings. Petitioner is aware of the requirements of 10 CFR §2.714 and has had ample opportunity to amend to meet those requirements. His failure to do so demon-strates that he does not meet them.

It is uncontradicted that Petitioner has failed to assert any facts to show good cause for his failure to file on time. Such facts do not exist. Petitioner made no effort to file a timely petition; nothing prevented him from doing so. What allegedly occurred at that time, in January of 1979, <u>i.e.</u>, the inability to locate a letter in the Public Document Room (the contents of which in no way are utilized in the Petition) does not constitute legal good cause for his failure to file a timely petition. Similarly, what allegedly occurred prior to or after his visit to the Public Document Room in January 1979, <u>i.e.</u>, the filing of other material there or the publication of a report elsewhere (the contents of which also are not utilized in the Petition) does not constitute legal good cause for his failure to file a timely petition.

Having no valid reason for filing late is the most glaring defect in the Petition, but it is not the only one. Petitioner also fails to show how or that the Petition should be granted by balancing the other four factors, now codified in 10 CFR §2.714 (a) (1) (ii-iv). The omission is not inadvertent. Such facts do not exist.

Similarly, Petitioner fails to allege facts to demonstrate that, even if his Petition was not untimely, he would have legal standing, as a matter of right, or discretion, to intervene and

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demand a hearing. His "concerns", to the extent they are identified or particularized in the "Petition" are not sufficient to demonstrate injury in fact or a legal interest arguably within the zone of interests to be protected.

Moreover, despite the conclusion that "The Petitioner's concerns can be best addressed in the hearings that grant or deny the charter amendments to the licensee" (Petition, p. 9), Petitioner has failed to specify any aspect of his "concerns" which amount to a contention to be litigated. The "issues" as framed in the Petition are simply requests for factual information which can be obtained by Petitioner from material on file in the Public Document Room or by inquiry to the NRC Staff or to Licensee. Petitioner has apparently elected not to review the material on file, and has made no inquiry of the NRC Staff or Licensee. Without any contention in dispute to be litigated, Petitioner is not legally entitled to demand a hearing for the purpose of obtaining such information.

Last, but not least, is the matter of prejudice to the Licensee. As noted above, and in its Response of March 9, 1979, grant of a hearing at this late date would severely prejudice Licensee. Completion of the NRC Staff review and issuance of the proposed amendments is imminent. Licensee respectfully submits that no valid factual or legal reason has been advanced by Petitioner to justify any further delay.

- 11 -



For the reasons set forth above, the Petition is without merit and must be denied.

Respectfully submitted,

LOWENSTEIN, NEWMAN, REIS, AXELRAD & TOLL Co-Counsel for Licensee 1025 Connecticut Avenue, N. W. Washington, D. C. 20036 Telephone: (202) 862-8400

Bv

Dated: <u>March</u> <u>30</u>, 1979

STEEL, HECTOR & DAVIS Co-Counsel for Licensee 1400 Southeast First National Bank Building Miami, Florida 33131 Telephone: (305) 577-2863

By ' RMAN



## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

#### BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of:	)	Docket Nos. 50-250-SP
		50-251-SP
FLORIDA POWER & LIGHT	COMPANY )	
	*	(Proposed Amendments to
(Turkey Point Nuclear	Generating)	Facility Operating License
Units Nos. 3 and 4)		to Permit Steam Generator
	)	Repairs)

#### CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that copies of the "Licensee's Response to 'Petition for Leave to Intervene Revision' of Mark P. Oncavage" and "Licensee's Answer in Opposition to 'Motion for the Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes' of Mark P. Oncavage" in the above captioned matter were served on the following by deposit in the United States mail, first class, properly stamped and addressed, this 30th day of March, 1979.

Elizabeth S. Bowers, Esquire, Chairman Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555

Dr. Dayid B. Hall 400 Circle Drive Sante Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Baord Panel U. S. Nuclear Regulatory Comission Washington, D. C. 20555

Mr. Mark P. Oncavage 12200 S. W. 110 Avenue Miami, Florida 33176

Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555



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Atomic Safety and Licensing Appeal Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555

Docketing and Service Section Office of the Secretary U. S. Nuclear Regulatory Commission Washington, D. C. 20555

Guy H. Cunningham, Esquire Steven C. Goldberg, Esquire U. S. Nuclear Regulatory Commission Office of the Executive Legal Director Washington, D. C. 20555

Harold F. Reis, Esquire Lowenstein, Newman, Reis, Axelrad & Toll 1025 Connecticut Avenue, N. W. Washington, D. C. 20036

> STEEL, HECTOR & DAVIS Co-Counsel for Licensee 1400 Southeast First National Bank Building' Miami, Florida 33131 Telephone (305) 577-2863

(original and 20 copies)

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SALAN OFFICE O	UNITED STATES NUCAR.REGULATORY COMMISSION WASHINGTON, D. C. 20555 REQUEST FOR REPORTING SERVICE Work Order No. AF- <u>126</u>
	CASE:FLORIDA POWER & LIGHT COMPANY (Turkey Point)
	Docket No.: 50-250SP, 251SP
	ADDRESS OF: PREHEARING Plaza Rooms 1 & 2, Howard Johnson Downtowner 200 Southeast Second Avenue Miami, Florida 33131
	(Contact: Margaret Romano, 305/374-3000) HEARING
	DURATION: Prehearing One day
	DATE OF: Prehearing 5-2-79 Hearing
	TIME OF: Prehearing 9:00 am
	SERVICE REQUIRED: Prehearing Schedule D
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	TIPE OF REAKING: <u>Prenearing contenence</u>
	BOARD: Chairman <u>Bowers</u> : Members <u>Hall, Paris</u>
	COPIES OF THE TRANSCRIPT MAY BE SOLD.
	DATE OF ORAL REQUEST:
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	SPECIAL INSTRUCTIONS:
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# STEEL HECTOR & DAVIS SOUTHEAST FIRST NATIONAL BANK BUILDING

MIAMI, FLORIDA 33131

#### RELATED CORRESPONDENCE

WILLIAM C.STEEL LOUIS J. HECTOR DARREY A.DAVIS DWIGHT-SULLIVAN WILLIAM B.KILLIAN ERNEST J. HEWETT JERRY B.CROCKETT WILSON.SMITH TALBOT D'ALEMBERTE JANES H.SWEENY, MI JOHN EDWARD SMITH NORMAN A.COLL THOS.C.CAPPS SHEPARD KING MATTHEW M.CHILDS SARRY R.DAVIDSON NOEL M.NATION BRUCE S.RUSSELL ALVIN B.DAVIS JOSEPH P.KLOCK, JR. RICHARD C.SMITH

THOMAS R. MEGUIGAN DENNIS A. LARUSSA PATRICIA A. SCITZ PAUL J. BONAVIA JUDITH M. KORCHIN JOHN M. BARKETT ROBERT J. IRVIN JEFFREY I. MULLENS VANCE C. SALTER DONALD M. MIODLEBROOKS HENRY J. WHELCHEL GERRY S. GIBSON BRIAN A. MART RICHARD J. LAMPEN JOSE L. ASTIGARRAGA DEAN C. COLSON KATHLEEN F. PATTERSON JEFFREY S. BERCOW



WILL M. PRESTON

TELEPHONE

(305) 577-2800

TELEX 51-5758

DIRECT DIAL NUMBER

Mr. Mark P. Oncayage 12200 S. W. 110 Ayenue Miami, Florida

> Re: Florida Power & Light Company ~ Turkey Point Nuclear Generating Units Nos. 3 and 4 -Docket Nos. 50-250, 50-251

Dear Mr. Oncavage:

I have received a copy of your letter dated March 19, 1979 addressed to the Board, the attached "Petition for Leave to Intervene - Revision", and copies of the "Affidavit of Rene Daily" and "Motion for the Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes".

As Chairman Bowers pointed out in the conference telephone call on March 22, 1979, you failed to include us in your Certificate of Service for the foregoing documents.

The Certificate of Service attached to "Licensee's Answer to Late Request for Hearing of Mark P. Oncavage" served upon you March 9, 1979 indicates that co-counsel for the Licensee, Florida Power & Light Company, include Lowenstein, Newman, Reis, Axelrad and Toll, 1025 Connecticut Avenue, N. W., Washington, D.C. 20036 and Steel, Hector & Dayis. For all future filings or correspondence, would you please include us on your service list.

In that regard, in the conference telephone call, you indicated that you would provide the Board and parties with a copy of an executed Affidavit by Ms. Daily. Would you please provide one to me also as the copy which I have received does not appear to have been signed or notarized.

# STEEL HECTOR & DAVIS

Page 2

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	Thank you yery much.			•			
		Very trul	y yours,				
		Norman A.	Coll				i l
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CC;	Elizabeth S. Bowers Dr. David B. Hall Dr. Oscar H. Paris Atomic Safety & Licensing Bo: Atomic Safety & Licensing App Docketing and Service Sectio: Guy H. Cunningham, Esquire Steven C. Goldberg, Esquire Harold F. Reis, Esquire	ard Panel peal Board n	Panel			•	· · · ·
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UNITED STATES OF AMERICAREATED CORRESPONDENCEN

# BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the matter of:	)	Docket Nos.	50-250
PETITION FOR LEAVE TO	)		50-25 L
INTERVENE	)		

AFFIDAVIT OF RENEE DAILY

STATE OF FLORIDA ) COUNTY OF DADE )



BEFORE ME personally appeared RENEE DAILY, who being first duly sworn, deposes and says:

I am employed by Florida International University and am a library technical assistant at the Environmental and Urban Affairs Library, Miami, Florida.

The September 20, 1977 letter from Florida Power and Light Company to the Nuclear Regulatory Commission was not found in the applicant correspondence file for the 1977 letters. We requested a xeroxed copy of it and received the duplicate letter January 22, 1979.

Bence Daily RENEE DATLY

SWORN TO and SUBSCRIBED before me this <u>16 A</u>day of March, 1979.

Notary Public, State of Florida

RELATED CORRESPONDENCE

Mark P. Oncavage 12200 S.W. 110 th Ave. Miami, Florida · 33176 March 27, 1979 2:3 197

Atomic safety and Licensing Board Panel

U. S. Nuclear Regulatory Commission.

Washington, D. C. 20555

Dear Members of the Board:

Please accept this clarification of the Affidavit of Ms. Renee Daily.

Very truly yours,

Mark P. Oncavage

enc: Affidavit

cc: Elizabeth S. Bowers, Chairman Dr. David B. Hall Dr. Oscar H. Paris Harold F. Reis, Esquire Norman A. Coll, Esquire Guy H. Cunninghan, Esquire Steven C. Goldberg, Esquire Atomic Safety and Licensing Board Panel Atomic Safety and Licensing Appeal Board Panel Docketing and Service Section

## UNITED STATES OF AMERICA

### NUCLEAR REGULATORY COMMISSION

### BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of: FLORIDA POWER & LIGHT COMPANY ) (Proposed Amendments to (Turkey Point Nuclear Generating Units Nos. 3 and 4) ) Permit Steam Generator Repairs)

## NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above captioned matter ... and pursuant to 10 CFR § 2.713(a), provides the following information:

Name:

Address:

Harold F. Reis

Lowenstein, Newman, Reis, Axelrad & Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Telephone:

Admissions:

(202) 862-8411

United States Court of Appeals for the District of Columbia Circuit Court of Appeals of the State of New York Supreme Court of the United States

Florida Power & Light Company

Harold F. Reis Lowenstein, Newman, Reis, Axelrad & Toll 1025 Connecticut Avenue, N.W. Washington, D.C. 20036

Name of Party:

March 9, 1979



## UNITED STATES OF AMERICA

#### NUCLEAR REGULATORY COMMISSION

#### BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of: In the Matter of: FLORIDA POWER & LIGHT COMPANY (Turkey Point Nuclear Genera-) ting Units Nos. 3 and 4) Docket Nos. 50-250-SP 50-251-SP

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the "Notice of Appearance" for Harold F. Reis in the above captioned proceeding have been served on the following by deposit in the United States mail, first class, properly stamped and addressed, this 9th day of March, 1979:

Elizabeth S. Bowers, Esquire, Chairman Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. David B. Hall 400 Circle Drive Santa Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Mr. Mark P. Oncavage 12200 S.W. 110 Avenue Miami, Florida 33176

Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D.C. 20555



Atomic Safety and Licensing Appeal Board Panel U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Docketing and Service Section Office of the Secretary U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Guy H. Cunningham, Esquire Steven C. Goldberg, Esquire U. S. Nuclear Regulatory Commission Office of the Executive Legal Director Washington, D.C. 20555

Norman A. Coll STEEL, HECTOR & DAVIS Co-Counsel for Licensee 1400 Southeast First National Bank Building Miami, Florida 33131 Telephone: (305) 577-2863

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# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

# BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of: ) FLORIDA POWER & LIGHT COMPANY ) (Turkey Point Nuclear Genera- ) ting Units Nos. 3 and 4) Docket Nos. (50-250-SP) 50-251-SP (Proposed Amendments to Facility Operating License to Permit Steam Generator Repairs)

# LICENSEE'S RESPONSE TO UNTIMELY REQUEST FOR HEARING OF MARK P. ONCAVAGE

#### INTRODUCTION

On December 13, 1977, the Nuclear Regulatory Commission (NRC) published in the Federal Register a "Notice of Proposed Issuance of Amendments to Facility Operating Licenses" concerning a repair program proposed by Florida Power & Light Company (Licensee) for the steam generators at Turkey Point Nuclear Generating Units Nos. 3 and 4 (<u>Turkey Point</u>). The notice offered an opportunity for "any person whose interest may be affected" to "file a request for a hearing in the form of a petition for leave to intervene", and established January 13, 1978 as the latest date for filing such a petition. 42 Fed. Reg. 62569.

No request for a hearing was filed on or before January 13, 1978.

More than one year later, on February 9, 1979, Mark P. Oncavage wrote a letter to the Nuclear Regulatory Commission



which requests "a full hearing" on Licensee's proposed repairs to the steam generators at Turkey Point. \*/

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On February 27, 1979, an order was entered which established this Licensing Board "to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered".

Licensee submits that the request for hearing by Mr. Oncavage should be denied because it is untimely, fails to make a substantial showing of good cause for failure to file on time, fails to comply as to form and content with basic requirements imposed by the Commission's Rules for such requests, and fails to demonstrate any facts to support his standing to intervene. Moreover, granting a request for a hearing at this late date would severely prejudice Licensee. Each of these matters is fully addressed in this response.

Licensee further submits that the petition and/or request should be dismissed forthwith by this Board upon the review of the letters of February 9, 1979 and February 22, 1979, the NRC Staff Response dated March 1, 1979, and this Response of Licensee. The Board is fully empowered to take such action pursuant to 10 CFR §§1.11, 2.717 and 2.718, and no further procedures or filings are

- 2 -

Licensee was not served by Mr. Oncavage with a copy of the letter of February 9, 1979, or with a copy of a subsequent letter from Mr. Oncavage to the NRC dated February 22, 1979, which requests that his February 9, 1979 letter "be considered a petition for leave to intervene". Both were transmitted to counsel for the Licensee March 1, 1979 by the Secretary of the Commission. The time within which this response must be filed is to be calculated from the date of service by the Office of the Secretary. 44 Fed. Reg. 4459 (1979).


required as a condition precedent to such action.\*/

# I. TIMELINESS

The February 9, 1979 request for hearing of Mark P. Oncavage is patently untimely, since it was not filed until almost thirteen (13) months after the January 13, 1978 deadline specified in the Federal Register notice. Rule 2.714 (a) in effect in 1977 provides in material part: \*\*/

> "Non-timely filings will not be entertained absent a determination ... that the petitioner has made a substantial showing of good cause for failure to file on time ...".

\*/ The only situation where this may not be so is in a proceeding relating to the issuance of a construction permit or an operating license. 10 CFR §2.751 a . That section directs that a special prehearing conference be held in such proceedings, and 10 CFR §2.714(a)(3) permits petitions to intervene to be amended fifteen days prior to the holding of that special prehearing conference, or the first prehearing conference where no special prehearing conference is held. However, neither these nor any other provisions of the regulations require that a prehearing conference be held in connection with a proceeding concerning the issuance of an amendment to an operating license. See, 10 CFR §2.752. We do not interpret footnote 3 at page 4 in the Staff's Response to suggest otherwise.

\*\*/ With respect to lateness, the provisions of 10 CFR §2.714 before its recent amendment are applicable. Northern States Power Co. (Monticello Nuclear Generating Plant, Unit 1) CLI-72-31, 5 AEC 25 (1972). (Hereinafter Monticello.) However, because that amendment "codifies the Commission's decision" in Nuclear Fuel Services, Inc. (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273, 275 (1975) (see 43 Fed. Reg. 17,798, 17,799 (1978)), the legal factors pertinent to evaluating the request as a result of its lateness are the same under either the amendment, 10 CFR §2.714(a)(1)(i) or the prior regulation, 10 CFR §2.714(a).



With respect to "good cause", the letter of February 9, 1979 only states:

"I realize this request for a hearing falls after the deadline of January 13, 1978, as taken from the Federal Register (Dec. 13, 1977, Vol. 42, No. 239, Docket Nos. 50-250 and 50-251). However, this same entry in the Federal Register directs interested parties to view Florida Power & Light Company's letter of September 20, 1977 and other material at the 'Environmental and Urban Affairs Library' at Florida International University, Miami, Florida.

Unfortunately for the residents of South Florida, the licensee's letter of September 20, 1977 arrived at the Environmental and Urban Affairs Library on January 22, 1979, approximately thirteen months after the expiration date for filing for a hearing.

I feel that the failure of the licensee to provide information at the time specified in the Federal Register constitutes 'good cause' as required by 10 · CFR art. 2.714, a, 1, i."

The letter of February 22, 1979 offers the same excuse

for the lateness of the February 9 request.

The particular language in the Federal Register notice

is:

"For further details pertinent to these matters, see the Licensee's letter dated September 20, 1977, along with other material that may be submitted by the Licensee in support of this action, all of which are or will be available for public inspection at the NRC's public document room, 1717 H Street, N. W., Washington, D. C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199."

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In his letters of February 9 and February 22, 1979, Mr. Oncavage does not state that he either (1) read the December 13, 1977 Federal Register notice prior to January 13, 1978, or (2) made any attempt to obtain the Licensee's letter of September 20, 1977, from the local NRC Public Document Room prior to January 13, 1978.

Equally significant is the fact that Mr. Oncavage does not make any attempt to show why the September 20, 1977 letter or information contained in it was necessary in order to seek a hearing, or why the requester could not have asked for the letter earlier, from either the Licensee or the Commission, and then sought additional time as necessary.\*/

If Mr. Oncavage had sought to inspect the letter of September 20, 1977 in the Local Public Document Room prior to January 13, 1978, and if it had been determined at that time that the letter was not available, it is clear that the librarian would have readily obtained a copy.\*\*/

\*\* See Affidavit of G. D. Whittier, attached as an exhibit to this Response.

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<sup>\*/</sup> A copy of the letter of September 20, 1977 is attached as an exhibit to this Response. The NRC Staff response served March 1, 1979 incorrectly states that Mr. Oncavage has asserted "... that the September 20, 1977 license amendment application, and <u>supportive material</u>, were not available for inspection ...". (Emphasis supplied). However, both the letter of February 9, 1979 and the letter of February 22, 1979 only claim that the September 20, 1977 letter was not in the Local Public Document Room. The Affidavit of G. D. Whittier, attached as an exhibit to this Response, establishes that the Local Public Document Room had timely received and on file the Notice of December 13, 1977, as well as the Steam Generator Repair Report and all subsequent Amendments.



Consequently, the letters of February 9, 1979 and February 22, 1979 fail to establish good cause for the untimely request for hearing.

Whether late intervention should be allowed is dependent upon a balancing of all of the factors set forth in 10 CFR §2.714(a).

Having failed to establish good cause for filing late, the requester here is under a substantial burden to justify his tardiness with reference to the other four factors; a burden which is considerably greater than when a latecomer has a good excuse. See, <u>Nuclear Fuel Services, Inc</u>. (West Valley Reprocessing Plant), CLI-75-4, 1 NRC 273, 275 (1975). However, the letters of February 9, 1979 and February 22, 1979 make no attempt to even address these factors.

For these reasons alone, the request should be denied.

# II. BASIC REQUIREMENTS AS TO CONTENT AND FORMAT

The letter of February 9, 1979 wholly fails to comply with the basic requirements of 10 CFR §2.714 in effect at the time the Federal Register notice was published December 13, 1977. $\star$  It is not under oath or affirmation; it is not accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the requester wishes to intervene and/or on which he bases his request for a hearing; it fails

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<sup>\*/</sup> With respect to these basic requirements, the provisions of Rule 2.714 before its recent amendment are again applicable. <u>Monticello</u>, 5 AEC 25.



to set forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene; and it fails to set forth the interest of the Petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the Petitioner, including the facts and reasons why he should be permitted to intervene, with particular reference to the factors set forth in §2.714(d) which include (1) the nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest.

For this reason also, the request should be denied.

# III. STANDING TO INTERVENE

In addition to the foregoing deficiencies, the letter of February 9, 1979 fails to contain any facts to show how or that Mr. Oncavage has standing to intervene and request a hearing, as a matter of right.

The reference in the request to public recreation areas near the plant which allegedly "would be highly susceptible to damage by liquid contaminants", or the suggestion that urban centers downwind from the plant would allegedly make "... large populations susceptible to accidental release of airborne contaminants," or that

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"... further research may prevent a tragic accident to the South Florida community" asserts no specific injury to Mr. Oncavage sufficiently particularized to give him standing to intervene as of right. <u>Portland General Electric Company</u> (Pebble Springs Nuclear Plant Units 1 and 2), CLI-76-27, 4 NRC 610, 614 (1976). Similarly, the "... request that decommissioning be studied as an economic alternative" does not come within the zone of interest protected by the Atomic Energy Act, and does not afford Mr. Oncavage standing to intervene as a matter of right. See, <u>Id</u>. at 614.

Intervention in NRC domestic licensing proceedings as a matter of discretion requires a showing that if such participation is allowed it would be likely to produce a valuable contribution to the decision-making process. <u>Virginia Electric and Power Co</u>. (North Anna Power Station, Units 1 and 2), ALAB-363, 4 NRC 631, 633 (1976); <u>accord</u>, <u>Pebble Springs</u>, <u>supra</u>, CLI-76-27, 4 NRC 631, 612, 617; <u>Nuclear Engineering Company</u> (Sheffield Waste Disposal Site, ALAB-473, 7 NRC 737 (May 3, 1978).

The Appeal Board in <u>Watts Bar</u> specifically addressed the question whether discretionary intervention should be granted where the grant would trigger a hearing and held:

"Certainly, before a hearing is triggered at the instance of one who has not alleged any cognizable personal interest in the operation of the facility, there should be cause to believe that some discernible public interest will be served by the hearing. If the petitioner is unequipped to offer anything of importance bearing upon plant operation, it is hard to see what public interest conceivably might be furthered by nonetheless commencing a hearing at his or her behest."

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Tennessee Valley Authority, (Watts Bar, Units 1 and 2), ALAB-413, 4 NRC 1418, 1422 (1977). In this case there are particularly strong reasons why discretionary intervention should not be allowed at this late date, which would serve to commence a hearing, in the absence of some clear indication that Mr. Oncavage has a substantial contribution to make cn a significant issue appropriate for consideration. The letters of February 9, 1979 and February 22, 1979 wholly fail to meet this test, and contain no indication that the requester is prepared to or would be able to contribute anything at all to the process. In fact, it would appear that Mr. Oncavage is totally unaware of the substantial review already conducted and almost completed by the NRC Staff.

# IV. DELAY

Since 1977, FPL has been developing the capability to make the proposed repair. The date of initiation of the repair will depend upon FPL's analysis of the extent of degradation of the existing steam generators, maintenance schedules and unplanned repair outages, refueling schedules, the availability of alternate oil fired generation, and other factors. -/ However, in order to maintain system reliability and flexibility of operations, FPL considers it essential to be in a position to make the repairs at the earliest possible date. As a result of close coordination with the NRC staff and work with the supplier, it is now expected that completion of the NRC licensing review and of fabrication of the required

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<sup>\*/</sup> See Affidavit of H. D. Mantz, attached as an exhibit to this Response.



components will make it possible to begin the repairs, if required, in June 1979.

Initiating a hearing at this late date will disrupt this careful planning and effort and could deny Licensee the ability to commence repairs without delay. Any such delay would result in increased costs to Licensee and the potential for decreased system reliability.

# CONCLUSION

Under these circumstances, where a petitioner fails to establish any compelling reasons why its untimely petition should be granted, especially when weighted against the delay that would probably result from a grant of intervention, and a fair reading of the petition which has been filed fails to suggest that petitioner has a valuable contribution to make to the decision making process, the petition should be denied. <u>Washington Public Power</u> <u>Supply System</u> (Nuclear Projects No. 3 and No. 5), 5 NRC 650, 655 (1977). Such a result is even more clearly compelled where, as here, the request fails to demonstrate standing to intervene.

LOWENSTEIN, NEWMAN, REIS, AXELRAD AND TOLL Co-Counsel for Licensee 1025 Connecticut Avenue, N. W. Washington, D. C. 20036 Telephone: (202) 862-8400

By

Dated: March 9, 1979

Respectfully submitted,

STEEL, HECTOR & DAVIS Co-Counsel for Licensee 1400 Southeast First National Bank Building Miami, ‡lorida 33131 Telephone: (305) 5/77-/2863

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September 20, 1977 L-77-296

Office of Nuclear Reactor Regulation Attn: Mr. Victor Stello, Director Division of Operating Reactors

U. S. Nuclear Regulatory Commission Washington, D.C. 20555

Dear Mr. Stello:

Re: Turkey Point Units 3 & 4 Docket Nos. 50-250 and 50-251 Steam Generator Repair Report

During the past two years, Florida Power & Light Company has on occasion shut down Turkey Point Unit 4, and to a lesser extent Unit 3, for steam generator inspections and tube plugging. If the total numer of steam generator tubes plugged continues to increase, it could become necessary to limit the output of the units. Accordingly, Florida Power & Light Company has determined that a loss in the generating capacity of the units may make it desirable to undertake a maintenance program to repair the Turkey Point Unit 3 and 4 steam generators.

Two alternate methods of repair are being considered: lower section replacement and in place retubing. The lower section replacement is described in some detail in the attached Steam Generator Repair Report, which is being forwarded to you for your information. In place retubing is still undergoing review. If retubing proves feasible and practical, we will supply a description of this alternative for your information.

The Turkey Point Plant Nuclear Safety Committee (PNSC) and the Florida Power & Light Company Nuclear Review Board (CNRB) have reviewed the steam generator repair described in the attached report. They have concluded that the repair of the steam generator is most appropriately classified as a repair and not an alteration or a change to the facility. However, since the repair involves minor modifications to steam generator internals to achieve state-of-the-art performance, evaluation of the modifications is required in accordance with 10 CFR 50.59. The PNSC and CNRB have concluded that these modifications are not safetyrelated, and do not involve an unreviewed safety question or a change in the facilities' Technical Specifications.



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Office of Nuclear Reactor Regulation Attn: Mr. Victor Stello, Director Division of Operating Reactors

Page Two

The PNSC and CNRB have also reviewed this repair activity, in all aspects, and have concluded that it does not involve an unreviewed safety question and that a modification of the facilities' Technical Specifications is not required. The bases for this determination are provided in the attached report which evaluates all safety related aspects of the repair effort. Thus, this repair, in accordance with the provisions of 10 CFR 50.59, does not require prior NRC approval.

It is the responsibility of Florida Power & Light Company, as the holder of operating licenses for Turkey Point Units 3 and 4, to perform those repairs which it deems necessary for the continued safe and reliable generation of electric power for its customers. Since this repair requires substantial advance planning and involves a considerable cost, it is important that the NRC make early determinations with respect to any review it believes is required in this matter. Therefore, Florida Power & Light Company requests that the Nuclear Regulatory Commission Staff inform us what prior review, if any, they will require in this matter. This determination should be made by October 15, 1977, so as not to impact the earliest date we could commence the repair which is October 15, 1978.

Very truly yours,

JA. De mastre in

Robert E. Uhrig Vice President

REU/GDW:ltm Attachment

cc: J. P. O'Reilly, Director, Region II Robert Lowenstein, Esg.



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# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

# BEFORE THE ATOMIC SAFETY & LICENSING BOARD

Docket Nos. 50-250-SP

50-251-SP

In the Matter of: FLORIDA POWER & LIGHT COMPANY (Turkey Point Nuclear Generating Units Nos. 3 and 4)

## AFFIDAVIT OF G. D. WHITTIER

STATE OF FLORIDA ) ) SS:. COUNTY OF DADE )

BEFORE ME personally appeared G. D. Whittier, who being first duly sworn, deposes and says:

1. I am employed by Florida Power & Light Company as Senior Licensing Engineer and the facts contained in this Affidavit are true and correct based upon my own personal knowledge. As part of my duties I am responsible for obtaining the licenses required by the Nuclear Regulatory Commission for the proposed steam generator repairs at Turkey Point Units 3 and 4.

2. I have reviewed a copy of a letter dated February 9, 1979 from Mark P. Oncavage to the Nuclear Regulatory Commission which states that the Licensee's letter of September 20, 1977 was not available for inspection at the Local NRC Public Document Room at the Environmental and Urban Affairs Library at Florida International University, Miami, Florida, until January 22, 1979.



3. On February 15, 1979, after I reviewed the letter, I personally visited the Local Public Document Room at the Environmental and Urban Affairs Library at Florida International University and personally spoke with the librarian there, Ms. Rene Daily. She told me that no one had visited the library and asked to see the material on file referred to in the Federal Register notice until approximately a month or so before my visit. At that time, in January 1979, she had been unable to locate a copy of the September 20, 1977 letter. She requested that a duplicate copy be sent from the NRC Public Document Room in Washington, D. C. In reponse to her request, a duplicate copy of the letter dated September 20, 1977 was received by the Local Public Document Room January 22, 1979.

4. On February 15, 1979, I located the original volume of the Steam Generator Repair Report which had been date stamped received by the Local Public Document Room October 4, 1977. This is the report which described the proposed repair program and which had been transmitted to the NRC by the letter of September 20, 1977.

5. On March 6, 1979, I visited the Local Public Document Room and located the letters of transmittal and revisions for each of the Amendments to the Steam Generator Repair Report submitted to the NRC by Florida Power & Light Company which had been date stamped received by the Local Public Document Room on the following dates:

- 2 -



Number of Revision	Transmittal Letter Date	Local Public Docu- ment Room of Letter of Transmittal & Revision
Revision l	December 20, 1977	January 3, 1978
Revision 2	March 7, 1978	March 20, 1978
Revision 3	April 25, 1978	May 11, 1978
Revision 4	June 20, 1978	July 11, 1978
Revision 5	August 4, 1978	August 18, 1978
Revision 6	January 26, 1979	February 12, 1979

6. On March 7, 1979, I visited the Local Public Document Room and located the "Notice of Proposed Issuance of Amendments to Facility Operating Licenses" published December 13, 1977 by the NRC in the Federal Register which had been date stamped received by the Local Public Document Room on January 9, 1978.

7. If a person had been unable to locate the September 20, 1977 letter referred to in the notice at the Local Public Document Room prior to January 13, 1978, the librarian could have obtained a duplicate copy as she in fact did in January 1979.

Florida at Large

Date of Receipt by

SWORN TO and SUBSCRIBED before me this  $\frac{\sqrt{7}}{2}$  day of March, 1979.

NOTAL JUBLIC STATE OF FLORIDA IN LARGE MY COMMISSION EXPIRES MARCH 27, 1992



## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

#### BEFORE THE ATOMIC SAFETY & LICENSING BOARD .

In the Matter of:	)	Docket Nos.	50-250-SP 50-251-SP
FLORIDA POWER & LIGHT COMPANY	)		
(Turkey Point Nuclear Genera- ting Units Nos. 3 and 4)	)		
-	<u>۱</u>		

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#### AFFIDAVIT OF H. D. MANTZ

STATE OF FLORIDA	)	
	) SS:	
COUNTY OF DADE	)	*

BEFORE ME personally appeared H. D. Mantz, who being first duly sworn, deposes and says:

1. I am employed by Florida Power & Light Company (FPL). As part of my duties, I am Project General Manager for the Turkey Point Steam Generator Repair Project. The facts contained in this Affidavit are true and correct based upon my own personal knowledge and official records of Florida Power & Light Company.

2. In 1976, a project management team was assembled by FPL to study the problem of steam generator tube degradation at Turkey Point and to make recommendations concerning alternatives for repairs.

3. In early 1977, the team was authorized by the Board of Directors of FPL to as quickly as possible develop the capability to perform the repairs.

4. In September 1977 FPL submitted a report to the NRC which described the proposed repair program. In December 1977 the



NRC informed FPL that it intended to formally review the repair plans and issue a license amendment upon completion of the review. Notice was published in the Federal Register on December 13, 1977. In addition to announcing the Staff's intended action, the notice also provided an opportunity for any person whose interest might be affected to request a hearing. No such request was made within the period provided.

5. From January 1978 to the present, FPL has worked closely with the NRC Staff in its review of the proposed repairs. At the present time, I understand that the NRC review is almost complete, the Staff safety evaluation is expected to be issued within a few weeks, and issuance of the proposed license amendments should follow shortly.

6. Pursuant to a written contract entered into in April of 1977 with Westinghouse Electric Corporation, the fabrication of the replacement steam generator lower assemblies is nearing completion. Three of the lower assemblies are scheduled to be shipped by the vendor in May 1979; the remaining three assemblies are scheduled for shipment in December 1979.

7. Although it was not possible to predict exactly when the repairs would be economically justifiable, or otherwise desirable, all of the planning, design, engineering, procurement, fabrication and licensing schedules were developed and adopted by FPL to provide the flexibility to allow the proposed repairs to be performed at the earliest possible date. Consequently, the



exact date of initiation of the repair program will depend upon FPL's analysis of the extent of degradation of the existing steam generators, maintenance schedules and unplanned repair outages, refueling schedules, the availability of alternate oil fired generation, and other factors. Based upon this analysis, FPL will determine the most cost-effective schedule for the repairs consistent with the continued safe and reliable generation of electric power for its customers.

8. Commencement of a public hearing at this late date could result in delay which would be directly reflected in reduced flexibility, increased costs to Licensee, and the potential for decreased system reliability. The exact amount of such increased costs would depend upon the events existing at that time. However the likelihood is that they would reach many millions of dollars. Moreover, the granting of a public hearing at this late date would cause an unreasonable and unjustifiable hardship for FPL and its customers because the hearing process could deny FPL the flexibility it has prudently and diligently sought of being able to begin the proposed repairs at the earliest opportunity when economically justifiable or otherwise desirable.

SWORN TO and SUBSCRIBED before me this 8th day of March, 1979.

Flbrida at Large 4/5/8Z My COMMISSION EXP

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# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of:

Docket Nos. 50-250-SP 50-251-SP

FLORIDA POWER & LIGHT COMPANY

(Turkey Point Nuclear Generating Units Nos. 3 and 4)

# NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney has been authorized to represent the party named below and herewith enters an appearance in the above captioned matter. In accordance with 10 CFR §2.713(a), the following information is provided:

Name:

Address:

Telephone number:

Admissions:

Name of Party:

Dated at Miami, Florida, this SA day of March, 1979 Michael A. Bauser

Lowenstein, Newman, Reis, Axelrad & Toll 1025 Connecticut Avenue, N. W. Washington, D. C. 20036

(202) 862-8400

Supreme Court of Virginia; United States Court of Appeals for the District of Columbia Circuit

Florida Power & Light Company (Licensee)

LOWENSTEIN, NEWMAN, REIS, AXELRAD & TOLL Co-counsel for Licensee 1025 Connecticut Avenue, N. W. Washington, D. C. 20036 Telephone: (202) 862-8400



# UNITED STATES OF AMERICA

# NUCLEAR REGULATORY COMMISSION

# BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of:	)	Docket Nos. 50-250, 50-251
FLORIDA POWER & LIGHT COMPANY	)	(Proposed Amendments to Facility
(Turkey Point Nuclear Genera-	)	Operating License to Permit Steam
ting Units Nos. 3 and 4)	)	Generator Repairs)

#### NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above captioned matter and pursuant to 10 CFR §2.713(a), provides the following information:

Name:

Address:

Telephone number:

Admissions:

Name of party:

Dated: March 8, 1979.

Norman A. Coll

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United States Supreme Court; United States Court of Appeals for District of Columbia Circuit; United States Court of Appeals for Fifth Circuit; United States District Court, Southern District of Florida; District of Columbia Court of Appeals; Florida Supreme Court

Florida Power & Light Company (Licensee)

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Bv NORMAN A.

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## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of:	)	Docket Nos.	50-250-SP 50-251-SP
FLORIDA POWER & LIGHT COMPANY	)		,
(Turkey Point Nuclear Genera- ting Units Nos. 3 and 4)	)	· · ·	
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## CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that copies of "Licensee's Answer to Late Request for Hearing of Mark P. Oncavage" and attachments, and "Notice of Appearance" for Michael A. Bauser, and "Notice of Appearance" for Norman A. Coll, in the above captioned proceeding have been served on the following by deposit in the United States mail, first class, properly stamped and addressed, this <u>774</u> day of March, 1979:

Elizabeth S. Bowers, Esquire, Chairman Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555

Dr. David B. Hall 400 Circle Drive Santa Fe, New Mexico 87501

Dr. Oscar H. Paris Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555

Mr. Mark P. Oncavage 12200 S. W. 110 Avenue Miami, Florida 33176

Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555

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Atomic Safety and Licensing Appeal Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555

Docketing and Service Section. Office of the Secretary U. S. Nuclear Regulatory Commission Washington, D. C. 20555

Guy H. Cunningham, Esquire Steven C. Goldberg, Esquire U. S. Nuclear Regulatory Commission Office of the Executive Legal Director Washington, D. C. 20555

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By NORMAN A. COLL

