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D. Eisenhut

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NSIC

ACRS (10)

SEP 28 1982

Docket No. 50-251

Ms. Joette Lorion
Center for Nuclear Responsibility
7210 Red Road
South Miami, Florida 33152

Dear Ms. Lorion:

This is in response to our telephone conversation on September 21, 1982, during which you requested the schedule for the shutdown of Turkey Point, Unit 4 to replace the unit's steam generators. In addition, you requested a follow-up written response.

Enclosed is a Florida Power and Light Company letter indicating planned operation through mid-October 1982. As indicated during our conversation, it is my understanding that the current schedule for the shutdown of Unit 4 is October 10, 1982. This date is not regarded by NRC as a formal commitment.

I trust you will find this responsive to your request.

Sincerely,


Original signed by:

Daniel G. McDonald, Project Manager
Operating Reactors Branch No. 1
Division of Licensing

Enclosure:
As stated

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H PDR

OFFICE	ORB 1	ORB 1					
SURNAME	D McDonald/rs	Svarga					
DATE	9/28/82	9/28/82					



1. *What is the main purpose of this document?*
 2. *How does the author support their argument?*
 3. *What are the key findings or conclusions?*
 4. *Are there any limitations or areas for further research?*
 5. *How does this document relate to the broader field of study?*

[illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

$$V = \frac{1}{\sqrt{\pi}} \int_0^\infty \frac{e^{-t} t^{\nu-1}}{(1+t)^{\nu+1}} dt \quad (1)$$

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Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies obtained on the selective medium. The results are the mean of three independent experiments. Error bars represent standard deviation.



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January 13, 1982

Docket No. 50-250SP
50-251SP

SEE ATTACHED LIST

Subject: **FLORIDA POWER AND LIGHT COMPANY**
(Turkey Point Nuclear Generating, Unit Nos. 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
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- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: January 8, 1982 Order
- ☐ _____

Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

Enclosures:
As stated

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ORB#106L

CParrish:ds

01/13/82

Figure 1 is a 3D scatter plot showing the relationship between the number of children (0 to 10) and the number of children in the household (0 to 10). The plot shows a positive correlation, with data points clustered along a diagonal line. The axes are labeled 'Number of children' and 'Number of children in household'.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971). The concentration of chlorophylls was expressed as $\mu\text{g mL}^{-1}$ of the sample.

11

[illegible]

...the fact that the ...

100

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Whistler (1973). The total chlorophyll content was determined by the method of Arar and Cook (1980). The carotenoid content was determined by the method of Lichtenthaler and Whistler (1973). The total carotenoid content was determined by the method of Arar and Cook (1980). The total protein content was determined by the method of Lowry et al. (1951). The total lipid content was determined by the method of Bligh and Dyer (1959). The total carbohydrate content was determined by the method of Dubois and Gilles (1950). The total nucleic acid content was determined by the method of Burton (1956). The total ash content was determined by the method of AOAC (1990). The total moisture content was determined by the method of AOAC (1990). The total dry weight was determined by the method of AOAC (1990). The total organic matter content was determined by the method of AOAC (1990). The total inorganic matter content was determined by the method of AOAC (1990). The total nitrogen content was determined by the method of Kjeldahl (1900). The total phosphorus content was determined by the method of Molybdenum blue (1900). The total potassium content was determined by the method of Flame photometry (1900). The total calcium content was determined by the method of Atomic absorption spectrophotometry (1900). The total magnesium content was determined by the method of Atomic absorption spectrophotometry (1900). The total iron content was determined by the method of Atomic absorption spectrophotometry (1900). The total zinc content was determined by the method of Atomic absorption spectrophotometry (1900). The total copper content was determined by the method of Atomic absorption spectrophotometry (1900). The total manganese content was determined by the method of Atomic absorption spectrophotometry (1900). The total cobalt content was determined by the method of Atomic absorption spectrophotometry (1900). The total nickel content was determined by the method of Atomic absorption spectrophotometry (1900). The total selenium content was determined by the method of Atomic absorption spectrophotometry (1900). The total iodine content was determined by the method of Atomic absorption spectrophotometry (1900). The total bromine content was determined by the method of Atomic absorption spectrophotometry (1900). The total fluorine content was determined by the method of Atomic absorption spectrophotometry (1900). The total chlorine content was determined by the method of Atomic absorption spectrophotometry (1900). The total sulfur content was determined by the method of Atomic absorption spectrophotometry (1900). The total oxygen content was determined by the method of Atomic absorption spectrophotometry (1900). The total hydrogen content was determined by the method of Atomic absorption spectrophotometry (1900). The total carbon content was determined by the method of Atomic absorption spectrophotometry (1900). The total nitrogen content was determined by the method of Kjeldahl (1900). The total phosphorus content was determined by the method of Molybdenum blue (1900). The total potassium content was determined by the method of Flame photometry (1900). The total calcium content was determined by the method of Atomic absorption spectrophotometry (1900). The total magnesium content was determined by the method of Atomic absorption spectrophotometry (1900). The total iron content was determined by the method of Atomic absorption spectrophotometry (1900). The total zinc content was determined by the method of Atomic absorption spectrophotometry (1900). The total copper content was determined by the method of Atomic absorption spectrophotometry (1900). 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The total oxygen content was determined by the method of Atomic absorption spectrophotometry (1900). The total hydrogen content was determined by the method of Atomic absorption spectrophotometry (1900). The total carbon content was determined by the method of Atomic absorption spectrophotometry (1900).

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

[illegible]

4 7 1 1 2 2 1 1 1

Figure 1. The effect of the concentration of the solution on the adsorption of the dye. The concentration of the solution was 0.01, 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, 1.0, 1.5, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10.0, 15.0, 20.0, 30.0, 40.0, 50.0, 60.0, 70.0, 80.0, 90.0, 100.0, 150.0, 200.0, 300.0, 400.0, 500.0, 600.0, 700.0, 800.0, 900.0, 1000.0, 1500.0, 2000.0, 3000.0, 4000.0, 5000.0, 6000.0, 7000.0, 8000.0, 9000.0, 10000.0, 15000.0, 20000.0, 30000.0, 40000.0, 50000.0, 60000.0, 70000.0, 80000.0, 90000.0, 100000.0, 150000.0, 200000.0, 300000.0, 400000.0, 500000.0, 600000.0, 700000.0, 800000.0, 900000.0, 1000000.0, 1500000.0, 2000000.0, 3000000.0, 4000000.0, 5000000.0, 6000000.0, 7000000.0, 8000000.0, 9000000.0, 10000000.0, 15000000.0, 20000000.0, 30000000.0, 40000000.0, 50000000.0, 60000000.0, 70000000.0, 80000000.0, 90000000.0, 100000000.0, 150000000.0, 200000000.0, 300000000.0, 400000000.0, 500000000.0, 600000000.0, 700000000.0, 800000000.0, 900000000.0, 1000000000.0, 1500000000.0, 2000000000.0, 3000000000.0, 4000000000.0, 5000000000.0, 6000000000.0, 7000000000.0, 8000000000.0, 9000000000.0, 10000000000.0, 15000000000.0, 20000000000.0, 30000000000.0, 40000000000.0, 50000000000.0, 60000000000.0, 70000000000.0, 80000000000.0, 90000000000.0, 100000000000.0, 150000000000.0, 200000000000.0, 300000000000.0, 400000000000.0, 500000000000.0, 600000000000.0, 700000000000.0, 800000000000.0, 900000000000.0, 1000000000000.0, 1500000000000.0, 2000000000000.0, 3000000000000.0, 4000000000000.0, 5000000000000.0, 6000000000000.0, 7000000000000.0, 8000000000000.0, 9000000000000.0, 10000000000000.0, 15000000000000.0, 20000000000000.0, 30000000000000.0, 40000000000000.0, 50000000000000.0, 60000000000000.0, 70000000000000.0, 80000000000000.0, 90000000000000.0, 100000000000000.0, 150000000000000.0, 200000000000000.0, 300000000000000.0, 400000000000000.0, 500000000000000.0, 600000000000000.0, 700000000000000.0, 800000000000000.0, 900000000000000.0, 1000000000000000.0, 1500000000000000.0, 2000000000000000.0, 3000000000000000.0, 4000000000000000.0, 5000000000000000.0, 6000000000000000.0, 7000000000000000.0, 8000000000000000.0, 9000000000000000.0, 10000000000000000.0, 15000000000000000.0, 20000000000000000.0, 30000000000000000.0, 40000000000000000.0, 50000000000000000.0, 60000000000000000.0, 70000000000000000.0, 80000000000000000.0, 90000000000000000.0, 100000000000000000.0, 150000000000000000.0, 200000000000000000.0, 300000000000000000.0, 400000000000000000.0, 500000000000000000.0, 600000000000000000.0, 700000000000000000.0, 800000000000000000.0, 900000000000000000.0, 1000000000000000000.0, 1500000000000000000.0, 2000000000000000000.0, 3000000000000000000.0, 4000000000000000000.0, 5000000000000000000.0, 6000000000000000000.0, 7000000000000000000.0, 8000000000000000000.0, 9000000000000000000.0, 10000000000000000000.0, 15000000000000000000.0, 20000000000000000000.0, 30000000000000000000.0, 40000000000000000000.0, 50000000000000000000.0, 60000000000000000000.0, 70000000000000000000.0, 80000000000000000000.0, 90000000000000000000.0, 100000000000000000000.0, 150000000000000000000.0, 200000000000000000000.0, 300000000000000000000.0, 400000000000000000000.0, 500000000000000000000.0, 600000000000000000000.0, 700000000000000000000.0, 800000000000000000000.0, 900000000000000000000.0, 1000000000000000000000.0, 1500000000000000000000.0, 2000000000000000000000.0, 3000000000000000000000.0, 4000000000000000000000.0, 5000000000000000000000.0, 6000000000000000000000.0, 7000000000000000000000.0, 8000000000000000000000.0, 9000000000000000000000.0, 10000000000000000000000.0, 15000000000000000000000.0, 20000000000000000000000.0, 30000000000000000000000.0, 40000000000000000000000.0, 50000000000000000000000.0, 60000000000000000000000.0, 70000000000000000000000.0, 80000000000000000000000.0, 90000000000000000000000.0, 100000000000000000000000.0, 150000000000000000000000.0, 200000000000000000000000.0, 300000000000000000000000.0, 400000000000000000000000.0, 500000000000000000000000.0, 600000000000000000000000.0, 700000000000000000000000.0, 800000000000000000000000.0, 900000000000000000000000.0, 10000000

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

[illegible]

10. The following table shows the number of people who have been convicted of a crime in the United States since 1970, by race and sex. The data are from the U.S. Department of Justice, Bureau of the Census, and the U.S. Department of Education, Office of Education.

Phyllanthus

Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* on the substrate.

1941

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10-11-68

1997

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December 9, 1981

Docket No. 50-250
50-251

SEE ATTACHED LIST

Subject: FLORIDA POWER AND LIGHT COMPANY
(Turkey Point Nuclear Generating, Units 3 and 4)

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

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- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: November 30, 1981 Order (10 CFR 2.206)
- ☐ _____

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Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

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DATE	12/9/81				

[illegible][illegible]

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

[illegible]

1. The first group of people who are not in the labor force are those who are not in the labor force because they are not in the labor force.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

December 9, 1981

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- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: November 30, 1981 Decision (ALAB-660)
- ☐ _____

CParrish
Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

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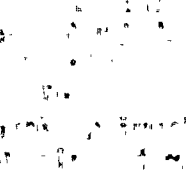
ORB#1:DL *CP*

SURNAME

CParrish:ds

DATE

12/9/81



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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

December 7, 1981

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Docket No.

50-250/251

SEE ATTACHED LIST

Subject: **FLORIDA POWER AND LIGHT COMPANY**
(Turkey Point Units 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: Monthly Summary Reports for 1981; Monthly Operating
Reports for 1981.

Division of Licensing, ORB/T
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc:

ORB/T:DL

CParrish:ds

12/ /81

1. *Chlorophyll a* (Chl *a*)

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$f = \frac{1}{2} \left(\frac{1}{\lambda} + \frac{1}{\lambda'} \right)$

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1. *Chlorophyll a* (Chl *a*)

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| Number of hauls | <i>P. setiferus</i> (%) | <i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%) | <i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%) |
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1. *Phragmites australis* (Cav.) Trin. ex Steud.

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

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

Dr. William B. Stroube, Jr.
FDA Research Chemist
National Bureau of Standards
Reactor Bldg. 235, Rm: B-108
Washington, D.C. 20234

Director, Criteria and Standards Division
Office of Radiation Programs (ANR-460)
U. S. Environmental Protection Agency
Washington, D. C. 20460

U. S. Environmental Protection Agency
Region IV Office
ATTN: EIS COORDINATOR
345 Courtland Street, N.E.
Atlanta, Georgia 30308

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December 2, 1981

Docket No. 50-250
50-251

SEE ATTACHED LIST

Subject: FLORIDA POWER AND LIGHT COMPANY
(Turkey Point Nuclear Generating, Units 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: November 25, 1981 ORDER
- ☐ _____

CParrish
Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

Enclosures:
As stated

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| OFFICE | ORB#1:DL | | | | |
| SURNAME | CParrish:ds | | | | |
| DATE | 12/2/81 | | | | |

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Fig.

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Figure 1 shows a 2D hexagonal lattice structure. A central atom is labeled '1'. To its right is an atom labeled '2'. Above the central atom is an atom labeled '3'. Below the central atom is an atom labeled '4'. To the left of the central atom is an atom labeled '5'. To the right of the central atom, there is a dashed line segment labeled 'a' connecting to another atom. To the left of the central atom, there is a dashed line segment labeled 'a' connecting to another atom. The lattice is shown as a portion of a larger structure, with dashed lines indicating the continuation of the lattice.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

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MGrotenhuis w/encl.

October 16, 1981

Docket No. 50-250
50 251

SEE ATTACHED LIST

Subject: **FLORIDA POWER AND LIGHT COMPANY**
(Turkey Point Nuclear Generating, Unit Nos. 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
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- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: **October 13, 1981 Order**
- ☐ _____

Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

Enclosures:
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10/16/81

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October 14, 1981

Docket No. 50-250
50-251

SEE ATTACHED LIST

Subject: **FLORIDA POWER AND LIGHT COMPANY**
(Turkey Point Nuclear Generating, Unit Nos. 3 and 4)

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

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- ☐ Draft/Final Environmental Statement, dated _____.
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- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: **October 8, 1981 Order**
- ☐ _____

Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

Enclosures:
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| OFFICE | ORB#1:DL <i>CP</i> | | | | |
| SURNAME | CParrish:ds | | | | |
| DATE | 10/14/81 | | | | |

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Figure 1. The effect of the concentration of the H_2O_2 solution on the amount of the released H_2O from the H_2O_2 -loaded hydrogel. The amount of the released H_2O was measured by the weight difference of the hydrogel before and after the release. The concentration of the H_2O_2 solution was 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 wt. %.

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October 8, 1981

Docket No. 50-250
50-251

See Attached List

Subject: FLORIDA POWER AND LIGHT COMPANY
(Turkey Point Nuclear Generating, Unit Nos. 3 and 4)

The following documents concerning our review of the subject facility
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- ☐ Notice of Receipt of Application.
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- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: October 2, 1981 Reconstitution of Atomic Safety
and Licensing Appeal Board

Division of Licensing, ORB#1
Office of Nuclear Reactor Regulation

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| SURNAME | CParrish:ds | | | | | |
| DATE | 10/9/81 | | | | | |

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1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

September 17, 1981

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SEE ATTACHED LIST

Subject: FLORIDA POWER AND LIGHT COMPANY
(Turkey Point Units 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
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- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: "Annual Ground Water Monitoring Program, Summary
Rept., July 1980-July 1981."

CParrish
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:
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| SURNAME | CParrish:ds | | | | |
| DATE | 9/17/81 | | | | |

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

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

Dr. William B. Stroube, Jr.
FDA Research Chemist
National Bureau of Standards
Reactor Bldg. 235, Rm. B-108
Washington, D.C. 20234

Director, Criteria and Standards Division
Office of Radiation Programs (ANR-460)
U. S. Environmental Protection Agency
Washington, D. C. 20460

U. S. Environmental Protection Agency
Region IV Office
ATTN: EIS COORDINATOR
345 Courtland Street, N.E.
Atlanta, Georgia 30308

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WASHINGTON D.C. 20555

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September 4, 1981

Docket No. 50-250
50-251

SEE ATTACHED LIST

Subject: FLORIDA POWER AND LIGHT COMPANY
(Turkey Point Nuclear Generating, Unit Nos. 3 & 4)

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- ☐ Notice of Hearing on Application for Construction Permit.
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- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: September 1, 1981 Memorandum
- ☐ _____

CParrish

Division of Licensing
Office of Nuclear Reactor Regulation

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DATE

9/4/81

[illegible]

1. *Chlorophyll a* (Chl *a*)

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Figure 6

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Dr. Robert E. Uhrig
Florida Power and Light Company

cc: Honorable Dewey Knight
County Manager of Metropolitan
Dade County
Miami, Florida 33130

Bureau of Intergovernmental Relations
660 Apalachee Parkway
Tallahassee, Florida 32304

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

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September 1, 1981

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and 50-251

SEE ATTACHED LIST

Subject: **FLORIDA POWER AND LIGHT COMPANY**
(Turkey Point Plant, Unit Nos. 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: August 27, 1981 Order
- ☐ _____

CParrish
Division of Licensing
Office of Nuclear Reactor Regulation

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| DATE | 9/2/81 | | | | | |

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2. The second part of the document is a list of the names of the members of the committee, the names of the members of the subcommittee, and the names of the members of the advisory committee. The names are listed in alphabetical order, and the addresses are listed below each name.

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7. The seventh part of the document is a list of the names of the members of the committee, the names of the members of the subcommittee, and the names of the members of the advisory committee. The names are listed in alphabetical order, and the addresses are listed below each name.

Dr. Robert E. Uhrig
Florida Power and Light Company

cc: Honorable Dewey Knight
County Manager of Metropolitan
Dade County
Miami, Florida 33130

Bureau of Intergovernmental Relations
660 Apalachee Parkway
Tallahassee, Florida 32304

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



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Subject: FLORIDA POWER AND LIGHT COMPANY
(Turkey Point Units 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
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- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: Monthly Operating Reports for July 1981 and revised
- ☐ Unit 3 report for June 1981.

Division of Licensing
Office of Nuclear Reactor Regulation

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

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

Dr. William B. Stroube, Jr.
FDA Research Chemist
National Bureau of Standards
Reactor Bldg. 235, Rm. B-108
Washington, D.C. 20234

Director, Criteria and Standards Division
Office of Radiation Programs (ANR-460)
U. S. Environmental Protection Agency
Washington, D. C. 20460

U. S. Environmental Protection Agency
Region IV Office
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(Turkey Point Nuclear Generating, Unit Nos. 3 and 4)

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- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: July 28, 1981 Order
- ☐ _____ *CParrish*

Division of Licensing
Office of Nuclear Reactor Regulation

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- ☐ _____

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1. *Chlorophyll a* (Chl *a*)

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

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

Dr. William B. Stroube, Jr.
FDA Research Chemist
National Bureau of Standards
Reactor Bldg. 235, Rm. B-108
Washington, D.C. 20234

Director, Criteria and Standards Division
Office of Radiation Programs (ANR-460)
U. S. Environmental Protection Agency
Washington, D. C. 20460

U. S. Environmental Protection Agency
Region IV Office
ATTN: EIS COORDINATOR
345 Courtland Street, N.E.
Atlanta, Georgia 30308

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

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CParrish

July 1, 1981

Docket No. S 50-250
and 50-251

SEE ATTACHED LIST FOR ENCLOSURES

Subject: **FLORIDA POWER AND LIGHT COMPANY (Turkey Point 3 & 4)**

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: See attached list of Reports
- ☐ _____

CParrish
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc:

OFFICE

ORB#1:DL *CP*

SURNAME

CParrish:ds

DATE

7/1/81

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

Director
National Oceanographic Data Center
Environmental Data Service
National Oceanic & Atmospheric Administration
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Dr. William B. Stroube, Jr.
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Director, Criteria and Standards Division
Office of Radiation Programs (ANR-460)
U. S. Environmental Protection Agency
Washington, D. C. 20460

U. S. Environmental Protection Agency
Region IV Office
ATTN: EIS COORDINATOR
345 Courtland Street, N.E.
Atlanta, Georgia 30308

Turkey Point 3 & 4

List of Reports Enclosed

1. "Nonradiological Environ Monitoring Rept, 1980" Groundwater monitoring summary rept for July 1980 - June 1981. (8104030481)
2. Monthly Operating Rept for Mar 1981. (8104150292)
3. Monthly Operating Rept for Apr 1981. (8105180167)
4. Monthly Operating Rept for May 1981. (8106160176)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

June 25, 1981

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✓ Docket File w/o encl
C. Parrish w/encl
M. Grotenhuis, w/encl
ORB 1 File w/o encl

Docket No. 50-250 ✓
and 50-251

See Attached List

Subject: **FLORIDA POWER AND LIGHT COMPANY**
(Turkey Point Nuclear Generating, Unit Nos. 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: June 19, 1981 Final Order
- ☐ _____

Operating Reactors Branch No. 1
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc:

| | | | | | | |
|---------|-------------|--|--|--|--|--|
| OFFICE | ORB 1 | | | | | |
| SURNAME | CParrish/rs | | | | | |
| DATE | 6/-/81 | | | | | |

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WASHINGTON, D.C.



1. The purpose of this document is to provide information regarding the status of the project.

2. The project is currently in the planning stage and is expected to be completed by the end of the year.

3. The project is being managed by the Air Force Research and Development Command.

Dr. Robert E. Uhrig
Florida Power and Light Company

cc: Honorable Dewey Knight
County Manager of Metropolitan
Dade County
Miami, Florida 33130

Bureau of Intergovernmental Relations
660 Apalachee Parkway
Tallahassee, Florida 32304

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

DN 60/6

UNITED STATES
NUCLEAR REGULATORY COMMISSION
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June 22, 1981

Docket No. S-50-250
and 50-251

Subject: **FLORIDA POWER AND LIGHT COMPANY**
(Turkey Point Nuclear Generating, Unit Nos. 3 & 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. _____.
- ☐ Amendment No. _____ to Application/SAR, dated _____.
- ☐ Construction Permit No. CPPR- _____, dated _____.
- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: May 28, 1981 Memorandum and Order (Granting Summary
-Disposition of All Contentions, and Canceling Evidentiary Hearing)

Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc:

| | | | | | |
|---------|-------------|--|--|--|--|
| OFFICE | ORB#1BBL CP | | | | |
| SURNAME | CParrish:ds | | | | |
| DATE | 6/24/81 | | | | |

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

10

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Marshall E. Miller, Chairman
Dr. Emmeth A. Luebke
Dr. Oscar H. Paris

SERVED MAY 29 1981

In the Matter of

FLORIDA POWER AND LIGHT COMPANY

(Turkey Point Nuclear Generating,
Units 3 and 4)

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

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

May 28, 1981

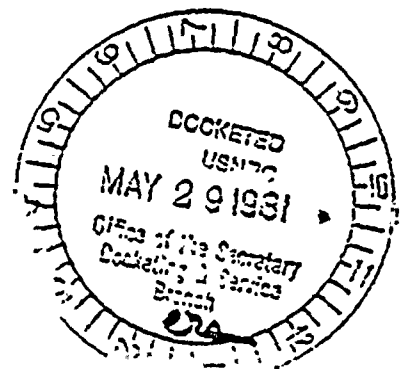
MEMORANDUM AND ORDER
(Granting Summary Disposition of All Contentions,
and Canceling Evidentiary Hearing)

This proceeding involves a proposed program for the repair of steam generators at Turkey Point Nuclear Units 3 and 4. The Nuclear Regulatory Commission (NRC) gave notice on December 13, 1977, that it was considering license^{1/} amendments which would "authorize the licensee to repair the steam generators now in use at each facility, replacing major portions of such steam generators with new components, and to return the units to operation using the steam generators, so repaired."^{2/}

Any person whose interest may be affected was given an opportunity to intervene by filing a request for a hearing in the form of a petition for leave to intervene, by January 13, 1978. Such petitions to intervene were stated to be governed by 10 CFR §2.714, and were required to identify

^{1/} Facility Operating Licenses Nos. DPR-31 and DPR-41.

^{2/} 42 Fed. Reg. 62569.



"the specific aspect or aspects of the subject matter of the proceeding as to which he wishes to intervene and setting forth with particularity both the facts pertaining to this interest and the basis for his contentions with regard to each aspect on which he desires to intervene."^{3/}

The Federal Register notice establishing an opportunity for hearing on the proposed issuance of amendments to a facility operating license further stated:

"Contentions shall be limited to the matters within the scope of the amendments under consideration. A petition that sets forth contentions relating only to matters outside the scope of the amendments under consideration will be denied."^{4/}

No petitions for leave to intervene were filed during the 30-day period established by the notice. On February 9, 1979, more than a year after the expiration of the intervention period, Mark P. Oncavage (Intervenor) filed an untimely request for a "full hearing." After receiving numerous filings, responses by the Staff and the Licensee (FPL), and amendments, a divided Board ruled that after balancing the five factors set forth in 10 CFR §2.714(a)(1) for considering nontimely petitions, the intervention petition would be allowed.^{5/}

After receiving various filings, the Board entered an Order Relative to Contentions and Discovery on September 25, 1979. This Order clarified the language in the admitted contentions and ruled on the remaining contentions. Revised Contention 1 was stated to read as follows:

^{3/} Id.

^{4/} Id.

^{5/} 10 NRC 183 (1979). A dissenting opinion was filed by one Board Member (10 NRC at 211-12), and separate opinions on the weight to be given Factor (iii) were filed by the other two Board Members (10 NRC at 193 & 200).

"Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. §4332(2)(C) or 10 CFR §51.5 requires the preparation of an Environmental Impact Statement prior to the issuance by the Nuclear Regulatory Commission of amendments to the operating licenses for Turkey Point Units Nos. 3 and 4 (Facility Operating Licenses Nos. DPR-31 and DPR-41) authorizing the Licensee to repair the steam generators now in use in each facility."

The Staff at that time took the view that an environmental impact statement (EIS) was not required under the National Environmental Policy Act (NEPA)^{6/} and 10 CFR Part 51, and that an environmental impact appraisal (EIA) would be adequate. On June 29, 1979, the Staff issued an EIA with appropriate notice to the public. However, the Staff subsequently decided to prepare an EIS as a matter of discretion, following a Commission Memorandum and Order directing the issuance of an EIS in connection with the Surry steam generator repairs.^{7/} In December, 1980, the Staff issued its Draft Environmental Statement (DES) and circulated it for comment. The Final Environmental Statement (FES) was issued as NUREG-0743 in March, 1981.

A prehearing conference was held March 24, 1981, for the purpose of establishing, with precision and finality, the contentions which would frame the issues for trial. The Chairman of the Board requested counsel for each party to address the viability and phrasing of each contention, in order to avoid having the parties "coming in with new issues or new matters in an untimely fashion,"^{8/} to determine which issues were still viable, and "in order to have in one place the precisely phrased contentions

^{6/} The National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat 852 as amended by Pub. L. 94-83, 89 Stat 424, 42 U.S.C. §§4321 et seq.

^{7/} Virginia Electric Power Co. (Surry Nuclear Power Station, Units 1 and 2), CLI-80-4, 11 NRC 405 (1980). See also letter from Staff counsel to the Board, dated March 6, 1980.

^{8/} Transcript of Prehearing Conference held in Homestead, Florida on 04/10/81 (Tr) at 5..

that we are going to be going to trial on."^{9/} The Intervenor's contentions were then renumbered and read into the record, and also set forth expressly in the prehearing order as "currently refined or revised."^{10/} Those contentions as thus set forth with finality, and those contentions alone, control the issues to be adjudicated in this proceeding. The only possible exception is the leave granted to the Intervenor "to file on or before April 20, 1981, appropriate amendments to Contention 1 in order to plead with specificity the respects in which the FES (due to be filed by the Staff by April 1) does not legally or factually comply with NEPA (Tr. 36, 38-9, 43)."^{11/} The filings made by the Intervenor regarding Contention 1 pursuant to this order, and the responsive motions and answers filed by the other parties, are discussed more fully infra at pages 7-8, 14, 24-28.

Summary disposition motions were filed and, without opposition by the Intervenor, were granted as to Contention 14 as originally numbered,^{12/} and Contentions 2, 3, 5, 6, 7, 8 as renumbered.^{13/} Summary disposition of Contention 4A was granted by our Order entered May 7, 1981. That leaves for consideration in this proceeding only the amendments to Contention 1, and Contention 4B.

^{9/} Tr. 6-7.

^{10/} Memorandum and Order entered April 2, 1981, pp. 2-5.

^{11/} Id., at 3-4.

^{12/} Id., at 5-6.

^{13/} Memorandum and Order (Granting Motions for Summary Disposition), entered April 29, 1981, at p. 2.

I. DESCRIPTION OF PROPOSED STEAM GENERATOR REPAIRS

The six steam generators at Turkey Point Units 3 and 4 have all undergone a significant amount of degradation since they began operation in 1972 and 1973, respectively. The wastage and denting phenomena have led to the 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 November, 1980, tube plugging for various reasons has resulted in removing about 20% of the steam generator tubes in Unit 3 and about 24% of the tubes in Unit 4 from continuing service. Additional plugging would result in operating at a reduced power rating and at an economic disadvantage.

FPL plans to repair all six steam generators in Turkey Point Units 3 and 4. The Unit 4 steam generators have the most tubes plugged and, therefore, would be repaired first. The repair of Turkey Point Unit 3 steam generators is expected to begin about one year later. Since FPL experiences operating peaks of longer duration 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 to be completed before the next summer peak demand.

The proposed repairs 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. Prior to the repair work, the unit will be shut down and all systems will be placed in condition for long-term shutdown. The

reactor vessel head will be removed for defueling. 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, and then the reactor vessel head will be replaced.

The equipment hatch will be opened and access control will be established. A special curtain, which would be able to reduce the size of the opening in the containment in case of an accident, will be installed in place of the door for ease of deployment. A special vent exhausting through an HEPA filter will be constructed. 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 will begin. This will include cutting and removal of sections of steam lines, feedwater lines, and miscellaneous smaller lines for the service air and water and the instrumentation system. The steam generator will then be cut at the transition cone, and the upper shell will be removed and will be refurbished inside containment. After the channel cut at the bottom, the lower assembly will be lifted from its support to the working level where it will be welded shut.

Following this, the steam generator lower assembly will be lowered and placed in position on a transport mechanism. This mechanism will carry the assembly through the equipment hatch. A transporter will carry it to the steam generator storage facility on the site. The other two steam generator lower assemblies will be lifted from their location, welded shut, and lowered through the same hatch where the first steam generator was removed.

After removal and storage of all three steam generator lower assemblies, their replacements will be transported from the 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 lower assembly will be reinstalled and rewelded to the old bottom section. The upper assembly with its refurbished internals will be mounted on the lower assembly. After welding the two assemblies together, the piping will be reconstructed. Following these major repair activities, there will be cleaning, hydrostatic testing, baseline inservice inspections, and preoperational testing of instruments, components and systems. The reactor will then 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 (NUREG-0743, Final Environmental Statement, March, 1981 at 1-1 to 3-4).

II. CONTENTION 1

The Intervenor's "Amendment to Contention 1", filed April 20, 1981, consists of 17 numbered amendments to the original contention, which purport to "plead with specificity the respects in which the FES...does not legally or factually comply with NEPA."^{14/} The Staff filed its Objections to Proposed Amended Contention 1 and Third Motion for Summary Disposition on April 27, 1981. The Staff opposed the proposed amendments on both procedural and substantive grounds, asserting that they failed to plead

^{14/} Tr. 27-28, 35; Memorandum and Order, dated April 2, 1981, p. 4.

with specificity the respects in which the FES did not comply legally or factually with NEPA. It also asserted that such pleadings presented no genuine issues of material fact warranting adjudication, and sought summary disposition under 10 CFR §2.749. The Licensee filed a response in support of the Staff's objections and motion for summary disposition on April 30, 1981. The Intervenor filed an Answer Opposing the Motion for Summary Judgment on May 19, 1981.

The Intervenor's numbered amendments to Contention 1 will be considered seriatim, regarding both their adequacy as contentions and their viability when challenged by the Staff's motions for summary disposition.

The first two amendments assert that the Staff has failed to comply with two provisions^{15/} in the 1978 guidelines of the Council on Environmental Quality (CEQ).

Amendment 1 states:

The EIS failed to follow section 1501.7 of the NEPA regulations in that the Staff failed to invite interested persons to participate in a scoping process in which the scope of the EIS was to be decided.

Amendment 2 states:

No record of decision was prepared for the Turkey Point Project in violation of 40 CFR 1505.2.

The Commission's own regulations implementing NEPA are set forth in 10 CFR Part 51. The Commission has consistently taken the position that

^{15/}40 CFR §§1501.7 and 1505.2.

the substantive requirements of the CEQ guidelines are not binding upon the NRC because it is an independent regulatory agency.^{16/} The Executive Order issued by the President stated generally that federal agencies shall comply with the regulations issued by CEQ "except where such compliance would be inconsistent with statutory requirements."^{17/} The Commission has proposed revisions in 10 CFR Part 51 which voluntarily take the CEQ guidelines into account, but until the proposed revisions are adopted, the present regulations remain in effect.^{18/} A final rule has not yet been adopted by the Commission. Accordingly, the Staff was governed by the provisions of 10 CFR Part 51, not the CEQ regulations as alleged by the Intervenor, in preparing and issuing a Final Environmental Statement.

Moreover, the Intervenor and the public have had extensive opportunities for input to the environmental review process in this proceeding, including the scope of the Environmental Impact Statement suggested by CEQ guidelines (40 CFR §1501.7). On June 29, 1979, the Staff issued an Environmental Impact Appraisal with appropriate notice to the public. In December, 1980, the Staff issued its Draft Environmental Statement for public comment. A large number of comments including those of the Intervenor were received and were specifically addressed by the Staff in its FES, which was issued as NUREG-0743 in March, 1981.^{19/}

^{16/} May 31, 1979 letter from NRC Chairman Joseph M. Hendrie to Charles H. Warren, Chairman CEQ (Attachment to Staff's Motion dated April 27, 1981).

^{17/} Executive Order No. 11, 991 (3 CFR 123), reprinted 42 U.S.C. §4231 (1977).

^{18/} Fed. Reg. 13739-40 (March 3, 1980).

^{19/} FES at 8-1 to 8-26.

The scope of a NEPA environmental review performed in connection with a nuclear facility license amendment is somewhat limited, and it is not as broad as that conducted in the prior NRC licensing proceedings. Such an analysis is directed to a consideration of the extent to which the action under the proposed amendment will lead to environmental impacts beyond those previously evaluated.^{20/} The Appeal Board in this regard has stated:

"Nothing in NEPA or in those judicial decisions to which our attention has been directed dictates that the same ground be wholly replowed in connection with a proposed [license] amendment.... Rather, it seems manifest to us that all that need be undertaken is a consideration of whether the amendment itself would bring about significant environmental consequences beyond those previously assessed and, if so, whether those consequences (to the extent unavoidable) would be sufficient on balance to require a denial of the amendment application. This is true irrespective of whether, by happenstance, the particular amendment is necessary in order to enable continued reactor operation...."^{21/}

Accordingly, in this case the scope of environmental review does not extend to a reconsideration of the impacts of the continued operation or alternatives to such operation of Turkey Point, as they have been previously assessed in NRC-licensing proceedings. Such avoidance of replowing the same ground applies to a reconsideration of alternative energy sources, or energy reduction measures, including conservation.

The FES prepared and filed by the Staff in March, 1981 (NUREG-0743), contains a description of the proposed steam generator repair method (§3),

^{20/} Consumers Power Co. (Big Rock Point Nuclear Plant), ALAB-636, (March 31, 1981), Slip Op. pp. 26, 31-33; Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-584, 11 NRC 451 (1980).

^{21/} Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2), ALAB-455, 7 NRC 41, 46 fn. 4 (1978).

as well as an evaluation of its environmental effects, alternatives thereto, and postulated accidents (§§4, 5 and 6). It contains a reasoned consideration of all comments received on the DES, including those made by the Intervenor (§8). The FES concludes that the proposed action will not significantly affect the quality of the environment, that its benefits outweigh the costs, and that the overall cost benefit would not be improved by any of the alternatives (§6). The scope of the FES therefore encompasses the environmental impact analysis required by NEPA and implemented by 10 CFR Part 51.

Section 1505.2 of the CEQ guidelines, regarding the preparation of a public record of an agency's decision, is not applicable under Amendment 2 because an agency decision is not made by the Staff. That adjudicatory decision is made for the agency by a Licensing Board, subject to review by the Appeal Board and by the Commission itself. As stated by the Staff, it has made its recommendations and believes that an adequate record has been developed for a favorable decision on the FES by the Board. For the foregoing reasons, Amendments 1 and 2 do not plead cognizable contentions, and they are also subject to summary disposition.

Amendment 3 alleges that a programmatic EIS is required "as a result of the steam generator repairs that would be required nationally." However, no legal or factual basis is shown for such a conclusion. The instant steam generator repairs are not part of a comprehensive federal proposal or national program which would require a programmatic NEPA review. The environmental impacts associated with the Turkey Point repairs will only

occur on a local, not a national basis.^{22/} Such individual actions with discrete and readily discernible local effects do not require a programmatic environmental impact study.^{23/} Amendment 3 does not state a cognizable contention, and it is also subject to summary disposition.

Amendments 4 and 15 involve essentially the same subjects and therefore will be considered together.

Amendment 4 states:

The final EIS fails to comply with NEPA in that the EIS does not address (to the fullest extent possible) all environmental effects of proposed actions as well as all irreversible and irretrievable resources.

Amendment 15 states:

The EIS fails to discuss the irreversible and irretrievable commitment of resources in the proposed action.

These amendments merely refer generally to some phrases taken from Section 102 of NEPA, but fail to relate them to the Turkey Point steam generator repairs in any meaningful manner. There is no specificity or concreteness as to the way in which "environmental effects" or "irreversible and irretrievable commitment of resources" were allegedly not properly addressed by the Staff in the FES.

Under 10 CFR §2.714(b), an intervention petition must include "...the bases for each contention set forth with reasonable specificity." This requirement of pleading with particularity and specificity was also set

^{22/}Portland General Electric Co. (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 267-8 (1979); Virginia Electric and Power Company (Surry Nuclear Power Station, Units 1 and 2), DD-79-19, 10 NRC 625, 639-42 (1979).

^{23/}Kleppe v. Sierra Club, 427 U.S. 390, 399, 402, 410. (1976).

forth in the notice of opportunity for hearing on the Turkey Point proposed license amendment, supra page 2 (42 Fed. Reg. 62569). These basic requirements make it incumbent upon intervenors to set forth contentions which are sufficiently detailed and specific to demonstrate that the issues raised are admissible and that further inquiry is warranted, and to put the other parties on notice as to what they will have to defend against or oppose.^{24/} Although intervenors are not required to plead evidence, it is nevertheless necessary for contentions to set forth the reasons or bases for their assertions with reasonable particularization or specificity.^{25/}

Mississippi Power and Light Company (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 AEC 423, 425-26 (1973) does not hold, as the Intervenor argues, that a contention fulfilled the particularity requirement by stating that "the alternatives of conserving electricity or utilizing other methods of producing energy have not been adequately considered." If the Intervenor's "Response to NRC Staff Objections to Proposed Amended Contention 1 and Licensee's Motion to Dismiss Contention 1", p. 3, had merely continued this quotation from Grand Gulf, it would then have read as follows:

"At the prehearing conference, petitioner's counsel stated that the basis for that contention is that the amounts expended by the applicant on advertising greatly exceeded (by a factor of 11) that devoted to research and development, and that he intended 'to introduce evidence that there are geothermal sources in the Middle South Utilities System area that could be utilized' (Tr. 66-67). We agree with the Licensing Board that, given this particularization, the contention is adequate." (6 AEC at 426) (Emphasis added)

^{24/} BPI v. Atomic Energy Commission, 502 F.2d 424, 429 (D.C. Cir. 1974); Duquesne Light Co. (Beaver Valley, Unit No. 1), ALAB-109, 6 AEC 242, 245 (1973); Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20-21 (1974).

^{25/} Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542, 547-9 (1980).

It should be noted by contrast that in the instant proceeding, the Intervenor failed to particularize Contention 1 at the Prehearing Conference on March 24, 1981, although repeatedly invited to do so by the Board (Tr. 12-15, 24, 26-30, 34-36, 43-45). A subsequent prehearing conference scheduled for April 27-28, 1981, was canceled upon motion of counsel for the Intervenor on the stated grounds that it "was no longer necessary."^{26/}

Of course under 10 CFR §2.749, once a motion for summary disposition has been made and supported by affidavit, the opposing party may not rely on mere allegations, but rather must demonstrate by affidavit or otherwise that a genuine issue exists as to a material fact (Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-584 11 NRC 451, 453 (1980)).

Amendment 4 also asserts that the FES is defective because it does not address "all" environmental effects of proposed actions. This is not a correct statement of the applicable law. The environmental review mandated by NEPA is subject to a "rule of reason", and it need not include review of environmental matters which are only remote and speculative possibilities.^{27/} The Appeal Board has held that environmental impact statements need not discuss remote and speculative environmental impacts of the proposed project itself,^{28/} quoting with approval the following statement by the Court of Appeals in Trout Unlimited:

^{26/}Memorandum and Order (Canceling Prehearing Conference), entered April 23, 1981.

^{27/}Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 551 (1978); NRDC v. Morton, 458 F.2d 827, 837-8 (D.C. Cir. 1972).

^{28/}Public Service Electric and Gas Company (Hope Creek Generating Station, Units 1 and 2), ALAB-518, 9 NRC 14, 38 (1979).

"An EIS need not discuss remote and highly speculative consequences.... A reasonably thorough discussion of the significant aspects of the probable environmental consequences is all that is required by an EIS."^{29/}

Finally, the FES in this proceeding does in fact contain a full and fair evaluation of the reasonably calculable environmental impacts of the proposed steam generator repairs (FES, §4; Appendices A-D). The FES also considers and discusses the irreversible and irretrievable commitment of resources, in accordance with the requirements of NEPA (FES, §4.3.1). Amendments 4 and 15 are inadequate to plead contentions, and they are subject to summary disposition.

Amendment 5 states:

The EIS fails to look at the socio-economic effects upon Florida Power and Light rate payers. Such effects must be examined fully within the EIS because the project entails direct significant environmental effects which are intertwined with the socio-economic effects.

This contention amounts to a generalized claim, without explanation or definition, that the FES fails to consider the socioeconomic effects upon the Licensee's ratepayers. In fact, the FES analyzes in some detail the economic costs of the Turkey Point steam generator repair project (§4.2). This study covers the costs of the repairs, and shows a substantial net dollar savings when repair costs are compared with the cost of continued operation in a derated mode. The estimated net savings of \$380,000,000 are based largely on the costs of replacement capacity, which are described with supporting data. The contention does not give a

^{29/} Trout Unlimited v. Morton, 509 F.2d 1276 at 1283 (9th Cir. 1974). Accord: Environmental Defense Fund v. Hoffman, 566 F.2d 1060, 1067 (8th Cir. 1977); Concerned About Trident v. Rumsfeld, 555 F.2d 817, 828 (D.C. Cir. 1977); Sierra Club v. Hodel, 544 F.2d 1036, 1039 (9th Cir. 1976); Carolina Environmental Study Group v. United States, 510 F.2d 796, 799 (D.C. Cir. 1975).

basis for nor any particularization of reasons for its bare assertions, contrary to the requirements of 10 CFR §2.714(b), discussed supra.

If this contention is intended in some manner to raise an issue over who will bear the costs of the proposed repairs, that is a matter for the appropriate state agencies to decide, and it is beyond the scope of NRC jurisdiction in this proceeding (FES, §8.6.24). Amendment 5 does not adequately plead a contention, and it is subject to summary disposition.

Amendment 6 states:

The EIS contains no glossary or table of definitions and consistently uses terminology beyond the ken of lay people.

There is no NEPA requirement that an EIS must contain a glossary of terms. Steam generator repairs to a nuclear power plant obviously involve some technical matters. However, the meaning of most terms in the FES can be determined from their context and relationship to the subjects discussed. The courts have discussed this language problem as follows:

"[An EIS] serves as an environmental full disclosure law, providing information which Congress thought the public should have concerning the particular environmental costs involved in a project. To that end, it 'must be written in language that is understandable to nontechnical minds and yet contain enough scientific reasoning to alert specialists to particular problems within the field of their expertise....' It cannot be composed of statements 'too vague, too general and too conclusory...'.^{30/}

The FES appears on its face to achieve the terminological balance sought between reasonably informing the public and yet alerting specialists

^{30/} Silva v. Lynn, 482 F.2d 1282, 1284-85 (1st Cir. 1973); Sierra Club v. Morton, 510 F.2d 813, 820 (D.C. Cir. 1975).

to particular technical matters. None of the commentors on the DES, with the sole exception of the Intervenor, indicated any problems with definitions or the use of technical terms (FES, §§8.1, 8.6.3). Amendment 6 does not adequately plead a cognizable contention, and it is subject to summary disposition.

Amendment 7 asserts that the estimates of worker exposure provided in the FES "are unreasonably low". The Intervenor has failed to set forth any bases or reasons for this assertion; thus the contention fails to meet the requirement of 10 CFR §2.714(b) that the bases for a contention be stated with reasonable specificity. Moreover, the FES identifies the occupational radiation exposure associated with the proposed repair as the major environmental impact (See FES, §2.4). Occupational exposure was thoroughly and extensively addressed in the FES. The expected exposure was compared to the actual exposure which occurred during the steam generator repair at Surry, and adjusted upward in light of that experience. As a result of that upward adjustment, FPL changed its planned procedure so as to reduce occupational exposure (See FES, §§4.1.1 and 5). In addition, the Intervenor addressed occupational exposure in his comments on the DES, and the Staff responded fully to those comments (See FES, §§8.6.8 and 8.6.13). Thus there is no genuine issue to be heard as to the facts set forth on occupational exposure in the FES, and Amendment 7 is subject to summary disposition.

Amendment 8 asserts that the analysis of deaths and health effects that are expected to result from the repair activity is based on "outmoded scientific information". Again, the Intervenor has failed to set

forth the basis for this assertion and thus the contention fails to meet the requirements of 10 CFR §2.714(b). With regard to the facts, the health effects predicted in the FES are based on the 1972 report of the National Academy of Sciences' Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR Committee), "The Effect on Populations of Exposure to Low Levels of Ionizing Radiation" (See FES, §4.1.1.6). The 1972 BEIR report was updated by the more recent report, "The Effect on Populations of Exposure to Low Levels of Ionizing Radiation - 1980". This 1980 report is used as the basis for additional estimates presented in Appendix B of the FES (See FES, pp. B-1 through B-4).^{31/} Thus there is no genuine issue to be heard as to the facts with respect to this contention, and it is subject to summary disposition.

Amendment 9 states:

The economic analysis in the EIS is invalid in that it fails to consider the possibility that replacement or repair of the steam generators may be necessary a second time.

In fact §3 of the FES does consider the possibility of the need to replace or repair the steam generators again, and concludes that "a number of changes have been made in the materials, the design, and the operating procedure for the replacement steam generators to assure that the corrosion and denting problems will not recur." Section 6(3) states that the new steam generator design "incorporates features that will eliminate the potential for the various forms of tube degradation observed to date." In responding to the Intervenor's comments on the DES, the FES further states that it "is assumed that the life of the repair is the

^{31/} The health effects of ionizing radiation predicted in the 1980 report by the BEIR Committee are less severe than those predicted by the 1972 report.

remainder of the plant life, or about 30 years. There is no guarantee of this plant life; however, the Staff safety review found no reason to doubt that the steam generators would last the life of the plant" (FES, §8.6.24).

No basis has been shown for this contention. It should be noted that the Intervenor's original Contention 11(a) alleged that the Licensee had "failed to consider the cost of future recurring steam generator repairs." The Board rejected that contention then because it found "no basis for this speculation."^{32/} There is still no basis shown for such speculation. Amendment 9 does not adequately plead a cognizable contention, and it is subject to summary disposition.

Amendment 10 states:

The entire EIS fails to comply with a good faith consideration as is required under NEPA.

This statement is wholly conclusory and without the allegation of any factual or other bases or reasons. It does not purport to raise any factual issue, and it lacks the specificity and particularization of reasons for its bare assertions required by 10 CFR §2.714(b). It is therefore not admissible as a contention. In addition, the FES contains a good faith, objective and reasonable consideration of the subject areas as mandated by NEPA.^{33/} Amendment 10 is subject to summary disposition.

Amendments 11 and 13 both purport to address the consideration of alternatives in the FES.

^{32/} Order Relating to Contentions and Discovery, dated September 25, 1979, at p. 5.

^{33/} Environmental Defense Fund, Inc. v. Andrus, 619 F.2d 1368, 1375-77 (10th Cir. 1980); Manygoats v. Kleppe, 558 F.2d 556, 560-61 (9th Cir. 1977).

Amendment 11 states:

The analysis of alternatives is inadequate under NEPA.

Amendment 13 states:

The EIS fails to adequately discuss the alternatives to the proposed action.

These assertions are bare conclusions, devoid of any description of bases or reasons for the statements. There is no identification of any alternatives which should have been considered but were not. Neither is there any description of alleged inadequacies or deficiencies in the analysis of those alternatives which were considered in the FES. It has been held that the "discussion of environmental effects of all alternatives need not be exhaustive, but it must be such that sufficient information is contained therein to permit a 'rule of reason' designation of alternatives beyond the primary proposal."^{34/}

The Supreme Court has discussed this question of NEPA consideration of alternatives as follows:

"[T]he term 'alternatives' is not self-defining.... Common sense also teaches us that the 'detailed statement of alternatives' cannot be found wanting simply because the agency failed to include every alternative device and thought conceivable by the mind of man.... It is still incumbent upon intervenors who wish to participate to structure their participation so that it is meaningful, so that it alerts the agency to the intervenor's position and contentions.... Indeed, administrative proceedings should not be a game or a forum to engage in unjustified obstructionism by making cryptic and obscure reference to matters that 'ought to be' considered and then, after failing to do more to bring the matter to the agency's attention, seeking to

^{34/} Environmental Defense Fund, Inc. v. Andrus, supra, 619 F.2d at 1375. See also Natural Resources Defense Council, Inc. v. Morton, 458 F.2d 827, 836-7 (D.C. Cir. 1972).

have the agency determination vacated on the ground that the agency failed to consider matters 'forcefully presented.'^{35/}

Further, the FES in fact considers various alternatives in substantial detail, including continued operation without repair, replacement by plant of another design, or the chosen alternative of repair of generators (FES, §5; Table 5.1, Options considered). The steam generator repair alternatives which were analyzed included retubing (§5.2), tube sleeving (§5.3), replacement of entire generator (§5.4), and the proposed method of replacement of the lower assembly (Table 5.2). Six alternative methods for the disposal of the steam generator lower assemblies, which comprise the largest source of radioactive waste, were also analyzed (§5.5, Table 5.3). The Staff answered the comments of the Intervenor on the DES regarding alternatives, pointing out the range of reasonable alternatives it had considered, but noting that alternatives to plant operation itself, rather than the proposed repairs, were beyond the scope of required environmental review.(FES §8.6.13). The FES therefore contains a good faith reasonable review of alternatives as required by NEPA. Amendments 11 and 13 do not adequately plead cognizable contentions, and they are subject to summary disposition.

Amendment 12 states:

The final EIS as a whole fails to adequately address the impact of the steam generator repair on the human environment because it tends to explore the positive effects that the repair will have while down-playing the negative impact.

This bare assertion lacks the essential elements of pleading the bases of contentions with reasonable specificity, as required by 10 CFR §2.714(b).

^{35/} Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519, 551-54 (1978).

No issues are framed by this allegation. In addition, the FES makes a reasoned cost-benefit analysis showing that the benefits of the continued safe production of power for the public outweigh the described costs of the proposed repairs, both environmental and economic (FES, §6). It also shows that the overall cost benefit would not be improved by any of the alternatives (Id.). Amendment 12 fails to plead an admissible contention, and it is subject to summary disposition.

Amendment 14 states:

The EIS fails to adequately discuss the relationship between local short term use of man's environment and maintenance and enhancement of the long term productivity.

This contention lacks the requisite descriptions of bases with reasonable specificity, contrary to the requirements of 10 CFR §2.714(b). In addition, the Turkey Point plant site is the primary environmental resource involved in this proceeding, and it is and has been wholly dedicated to the nuclear generation of electricity. Such committed land usage was considered and approved in the operating license FES in 1972 (OL-FES, §VII). The instant proposed steam generator repairs do not change or materially alter the size, use or environmental impacts of this facility or its site. Amendment 14 does not plead a cognizable contention, and it is subject to summary disposition.

Amendment 16 states:

The final EIS fails to adequately discuss the environmental impact of a hurricane if one occurs during the repair process.

We assume that Intervenor means to refer to the environmental impact resulting from the interaction of a hurricane with steam generator repair

activities. We find infra with respect to Contention 4B that a hurricane during the repair activity would not be likely to cause a release of radioactivity to unrestricted areas. Moreover, Staff attested that the worst-case accident during the repair would not result in the release of radioactivity to unrestricted areas in excess of the limits imposed by 10 CFR Part 20. Were such an accident to occur during a hurricane, wind and turbulence would further reduce airborne concentrations (Staff Affidavit at 7). Thus there is no genuine issue to be heard as to the environmental impact of a hurricane interacting with repair activities, and Amendment 16 is subject to summary disposition.

Amendment 17 states:

The final EIS fails to consider the long term effects of a .. nuclear waste building next to biscayne bay (sic).

We assume that "nuclear waste building" refers to the steam generator storage compound (SGSC). We have already found, in granting summary disposition of Contention 4A, that the location and design of the SGSC would prevent damage to the SGLAs during storms. We also found that corrosion would not cause leaks to develop during the anticipated storage period on site (See Order dated May 7, 1981). Finally, we note specifically here that the SGSC will have a 6-inch thick concrete floor which would inhibit release of radioactive liquid, should it leak from the SGLAs (Staff Affidavit at 4). From these facts we conclude that there is no genuine issue to be heard as to the facts relating to long term effects of the SGSC next to Biscayne Bay, and that Amendment 17 is subject to summary disposition.

III. INTERVENOR'S ANSWER OPPOSING MOTION FOR SUMMARY DISPOSITION

The Intervenor on May 19, 1981 filed his Answer Opposing the Motion for Summary Disposition, which had been filed by the Staff on April 27, 1981. The Staff's motion had also opposed the Intervenor's April 20, 1981, proposed Amendment to Contention 1. The Intervenor on May 12, 1981, filed a pleading captioned "Response to NRC Staff Objections to Proposed Amended Contention 1 and Licensee's Motion to Dismiss Contention 1." Both the Staff and the Licensee on May 18 filed motions to strike this pleading on the grounds that it constituted an unauthorized reply to their answers to the proposed amendment to Contention 1, which were permitted by 10 CFR §2.714(c). Inasmuch as the Intervenor's answer to the summary disposition motion covers the points raised in his May 12 response to objections and an alleged motion, it is unnecessary to determine whether the pleadings previously filed by the Staff and the Licensee were motions, answers, objections or something else.

The Intervenor first argues that his Contention 1, although definitively read into the record by the Board^{36/} and stated with finality in our prehearing conference order,^{37/} nevertheless should be considered as including his original Contention 10. Contention 1, as set forth without objection in our prehearing conference Order entered April 2, 1981, read as follows:

"Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. §4332(2)(C) or 10 CFR §51.5 requires the preparation of an Environmental Impact Statement prior to the

^{36/} Tr. 5-7, 9, 11-15, 19-21, 24-28, 33-36, 43-44, 54.

^{37/} Memorandum and Order. (Prehearing Conference, March 24-25, 1981), entered April 2, 1981, pp. 3-4

issuance by the Nuclear Regulatory Commission of amendments to the operating licenses for Turkey Point Units Nos. 3 and 4 (Facility Operating Licenses Nos. DPR-31 and DPR-41) authorizing the Licensee to repair the steam generators now in use in each facility (Tr. 11-54)."^{38/}

Original Contention 10 read as follows:

"The Commission's NEPA Analysis is inadequate in that it fails to adequately consider the following alternative procedures:

- a. Arresting tube support plate corrosion
- b. In-place tube restoration (sleeving)
- c. In-place steam generator tube replacement (retubing)
- d. Derating
- e. Decommissioning
- f. Bioconversion
- g. Conservation
- h. Solar energy
- i. Natural gas
- j. Coal".

As discussed supra at pp. 3-4, it was intended that Contention 1, as phrased on March 24, 1981, was the only such contention before the Board. No mention was ever made, at the prehearing conference (March 24) or after the prehearing Order (April 2), that the Intervenor contended that original Contention 10 was included in or to be read with Contention 1 as rephrased. Counsel for the Intervenor was expressly told at the prehearing conference that "if you want to plead with some specificity now by rephrasing Contention 1 we would allow you to do so, but you persist in telling us you think that is sufficient. So, I am giving you warning, it is wholly lacking in specificity as a contention. And if you want to stand on it, do it at your peril."^{39/}

After some further colloquy, counsel for the Intervenor stated that after the FES was filed he was prepared "to file with the Board what issues -- what contentions we intend to assert to prove that the final EIS does

^{38/} Id.

^{39/} Tr. 35.

not legally and factually comply with NEPA...."^{40/} Accordingly, the Intervenor was granted leave to file an amended Contention 1 to supply the specificity it then lacked.^{41/} The subsequently issued Order also stated:

"The Intervenor is also granted leave to file on or before April 20, 1981, appropriate amendments to Contention 1 in order to plead with specificity the respects in which the FES (due to be filed by the Staff by April 1) does not legally or factually comply with NEPA (Tr. 36, 38-9, 43). The Staff is granted leave to file a motion for summary disposition of Contention 1 as thus amended, on or before May 1, 1981 (Tr. 44-5, 47, 50). The Intervenor shall file its response to the Staff's motion for summary disposition of Contention 1 as amended, by May 20, 1981 (Tr. 52)."^{42/}

The 17 proposed amendments to Contention 1 filed by the Intervenor pursuant to leave granted, did not include original Contention 10. It was only after the Staff and the Licensee objected to the lack of specificity in the proposed amendments that the Intervenor first attempted to inject the argument that Contention 10 was always a part of Contention 1. This attempted evasion of the final framing of contentions at and following the prehearing conference cannot be allowed. The Intervenor has been previously admonished that our procedural rules and orders must be complied with.^{43/} We decline to permit this further departure from our orders and directives, and hold that original Contention 10 is not a part of, nor is it to be read in conjunction with, Contention 1 as stated in our controlling prehearing conference order establishing the issues in this proceeding.

^{40/} Tr. 36.

^{41/} Tr. 43.

^{42/} Memorandum and Order, entered April 2, 1981, p. 4.

^{43/} Memorandum and Order, entered April 7, 1981, p. 2' (... "Because of the urgencies of time...we will treat the Intervenor's motion on the merits. However, in the future it is expected that procedural rules will be complied with.")

It is interesting to observe that of the 10 (subparagraphs a-j) alleged defects in the NEPA analysis which the original Contention 10 (which we have rejected) purported to assert, only three are included in the Intervenor's Statement of Genuine Issue of Fact, which accompanied his Answer Opposing the Motion for Summary Judgment (sic), dated May 19, 1981. This statement of genuine issues of material fact reads as follows:

- "1. Whether the Final Environmental Statement adequately addresses the alternatives of derating, conservation and solar power."^{44/}

This statement of genuine issues only addresses subparagraphs d, g and h of original Contention 10, so apparently the remainder are abandoned.

The thrust (and some of the flavor) of the Intervenor's attempts to inject original Contention 10 into the issues framed for hearing, may be discerned from portions of his May 12, 1981 filing, denominated Response to NRC Staff Objections to Proposed Amended Contention 1 and Licensee's Motion to Dismiss Contention 1. It was there stated, in regard to the pleading of Contention 1, that "The Intervenor is not required to voluntarily disclose its entire case to the Staff and Licensee, but through proper Rules of Procedure the process will disclose to the Staff and Licensee the theory of the Intervenor's case concerning Contention 1" (p. 4). It was further stated that the "evidence will show that conservation and solar energy would allow the derating and decommissioning of the Turkey Point Plant" (p. 5).

^{44/} Paragraph 2 of this statement of genuine issues of material fact, relating to alleged radioactive releases to unrestricted areas from storage of waste produced during repairs combined with hurricanes, is discussed in Section IV, dealing with Contention 4B, post.

It is clear that the Intervenor's efforts to assert contentions regarding conservation and solar energy are irrelevant and beyond the scope of issues that may be considered in this license amendment proceeding. We have already discussed (pp. 2 and 10, supra) the controlling principle that an amendment proceeding is limited to a consideration of those issues "directly arising from the proposed change."^{45/} An amendment proceeding cannot be converted into a vehicle for the reconsideration of previously analyzed environmental impacts from the construction and operation of a new nuclear plant.

The environmental analysis of an amendment is focused only upon the changes arising from the amendment.^{46/} The consideration of alternatives in an amendment proceeding does not include the evaluation of alternatives to the continued operation of the plant, even though the amendment might be necessary to enable continued reactor operation.^{47/} Energy conservation and solar energy are alternatives to the operation of Turkey Point, rather than alternatives to the proposed steam generator repairs. Hence they are beyond the scope of this proceeding, as they were the subject of prior NRC consideration in operating license proceedings.^{48/}

^{45/} Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), ALAB-245, 8 AEC 873, 875 (1974).

^{46/} Consumers Power Co. (Big Rock Point Nuclear Plant), ALAB-636, 13 NRC ___, Slip opinion p. 26 (March 31, 1981).

^{47/} Northern States Power Co. (Prairie Island Nuclear Generating Plants, Units 1 and 2), ALAB-455, 7 NRC 41, 46-47, fn. 4 (1979); Portland General Electric Co. (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 266, fn. 6 (1979).

^{48/} Final Environmental Statement, July 1972, §X.

It has been held that the need for power is not a cognizable issue in a license amendment proceeding, where it had been explored at the prior construction permit and operating license proceedings.^{49/} Since an evaluation of the need for power accounts for electric energy saved through conservation or the use of solar power, a consideration of such alternatives in this proceeding would amount to an irrelevant reconsideration of the need for power from Turkey Point.^{50/} Such issues are beyond the scope of this proceeding.^{51/}

Finally, it should be recalled that the Intervenor submitted his untimely petition to intervene more than a year after the expiration of the intervention period (supra, p. 2). In support of showing his ability to make a contribution to this proceeding under the five-factor test for nontimely filings under 10 CFR §2.714(a)(1), the Intervenor asserted that he had experts who would testify as follows:

"The three major areas to be addressed by these witnesses were identified as '(1) the long term on site storage of steam generator lower assemblies in an earthen floor facility; (2) the occupational radiation exposure, and (3) the release of liquid effluents containing radioactivity into a closed cycle cooling canal.'" (Supplemental Submission of Petitioner Mark P. Oncavage, June 5, 1979, p. 2).

^{49/} Portland General Electric Co. (Trojan Nuclear Plant), ALAB-534, 9 NRC 287, 289 (1979).

^{50/} Consumers Power Co. (Midland Plant, Units 1 and 2), CLI-74-5, 7 AEC 19, 24 (1974); Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2), ALAB-455, 7 NRC 41, 46 fn. 4 (1978).

^{51/} 42 Fed. Reg. 62569.

None of these "three major areas" which formed the basis of the intervention remains in issue, and no expert opinions or testimony have been proffered on these issues. This probably is due in part to the Licensee's responses to the concerns voiced by the Intervenor. For example, the originally proposed Steam Generation Storage Compound (SGSC) was to be an earthen floored structure with one end closed by concrete stop logs. The SGSC was to be located in the lay-down area at an elevation of about five feet MLW. Licensee now plans to make the SGSC a concrete floored building which will meet local hurricane-resistance design standards, and it will be founded on an engineered fill of crushed, compacted limestone at an elevation of 17.5 feet MLW (FPL Affidavit). Again, FPL originally planned to replace the steam generator assemblies using a pipe-cut method, similar to the method being used in the Surry SGS repair. Surry's experience caused FPL to increase its estimate of occupational exposure from 1300 person-rem per unit to 2985 person-rem per unit. Primarily because of the high occupational dose associated with the pipe-cut method, FPL determined that an alternative, the channel-cut method, should be used. The channel-cut method results in an estimated occupational exposure of 2084 person-rem per unit (FES 4.1.1.3 and 4.1.1.4).

IV. CONTENTION 4B

Contention 4B states:

There are likely to occur radioactive releases, (from the steam generator repair) to unrestricted areas which violate 10 CFR Part 20 or are not as low as reasonably achievable within the meaning of 10 CFR Part 50 as a result of a hurricane or tornado striking the site during repairs.

The parties were also put on notice by the Board's February 23, 1981 "Order Accepting Negotiated Schedule" that the Board intended to hear evidence on the relationship between the repair schedule and the hurricane season. These matters were addressed in the "Affidavit of Robert F. Abbey, Jr. on Contention 4B" filed by Staff (Staff Affidavit) and the "Affidavit of F. G. Flugger and H. H. Jabali and P. K. Wan on Contention 4B" filed by Licensee (FPL Affidavit).

The proposed steam generator repair for Unit 4 is scheduled to begin in late October, 1981, and end about June, 1982. The repair for Unit 3 is scheduled to begin in late October, 1982, and end about June, 1983 (FPL Affidavit at 10, Staff Affidavit at 5). The Atlantic hurricane season begins June 1 and extends through November 30 (FPL Affidavit at 4, Staff Affidavit at 2). Based on observations from 1886 through 1977, the median beginning date of the hurricane season is June 26, and the median ending date is October 29 (FPL Affidavit at 4). Observations from 1871 through 1978 in a 50-mile segment of coastline encompassing Turkey Point show that the earliest recorded hurricane made landfall on September 8 and the latest occurred on October 21 (Staff Affidavit at 1-2). Thus, although the proposed repair schedule is not based on the timing of the hurricane season, it does not substantially coincide with the historical hurricane season in southeastern Florida (FPL Affidavit at 10, Staff Statement of Material Facts at 2).

The tornado season in Florida is less well defined. Within 125 nautical miles of Turkey Point, 253 tornadoes were reported in the period 1950 through 1980 (Staff Affidavit at 2). These storms occurred throughout

the year, but the peak month for tornadoes was June (Ibid). The high frequency of severe tornadoes characteristic of the midwest is not expected in Florida because meteorological conditions in peninsular Florida differ from those in the midwest (FPL Affidavit at 6-8). While midwestern tornadoes often have windspeeds up to 300 mph or even more, tornadoes in southern Florida rarely have windspeeds above 200 mph (FPL Affidavits at 6-9, Table 1). The greatest inferred windspeed for a tornado within 125 nautical miles of Turkey Point is between 207 and 260 mph, an Intensity Class 4 storm on the Fujita Scale (Staff Affidavit at 5; FPL Affidavit, Table 1); the Licensee attests to evidence showing that this particular storm probably had windspeeds that were low in the Class 4 range (FPL Affidavit at 8-9).

The probability of occurrence of hazardous windspeeds at Turkey Point is very small. Staff estimated the probability of the site experiencing hurricane winds of 150 mph to be about 5×10^{-4} /yr and the probability of tornado windspeeds of 260 mph to be about 1.5×10^{-7} /yr (Staff Affidavit at 5). Licensee estimated the probability of a tornado with 200 mph winds occurring at the site to be 1.6×10^{-6} /yr (FPL Affidavit at 9). We conclude that the probability of these events occurring during the repair is somewhat less than the estimates above, because the repair activities will take place during a period less than a year in length.

The matter of hurricanes and tornadoes at Turkey Point is addressed in the Affidavit of Leonard G. Pardue on Contention 4B (Pardue Affidavit) attached to the Intervenor's Answer Opposing the Motion for Summary Judgment. The Pardue Affidavit predicts storm surges of 13-18 feet during a Category 4

hurricane (using the Saffir/Simpson Hurricane Scale) and a surge of more than 18 feet during a Category 5 hurricane. Whether these values are in terms of mean low water (MLW) or mean sea level (MSL) is not revealed. The Pardue Affidavit predicts that a "major hurricane" could produce a storm surge 15 feet above MSL, however. This compares with the estimate by FPL and Staff that a PMH would produce a storm surge of 18.3 feet above MLW. With regard to the chance that a hurricane will occur at Turkey Point, the Pardue Affidavit estimates the probability of a "major hurricane" occurring in a 50-mile segment of Florida coast in which Turkey Point is located to be 5×10^{-2} per year. This value compares with Staff's estimate of 5×10^{-4} per year probability that a 150 mph hurricane wind will occur at the site. The large coastal segment and greater wind range (from 111 mph up) considered by the Intervenor may account for the greater probability value given in the Pardue Affidavit.^{52/} We need not reconcile these different estimates, however, to reach a result with regard to the motion for summary disposition of Contention 4B, for reasons which are explained below.

Licensee's schedule for the proposed steam generator repair was not based on the timing of the hurricane season or the probability of tornado occurrence (FPL Affidavit at 10). FPL attests that consideration of the occurrence of a hurricane or tornado does not alter the safety evaluation of the repair activity reached by FPL or the NRC Staff (Ibid., FPL Affidavit at 11). The physical work associated with removal and replacement of the steam generator lower assemblies (SGLAs) will occur within the reactor

^{52/} Staff also provided a summary of wind hazard probabilities for Turkey Point which ranged from 1.0×10^{-1} per year for the threshold hurricane wind speed of 73 mph to 1.0×10^{-4} for a hurricane wind speed of 167 mph. An estimate of 1.0×10^{-2} obtained for speeds of 105/110 mph agrees well with the Pardue Affidavit estimate. See Staff Affidavit at 4, Table 1.

building; the reactor building is designed to withstand a tornado and the probable maximum hurricane (PMH) (FPL Affidavit at 10). During the repair the spent fuel will be removed from the reactor building and placed in the spent fuel complex, a structure independent of the reactor building and also designed to withstand a tornado and the PMH. If a wind-borne missile should enter the open equipment hatch of the reactor building during a hurricane or tornado, the missile could not impact the nuclear fuel or cause any other accident not previously evaluated (FPL Affidavit at 11). Water-borne missiles could not enter the open equipment hatch during the tidal surge associated with a PMH because the bottom of the hatch opening is at an elevation of more than 28 feet MLW (Steam Generator Repair Report, Figure 3.2-4). The storm surge during a PMH would reach a stillwater level of 18.3 feet MLW, with waves on the engineered fill of the reactor building cresting to less than 22.5 feet MLW (Affidavit of Richard B. Codell on Contention 6(a), (b), (c), and (e), accompanying the NRC Staff Second Motion for Summary Disposition, dated March 23, 1981, at 2-3).

As the SGLAs are removed from the reactor building, steel support saddles will be affixed to them (FPL Affidavit at 11). The SGLAs will then be placed temporarily in a laydown area at an elevation of 17.5 feet MLW or moved into the Steam Generator Storage Compound (SGSC)(Ibid). Neither tornadic nor PMH winds would be sufficient to move an SGLA temporarily located on support saddles in an open area because they weigh 185 tons (FPL Affidavit at 11-12; Staff Affidavit at 5). Nor would a tornado-borne missile be able to penetrate the steel wall of an SGLA (FPL Affidavit at 12). If the SGLAs are in the SGSC when the site is struck by a tornado or PMH,

they will be adequately protected from storm winds and tidal surge (FPL Affidavit at 13-14; See Codell Affidavit cited above and Licensee's Answer Supporting NRC Staff Motion for Summary Disposition of Contention 4A with supporting affidavits).^{53/}

Notwithstanding the fact that no radioactive release is to be expected from the SGLAs as a result of a storm at Turkey Point during the repair activity, both Licensee and the NRC Staff analyzed the hazard associated with such release were it to occur. It was shown in the FES (NUREG-0743) that given the worst-case accident involving a 12-foot drop of the SGLA, the radioactive release would be within 10 CFR Part 20 limits at the site boundary (FPL Affidavit at 15). Under storm conditions wind and turbulence would increase the dilution and further reduce airborne concentrations (FPL Affidavit at 16; Staff Affidavit at 7). Thus, if an SGLA were breached during a storm the resulting hazard would be insignificant.

From the foregoing, we find the following material facts as to which there are no genuine issues to be heard:

1. The proposed repair schedule does not substantially coincide with the historical hurricane season in southeastern Florida, and the probability of a tornado occurring at the site during the repair activity is remote.

^{53/} Contention 4A, which stated that the SGLAs would be damaged by storm tides or seawater while stored in the SGSC, was summarily dismissed by us in our Order dated May 7, 1981. We granted the motion for summary disposition of that contention because the SGSC will be founded on engineered fill with a finished grade of 17.5 feet MLW, and the storage compound will comply with the design requirements of the Code of Metropolitan Dade County, Florida, with respect to wind loadings. Additionally, the facts showed that the SGLA walls would not be penetrated by corrosion during the period of storage on site.

2. Physical work associated with removal and replacement of the steam generator lower assemblies will be conducted inside the reactor building, which is designed to withstand a tornado or hurricane.
 3. A steam generator lower assembly outside the reactor building would be unmoveable by tornado or hurricane winds or wind-driven water.
 4. A tornado-borne missile could not penetrate the steel wall of a steam generator lower assembly.
 5. Steam generator lower assemblies will be adequately protected from tornadoes and hurricanes when stored in the steam generator storage compound.
 6. If a radioactive release from the steam generator lower assemblies should occur during a storm, the radiological consequences will fall within the permissible radiation levels of 10 CFR Part 20, levels which are applicable to normal reactor operation, rather than accident conditions.
- Accordingly, Contention 4B is subject to summary disposition.

V. FURTHER PROCEEDINGS

A. Termination of Evidentiary Hearing

The Board has now granted summary disposition of all of the Intervenor's admitted contentions.^{54/} There are therefore no cognizable contentions that remain to be heard, and hence there is no necessity to hold an evidentiary hearing.

The authority for terminating the evidentiary hearing, originally scheduled to commence June 2, 1981,^{55/} is to be found in the Appeal Board's decision in Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-584, 11 NRC 451 (1980). In that case, the "Licensing Board granted the Applicant's motion for summary disposition of all issues in its favor and, accordingly, authorized the issuance of the license amendment" (11 NRC at 452). The Appeal Board affirmed this action granting summary disposition in its entirety. After reviewing the record regarding alternatives to proposed spent fuel pool modifications, it held that the Licensing Board "...correctly declined to order a hearing to explore further the Intervenor's suggested alternatives" (11 NRC at 456). After reviewing the service water cooling system contention, the Appeal Board stated:

^{54/}Original Contention 14 (Memorandum and Order dated April 2, 1981); Contentions 2, 3, 5, 6, 7 and 8 (Memorandum and Order dated April 29, 1981); Contention 4A (Order dated May 7, 1981); and Contention 1, amended Contention 1, 17 proposed amendments to Contention 1, and Contention 4B are summarily dismissed by the instant Memorandum and Order.

^{55/}Notice of Prehearing Conferences (Supplements to Schedule), dated March 10, 1981, p. 2; 46 Fed. Reg. 17318.

"...at no juncture did [Intervenors] point to anything which might cast doubt upon the Applicant's thesis that, even should the postulated accident conditions occur, the facility's cooling system would remain capable of maintaining the pool water temperature at a level which posed no threat to the public health and safety. In these circumstances, there was nothing to be heard" (11 NRC at 461). (Emphasis supplied)

The Appeal Board has described its North Anna decision as follows:

"That the Section 2.749 summary disposition procedures provide in reality as well as in theory, an efficacious means of avoiding unnecessary and possibly time-consuming hearings on demonstrably insubstantial issues is amply reflected by our recent decision in Virginia Electric and Power Company (North Anna Nuclear Power Station, Units 1 and 2), ALAB-584, 11 NRC at 451. In that proceeding, involving an application for an operating license amendment to permit the expansion of the capacity of a spent fuel pool, the Licensing Board summarily resolved in the applicant's favor all of the intervenors' contentions.... More specifically, because, in response to the applicant's motion for summary disposition, the intervenors had not demonstrated that a genuine issue of fact existed respecting the environmental superiority of any of their suggested alternatives, we held that as a matter of law none of these alternatives had to be further explored at an evidentiary hearing."^{56/} (Emphasis in original.)

In the instant case, we have held that the alternatives of conservation and solar power, which allegedly "would allow the derating and decommissioning of the Turkey Point Plant,"^{57/} are beyond the scope of this proceeding as a matter of law. Accordingly, since all of the Intervenor's contentions have been summarily dismissed, there is nothing to be heard and no necessity for an evidentiary hearing.

^{56/} Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542, 550-51 (1980).

^{57/} Intervenor's Statement of Genuine Issue of Fact, dated May 19, 1981.

The Intervenor argues that 10 CFR §51.52(b)(1) requires a public hearing at which the Staff will offer the FES into evidence.^{58/} Section 51.52(b)(1) provides in pertinent part as follows:

"In a proceeding in which a hearing is held for the issuance of a permit, license, or order, or amendment to or renewal of a permit, license, or order, covered by §51.5(a), and matters covered by this part are in issue, the staff will offer the final environmental impact statement in evidence. Any party to the proceeding may take a position and offer evidence on the aspects of the proposed action covered by NEPA and this part in accordance with the provisions of Subpart G of Part 2 of this chapter." (Emphasis supplied)

As the italicized portions of this section show, the FES is to be offered into evidence only if a hearing is held. It does not itself require the holding of a hearing if one is not otherwise required. This section further provides that it applies if NEPA "matters covered by this part are in issue." Inasmuch as all contentions have been summarily dismissed, there is no necessity for a hearing, and there are no NEPA matters in issue. Consequently, the provision concerning offering the FES into evidence is not applicable.

^{58/} Intervenor's Response to NRC Staff Objections to Proposed Amended Contention 1 and Licensee's Motion to Dismiss Contention 1, dated May 12, 1981, at pp. 5-6.

B. Retention of Jurisdiction Concerning Radioactive Solid Wastes

There remains one matter for which the record is not sufficiently developed to enable the Board to rule with finality. This subject concerns the alleged storage on site of low level solid waste in "loosely stacked, sealed drums in roped off areas" (Affidavit of Douglas King, dated May 13, 1981, par. 4, 7). It is asserted that the amount of radioactive solid waste to be generated from the proposed repairs ranges from 1100 to 2300 cubic meters per unit, according to the FES (Id., at par. 8).^{59/} It is further asserted in this affidavit that the availability of the Barnwell disposal site is limited, and that the outdoor storage of solid waste in drums is unreasonable in view of the likelihood of hurricanes or tornadoes (Id., at par. 9-10).

The lack of an adequate record on this subject is probably attributable to the short time available to develop Contention 4B and the underlying data. At the prehearing conference on March 24, 1981, the Board permitted the Intervenor to amend Contention 4 by adding paragraph B, which raised the question of radioactive releases during the period of repairs (Tr. 56-60). This action was taken over objections of Staff and the Licensee that it injected new matters and issues when a trial was imminent (Tr. 61-72).

The Board, making a liberal construction of NRC discovery practice, also permitted the Intervenor to make a discovery site inspection and to perform some environmental sampling, subject to reasonable limitations.^{60/}

^{59/} FPL estimates that this solid waste will contain 130 to 270 curies of radioactivity (FES, 4.1.2.2).

^{60/} Memorandum and Order, entered April 2, 1981, pp. 6-10.

It was contemplated that such inspection would be conducted expeditiously in view of the tight discovery and trial schedule, and that the parties would report promptly any significant discoveries. However, the Board received only a somewhat cryptic footnote from the Licensee on April 20, 1981, indicating that the site inspection had been conducted on April 19 and that some undescribed samples had been sent to an independent laboratory for analysis.^{61/} No other information regarding this site sampling has ever been received by the Board.

The only other information regarding observations made at the Intervenor's April 19 site inspection came on May 21, in the form of an affidavit by Douglas King executed on May 13, contained in Intervenor's Answer Opposing the Motion for Summary Judgment (sic) dated May 19, 1981. That affidavit describes several hundred, loosely stacked drums apparently containing low level solid wastes. However, due to the posture of the filings made by the several parties and the time pressures of preparing for hearing, no information on this subject has been received from the Licensee or the Staff.

The Board wishes to keep the record open on the subject of solid wastes, their storage on site in drums, or their transportation or other disposition. Accordingly, all parties are requested and directed to furnish reasonably detailed and concrete information on

^{61/} Licensee's Response to Intervenor's Motion to Continue or Deny Summary Disposition, dated April 20, 1981, at p. 3, fn. 9.

these matters, by affidavits or other means tending to establish reliability. The parties are also requested to state their positions regarding what action, if any, the Board can or should take in this regard, including possible license amendment conditions.

Such written information should be lodged with the Board (not merely mailed) on or before 4 p.m., Monday, June 15, 1981.

ORDER

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is this 28th day of May, 1981

ORDERED

1. That the Staff's motions for summary disposition are granted as to all of the Intervenor's admitted contentions (Contentions 1, 2, 3, 4A, 4B, 5, 6, 7, 8, and originally numbered 14), and each of the said contentions or amendments thereto is dismissed with prejudice.

2. That the evidentiary hearing originally scheduled for June 2, 1981, is unnecessary, and it is hereby canceled.

3. That the parties are directed to file by 4 p.m., June 15, 1981, detailed information concerning the handling, storage, transportation or other disposition to be made of low level solid waste that may be produced at the Turkey Point facility as a result of the proposed steam generator repairs.

4. That the parties are further directed to state their positions as to whether the Board can or should take any action regarding solid waste resulting from steam generator repairs at Turkey Point, including the imposition of license amendment conditions.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Emmeth A. Luebke

Dr. Emmeth A. Luebke
ADMINISTRATIVE JUDGE

Oscar H. Paris

Dr. Oscar H. Paris
ADMINISTRATIVE JUDGE

Marshall E. Miller

Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

FLORIDA POWER AND LIGHT COMPANY)

(Turkey Point, Units 3 and 4))
)
)
)
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)

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

29th day of May 1981.

Peggy K. Downing
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

Marshall E. Miller; Esq., Chairman.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Emmeth A. Luebke
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Florida Power and Light Company
ATTN: Dr. Robert E. Uhlig
Vice President
P.O. Box 529100
Miami, Florida 33152

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

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

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

Neil Chonin, Esq.
Law Offices of Neil Chonin, P.A.
1400 Amerifirst Building
One S.E. Third Avenue, Suite 1400
Miami, Florida 33137

Henry H. Harnage, Esq.
Peninsula Federal Bldg., 10th Floor
200 S.E. First Street
Miami, Florida 33131

Robert A. Ginsburg, Esq.
Dade County Attorney
1626 Dade County Courthouse
Miami, Florida 33130

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WASHINGTON D.C. 20555

April 30, 1981

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- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: April 23, 1981 Memorandum and Order (Canceling Prehearing
Conference)

Division of Licensing
Office of Nuclear Reactor Regulation

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555

April 30, 1981

Docket NoS 50-250
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- ☒ Other: April 23, 1981 Memorandum and Order (Canceling Prehearing
Conference)

C. J. Parrish
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc:

Dr. Robert E. Uhrig
Florida Power and Light Company

cc: Honorable Dewey Knight
County Manager of Metropolitan
Dade County
Miami, Florida 33130

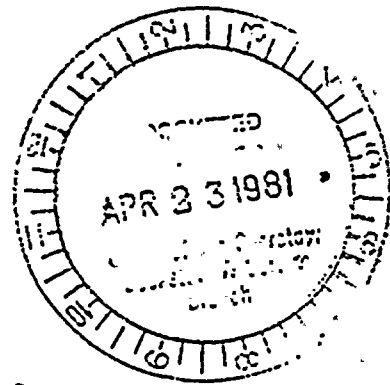
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660 Apalachee Parkway
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Mr. Jack Shreve
Office of the Public Counsel
Room 4, Holland Building
Tallahassee, Florida 32304

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

Marshall E. Miller, Chairman
Dr. Oscar H. Paris, Member
Dr. Emmeth A. Luebke, Member



In the Matter of

FLORIDA POWER & LIGHT COMPANY

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

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

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

April 23, 1981

SERVED APR 24 1981

MEMORANDUM AND ORDER
(Canceling Prehearing Conference)

By orders dated March 10, 1981 and April 3, 1981 this Board scheduled a Prehearing Conference to consider summary disposition motions and other pending motions, to be held at Homestead, Florida on April 27-28, 1981. On April 22, 1981 counsel for the Intervenor advised the Board by telephone that the Intervenor "had agreed" to the motions for summary disposition of contentions 2A & B, 3, 5, 6, 7, and 8, and wished to litigate only contentions 1 and 4A & B. He suggested, additionally, that the Prehearing Conference scheduled for April 27-28, 1981 was no longer necessary and moved that it be canceled. The Board advised Licensee and Staff by telephone of the motion to cancel the Prehearing Conference; both parties said they did not object to cancellation. Also, they confirmed the agreement reached with the intervenor in regard to the motions for summary disposition.

The Board agrees that there is no need for the April 27-28, 1981 Prehearing Conference.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

FLORIDA POWER AND LIGHT COMPANY)

(Turkey Point, Units 3 and 4))
)
)
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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

24th day of April 1981.

Gregory H. Downing
Office of the Secretary of the Commission

Information copies sent to:

50-250SP, 251SP

Honorable John Calautti
Acting Mayor
City of Florida City
P.O. Box 3001
Florida City, Florida 33034

League of Women Voters
5900 S.W. 73rd Street, Suite 102
Miami, Florida 33143

Mr. W.C. Wardlaw, III
Box 1453
Homestead, Florida 33030

Mr. John R. Newell
241 N.E. Spanish Trail
Boca Raton, Florida 33432

Enos L. Schera, Jr.
8254 S.W. 37th Street
Miami, Florida 33155

Albert F. Peterson, Ph.D.
6141 S.W. 15th Street
Plantation, Florida 33317

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- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
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- ☐ Facility Operating License No. DPR- _____, NPF- _____, dated _____.
- ☐ Amendment No. _____ to CPPR- _____ or DRR- _____, dated _____.
- ☒ Other: Notice of Prehearing Conference (April 3, 1981)
- ☐ _____

CParrish
Division of Licensing

Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc:

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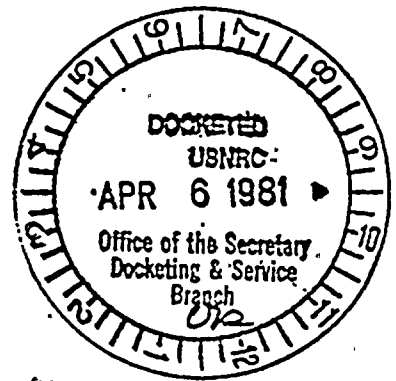
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Marshall E. Miller, Chairman
Dr. Emmeth A. Luebke.
Dr. Oscar H. Paris



SERVED APR 6 1981

In the Matter of
FLORIDA POWER AND 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)

NOTICE OF PREHEARING CONFERENCE
(April 3, 1981)

Pursuant to Notice of Prehearing Conferences (Supplements to Schedule), dated March 10, 1981 (46 Fed. Reg. 17318), notice is hereby given that a prehearing conference to consider summary disposition motions and other pending motions and matters will be held in Homestead, Florida on April 27-28, 1981.

This prehearing conference will commence on Monday, April 27, 1981, at 1:30 p.m., local time, in the Council Chambers of the Homestead City Hall, located at 790 North Homestead Boulevard, Homestead, Florida. On Tuesday, April 28, 1981, proceedings will be resumed at 10:00 a.m., local time, in the Homestead Branch Court, located at 715 Northeast First Road, Homestead, Florida.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Marshall E. Miller

Marshall E. Miller
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 3rd day of April, 1981.

JOHN R. NEWELL
 241 NORTHEAST SPANISH TRAIL
 BOCA RATON, FLORIDA 33432

March 30, 1981

Secretary of the Commission
 Nuclear Regulatory Commission
 Washington, D.C. 20555

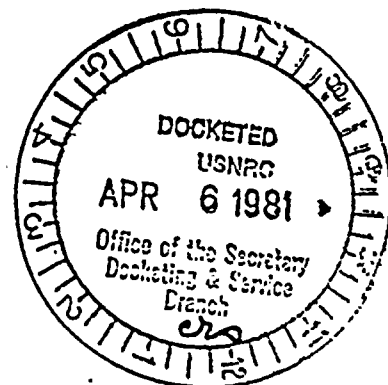
Gentlemen:

I desire to make a limited appearance at the Prehearing conferences and the Evidentiary Hearing re Florida Power and Light Co., Turkey Point Nuclear Generating Units 3&4 on the proposed amendments to facility operating license to permit steam generator repairs to be held on April 27-28, 1981 and on May 21-22, 1981 and on June 2 - 12, 1981 at Homestead, Florida.

I am a retired marine engineer and shipbuilder, a former president of Bath Iron Works, Bath, Maine, was for ten years a member of the Atomic Industrial Forum in the capacity of designing nuclear powered warships; I was president of the Society of Naval Architects and Marine Engineers in 1961 and 1962; I am a former director of the Federal Reserve Bank of Boston; I received the notice of the change of meeting place for the hearing on motion for site inspection by the intervenor too late to attend. But I am told the request for on site inspection was granted by the Atomic Safety Licensing Board as it should have been.

Yours truly,

John R. Newell
 John R. Newell



Acknowledged by card... 4-6-81... ere

Eugenia M Pleasant
Office of the Secretary of the Commission

-250SP
-251SP

~~~~~

50-251SP

),

[illegible]

venue. —

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Fig. 1. The effect of the concentration of the solution of the monomer on the rate of polymerization of  $\alpha$ -methylstyrene in the presence of  $\text{K}_2\text{S}_2\text{O}_8$  at  $50^\circ\text{C}$ . The concentration of the initiator was  $10^{-3}$  mole/l. The concentration of the monomer was 0.1 mole/l. The concentration of the monomer was 0.1 mole/l. The concentration of the monomer was 0.1 mole/l.

Information copies sent to:

50-250SP, 251SP

Honorable John Calautti  
Acting Mayor  
City of Florida City  
P.O. Box 3001  
Florida City, Florida 33034

League of Women Voters  
5900 S.W. 73rd Street, Suite 102  
Miami, Florida 33143

Mr. W.C. Wardlaw, III  
Box 1453  
Homestead, Florida 33030

Mr. John R. Newell  
241 N.E. Spanish Trail  
Boca Raton, Florida 33432

Enos, L. Schera, Jr.  
8254 S.W. 37th Street  
Miami, Florida 33155

Albert F. Peterson, Ph.D.  
6141 S.W. 15th Street  
Plantation, Florida 33317

Dr. Robert E. Uhrig  
Florida Power and Light Company

cc: Honorable Dewey Knight  
County Manager of Metropolitan  
Dade County  
Miami, Florida 33130

Bureau of Intergovernmental Relations  
660 Apalachee Parkway  
Tallahassee, Florida 32304

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



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

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April 13, 1981

Docket No. S 50-250/50-251

See Attached List

Subject: **FLORIDA POWER AND LIGHT COMPANY**  
**(Turkey Point Nuclear Generating, Units 3 and 4)**

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated \_\_\_\_\_.
- ☐ Safety Evaluation, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to Application/SAR, dated \_\_\_\_\_.
- ☐ Construction Permit No. CPPR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Facility Operating License No. DPR- \_\_\_\_\_, NPF- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: April 8, 1981 Memorandum and Order (Extending Time-  
to Answer Motion for Summary Disposition)

*CParrish*  
Division of Licensing  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

|         |             |  |  |  |  |  |
|---------|-------------|--|--|--|--|--|
| OFFICE  | ORB#1:DL    |  |  |  |  |  |
| SURNAME | CParrish:ds |  |  |  |  |  |
| DATE    | 4/13/81     |  |  |  |  |  |

100

Figure 1 shows a schematic diagram of a two-dimensional lattice. The lattice is represented by a grid of points. A central point is labeled '0'. Points are labeled with integers: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. The lattice is bounded by a square frame.

$\frac{d}{dt} \left( \frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

[illegible]

| Number of hauls | <i>P. setiferus</i> (%) | <i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%) | <i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%) |
|-----------------|-------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| 1               | 10                      | 5                                                                   | 2                                                                   |
| 2               | 25                      | 10                                                                  | 3                                                                   |
| 3               | 45                      | 15                                                                  | 4                                                                   |
| 4               | 65                      | 20                                                                  | 5                                                                   |
| 5               | 80                      | 25                                                                  | 6                                                                   |
| 6               | 90                      | 30                                                                  | 7                                                                   |
| 7               | 95                      | 35                                                                  | 8                                                                   |
| 8               | 98                      | 40                                                                  | 9                                                                   |
| 9               | 99                      | 45                                                                  | 10                                                                  |
| 10              | 100                     | 50                                                                  | 11                                                                  |

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

April 13, 1981

Docket NoS 50-250/50-251

See Attached List

Subject: FLORIDA POWER AND LIGHT COMPANY  
(Turkey Point Nuclear Generating, Units 3 and 4)

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

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- ☐ Draft/Final Environmental Statement, dated \_\_\_\_\_.
- ☐ Safety Evaluation, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. \_\_\_\_\_.
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- ☐ Facility Operating License No. DPR- \_\_\_\_\_, NPF- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: April 8, 1981 Memorandum and Order (Extending Time  
to Answer Motion for Summary Disposition)

*C. S. Parrish*  
Division of Licensing  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

Dr. Robert E. Uhrig  
Florida Power and Light Company

cc: Honorable Dewey Knight  
County Manager of Metropolitan  
Dade County  
Miami, Florida 33130

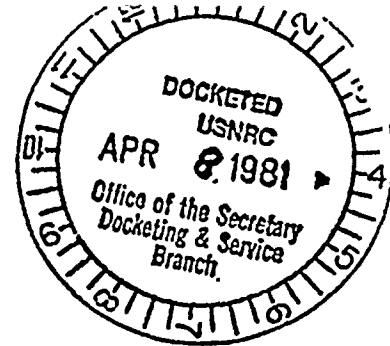
Bureau of Intergovernmental Relations  
660 Apalachee Parkway  
Tallahassee, Florida 32304

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Marshall E. Miller, Chairman  
Dr. Emmeth A. Luebke  
Dr. Oscar H. Paris



SERVED APR 9 1981

In the Matter of

FLORIDA POWER AND 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)

April 7, 1981

MEMORANDUM AND ORDER  
(Extending Time to Answer Motion for Summary Disposition)

The Staff filed a motion pursuant to 10 CFR Section 2.749 on March 27, 1981, seeking summary disposition of Contentions 2<sup>1/</sup> and 6.<sup>2/</sup> On March 30, 1981, the Intervenor filed a motion pursuant to 10 CFR Section 2.749(c) requesting the Board either to deny the Staff's motion for summary disposition, or in the alternative to continue the time within which a response would be required to 25 days following completion of the Intervenor's site inspection granted by our Memorandum and Order of April 2, 1981. The Staff responded to this motion on April 6, 1981, opposing its allowance or requesting that a continuance not exceed 10 days beyond completion of the site inspection.

<sup>1/</sup>Contention 2 asserts in substance that occupational exposures cannot be maintained as low as is reasonably achievable (ALARA) during the proposed repairs, and that a sufficient work force cannot be obtained to perform the repairs without violating the limits on individual exposures under 10 CFR Section 20.101.

<sup>2/</sup>Contention 6, now renumbered 4(A), asserts that radioactive releases to unrestricted areas will occur during onsite storage of replaced steam generators in violation of 10 CFR Parts 20 or 50, due to hurricanes, corrosion, or leakage.

Under the provisions of 10 CFR Section 2.749(a), responses by the Intervenor to the Staff's motion for summary disposition are due by April 17, 1981. Applicant FPL, in complying with the Board's order for site inspection, recommended that such inspection take place on Sunday, April 5 or 12, 1981. A prehearing conference to consider summary disposition motions, among other matters, has been scheduled on April 27-28, 1981.

The Commission's Rules of Practice permit a party opposing a summary disposition motion to obtain a continuance if it appears "from the affidavit... that he cannot, for reasons stated, present by affidavit facts essential to justify his opposition..." (10 CFR Section 2.749(c)). The Intervenor's motion is not supported by an affidavit as required by the rules, nor does it indicate what relevant information is expected to be obtained by the proposed site inspection. Because of the urgencies of time in completing discovery and commencing the evidentiary hearing on June 2, 1981, we will treat the Intervenor's motion on the merits. However, in the future it is expected that procedural rules will be complied with.

The Appeal Board has held that we may "afford the parties the opportunity for discovery prior to acting upon a motion for summary disposition" if deemed appropriate.<sup>3/</sup> In spite of the probable inadequacy of its showing regarding potential discovery by site inspection, the Intervenor will be granted a short continuance to file its answer to the Staff's summary disposition motion. However, the Intervenor should start preparing its answers promptly and not wait for completion of the site inspection.

---

<sup>3/</sup>Mississippi Power and Light Company (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 AEC 423, 426 fn. 10 (1973).

When these contentions were originally filed there was no reason to assume that site inspection would be granted, nor has any showing now been made that data so obtained are the sole bases of these contentions. We also remind Intervenor of the admonition in our Memorandum and Order dated April 2, 1981, that the proposed inspection "shall not interfere with the established trial schedule."

ORDER

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 7th day of April, 1981,

ORDERED

That the Intervenor shall have 10 days from the completion of the planned site inspection in which to answer or otherwise respond to the Staff's motion for summary disposition of Contentions 2 and 4A, except in the event that any samples collected during the site inspection are found upon survey by FPL to contain radioactivity levels above the release limits established by 10 CFR Part 30 and the Technical Specifications of FPL's OL. If any of the samples are found to exceed those limits and if, as a consequence, they must be shipped to a licensed laboratory for analysis, then the Intervenor shall have 10 days from receipt of the results of the laboratory analysis in which to supplement by that data his previously-filed answer to Staff's motion for summary disposition of Contentions 2 and 4A.

THE ATOMIC SAFETY AND LICENSING BOARD

*Emmeth A. Luebke*

Dr. Emmeth A. Luebke  
ADMINISTRATIVE JUDGE

*Oscar H. Paris*

Dr. Oscar H. Paris  
ADMINISTRATIVE JUDGE

*Marshall E. Miller*

Marshall E. Miller  
ADMINISTRATIVE JUDGE

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

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  
9<sup>th</sup> day of April 1981.

Peggy K. Downing  
Office of the Secretary of the Commission





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

April 7, 1981

Docket No. ~~50-250~~  
50-251

See Attached List

Subject: **FLORIDA POWER AND LIGHT COMPANY**  
**(Turkey Point 3 & 4)**

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated \_\_\_\_\_.
- ☐ Safety Evaluation, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. \_\_\_\_\_.
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- ☐ Facility Operating License No. DPR- \_\_\_\_\_, NPF- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: 4/3/81 Memorandum and Order (Prehearing Conference,  
March 24, 25, 1981)

*CParrish*  
**Division of Licensing**  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

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CParrish:ds

4/7/81

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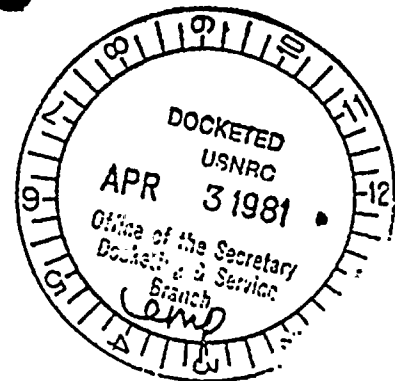
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Marshall E. Miller, Chairman  
Dr. Emmeth A. Luebke  
Dr. Oscar H. Paris



SERVED APR 3 1981

In the Matter of  
FLORIDA POWER AND 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)

April 2, 1981

MEMORANDUM AND ORDER  
(Prehearing Conference, March 24-25, 1981)

On November 9, 1980, Intervenor Mark Oncavage moved for an order allowing him and designated experts to enter upon the Turkey Point site for the purpose of "inspection, measuring, surveying, photographing, testing or sampling the property or any designated object or operation thereon pursuant to 10 CFR 2.741...."<sup>1/</sup> Additionally, Intervenor requested permission to examine the following documents: (1) Plant Survey Reports dating back to January 1, 1978; (2) environmental radiological monitoring data dating back to January 1, 1978; and (3) the workers' dosimetry records dating back to January 1, 1978. The Intervenor claimed that the inspections were relevant to Contentions 2, 3, 7, 9 and 13 (as numbered in the Order of this Board dated September 25, 1979).

Licensee Florida Power and LIGHT (FPL) filed a response in opposition to Intervenor's Motion on December 24, 1980. FPL argued that 10 CFR 2.741

---

<sup>1/</sup> Motion to Permit Entry Upon Turkey Point Site, dated November 9, 1980, p. 1.

does not authorize the filing of a motion to gain access to property and that the Motion failed to satisfy the provisions of that section. The NRC Staff, in a response filed December 29, 1980, said it did not object to the motion and cited licensing board precedent for the requested relief.<sup>2/</sup>

In a telegraphic message to the parties on January 13, 1981, the Board indicated that it agreed with the rule of reason in the Big Rock Point Licensing Board Order of June 23, 1980, and directed the parties to attempt to resolve differences on the proposed site inspection during a conference planned by them for January 19 or 23, 1981. The parties were instructed to report results of the conference to the Board.

By letter to the Board dated January 28, 1981, Licensee advised, inter alia, that no agreement was reached on settlement or discovery, but that the Intervenor would provide additional information about the proposed site inspection in a letter to FPL. That letter, dated February 4, 1981, outlined the activities that the Intervenor proposed to carry out at the site and requested certain assistance and documents from the Licensee. FPL responded by letter to the Intervenor dated February 19, 1981, in which the Licensee rejected the Intervenor's requests and reaffirmed the position taken by FPL in its filing of December 24, 1980.

In view of the continuing controversy between Licensee and Intervenor over discovery and the site inspection (our directions of January 13, 1981

---

<sup>2/</sup> Staff cited Consumers Power Company (Big Rock Point Plant), Licensing Board Order Permitting Entry On-Site (unpublished) (June 23, 1980).

notwithstanding), a Prehearing Conference was held in Homestead, Florida on March 24-25, 1981, to hear arguments on pending motions. The Board heard discussions and arguments on the language of contentions which had been accepted by the Board in its Order Relative to Contentions and Discovery, dated September 25, 1979. The Board also heard proposals for changes or refinements in the phrasing of contentions, and a final version of each contention was read into the record (Tr. 9-90, 99-100).

The Board also heard arguments about the proposed site inspection, including the activities that Intervenor proposed to carry out on the site, what assistance FPL could or should provide Intervenor, identification and qualifications of the experts who would assist, and whether Intervenor could remove samples from the site. The Board decided that the proposed site inspection and some sampling would be permitted, subject to restrictions and limitations with reference to which the parties were directed to address the Board in writing (Tr. 162-85). Finally, arguments were heard on the discovery of certain categories of documents which the Intervenor had requested from FPL. The Board granted these requests in part, and denied them in part (Tr. 190-202).

#### CONTENTIONS

The admitted contentions, as currently refined or revised, were renumbered and stated as follows:

Contention 1 - Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. §4332(2)(C) or 10 CFR §51.5 requires the preparation of an Environmental Impact Statement prior to the issuance by the Nuclear Regulatory Commission of amendments to the operating licenses for Turkey Point Units Nos. 3 and 4 (Facility Operating Licenses Nos. DPR-31 and DPR-41) authorizing the Licensee to repair the steam generators now in use in each facility (Tr. 11-54).

The Intervenor is also granted leave to file on or before April 20, 1981, appropriate amendments to Contention 1 in order to plead with specificity the respects in which the FES (due to be filed by the Staff by April 1) does not legally or factually comply with NEPA (Tr. 36, 38-9, 43). The Staff is granted leave to file a motion for summary disposition of Contention 1 as thus amended, on or before May 1, 1981 (Tr. 44-5, 47, 50). The Intervenor shall file its response to the Staff's motion for summary disposition of Contention 1 as amended, by May 20, 1981 (Tr. 52).

Contention 2 - A. The programs and procedures proposed to be followed by the Licensee in making the steam generator repairs demonstrate that it will not make every reasonable effort to maintain occupational radiation exposures as low as is reasonable achievable (ALARA) within the meaning of 10 CFR Part 20 or that it will not comply with 10 CFR §20.101, in that the Licensee intends to use transient workers with unknown radiation exposure histories.

B. A sufficient work force, both skilled and unskilled, cannot be obtained to perform the repairs without violating the limits on individual exposures contained in 10 CFR §20.101 (Tr. 10-11, 54-5).

Contention 3 - During the course of the repairs proposed by the Licensee, (a) the handling, processing, storing or discharging of primary coolant or (b) the discharging of laundry waste water is likely to result in the release of radioactive material to unrestricted areas in quantities which will not be as low as is reasonably achievable within the meaning of 10 CFR Parts 20 and 50 (Tr. 55).

Contention 4 - A. There are likely to occur radioactive releases from one or more stored assemblies to unrestricted areas which violate 10 CFR Part 20 or are not as low as is reasonably achievable within the meaning of 10 CFR Part 50, as a result of:

- (a) substantial immersion of the steam generators in sea water during a hurricane;
- (b) movement of steam generators while so immersed;
- (c) impact of such moving steam generators upon the walls of the structure in which they are stored or upon another object or objects;

- (d) corrosion resulting from moisture, sea water, or salt spray; or
- (e) leakage through the floor beneath the stored steam generators (Tr. 55-6).

B. There are likely to occur radioactive releases, (from the steam generator repair) to unrestricted areas which violate 10 CFR Part 20 or are not as low as is reasonably achievable within the meaning of 10 CFR Part 50 as a result of a hurricane or a tornado striking the site during the steam generator repairs (Tr. 60, 77, 99-100).

Contention 5 - In evaluating the steam generator repair, the following has not been considered:

- A. The cost of a full-flow condensate polishing demineralizing system;
- B. The effluent release from a full-flow condensate polishing demineralizing system; or
- C. The environmental degradation caused by a full-flow condensate polishing demineralizing system (Tr. 83-4).

Contention 6 - The cumulative offsite radiation releases as a result of all activity at Turkey Point, during the proposed repairs, do not comply with 10 CFR Parts 20 and 50 (Tr. 85).

Contention 7 - 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;
- (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; and
- (d) it has failed to update costs from December 1977 due to inflation (Tr. 86-7).

Contention 8 - The proposed method of radiation monitoring during repair of the steam generators will not provide accurate information to comply with 10 CFR Parts 20 and 50 (Tr. 88).

Originally numbered Contention 14, relating to the adequacy of measures to be taken to protect against fire hazards, is hereby dismissed by granting

the Staff's motion for summary disposition of Contention 14 filed February 20, 1981, not opposed by the Intervenor, and endorsed by the Licensee (Tr. 88-90).

By a motion dated November 9, 1980, supplemented by its letter to counsel for FPL dated February 4, 1981, the Intervenor sought entry to the Turkey Point site "for the purpose of inspection, measuring, surveying, photographing, testing or sampling the property or any designated object or operation thereon pursuant to 10 CFR 2.741." After hearing arguments on the motion from all counsel, the Board decided that it would grant the motion for discovery site inspection and some sampling, subject to reasonable limitations on the scope and nature of such site inspection (Tr. 162-64, 169-71, 174-75, 177-78, 183). Counsel were requested to make written suggestions to the Board concerning reasonable procedures for and necessary limitations upon a discovery site inspection, to be submitted simultaneously by March 30, 1981 (Tr. 185).

By letter dated March 27, 1981, counsel for FPL filed detailed suggestions for the procedure to be followed on the Intervenor's Turkey Point Site Inspection. The Intervenor by letter dated March 27, 1981, filed its requests regarding site environmental inspection and sampling. No suggestions concerning site inspection procedures have been received from the Staff.

The Board grants the Intervenor's motion for a site inspection pursuant to the discovery provisions of 10 CFR 2.741, upon the following terms and conditions:

Date, Time and Duration

The inspection shall be conducted on a Sunday between 8:00 a.m. and 5:00 p.m. The date shall be determined by agreement between the parties. The proposed inspection shall be carried out at the earliest possible date, and shall not interfere with the established trial schedule. Reasonable time will be allowed for Intervenor to procure required collecting permits if such are needed.

Number and Identity of Persons

The persons who will be allowed to conduct the site inspection are Douglas King, Health Physicist; Mark Oncavage, Intervenor; Barry Levin, Ph.D, Health Physicist; and George Swensson, Fisherman.

Procedure for Entry to and Exit From Site

All persons, instruments, equipment, and supplies will be checked by FPL for contamination prior to entry on site and commencement of the site inspection, and upon completion of the site inspection and prior to exit from the site. Normal security procedures including a hands on search will be required for entrance to and exit from the protected (security) area.

Areas of Site Inspection

Areas of the site property outside the fence which encloses the protected (security) area, including the cooling canal system, except for areas within one half mile of the southwest section of the canal system, which is known to be the preferred habitat of the American crocodile, for which the breeding season has begun.

Areas of the site property inside the fence which encloses the protected (security) area which are not within the radiation controlled area.

Intervenor may take swipes of the exterior walls of the containment buildings of Units 3 and 4, samples from the ground surrounding the containment buildings and vents of Units 3 and 4, samples from the Lake Warren shoreline and the western shoreline (coolant intake area), samples from the cooling canals, and samples from the discharge canal (including in the vicinity of the discharge pipes from Units 3 and 4). Intervenor may not take samples of radioactive waste, but he may take swipes of the exterior of containers holding low-level radioactive waste and/or survey the radiation levels external to such containers. Other sites within the security area but not within the radiation controlled area may be sampled by Intervenor at his option.

Areas of the site property within the radiation controlled area which are not within a designated high radiation area (10 CFR 20:202(b)(3)) and/or posted contaminated area. ALARA principles and good radiation protection practices require control and limitation of access to the radiation controlled area. Persons wishing to enter the radiation controlled area will be required to have a whole body count prior to entry, and upon exit, and will be required to wear a pocket dosimeter and TLD which will be provided by FPL.

#### Escorts

The Intervenor's party shall be escorted by an FPL Health Physicist, a security guard and the NRC Resident Inspector.

#### Permits

If the Intervenor intends to collect any vertebrate or invertebrate organism which is protected by the McGregor Smith Wildlife Preserve, he shall obtain the necessary scientific collecting permits from the

appropriate agency and exhibit such permits as regulations may require. All state and federal laws and regulations regarding threatened or endangered species shall be observed. State regulations regarding the taking of wildlife shall be observed.

### Samples

All samples which Intervenor wishes to remove from the site must be surveyed by FPL before they are removed to assure that they are below the radioactivity release limits set forth in 10 CFR Part 30 and FPL Operating Procedures and Health Physics Procedures pursuant to the Technical Specifications in the Operating License (OL). Samples which contain levels of radioactivity below the established limits may be removed from the site by the Intervenor, but FPL will have the right to obtain a split sample and/or catalogue each sample released to Intervenor.

Any samples found to contain radioactivity levels above the release limits established by 10 CFR Part 30 and the Technical Specifications of FPL's OL shall be released only in either of two alternative methods:

- (1) FPL will package and ship such samples to a mutually agreed upon independent laboratory licensed to receive same for analysis; kind of analysis to be mutually agreed upon; duplicate reports of the analyses by the laboratory shall be provided to Intervenor and FPL; FPL shall pay for packaging, shipment and cost of the analyses for a reasonable number of such samples; or

- (2) After retaining split samples of each specimen, FPL will package and ship Intervenor's samples to a laboratory selected by Intervenor licensed to receive same for analysis; a report of the analyses by the laboratory shall be provided to Intervenor; Intervenor shall pay for packaging, shipment and cost of the analyses. If split samples of each specimen are not practical, method (a) shall be utilized for release and analysis of such samples.

#### Monitoring and Sampling Equipment

Except as provided above, all monitoring and sampling equipment, including instruments, containers, tools and other implements are to be provided by Intervenor.

#### Radiation Protection Equipment

Any required radiation protection equipment, such as foot covers and other protective clothing, dosimeters, etc., shall be provided by FPL.

#### Unauthorized Disclosure

Information obtained from monitoring, sampling and/or analysis is not to be disclosed to persons not parties to this proceeding, including the news media, for publication or use in any manner whatsoever, unless and until specifically authorized by the Licensing Board after an in camera request and opportunity for a hearing on the necessity for a protective order.

The Intervenor, by motion, had also sought the discovery production of three groups of documents:

- (1) Plant survey reports from January 1, 1978 to the present.

The Board ruled that such reports should be produced for the period of time from January 1, 1981 to the present date (Tr. 190-95). By letter dated March 27, 1981, counsel for FPL has made available these documents in accordance with the Board's directions.

- (2) The Environmental Radiological Monitoring Data, commencing January 1, 1978.

These documents have been made available by FPL in the Public Document Center, where they may be inspected and copied by the Intervenor (Tr. 195-96).

- (3) The workers' dosimetry records starting January 1, 1978.

This document production request was denied for lack of relevance to issues cognizable in discovery (Tr. 197-202).

#### ORDER

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 2nd day of April, 1981

ORDERED

1. That Contentions 1-8, as renumbered and in some instances refined, supra, shall constitute the cognizable issues and define the matters in controversy in this proceeding, subject to appropriate amendment by leave granted by the Board;

2. That Contention 14 as originally numbered, relating to the adequacy of measures to be taken to protect against fire hazards, is dismissed and the Staff's motion for its summary disposition is granted;

3. That Intervenor's motion for site inspection and sampling is granted upon the foregoing terms and conditions;

4. That plant survey reports shall be produced by FPL for the period from January 1, 1981 to the present date; that environmental radiological monitoring data from January 1, 1978, shall be made available in the Public Document Center; and that the requested workers' dosimetry records need not be produced by FPL.

THE ATOMIC SAFETY AND  
LICENSING BOARD

Emmeth A. Luebke

Dr. Emmeth A. Luebke  
ADMINISTRATIVE JUDGE

Oscar H. Paris

Dr. Oscar H. Paris  
ADMINISTRATIVE JUDGE

Marshall E. Miller

Marshall E. Miller  
ADMINISTRATIVE JUDGE

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

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

3<sup>RD</sup> day of April 1981.

Reggy P. Downing  
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

Marshall E. Miller, Esq., Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Emmeth A. Luebke  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Florida Power and Light Company  
ATTN: Dr. Robert E. Uhtig  
Vice President  
P.O. Box 529100  
Miami, Florida 33152

Michael A. Bauser, Esq.  
Lowenstein, Newman, Reis, Axelrad & Toll  
1625 Connecticut Avenue, N.W.  
Washington, D.C. 20036

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

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

Neil Chonin, Esq.  
Law Offices of Neil Chonin, P.A.  
1400 Amerifirst Building  
One S.E. Third Avenue, Suite 1400  
Miami, Florida 3313

Henry H. Harnage, Esq.  
Peninsula Federal Bldg., 10th Floor  
200 S.E. First Street  
Miami, Florida 33131

Robert A. Ginsburg, Esq.  
Dade County Attorney  
1626 Dade County Courthouse  
Miami, Florida 33130

Dr. Robert E. Uhrig  
Florida Power and Light Company

cc: Honorable Dewey Knight  
County Manager of Metropolitan  
Dade County  
Miami, Florida 33130

Bureau of Intergovernmental Relations  
660 Apalachee Parkway  
Tallahassee, Florida 32304

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



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

March 31, 1981

Docket No.s 50-250  
and 50-251

SEE ATTACHED LIST

Subject: FLORIDA POWER AND LIGHT COMPANY  
(Turkey Point Nuclear Generating Unit Nos. 3 and 4)

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated \_\_\_\_\_.
- ☐ Safety Evaluation, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to Application/SAR, dated \_\_\_\_\_.
- ☐ Construction Permit No. CPPR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Facility Operating License No. DPR- \_\_\_\_\_, NPF- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: March 31, 1981 "NRC Staff Second Motion for  
Summary Disposition"
- ☐ \_\_\_\_\_

*cl Parrish*  
Division of Licensing, ORB#1  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:



Dr. Robert E. Uhrig  
Florida Power and Light Company

cc: Honorable Dewey Knight  
County Manager of Metropolitan  
Dade County  
Miami, Florida 33130

Bureau of Intergovernmental Relations  
660 Apalachee Parkway  
Tallahassee, Florida 32304

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



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

March 31, 1981

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Docket No. **S 50-250**  
and **50-251**

SEE ATTACHED LIST

Subject: **FLORIDA POWER AND LIGHT COMPANY**  
**(Turkey Point Nuclear Generating Unit Nos. 3 and 4)**

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

- ☐ Notice of Receipt of Application.
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- ☐ Facility Operating License No. DPR- \_\_\_\_\_, NPF- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: **March 31, 1981 "NRC Staff Second Motion for**  
**Summary Disposition"**

*CParrish*  
Division of Licensing, ORB#1  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

|           |                    |  |  |  |  |
|-----------|--------------------|--|--|--|--|
| OFFICE ▶  | ORB#1:DI <i>CP</i> |  |  |  |  |
| SURNAME ▶ | CParrish:ds        |  |  |  |  |
| DATE ▶    | 3/31/81            |  |  |  |  |



*[Musical notation]*

| Condition | Control (%) | MCI (%) | AD (%) |
|-----------|-------------|---------|--------|
| 1         | 95          | 85      | 75     |
| 2         | 90          | 80      | 70     |
| 3         | 85          | 75      | 65     |
| 4         | 85          | 75      | 65     |

100

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies obtained on the selective medium. The results are the mean of three independent experiments. Error bars represent the standard deviation.

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

DISTRIBUTION:  
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CParrish  
ORB#1 Rdg

March 24, 1981

Docket No. 50-250  
50-251

SEE ATTACHED LIST FOR ENCLOSURES

Subject: **FLORIDA POWER AND LIGHT COMPANY (Turkey Point 3 & 4)**

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated \_\_\_\_\_
- ☐ Safety Evaluation, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. \_\_\_\_\_
- ☐ Amendment No. \_\_\_\_\_ to Application/SAR, dated \_\_\_\_\_
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- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_
- ☒ Other: See Attached List of Reports
- ☐ \_\_\_\_\_

*CParrish*  
Division of Licensing  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

ORB#1:DL *CP*

CParrish:ds

3/24/81

[illegible]

The graph plots 'Days since start of study' on the x-axis (0 to 10) against 'Days since last rainfall' on the y-axis (0 to 10). The data points are approximately: (0, 10), (1, 9), (2, 8), (3, 7), (4, 6), (5, 5), (6, 4), (7, 3), (8, 2), (9, 1), (10, 0). The lines connect these points in a series of downward steps, representing the duration between consecutive rainfall events.

The map shows the northern Adriatic Sea with the Italian coastline to the north and east, and the Slovenian coastline to the south. A sampling station is marked with a star in the central part of the sea. Latitude lines are marked at 45°N and 46°N, and longitude lines at 13°E and 14°E. A scale bar indicates distances up to 100 km.

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.O. 20555

March 20, 1981

DISTRIBUTION:  
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MGrotenhuis

Docket No. S 50-250  
and 50-251

See Attached List

Subject: **FLORIDA POWER AND LIGHT COMPANY**

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated \_\_\_\_\_.
- ☐ Safety Evaluation, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
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- ☐ Facility Operating License No. DPR- \_\_\_\_\_, NPF- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: March 17, 1981 Notice of Change of Location for Prehearing
- ☐ Conference (Amendment to Notice Dated March 10, 1981)

*CParrish*  
**Division of Licensing**  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

OFFICE ▶  
SURNAME ▶  
DATE ▶

ORB#1:DI  
CParrish:ds  
3/20/88



Dr. Robert E. Uhrig  
Florida Power and Light Company

cc: Honorable Dewey Knight  
County Manager of Metropolitan  
Dade County  
Miami, Florida 33130

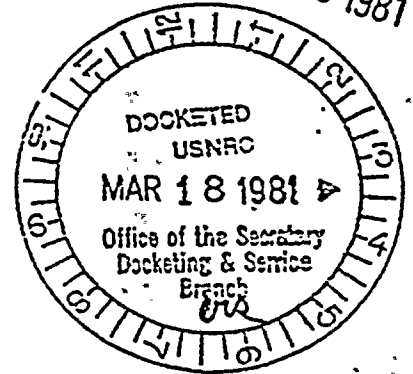
Bureau of Intergovernmental Relations  
660 Apalachee Parkway  
Tallahassee, Florida 32304

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Marshall E. Miller, Chairman  
Dr. Emmeth A. Luebke  
Dr. Oscar H. Paris



In the Matter of  
FLORIDA POWER AND 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)

NOTICE OF CHANGE OF LOCATION FOR PREHEARING CONFERENCE  
(Amendment to Notice Dated March 10, 1981)  
(March 17, 1981)

The Notice of Prehearing Conferences issued by this Board on March 10, 1981, indicated that the Prehearing Conference scheduled for March 24-25, 1981, would be held at the Council Chambers in Homestead, Florida. Subsequent to that order, the Council Chambers became unavailable for that purpose. Consequently, the location of such prehearing conference has been changed to the following:

March 24-25, 1981

Commencing at 10:00 a.m., local time,  
in the Homestead Branch Court, 715  
N. E. First Road, Homestead, Florida.

It is so ORDERED.

FOR THE ATOMIC SAFETY & LICENSING BOARD

A handwritten signature in cursive script that reads "Marshall E. Miller".

Marshall E. Miller  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 17th day of March 1981.



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

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

18<sup>th</sup> day of March 1971.

Peggy H. Browning  
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

Marshall E. Miller, Esq., Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Emmeth A. Luebke  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Florida Power and Light Company  
ATTN: Dr. Robert E. Uhlig  
Vice President  
P.O. Box 529100  
Miami, Florida 33152

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

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

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

Neil Chonin, Esq.  
Law Offices of Neil Chonin, P.A.  
1400 Amerifirst Building  
One S.E. Third Avenue, Suite 1400  
Miami, Florida 3313

Henry H. Harnage, Esq.  
Peninsula Federal Bldg., 10th Floor  
200 S.E. First Street  
Miami, Florida 33131

Robert A. Ginsburg, Esq.  
Dade County Attorney  
1626 Dade County Courthouse  
Miami, Florida 33130

Information copies sent to:

50-250SP, 251SP

Honorable John Calautti  
Acting Mayor  
City of Florida City  
P.O. Box 3001  
Florida City, Florida 33034

League of Women Voters  
5900 S.W. 73rd Street, Suite 102  
Miami, Florida 33143

Mr. W.C. Wardlaw, III  
Box 1453  
Homestead, Florida 33030

Mr. John R. Newell  
241 N.E. Spanish Trail  
Boca Raton, Florida 33432

Enos L. Schera, Jr.  
8254 S.W. 37th Street  
Miami, Florida 33155

Albert F. Peterson, Ph.D.  
6141 S.W. 15th Street  
Plantation, Florida 33317

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

March 12, 1981

Docket No.s 50-250  
and 50-251

Distribution:  
Docket, w/encl.  
ORB#1, w/encl.  
CSParrish, w/encl  
MGrotenhuis, w/encl.

See attached list

Subject: **FLORIDA POWER AND LIGHT COMPANY (Turkey Point Nuclear  
Generating, Units 3 and 4)**

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

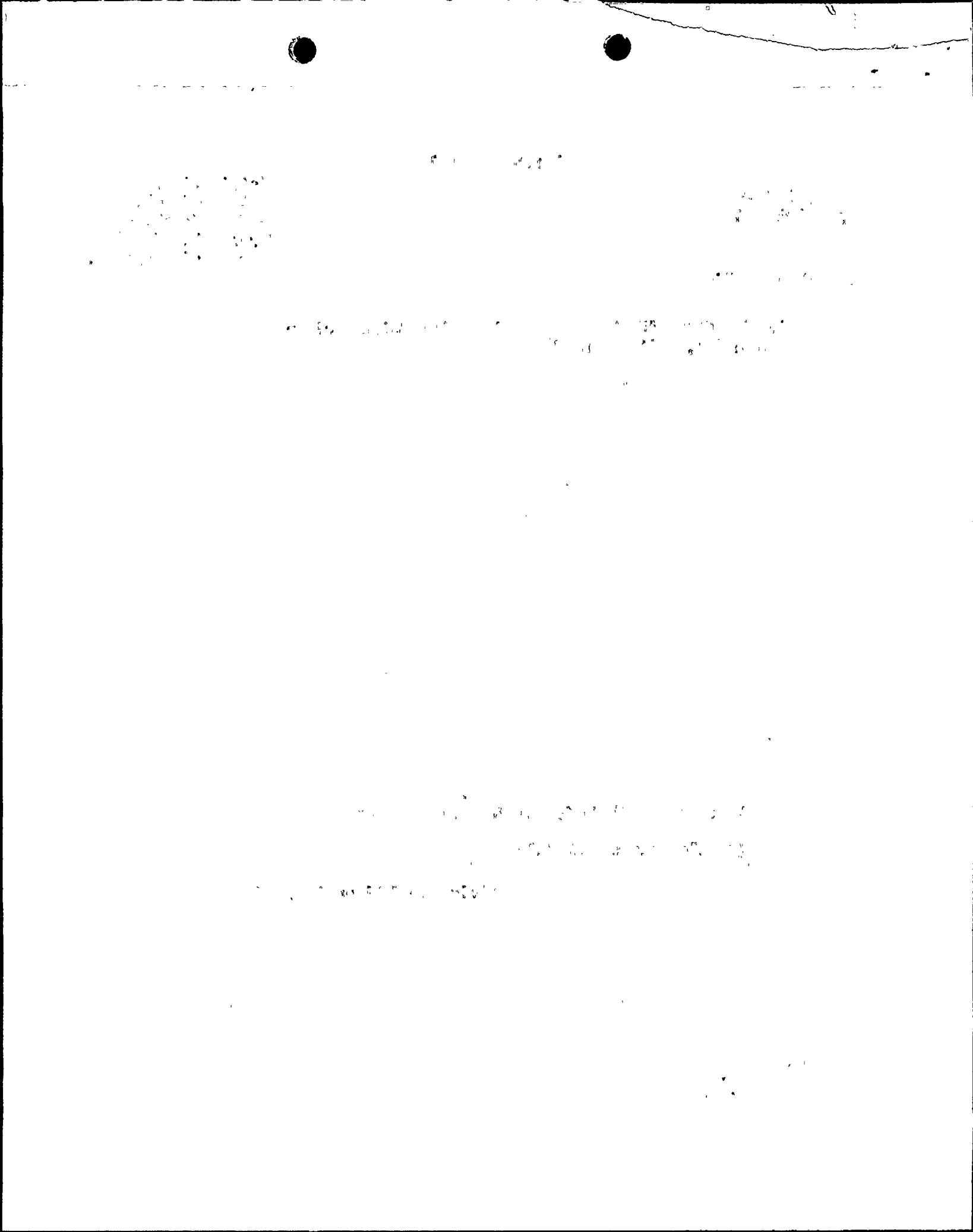
- ☐ Notice of Receipt of Application.
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- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: March 11, 1981 Notice of Preparing Conferences  
(Supplements to Schedule)

*CSParrish*  
Division of Licensing, ORB#1  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

|         |              |  |  |  |  |
|---------|--------------|--|--|--|--|
| OFFICE  | DL:ORB#1     |  |  |  |  |
| SURNAME | CSParrish/cp |  |  |  |  |
| DATE    | 3/12/81      |  |  |  |  |



Dr. Robert E. Uhrig  
Florida Power and Light Company

cc: Honorable Dewey Knight  
County Manager of Metropolitan  
Dade County  
Miami, Florida 33130

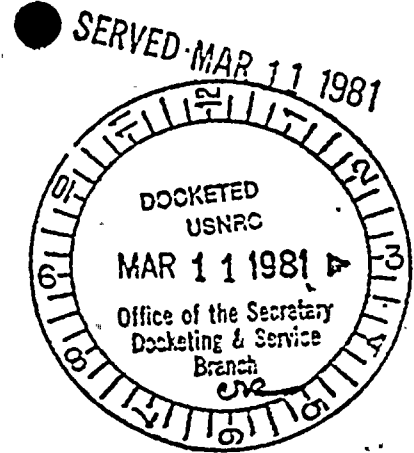
Bureau of Intergovernmental Relations  
660 Apalachee Parkway  
Tallahassee, Florida 32304

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Marshall E. Miller, Chairman  
Dr. Emmeth A. Luebke  
Dr. Oscar H. Paris



In the Matter of

FLORIDA POWER AND 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)

NOTICE OF PREHEARING CONFERENCES  
(Supplements To Schedule)

A telephone conference with counsel for all parties to this proceeding was held by the Board on March 9, -1981. As a result of information developed in this conference, notice is hereby given that the following prehearing conferences will be conducted:

|                   |                                                                                                                                                                                             |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| March 24-25, 1981 | Commencing at 10:00 a.m., local time, in Council Chambers, located at Homestead City Hall, 790 North Homestead Boulevard, Homestead, Florida 33030 (hearing on motion for site inspection). |
| April 27-28, 1981 | Commencing at 10:00 a.m., local time, in Homestead, Florida (Summary disposition motions and other pending motions).                                                                        |
| May 21-22, 1981   | Commencing at 10:00 a.m., local time, in Homestead, Florida (Final Prehearing Conference, disposition of all pending matters including trial practice).                                     |

It is anticipated that the Evidentiary Hearing in this proceeding will commence as scheduled on June 2, 1981, and will continue, if necessary, to and including June 12, 1981. If the hearing is not concluded by the latter date, it will be resumed on June 23, 1981 and will continue until its conclusion.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR Section 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted in this proceeding at the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Regulatory Commission, Washington, D. C. 20555, not later than thirty (30) days from the date of publication of this notice in the Federal Register. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate unless granted the right to intervene as a party, or the right of limited appearance.

It is so ordered.

FOR THE ATOMIC SAFETY & LICENSING BOARD



Marshall E. Miller  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 10th day of March, 1981.



11-11-11

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

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

11th day of March 1981.

Peggy T. Downing  
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

Marshall E. Miller, Esq., Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Emmeth A. Luebke  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Florida Power and Light Company  
ATTN: Dr. Robert E. Uhrig  
Vice President  
P.O. Box 529100  
Miami, Florida 33152

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

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

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

Neil Chonin, Esq.  
Law Offices of Neil Chonin, P.A.  
New World Tower Bldg., 30th Floor  
100 North Biscayne Boulevard  
Miami, Florida 33132

Henry H. Harnage, Esq.  
Peninsula Federal Bldg., 10th Floor  
200 S.E. First Street  
Miami, Florida 33131

Robert A. Ginsburg, Esq.  
Dade County Attorney  
1626 Dade County Courthouse  
Miami, Florida 33130

Information copies sent to:

50-250SP, 251SP

Honorable John Calautti  
Acting Mayor  
City of Florida City  
P.O. Box 3001  
Florida City, Florida 33034

League of Women Voters  
5900 S.W. 73rd Street, Suite 102  
Miami, Florida 33143

Mr. W.C. Wardlaw, III  
Box 1453  
Homestead, Florida 33030

Mr. John R. Newell  
241 N.E. Spanish Trail  
Boca Raton, Florida 33432

Enos L. Schera, Jr.  
8254 S.W. 37th Street  
Miami, Florida 33155

Albert F. Peterson, Ph.D.  
6141 S.W. 15th Street  
Plantation, Florida 33317



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON D.C. 20555

February 25, 1981

DISTRIBUTION:  
Docket, w/enc.  
ORB#1  
CParrish " "  
MGrotenhuis w/enc.

Docket No.s 50-250/251

See Attached List

Subject: FLORIDA POWER AND LIGHT COMPANY

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

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated \_\_\_\_\_.
- ☐ Safety Evaluation, or Supplement No. \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Vol. \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to Application/SAR, dated \_\_\_\_\_.
- ☐ Construction Permit No. CPPR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Facility Operating License No. DPR- \_\_\_\_\_, NPF- \_\_\_\_\_, dated \_\_\_\_\_.
- ☐ Amendment No. \_\_\_\_\_ to CPPR- \_\_\_\_\_ or DRR- \_\_\_\_\_, dated \_\_\_\_\_.
- ☒ Other: February 24, 1981
- ☐ ~~Order Accepting Negotiated Schedule~~

*CParrish*  
Division of Licensing, ORB#1  
Office of Nuclear Reactor Regulation

Enclosures:  
As stated

cc:

|         |             |  |  |  |  |
|---------|-------------|--|--|--|--|
| OFFICE  | ORB#1:DL    |  |  |  |  |
| SURNAME | CParrish:ds |  |  |  |  |
| DATE    | 2/25/81     |  |  |  |  |



Dr. Robert E. Uhrig  
Florida Power and Light Company

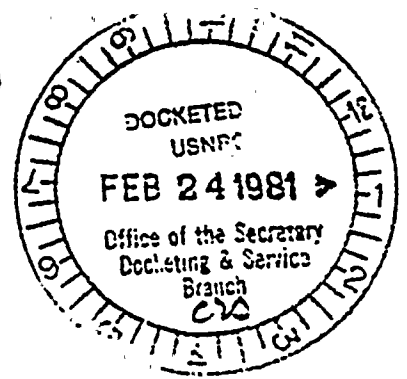
cc: Ms. Cheryl A. Flaxman  
1023 Polk Street  
Hollywood, Florida 33019

Burt Saunders, Esquire  
Steel, Hector and Davis  
Southeast First National  
Bank Building  
Miami, Florida 33130

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Elizabeth S. Bowers, Chairman  
Dr. Emmeth A. Luebke, Member  
Dr. Oscar H. Paris, Member



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)

February 23, 1981

ORDER ACCEPTING NEGOTIATED SCHEDULE

On January 28, 1981, the parties submitted to the Board a proposed schedule which had been negotiated during a six-hour meeting on January 26, 1981. While the Board was considering the proposed schedule, Florida Power and Light set forth additional reasons for accepting the schedule by letter dated February 13, 1981. The Board has also considered the matters set forth in the Intervenor's letter of February 18, 1981 and notes an apparent conflict between the statements of FPL and the Intervenor with regard to the timing of the hurricane season. Consequently the Board puts the parties on notice that it intends to hear evidence on the repair schedule as it relates to the timing of the hurricane season.

This Order confirms the telephone message relayed to the parties on this date by a secretary which indicated that the negotiated schedule is adopted by the Board.

It is this 23rd day of February, 1981

ORDERED

That the negotiated schedule proposed by the parties on January 28, 1981 is adopted by the Board.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

*Elizabeth S. Bowers*  
Elizabeth S. Bowers, Chairman  
ADMINISTRATIVE JUDGE



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

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

24th day of Feb 1971.

Peggy T. Downing  
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

Mr. Emmeth A. Luebke  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Florida Power and Light Company  
ATTN: Dr. Robert E. Uhlig  
Vice President  
P.O. Box 529100  
Miami, Florida 33152

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

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

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

Neil Chonin, Esq.  
Law Offices of Neil Chonin, P.A.  
New World Tower Bldg., 30th Floor  
100 North Biscayne Boulevard  
Miami, Florida 33132

Henry H. Harnage, Esq.  
Peninsula Federal Bldg., 10th Floor  
200 S.E. First Street  
Miami, Florida 33131

Robert A. Ginsburg, Esq.  
Dade County Attorney  
1626 Dade County Courthouse  
Miami, Florida 33130



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

OFFICE OF THE  
SECRETARY

January 23, 1981

Director  
Office of the Federal Register  
National Archives and Records Service  
Washington, D. C. 20403

Dear Sir:

Enclosed for publication in the Federal Register are an original and two certified copies of a document entitled:

FLORIDA POWER AND LIGHT COMPANY

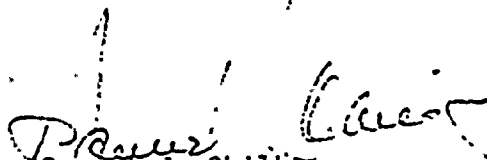
Docket No. 50-251

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

Publication of the above document at the earliest possible date would be appreciated.

This material is to be charged to requisition number G-132, JN 340-371.

Sincerely,

  
Samuel J. Chilk  
Secretary of the Commission

Enclosures:

Original and 2 certified copies

bcc: Record Services Branch  
Office of Public Affairs  
Executive Legal Director  
Office of Congressional Affairs  
Office of the General Counsel

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-251FLORIDA POWER AND LIGHT COMPANYNOTICE OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of the Turkey Point Plant, Unit No. 4 (the facility) located in Dade County, Florida. The amendment is effective January 13, 1981.

The amendment permits continued operation of Unit No. 4 for six equivalent months of operation from January 13, 1981, at which time the steam generators for Unit No. 4 shall be inspected. This action is subject to licensee submittal for staff review, information concerning the tube wastage predicted to occur during the latter half of the operating period which begins January 13, 1981 and extends for six equivalent months of operation. This information is to be supplied by February 28, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended ( the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

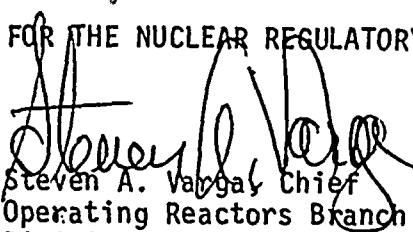
The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51-5(d) (4) an environmental impact statement or negative declaration and

environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 18, 1980, (2) Amendment No. 54 to License No. DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission'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. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of January 1981.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Steven A. Vargay, Chief  
Operating Reactors Branch #1  
Division of Licensing

