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RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

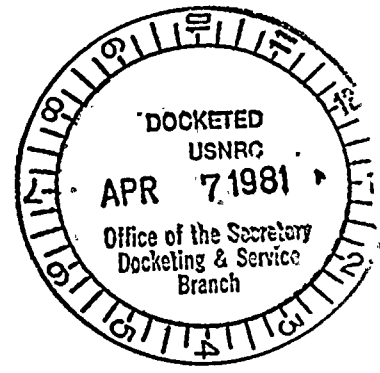
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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)

LICENSEE'S MEMORANDUM OF LAW
IN SUPPORT OF MOTION FOR
SUMMARY DISPOSITION OF
CONTENTION 7



INTRODUCTION

Contention 7, which was admitted as Contention 11 by the Board in its Order Relative to Contentions and Discovery, dated September 25, 1979, addresses the adequacy of the Steam Generator Repair Report (SGRR) with respect to the economic and environmental costs of the repairs including storage of the removed steam generator lower assemblies. Contention 7 provides:

The SGRR is inadequate because:

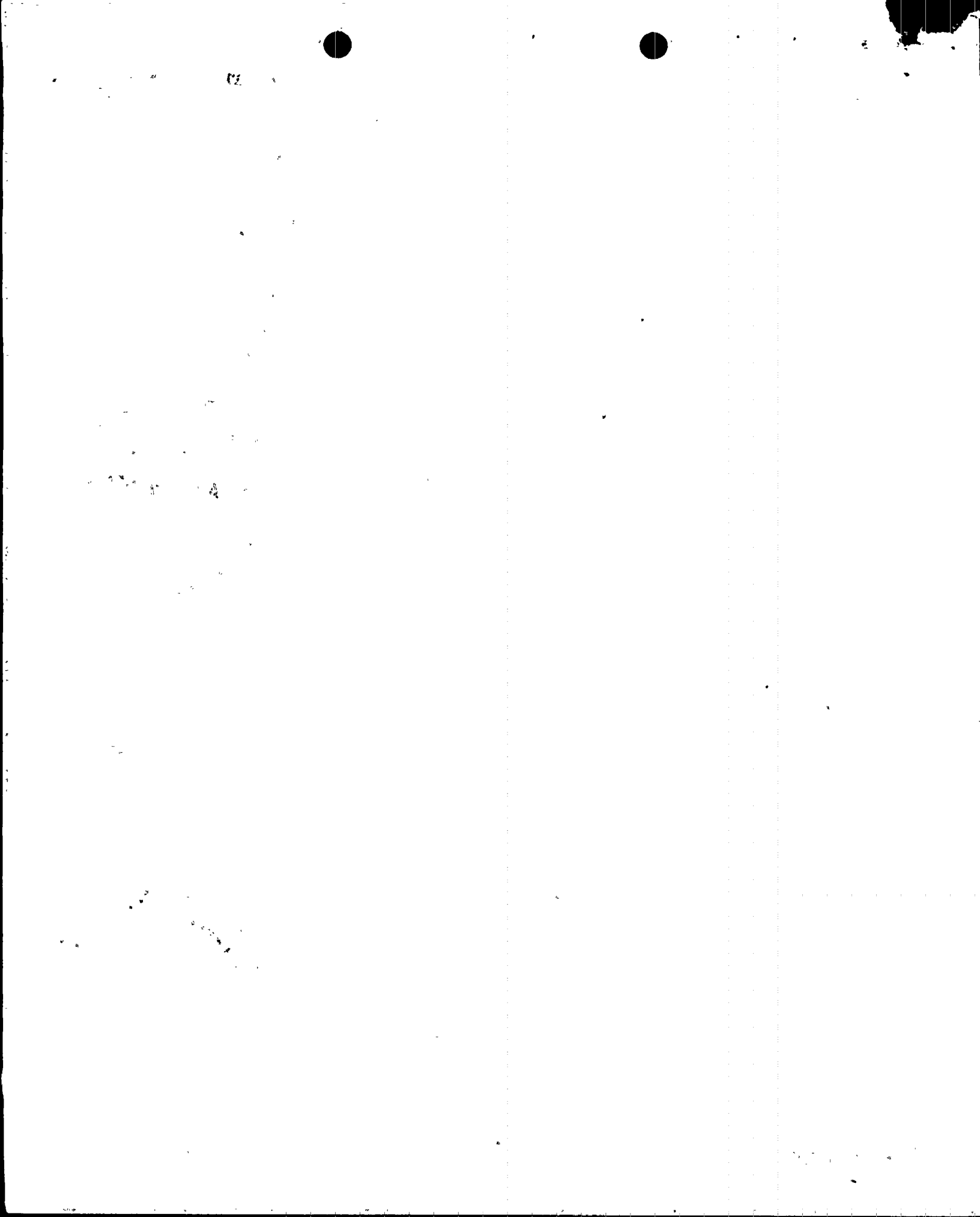
- a. it has used the inaccurate figure of \$300,000 per day per unit for replacement power costs for reactor outage;



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- b. it has failed to provide an analysis for an additional commitment of land resources for the storage of the defective steam generators;
- c. it has failed to consider the costs of addition of a full-flow condensate demineralizer and of condenser retubing;
- d. it has failed to update costs from December 1977 due to inflation.

Licensee respectfully submits that the Board should grant summary disposition of Contention 7 and dismiss it from these proceedings.

The applicable law related to Summary Disposition is set forth in the "Licensee's Memorandum of Law in Support of Motion for Summary Disposition of Contention 5" which is incorporated herein by reference.

This contention was admitted as a contention to be litigated in this proceeding in September 1979. The NRC staff advised the Board and the parties of its decision to prepare an Environmental Impact Statement by letter dated March 6, 1980. Licensee submitted Revision 7 to the SGRR March 28, 1980, which contained updated cost estimates (pp.7-5), and a description of the plans for long-term onsite storage (pp. A-46-1 to A-46-3), and shipment offsite for disposal (Chapters 3 and 8) of the removed steam generator lower assemblies.

The affidavit of H.D. Mantz demonstrates that each of the matters raised by this contention have been adequately addressed and updated by FPL, and that the updated information has been utilized by the NRC staff in the FES.



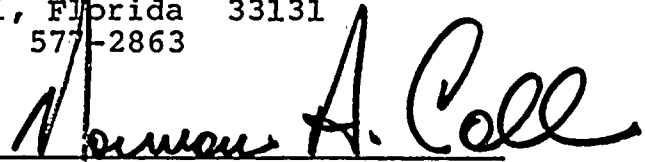
It is respectfully submitted that the adequacy of the SGRR is not an issue to be litigated in this proceeding, because of the NRC Staff's decision to prepare, and its preparation of, a Final Environmental Statement (NUREG 0743) in March of 1981. However, in view of the amendments to the SGRR subsequent to the admission of the contention to this proceeding, and the attached affidavit, it is respectfully submitted there is no genuine issue of material fact with respect to the matters raised by this Contention and that Licensee is entitled to a favorable decision as a matter of law.

Respectfully submitted,

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Date: April 6, 1981

By:



Norman A. Coll

