

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

4/24/79

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of:)
Florida Power and Light Co.)
(Turkey Point Nuclear)
Generating Units Nos.)
3 and 4))

Docket Nos. 50-250
50-251 ^{SP}
(Proposed Amendments to
Facility Operating License
to permit Steam Generator
Repairs)

Petitioner Reply to Licensee Response and
NRC Staff Response



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

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

The NRC Staff Response, on page 4 states:

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

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

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

Any attempts to prejudice the petition by suggesting the

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

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

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

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

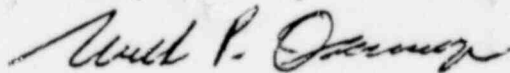
with radioactivity.

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

Conclusion

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

Respectfully submitted,



Mark P. Oncavage

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Petition for leave to) 50-251
intervene
Turkey Point Nuclear)
Generating Units
Nos. 3 and 4)

CERTIFICATE OF SERVICE

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

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