

FOIA — 94-373

RESPONSE TYPE

FINAL

X

PARTIAL #1

DATE

OCT - 5 1994

DOCKET NUMBER(S) (If applicable)

nhdod
**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**

REQUESTER

Thomas J. Saporito, Jr.

PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)☐ No agency records subject to the request have been located.☐ No additional agency records subject to the request have been located.☐ Requested records are available through another public distribution program. See Comments section.☒ Agency records subject to the request that are identified in Appendix(es) B & C are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☒ Agency records subject to the request that are identified in Appendix(es) A are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.☐ Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.☒ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☒ Agency records subject to the request are enclosed*.☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☒ Fees (Waived)☐ You will be billed by the NRC for fees totaling \$ _____.☐ You will receive a refund from the NRC in the amount of \$ _____.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____.**PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE**☐ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.**COMMENTS**

*Agency records subject to your FOIA request that are identified on the enclosed Appendix A are enclosed.

The NRC is continuing to search for records subject to your request. We will notify you upon completion of the search.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

9503270108 941005
PDR FOIA
SAPORIT94-373 PDR

9402P

APPENDIX A

DOCUMENTS BEING PLACED IN THE PDR

1. 03/18/88 Letter to Senator Bob Graham from Victor Stello, Jr., Executive Director for Operations (37 pages)
2. 06/15/88 Letter to Senator Lawton Chiles from B. Paul Cotter, Jr., Chief Administrative Judge (40 pages)
3. 08/15/88 Letter to Senator Bob Graham from Victor Stello, Jr., Executive Director for Operations (9 pages)
4. 03/01/89 Letter to Representative Dante B. Fascell from Victor Stello, Jr., Executive Director for Operations (15 pages)
5. 06/08/89 Letter to Senator Bob Graham from Victor Stello, Jr., Executive Director for Operations (8 pages)
6. 07/26/90 Letter to Representative Dante B. Fascell from William C. Parler, General Counsel (13 pages)
7. 08/08/91 Letter to Senator Bob Graham from James M. Taylor, Executive Director for Operations (4 pages)
8. 08/23/91 Letter to Senator Connie Mack from James M. Taylor, Executive Director for Operations (15 pages)
9. 01/03/92 Letter to Senator Bob Graham from James M. Taylor, Executive Director for Operations (6 pages)
10. 10/23/92 Letter to Senator Connie Mack from Dennis K. Rathbun, Director, Office of Congressional Affairs (35 pages)
11. 11/05/92 Letter to Representative E. Clay Shaw from James M. Taylor, Executive Director for Operations (13 pages)
12. 01/08/93 Letter to Congresswoman Louise Slaughter from James M. Taylor, Executive Director for Operations (44 pages)
13. 04/12/94 Letter to Senator Bob Graham from James M. Taylor, Executive Director for Operations (11 pages)

APPENDIX B

DOCUMENTS ALREADY IN THE PDR

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8901300062 Notice of appearance.* Author will enter appearance in proceeding on behalf of NRC.W/Certificate of Svc.

FROM: BORDENICK,B.M.

AFFIL: NRCGCHH

TO:

AFFIL:

ISSUED: 890110 AVAIL: PDR 2pp. DOCUMENT TYPE: TTOTHR FPAC: 8901300062#

TASK: ODID: DSB-189 7872 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48236 213 48236 214 RIDS: DS07

8901300104 Memorandum & order.* C Rich 881219 filing of testimony of witnesses unacceptable due to WA Boyd testimony being irrelevant.Served on 890113.

FROM: COTTER,B.P.

AFFIL: NASLP

TO: *

AFFIL: ECIRICHC

ISSUED: 890112 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 8901300104#

TASK: ODID: DSB-189 7859 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48235 177 48235 179 RIDS: DS02

8902010310 Transcript of 880126 hearing in Stuart,FL re spent fuel pool expansion.Pp 463-571.

FROM: *

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 890126 AVAIL: PDR 111pp. DOCUMENT TYPE: TTTRAN FPAC: 8902010310#

TASK: ODID: DSB-189 8008 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48319 178 48319 288 RIDS: TR01

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8902010322 Transcript of 880124 hearing in Stuart, FL re spent fuel pool expansion. Pp 1-243. Related info encl. Witnesses: SE Turner, E Weinkam, L Kopp, E Tourigny & KP Singh.

FROM: *

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 890124 AVAIL: PDR 361pp. DOCUMENT TYPE: TTTRAN FPAC: 8902010322#

TASK: ODID: DSB-189 8011 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48309 257 48310 257 RIDS: TR01

8902010326 Transcript of 890125 hearing in Stuart, FL re spent fuel pool expansion. Pp 244-462. Witnesses: SE Turner, E Weinkam, KP Singh, L Kopp, E Tourigny & J Wing.

FROM: *

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 890125 AVAIL: PDR 221pp. DOCUMENT TYPE: TTTRAN FPAC: 8902010326#

TASK: ODID: DSB-189 8009 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48309 036 48309 256 RIDS: TR01

8903100076 Licensee proposed findings of fact & conclusions of law.*

FROM:

AFFIL:

TO:

AFFIL:

ISSUED: 890225 AVAIL: PDR 58pp. DOCUMENT TYPE: TTFFCL FPAC: 8903100076*

TASK: ODID: DSB-189 8205 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48738 253 48738 316 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903100085 Licensee motion for transcript corrections.* Util hereby
moves Board to accept attached proposed transcript
corrections for hearing in proceeding held on 890124-26.
W/Certificate of Svc.

FROM: AFFIL:
TO: * AFFIL: NASLP
ISSUED: 890225 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 8903100076A
TASK: ODID: OLA DIN: DPN: DRN:
DOCKET NO: 05000335 FICHE: 48738 311 48738 316 RIDS:

8903170122 NRC Staff motion for extension to file proposed finding.*
Proposed findings will be served on parties & Board on
890320.Certificate of Svc encl.Served on 890310.Granted for
Board on 890309.

FROM: * AFFIL: NRCGCHH
TO: * AFFIL: NASLP
ISSUED: 890307 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 8903170122#
TASK: ODID: DSB-189 8253 DIN: DPN: DRN:
DOCKET NO: 05000335 FICHE: 48811 051 48811 053 RIDS: DS07

8903220088 NRC Staff motion for extension to file proposed finding.*
Proposed findings will be served on parties & Board on
890320.W/Certificate of Svc.

FROM: JEHLE, P.A. AFFIL: NRCGCHH
TO: * AFFIL: NASLP
ISSUED: 890307 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 8903220088#
TASK: ODID: DSB-189 8274 DIN: DPN: DRN:
DOCKET NO: 05000335 FICHE: 48872 201 48872 204 RIDS: DS07

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903230088 Intervenor proposed findings of fact & conclusions of law.*
Aspect of surveillance should not be left up to option of
licensee since no other way to determine if gaps being
formed in panels.W/Certificate of Svc.

FROM: RICH,C.

AFFIL: ECIRICHC

TO:

AFFIL:

ISSUED: 890314 AVAIL: PDR 19pp. DOCUMENT TYPE: TTFFCL FPAC: 8903230088#

TASK: ODID: DSB-189 8284 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48888 325 48888 343 RIDs: DS03

8903230165 NRC Staff proposed findings of fact & conclusions of law in
form of initial decision.* Proposed transcript corrections
to 890124 & 26 proceedings & Certificate of Svc encl.

FROM: JEHLE,P.A.

AFFIL: NRCGCHH

TO:

AFFIL:

ISSUED: 890317 AVAIL: PDR 50pp. DOCUMENT TYPE: TTFFCL FPAC: 8903230165#

TASK: ODID: DSB-189 8316 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 48888 132 48888 181 RIDs: DS07

8903270159 Applicant Exhibit A-6,consisting of util 880129 ltr to NRC
forwarding Rev 1 to spent fuel storage facility mod SAR,per
870612 application for amend to License DPR-67.

FROM: WOODY,C.O.

AFFIL: EUTFPL

TO: *

AFFIL: NIRDISD

ISSUED: 890125 AVAIL: PDR 155pp. DOCUMENT TYPE: TTEXTB FPAC: 8903270159#

TASK: ODID: L-88-38 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49060 202 49060 356 RIDs:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903270175 Applicant Exhibit A-7, consisting of util 870505 ltr
forwarding Rev 0 to NET-042-01, "Preliminary Assessment of
Boraflex Performance in Quad Cities Spent Fuel Storage
Racks," by Northeast Technology Corp.

FROM: TURBAK, M.S.

AFFIL: EUTCEIL

TO: DAVIS, A.B.

AFFIL: NE R3

ISSUED: 890125 AVAIL: PDR 95pp. DOCUMENT TYPE: TTEXTB FPAC: 8903270175#

TASK: ODID: 3032K DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49061 001 49061 095 RIDs:

8903270178 Applicant Exhibit A-8, consisting of rept, "Neutron Absorber
Matls For Spent Fuel Racks," presented at Joint Power
conference in Philadelphia, PA.

FROM: LABMERT, R.W.

AFFIL: EXIEPRI

TO:

AFFIL:

ISSUED: 890125 AVAIL: PDR 12pp. DOCUMENT TYPE: TTEXTB FPAC: 8903270178#

TASK: ODID: OLA A-008 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49061 096 49061 107 RIDs:

8903270193 Applicant Exhibit A-9, consisting of 871125 Rev 1 to
Technical Rept NS-1-050, "Irradiation Study of Boraflex,"
interim rept.

FROM: TURNER, S.E.

AFFIL: EMVBRAI

TO:

AFFIL:

ISSUED: 890125 AVAIL: PDR 24pp. DOCUMENT TYPE: TTEXTB FPAC: 8903270193#

TASK: ODID: OLA A-009 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49061 108 49061 131 RIDs:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903270196 Applicant Exhibit A-10, consisting of diagram illustrating edge gaps in boraflex panels.

FROM: *

AFFIL: ECI*****

TO:

AFFIL:

ISSUED: 890125 AVAIL: PDR 2pp. DOCUMENT TYPE: TTEXTB FPAC: 8903270196#

TASK: ODID: OLA A-010 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49060 357 49060 358 RIDS:

8903270204 Applicant Exhibit A-11, consisting of util 870612 ltr
requesting amend to License DPR-67 to replace spent fuel
pool racks to ensure that sufficient future capacity exists.
Proposed Tech Specs encl.

FROM: WOODY, C.O.

AFFIL: EUTFPL

TO: *

AFFIL: NIRDISD

ISSUED: 890126 AVAIL: PDR 165pp. DOCUMENT TYPE: TTEXTBT FPAC: 8903270204#

TASK: ODID: L-87-245 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49061 132 49061 296 RIDS:

8903270210 Applicant Exhibit A-12, consisting of util 871020 ltr forwarding response to NRC 870901 request for addl info re use of boaflex in rerack & spent fuel pool filter demineralizer, per 80612 application for amend to license.

FROM: WOODY, C.O.

AFFIL: EUTFPL

TO: *

AFFIL: NIRDISD

ISSUED: 890126 AVAIL: PDR 9pp. DOCUMENT TYPE: TTEXT FPAC: 8903270210#

TASK: ODID: L-87-424 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49061 297 49061 305 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903270215 Staff Exhibit S-1, consisting of safety evaluation re
reracking of spent fuel pool at plant per Amend 91 to
License DPR-67.

AFFIL: NRRB

AFFIL:

ISSUED: 890125 AVAIL: PDR 87pp. DOCUMENT TYPE: TTEXT FPAC: 8903270215#

TASK: ODID: DSB-189 8341 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49059 243 49059 328 RIDS:

8903270216 Staff Exhibit S-2, consisting of environ assessment re
expansion of spent fuel pool.

AFFIL: NRRB

AFFIL:

ISSUED: 890125 AVAIL: PDR 17pp. DOCUMENT TYPE: TTEXT FPAC: 8903270216#

TASK: ODID: OLA S-002 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49059 329 49059 345 RIDS:

8903270283 Applicant Exhibit A-1, consisting of EPRI Final Rept NP-6159,
"Assessment of Boraflex Performance in Spent Fuel Storage
Racks," dtd Dec 1988.

AFFIL: EECNETCO

AFFIL:

ISSUED: 890124 AVAIL: PDR 159pp. DOCUMENT TYPE: TTEXT FPAC: 8903270283#

TASK: ODID: OLA A-001 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49059 346 49060 144 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903270285 Applicant Exhibit A-, consisting of safety evaluation re
fuel enrichment increase for Grand Gulf Unit 1.

AFFIL: NRKB

AFFIL:

ISSUED: 890124 AVAIL: PDR 4pp. DOCUMENT TYPE: TTEXT FPAC: 8903270285#

TASK: ODID: OLA A-002 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49060 145 49060 147 RIDS:

8903270291 Applicant Exhibit A-3, consisting of util 881121 ltr forwarding response to NRC request for addl info re boraflex matl contained in racks & associated boraflex monitoring program.

AFFIL: EUTSYSTR

AFFIL: NIRDISD

ISSUED: 890124 AVAIL: PDR 6pp. DOCUMENT TYPE: TTEXT FPAC: 8903270291#

TASK: ODID: AEEM-88/0233 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49060 148 49060 152 RIDS:

8903270295 Applicant Exhibit A-4, consisting of Technical Rept 748-30-1,
"Boraflex Neutron Shielding Matl Product Performance Data,"
dtd 790825.

AFFIL: EECBRAI

AFFIL:

ISSUED: 890124 AVAIL: PDR 21pp. DOCUMENT TYPE: TTEXT FPAC: 8903270295#

TASK: ODID: OLA A-004 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49060 153 49060 175 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903270301 Applicant Exhibit A-5, consisting of util 870211 ltr
forwarding results of exam of poison insert assemblies
removed from spent fuel storage racks at Point Beach nuclear
plant.

FROM: FAY, C.W.

AFFIL: EUTWIEP

TO: LEAR, G.

AFFIL: NRRCPA1

ISSUED: 890125 AVAIL: PDR 27pp. DOCUMENT TYPE: TTEXBT FPAC: 8903270301#

TASK: ODID: NRC-87-12 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49060 176 49060 201 RIDs:

8904060011 Licensee reply to proposed findings of fact & conclusions of
law.* Discusses Contentions 3 & 6 re use of Boraflex as
neutron absorber. Certificate of Svc encl.

FROM: BAUSER, M.A.

AFFIL: EUTFPL

TO:

AFFIL:

ISSUED: 890327 AVAIL: PDR 18pp. DOCUMENT TYPE: TTFFCL FPAC: 8904060011#

TASK: ODID: DSB-289 8365 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 49139 233 49139 250 RIDs: DS03

8904190131 Comment opposing proposed rule 10CFR50 re ensuring
effectiveness of maint programs for nuclear power plants.

FROM: HUDIBURG, J.J.

AFFIL: EUTFPL

TO: ZECH, L.W.

AFFIL: NRCC

ISSUED: 890410 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPC FPAC: 8904190131#

TASK: ODID: 53FR47822 00082 DIN: DPN: DRN:

DOCKET NO: FICHE: 49381 147 49381 149 RIDs: DS10

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8905160122 Initial decision (authorizing spent fuel pool reracking). *
Decision LBP-89-12 granting judgment for licensee on matters
remaining at issue in Contentions 3,6 & 7, except to imposed
stated condition.W/Certificate of Svc.Served on 890510.

FROM: COTTER,B.P.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 890509 AVAIL: PDR 49pp. DOCUMENT TYPE: TTDEC FPAC: 8905160122#

TASK: ODID: DSB-289 8588 DIN: DPN: * DRN: *

DOCKET NO: 05000335 FICHE: 49705 216 49705 265 RIDS: DS02

8905240116 Notice of appeal.* Notifies of intention to appeal ASLB
890509 decision affirming Board initial decision authorizing
spent fuel pool reracking at plant.W/Certificate of Svc.

FROM: RICH,C.

AFFIL: ECIRICHC

TO:

AFFIL:

ISSUED: 890518 AVAIL: PDR 2pp. DOCUMENT TYPE: TTOTHR FPAC: 8905240116#

TASK: ODID: DSB-289 8632 DIN: DPN: * DRN: *

DOCKET NO: 05000335 FICHE: 49803 039 49803 040 RIDS: DS03

8907030026 Intervenor appeal of initial decision (authorizing spent
fuel pool reracking). * Appeals Board decision re issues
surrounding use of Boraflex in high-density storage racks.W/
Certificate of Svc.

FROM: RICH,C.

AFFIL: ECIRICHC

TO: *

AFFIL: NASLAP

ISSUED: 890616 AVAIL: PDR 9pp. DOCUMENT TYPE: TTPLED FPAC: 8907030026#

TASK: ODID: DSB-389 8815 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 50311 110 50311 118 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8907260014 Licensee responsive brief.* Intervenor contentions of error
lack merit & Board Initial Decision LBP-89-12 should be
affirmed.W/Certificate of Svc.

FROM: BAUSER,M.A.

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 890721 AVAIL: PDR 42pp. DOCUMENT TYPE: TTBREF FPAC: 8907260014#

TASK: ODID: DSB-389 8945 DIN: DPN: * DRN: *

DOCKET NO: 05000335 FICHE: 50601 163 50601 204 RIDS: DS03

8908070420 Exemption from 10CFR20,App A Footnote d-2(c),allowing use of
radioiodine protection factor of 50 for Scott Aviation
631-TEDA-H canisters to be used at plant.

FROM: VARGA,S.A.

AFFIL: NRRBPP

TO: *

AFFIL: EUTFPL

ISSUED: 890802 AVAIL: PDR 14pp. DOCUMENT TYPE: TTEXEM FPAC: 8908070414A

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 50824 141 50824 154 RIDS:

8908110101 NRC Staff brief opposing Intervenor appeal of initial
decision authorizing spent fuel pool reracking.* ASLAB
should reaafirm Board 890509 initial decision.W/Certificate
of Svc.

FROM: JEHL,E.P.A.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLAP

ISSUED: 890731 AVAIL: PDR 35pp. DOCUMENT TYPE: TTBREF FPAC: 8908110101#

TASK: ODID: DSB-389 9006 DIN: DPN: * DRN: *

DOCKET NO: 05000335 FICHE: 50833 230 50833 264 RIDS: DS07

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8909250046 Decision.* Affirms decision sustaining issuance of license
amend re spent fuel pool reracking to increase capacity.W/
Certificate of Svc.Served on 890920.

FROM: TOMPKINS,B.A.

AFFIL: NASLAP

TO:

AFFIL:

ISSUED: 890920 AVAIL: PDR 19pp. DOCUMENT TYPE: TTDEC FPAC: 8909250046#

TASK: ODID: ALAB-921 DIN: DPN: * DRN: *

DOCKET NO: 05000335 FICHE: 51268 346 51269 004 RIDS: DS02

8912060073 Memorandum & order.* Denies TJ Saporito & Advanced
Electronis Corp request for hearing & petition to intervene
due to peitioner not demonstrating cognizable interest that
could be ddressed.Certificate of Svc encl.Served on 891130.

FROM: CHILK,S.J.

AFFIL: NRCSEY

TO: SAPORITO,T.J.

AFFIL: ECI*****

ISSUED: 891130 AVAIL: PDR 8pp. DOCUMENT TYPE: TTORDR FPAC: 8912060073#

TASK: ODID: DSB-489 9532 DIN: DPN: * DRN: *

DOCKET NO: 05000335 FICHE: 51883 155 51883 162 RIDS: DS02

9011200094 Comment opposing proposed rule 10CFR26 re fitness-for-duty
programs.Believes proposed rule unnecessary & places undue
restriction on util mgt prerogative.

FROM: BOLDT,G.L.

AFFIL: EUTFPL

TO: CHILK,S.J.

AFFIL: NRCSEY

ISSUED: 901029 AVAIL: PDR 1p. DOCUMENT TYPE: TTPC FPAC: 9011200094#

TASK: ODID: 55FR35648 00024DIN: DPN: * DRN: *

DOCKET NO: 05000335 FICHE: 55790 279 55790 279 RIDS: DS10

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9106280026 Order.* Commission has not taken final action on petition to review ALAB-701.Six proceedings technically remain in abeyance before Appeal Board.Proceedings referred to Commission.W/Certificate of Svc.Served on 910617.

FROM: TOMPKINS,B.A.

AFFIL: NASLAP

TO: *

AFFIL: EUTPSNH

ISSUED: 910611 AVAIL: PDR 10pp. DOCUMENT TYPE: TTORDR FPAC: 9106280026#

TASK: ODID: DSB-291 11844 DIN: DPN: DRN:

DOCKET NO: FICHE: 58237 223 58237 232 RIDs: DS02

9108190053 Petition for hearing & leave to intervene.* Requests petition for hearing & leave to intervene & lists supporting statements.

FROM: SAPORITO,T.

AFFIL: ECI*****

TO: *

AFFIL: NRCC

ISSUED: 910722 AVAIL: PDR 2pp. DOCUMENT TYPE: TTINTV FPAC: 9108190053#

TASK: ODID: DSB-391 12080 DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 58806 308 58806 309 RIDs: DS03

9108210211 Licensee opposition to petition for hearing & leave to intervene.* Hearing re notice of violation & proposed imposition of civil penalty re facility.Petition should be denied due to listed reasons.W/Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NRCC

ISSUED: 910802 AVAIL: PDR 13pp. DOCUMENT TYPE: TTPLED FPAC: 9108210211#

TASK: ODID: DSB-391 12089 DIN: DPN: DRN:

DOCKET NO: 05000389 FICHE: 58838 291 58838 303 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9202100077 Comment endorsing NUMARC comments & recommendations re
compatibility of agreement states w/NRC regulatory programs.

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 920203 AVAIL: PDR 1p. DOCUMENT TYPE: TTPC FPAC: 9202100077#

TASK: ODID: 56FR66457 00022DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 60507 086 60507 086 RIDs: DS10

9202110241 Comments on draft Rev 1 to NUREG-1022, "Event Reporting Sys
- 10CFR50.72 & 50.73: Clarification of NRC Sys & Guidelines
for Reporting."

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: MEYER, D.L.

AFFIL: NEAACST

ISSUED: 920130 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPC FPAC: 9202110241#

TASK: ODID: 56FR50598 00029DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 60517 248 60517 249 RIDs: DS09

9304280001 Comment endorsing NUMARC comments re proposed generic
communication, "Availability & Adequacy of Design Bases
Info."

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: MEYER, D.L.

AFFIL: NEAAC

ISSUED: 930422 AVAIL: PDR 1p. DOCUMENT TYPE: TTPC FPAC: 9304280001#

TASK: ODID: 58FR15885 DIN: DPN: DRN:

DOCKET NO: FICHE: 74743 358 74743 358 RIDs: DS09

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9307070092 Comment on proposal re radiological criteria for
decommissioning NRC-licensed facilities.Supports proposed
criteria.

FROM: WILSON,K.R.

AFFIL: EUTFPL

TO: CHILK,S.J.

AFFIL: NRCSEY

ISSUED: 930624 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPC FPAC: 9307070092#

TASK: ODID: 57FR58727 00068DIN: DPN: DRN:

DOCKET NO: 05000335 FICHE: 75575 350 75575 353 RIDS: DS10

9307090128 Final Director's Decision DD-93-11 under 2.206 re request to
immediately suspend OLs & CPs of all nuclear plants using
Thermo-Lag as fire barrier matl.Request denied.

FROM: MURLEY,T.E.

AFFIL: NRRB

TO: *

AFFIL: ECINIRS

ISSUED: 930523 AVAIL: PDR 20pp. DOCUMENT TYPE: TTDEC FPAC: 9307090113A

TASK: ODID: DD-93-11 DIN: DPN: DRN:

DOCKET NO: FICHE: 75670 070 75670 150 RIDS:

9309170220 "Response of Florida Power & Light Co in Opposition to
Petition for Enforcement Action."

FROM: RASKIN,D.B.

AFFIL: EUTFPL

TO:

AFFIL:

ISSUED: 930827 AVAIL: PDR 200pp. DOCUMENT TYPE: TTOTHR FPAC: 9309170217A

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: 05000389 FICHE: 76490 059 76490 315 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
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9309290329 "Answer of Florida Municipal Power Agency to FPL Response in
Opposition to Petition for Enforcement Action." W/Vols I &
II of apps.

FROM: JABLON, R.A.

AFFIL: EPSFMMPA

TO: *

AFFIL: NRCZ

ISSUED: 930924 AVAIL: PDR 600pp. DOCUMENT TYPE: TTOTHR FPAC: 9309290326A

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: 05000389 FICHE: 76612 002 76613 358 RIDS:

9309290336 "Petition of Florida Municipal Power Agency for Declaration
& Enforcement...Antitrust Licensing Conditions & to Impose
Requirements by Order." W/Vols I & II of apps to petition.

FROM: JABLON, R.A.

AFFIL: EPSFMMPA

TO: *

AFFIL: NRCZ

ISSUED: 930702 AVAIL: PDR 650pp. DOCUMENT TYPE: TTOTHR FPAC: 9309290336#

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: 05000389 FICHE: 76604 001 76606 037 RIDS: Z998

9312080288 Exemption from requirements of 10CFR73.55.

FROM: VARGA, S.A.

AFFIL: NRRBPP

TO: *

AFFIL: EUTFPC

ISSUED: 931129 AVAIL: PDR 6pp. DOCUMENT TYPE: TTEXEM FPAC: 9312080286A

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: FICHE: 77381 334 77381 339 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9407140027 Comment supporting petition for rulemaking PRM-50-60 re
amend to 10CFR50.54 by changing frequency w/which licensees
conduct independent reviews of emergency preparedness
program from annually to biennially.

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 940617 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPC FPAC: 9407140027#

TASK: ODID: 59FR17499 00006DIN: DPN: DRN:

DOCKET NO: FICHE: 80189 090 80189 091 RIDS: DS10

9408160086 Comment opposing proposed rule 10CFR26 re change
consideration of fitness-for-duty requirements.

FROM: SCHANTZEN, J.F.

AFFIL: ECI*****

TO: *

AFFIL: NRCSEYD

ISSUED: 940801 AVAIL: PDR 2pp. DOCUMENT TYPE: TT2C FPAC: 9408160086#

TASK: ODID: 59FR24373 00008DIN: DPN: DRN:

DOCKET NO: FICHE: 80565 066 80565 067 RIDS: DS10

9408160146 Comment opposing proposed change to rule 10CFR26,
"Consideration of Changes to Fitness for Duty Requirements."
Util wants current scope of drug testing in 10CFR26 to be
retained & current trustworthiness programs to be improved.

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 940809 AVAIL: PDR 1p. DOCUMENT TYPE: TTPC FPAC: 9408160146#

TASK: ODID: 59FR24373 00016DIN: DPN: DRN:

DOCKET NO: FICHE: 80565 204 80565 204 RIDS: DS10

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9409140114 Comment opposing petition for rulemaking 9-2 re request for
NRC to revise regulations of 10CFR9 to provide public access
to info held by licensees but not submitted to NRC.

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 940825 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPC FPAC: 9409140114#

TASK: ODID: 59FR30308 00017DIN: DPT: DRN:

DOCKET NO: 05000335 FICHE: 80847 266 30847 267 RIDS: DS10

APPENDIX C
DOCUMENTS ALREADY IN THE PDRU.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8901300049 Order.* Petitioners shall file & serve contentions on or before 890213, licensee may file answer to petitioners filings on or before 890227 & NRC may file answer on or before 890306, per request for hearing. Served on 890123.

FROM: COTTER, B.P.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 890119 AVAIL: PDR 2pp. DOCUMENT TYPE: TTORDR FPAC: 8901300049#

TASK: ODID: DSB-189 7887 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48236 210 48236 211 RIDS: DS02

8902210086 Petitioners request for extension of time to file petitioner amended petition for leave to intervene.* Petitioners request that Board grant extension of time to 890217. Served on 890213. Granted for Board on 890213.

FROM: *

AFFIL: ECICNR

TO: *

AFFIL: NASLP

ISSUED: 890213 AVAIL: PDR 1p. DOCUMENT TYPE: TTPLED FPAC: 8902210086#

TASK: ODID: DSB-189 8034 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48482 189 48482 189 RIDS: DS02

8902210131 Petitioners request for extension of time to file petitioners amended petition for leave to intervene.* Time until 890217 requested. W/Certificate of Svc.

FROM: LORION, J.

AFFIL: ECICNR

TO: *

AFFIL: NASLP

ISSUED: 890208 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 8902210131#

TASK: ODID: DSB-189 8036 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48482 154 48482 156 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8902270315 Notice of oral argument.* Oral argument to be held on 890321
in US district courthouse, Miami, FL. Certificate of Svc encl.
Served on 890221.

FROM: COTTER, B.P.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 890217 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 8902270315#

TASK: ODID: DSB-189 8062 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48535 179 48535 181 RIDS: DS02

8903080201 Comment opposing proposed rule 10CFR50 re ensuring
effectiveness of maint programs for nuclear power plants.
Rulemaking will cause delay in further maint enhancement as
licensee backtrack to assure prescriptive compliance.

FROM: GRIFFIN, B.L.

AFFIL: EUTFPL

TO: ZECH, L.W.

AFFIL: NRCC

ISSUED: 890222 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPC FPAC: 8903080201#

TASK: ODID: 53FR47822 00018 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48745 268 48745 270 RIDS: DS10

8903170001 Petitioners amended request for hearing & petition for leave
to intervene.* Petition should be granted so issues raised
re rev of plant pressure/temp limits can be reviewed by
ASLB.W/supporting documentation & Certificate of Svc.

FROM: LORION, J.

AFFIL: ECICNR

TO: *

AFFIL: NRCC

ISSUED: 890217 AVAIL: PDR 22pp. DOCUMENT TYPE: TTINTV FPAC: 8903170001#

TASK: ODID: DSB-189 8227 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48812 098 48812 119 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903170278 Licensee response to petitioners amended request for hearing & petition for leave to intervene.* Due to petitioners not proffering admissible contention, 890217 request should be denied.W/Supporting documentation & Certificate of Svc.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 890303 AVAIL: PDR 51pp. DOCUMENT TYPE: TTINTV FPAC: 8903170278#

TASK: ODID: DSB-189 8238 DIN: DPL: DRN:

DOCKET NO: 05000250 FICHE: 48811 129 48811 180 RIDS: DS03

8903220039 NRC Staff response to amended request for hearing & petition for leave to intervene of Ctr for Nuclear Responsibility & J Lorion.* Contentions 1 & 2 should be rejected as matters in controversy in proceeding.Certificate of Svc encl.

FROM: MOORE, J.E.

AFFIL: NRCGCHH

TO: *

AFFIL: NASLP

ISSUED: 890309 AVAIL: PDR 14pp. DOCUMENT TYPE: TTINTV FPAC: 8903220039#

TASK: ODID: DSB-189 8271 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48872 237 48872 250 RIDS: DS07

8903230046 Licensee response to petition for leave to make statement by T Saporito.* Requests Board to adhere to Board 890217 notice of oral argument.W/Certificate of Svc.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 890313 AVAIL: PDR 4pp. DOCUMENT TYPE: TTINTV FPAC: 8903230046#

TASK: ODID: DSB-189 8290 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 48888 321 48888 324 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8903310082 Transcript of 890321 hearing in Miami, FL. Pp 1-91.

FROM: * AFFIL: NASLP
TO: AFFIL:
ISSUED: 890321 AVAIL: PDR 93pp. DOCUMENT TYPE: TTTRAN FPAC: 8903310082#
TASK: ODID: DSB-289 8416 DIN: DPN: DRN:
DOCKET NO: 05000250 FICHE: 49145 068 49145 160 RIDS: TR01

8904190131 Comment opposing proposed rule 10CFR50 re ensuring
effectiveness of maint programs for nuclear power plants.

FROM: HUDIBURG, J.J. AFFIL: EUTFPL
TO: ZECH, L.W. AFFIL: NRCC
ISSUED: 890410 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPC FPAC: 8904190131#
TASK: ODID: 53FR47822 00082 DIN: DPN: DRN:
DOCKET NO: FICHE: 49381 147 49381 149 RIDS: DS10

8904200065 Statement for consideration.* Urges ASLB to accept
contentions of intervenors in interest of public health &
safety, per uil consistent failure to abide by federal
regulations as noted in NRC insp repts. W/Certificate of Svc.

FROM: SAPORITO, T.J. AFFIL: ECI*****
TO: * AFFIL: NASLP
ISSUED: 890413 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 8904200065#
TASK: ODID: DSB-289 8435 DIN: DPN: DRN:
DOCKET NO: 05000250 FICHE: 49340 125 49340 126 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8906020199 Order denying request for hearing.* Denies TJ Saporito
890516 request for hearing & petition for leave to intervene
re proposed amends to licenses revising Tech Spec Sections
6.2 & 6.3.W/Certificate of Svc.Served on 890531.

FROM: CHILK,S.J.

AFFIL: NRCSEY

TO: SAPORITO,T.J.

AFFIL: ECI*****

ISSUED: 890530 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 8906020199#

TASK: ODID: DSB-289 8692 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 49928 306 49928 308 RIDs: DS02

8906190009 Memorandum & order (ruling upon contentions). * Denies
admission of petitioners Contention 1 & admits Contentions 2
& 3, per stated limitations.W/Certificate of Svc.Served on
890612.

FROM: BRIGHT,G.O.

AFFIL: NASLP

TO: *

AFFIL: ECICNR

ISSUED: 890608 AVAIL: PDR 28pp. DOCUMENT TYPE: TTCORDR FPAC: 8906190009#

TASK: ODID: DSB-289 8744 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 50141 070 50141 096 RIDs: DS02

8907030105 Licensee first set of discovery requests to Ctr for Nuclear
Responsibility & J Lorion.* W/Certificate of Svc.Related
correspondence.

FROM: FRANTZ,S.P.

AFFIL: EUTFPL

TO: *

AFFIL: ECICNR

ISSUED: 890621 AVAIL: PDR 10pp. DOCUMENT TYPE: TTINTR FPAC: 8907030105#

TASK: ODID: DSB-389 8822 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 50311 317 50311 326 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8907190322 Partial Director's Decision DD-89-05 denying TJ Saporito
881221 request, under 10CFR2.206, that NRC take certain
actions re plants, except for two open issues.

FROM: MURLEY, T.E.

AFFIL: NRRB

TO:

AFFIL:

ISSUED: 890712 AVAIL: PDR 16pp. DOCUMENT TYPE: TTDEC FPAC: 8907190318A

TASK: ODID: 10CFR002.206 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 50592 142 50592 157 RIDS:

8907260052 Answer to partial director's decision under 10CFR2.206.* NRC
must act decisively to shut down facility until licensee can
demonstrate ability to operate plant in safe & reliable
manner consistent w/NRC requirements.

FROM: SAPORITO, T.J.

AFFIL: ECI*****

TO: *

AFFIL: NE ED

ISSUED: 890716 AVAIL: PDR 10pp. DOCUMENT TYPE: TTPLED FPAC: 8907260052#

TASK: ODID: 10CFR002.206 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 50602 323 50602 332 RIDS: DS03

8908150062 Intervenor's first set of discovery requests to NRC Staff.*
W/Certificate of Svc.Related correspondence.

FROM: LORION, J.

AFFIL: ECICNR

TO: *

AFFIL: NRCGC

ISSUED: 890807 AVAIL: PDR 6pp. DOCUMENT TYPE: TTINTR FPAC: 8908150062#

TASK: ODID: DSB-389 9025 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 50881 046 50881 051 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8908150072 Intervenors first set of discovery requests to licensee.*
Interrogatories & documents specific to Contentions 2 & 3
requested, per 10CFR2.740(b) & 2.741. Certificate of Svc encl.
Related correspondence.

FROM: LORION, J.

AFFIL: ECICNR

TO: *

AFFIL: EUTFPL

ISSUED: 890807 AVAIL: PDR 7pp. DOCUMENT TYPE: TTINTR FPAC: 8908150072#

TASK: ODID: DSB-389 9026 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 50881 061 50881 067 RIDs: DS03

8908150083 Intervenors responses to licensee first set of discovery
requests to Ctr for Nuclear Responsibility & J Lorion.*
Certificate of Svc encl. Related correspondence.

FROM: LORION, J.

AFFIL: ECICNR

TO: *

AFFIL: EUTFPL

ISSUED: 890808 AVAIL: PDR 9pp. DOCUMENT TYPE: TTINTR FPAC: 8908150083#

TASK: ODID: DSB-389 9027 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 50881 052 50881 060 RIDs: DS03

8908240107 Licensee followup discovery request to Ctr for Nuclear
Responsibility & J Lorion.* W/Certificate of Svc. Related
correspondence.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: ECICNR

ISSUED: 890816 AVAIL: PDR 5pp. DOCUMENT TYPE: TTINTR FPAC: 8908240107#

TASK: ODID: DSB-389 9060 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 50964 239 50964 243 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8908310074 NRC Staff response to Ctr for Nuclear Responsibility & J
Lorion first set of discovery requests to NRC Staff.*
Interrogatories 1-17 addressed,

FROM: JEHL, P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 890828 AVAIL: PDR 14pp. DOCUMENT TYPE: TTPLED FPAC: 8908310042A

TASK: ODID: OLA-4 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51030 146 51030 161 RIDS:

8908310103 Affidavit of GE Edison.* Advises that author provided
response to Interrogatory 5. Supporting documentation encl.
W/Certificate of Svc.

FROM: EDISON, G.E.

AFFIL: EUTFPL

TO:

AFFIL:

ISSUED: 890828 AVAIL: PDR 4pp. DOCUMENT TYPE: TTAFF FPAC: 8908310042B

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51030 162 51030 165 RIDS:

8909050101 Licensee response to Intervenor's first set of discovery
requests to licensee.* W/Certificate of Svc. Related
correspondence.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: ECICNR

ISSUED: 890828 AVAIL: PDR 24pp. DOCUMENT TYPE: TTINTR FPAC: 8909050101#

TASK: ODID: DSB-389 9109 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51049 310 51049 333 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8909050242 NRC Staff response to Ctr for Nuclear Responsibility & J
Lorion first set of discovery requests to NRC Staff.* BJ
Elliot unexecuted affidavit encl.Related correspondence.

FROM: JEHLE, P.

AFFIL: NRCGCCH

TO: *

AFFIL: ECICNR

ISSUED: 890829 AVAIL: PDR 16pp. DOCUMENT TYPE: TTINTR FPAC: 8909050237A

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51049 228 51049 243 RIDs:

8909050244 Affidavit of GE Edison.* Advises that author provided
response to Interrogatory 5.Certificate of Svc encl.Related
correspondence.

FROM: EDISON, G.E.

AFFIL: NRCGC

TO:

AFFIL:

ISSUED: 890828 AVAIL: PDR 4pp. DOCUMENT TYPE: TTAFF FPAC: 8909050237B

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51049 244 51049 247 RIDs:

8909120044 Amended petition for limited appearance statement.* Advises
that Nuclear Energy Accountability Project will represent
author & other public citizens in proceeding.Certificate of
Svc encl.Served on 890907.

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 890830 AVAIL: PDR 2pp. DOCUMENT TYPE: TTINTV FPAC: 8909120044#

TASK: ODID: DSB-389 9136 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51127 277 51127 278 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8909120089 Affidavit of BJ Elliot.* Advises that author responded to Interrogatories 1,3,4,6-10,12,13,16 & 17.Related correspondence.

FROM: ELLIOT,B.J.

AFFIL: NRCGC

TO:

AFFIL:

ISSUED: 890905 AVAIL: PDR 15pp. DOCUMENT TYPE: TTAFF FPAC: 8909120080A

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51127 345 51127 360 RIDS:

8909180081 Intervenors response to licensee followup discovery request o Ctr for Nuclear Responsibility & J Lorion.* Intervenors believe that Unit 4 plant-specific surveillance data only credile data.W/Certificate of Svc.Related correspondence.

FROM: LORION,J.

AFFIL: ECILORJ

TO: *

AFFIL: EUTFPL

ISSUED: 890908 AVAIL: PDR 4pp. DOCUMENT TYPE: TTINTR FPAC: 8909180081#

TASK: ODID: DSB-389 9161 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51196 272 51196 275 RIDS: DS03

8909180102 Licensee motion for summary disposition of intervenors contentions.* No genuine issue of matl fact re intervenors Contentions 2 & 3 exists & licensee entitled to favorable decision.

FROM: FRANTZ,S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 890911 AVAIL: PDR 23pp. DOCUMENT TYPE: TTPLED FPAC: 8909180095A

TASK: ODID: OLA-4 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51196 289 51196 311 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8909180106 Licensee statement of matl facts as to which no genuine
issue to be heard w/respect to intervenors contentions.*
Provides facts re Contentions 2 & 3.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO:

AFFIL:

ISSUED: 890911 AVAIL: PDR 6pp. DOCUMENT TYPE: TTOTHR FPAC: 8909180095B

TASK: ODID: OLA-4 DIN: DPL: * DRN: *

DOCKET NO: 05000250 FICHE: 51196 312 51196 317 RIDS:

8909180116 Affidavit of SA Collard on Contentions 2 & 3.* Collard prof
qualifications, supporting info & Certificate of Svc encl.

FROM: COLLARD, S.A.

AFFIL: EUTFPL

TO:

AFFIL:

ISSUED: 890911 AVAIL: PDR 59pp. DOCUMENT TYPE: TTAFF FPAC: 8909180095C

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51196 318 51197 016 RIDS:

8909280156 NRC Staff response to Nuclear Energy Accountability Project
(NEAP) request for contention reconsideration.* Request
should be denied on basis that TJ Saporito & NEAP have no
standing in proceeding.W/Certificate of Svc.

FROM: JEHLE, P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 890921 AVAIL: PDR 6pp. DOCUMENT TYPE: TTINTV FPAC: 8909280156#

TASK: ODID: DSB-389 9206 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51321 277 51321 282 RIDS: DS07

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8909290075 Intervenors motion for extension of time & motion to revise hearing schedule.* Requests extension until 891020 to respond to licensee motion for summary disposition filed on 890920 de to author prof commitments.W/Certificate of Svc.

FROM: LORION,J.

AFFIL: ECILORJ

TO: *

AFFIL: NASLP

ISSUED: 890923 AVAIL: PDR 5pp. DOCUMENT TYPE: TTPLED FPAC: 8909290075#

TASK: ODID: DSB-389 9215 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51322 113 51322 117 RIDs: DS03

8910040103 NRC Staff response to Intervenors motion for extension of time & motion to revise hearing schedule.* Ctr for Nuclear Responsibility 890923 motion not opposed, however motion to revise hearing schedule opposed.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 890926 AVAIL: PDR 5pp. DOCUMENT TYPE: TTPLED FPAC: 8910040103#

TASK: ODID: DSB-489 9230 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51348 178 51348 182 RIDs: DS07

8910040177 Licensee response in opposition to Intervenors motion for extension of time & motion to revise hearing schedule.* Intervenors 890911 motion does not demonstrate good cause & should be denied.W/supporting info & Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 890927 AVAIL: PDR 11pp. DOCUMENT TYPE: TTPLED FPAC: 8910040177#

TASK: ODID: DSB-489 9236 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51348 252 51348 262 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8910050195 Decision DD-89-08 denying actions requested in petition,
since no substantial health & safety issues have been raised
by petitioner per 10CFR2.206.

FROM: MURLEY, T.E.

AFFIL: NRRB

TO:

AFFIL:

ISSUED: 890925 AVAIL: PDR 13pp. DOCUMENT TYPE: TTDEC FPAC: 8910050190A

TASK: ODID: DD-89-08 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51749 343 51749 355 RIDS:

8910130056 Order.* Grants in part & denies in part Intervenor's motion
for extension of time & motion to revise hearing schedule in
accordance w/listed schedule.W/Certificate of Svc.Served on
891004.

FROM: COTTER, B.P.

AFFIL: NASLP

TO: *

AFFIL: ECICNR

ISSUED: 891003 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 8910130056#

TASK: ODID: DSB-489 9259 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51448 199 51448 201 RIDS: DS02

8910130061 Memorandum.* Advises that Board examined Nuclear Energy
Accountability Project request as limited appearance
statement & found nothing in statement to warrant action.W/
Certificate of Svc.Served on 891004.

FROM: HARBOUR, J.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 891003 AVAIL: PDR 4pp. DOCUMENT TYPE: TTOTHR FPAC: 8910130061#

TASK: ODID: DSB-489 9260 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51448 202 51448 205 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8910180068 Answer to Director's Decision under 10CFR2.206 discussion.*
asis exists for NRC to take actions requested in 890620
petition re cold shutdown of facility & 890620 petition to
cause immediate investigation concerning drug usage problem.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NRCC

ISSUED: 891005 AVAIL: PDR 25pp. DOCUMENT TYPE: TTPLED FPAC: 8910180068#

TASK: ODID: DSB-489 9295 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51498 231 51498 255 RIDS: DS03

8910250168 Response of NRC Staff in support of licensee motion for
summary disposition.* Motion supported on grounds that
licensee demonstrated absence if any genuine issue of matl
fact to be litigated & as matter of law.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 891019 AVAIL: PDR 14pp. DOCUMENT TYPE: TTPLED FPAC: 8910250168*

TASK: ODID: DSB-489 9330 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51561 034 51561 065 RIDS: DS07

8910250178 Affidavit in support of NRC Staff response to licensee
motion for summary disposition.* Advises that author
conducted review of facility integrated surveillance program
& found program acceptable.W/Certificate of Svc.

FROM: ELLIOT,B.J.

AFFIL: NRCGC

TO:

AFFIL:

ISSUED: 891019 AVAIL: PDR 18pp. DOCUMENT TYPE: TTAFF FPAC: 8910250168A

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51561 048 51561 065 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDCCS PARTIAL RECORD FORMAT REPORT

8910310125 Relevant info for consideration.* Expresses grave concerns germane to operations of plant & forwards info on recent events re pressure/temp limits as appropriate to subj of proceedings.Certificate of Svc encl.Served on 891023.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 891014 AVAIL: PDR 15pp. DOCUMENT TYPE: TTPLED FPAC: 8910310125#

TASK: ODID: DSB-489 9339 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51606 128 51606 143 RIDS: DS03

8910310190 Affidavit of J Lorion on Contention 2.*

FROM: LORION,J.

AFFIL: ECICNR

TO:

AFFIL:

ISSUED: 891020 AVAIL: PDR 3pp. DOCUMENT TYPE: TTAFF FPAC: 8910310189A

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51606 354 51606 356 RIDS:

8910310196 Intervenors statement of matl facts as to which genuine issue to be heard w/respect to Intervenors Contention 2.*

FROM: LORION,J.

AFFIL: ECICNR

TO:

AFFIL:

ISSUED: 891019 AVAIL: PDR 4pp. DOCUMENT TYPE: TTOTHR FPAC: 8910310196*

TASK: ODID: DSB-489 9352 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51607 023 51607 174 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8910310197 Intervenors response to licensee motion for summary
disposition of intervenors contentions.* Intervenors
entitled to favorable decision as matter of law.W/supporting
info & Certificate of Svc.

FROM: LORION,J.

AFFIL: ECICNR

TO: *

AFFIL: NASLP

ISSUED: 891019 AVAIL: PDR 150pp. DOCUMENT TYPE: TTPLED FPAC: 8910310196A

TASK: ODID: OLA-4 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 51607 027 51607 174 RIDS:

8911060142 Peticion for leave to intervene.* Requests leave to
intervene based on stated contentions,including nuclear
safety concern that GDC 31 will not be achieved w/License
Amends 134 & 128.W/Certificate of Svc.Served on 891027.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 891022 AVAIL: PDR 24pp. DOCUMENT TYPE: TTINTV FPAC: 8911060142#

TASK: ODID: DSB-489 9357 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51658 081 51658 104 RIDS: DS03

8911160118 Licensee response to intervenors response to licensee
motionfor summary disposition of intervenors contentions.*
Interveors 891019 response legally deficient & w/o genuine
issue ofmatl fact.Related info & Certificate of Svc encl.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 891106 AVAIL: PDR 49pp. DOCUMENT TYPE: TTPLED FPAC: 8911160118#

TASK: ODID: DSB-489 9415 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51759 066 51759 114 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8912040021 NRC Staff response to petition for leave to intervene of TJ Saporito & Nuclear Energy Accountability Project.*
Late-filed petition should be denied for lack of standing & untimeliness.W/Certificate of Svc.

FROM: MOORE, J.E.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 891116 AVAIL: PDR 21pp. DOCUMENT TYPE: TTINTV FPAC: 8912040021#

TASK: ODID: DSB-489 9458 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51870 048 51870 068 RIDS: DS07

8912050161 Licensee response in opposition to Nuclear Energy Accountability Project/Saporito petition for leave to intervene.* Petition should be denied based on petitioners not demonstrating standing.W/Certificate of Svc.

FROM: REIS, H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 891113 AVAIL: PDR 28pp. DOCUMENT TYPE: TTINTV FPAC: 8912050161#

TASK: ODID: DSB-489 9450 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51871 256 51871 283 RIDS: DS03

8912050173 Clarification of contentions & answer to licensee response in opposition to Nuclear Energy Accountability Project/ Saporio petition for leave to intervene.* Requests ASLB grant petitioners late intervention.Certificate of Svc encl.

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 891116 AVAIL: PDR 20pp. DOCUMENT TYPE: TTPLED FPAC: 8912050173#

TASK: ODID: DSB-489 9485 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51871 307 51871 326 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8912060046 Intervenors motion for leave to respond to licensee reply to
 intervenors response to licensee motion for summary
 disposition of intervenors contentions.* W/Certificate of
 Svc.

FROM: LORION, J.

AFFIL: ECICNR

TO: *

AFFIL: NASLP

ISSUED: 891116 AVAIL: PDR 7pp. DOCUMENT TYPE: TTPLED FPAC: 8912060046#

TASK: ODID: DSB-489 9516 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51883 076 51883 082 RIDS: DS03

8912060056 Petitioners response to NRC Staff response to petition for
 leave to intervene of TJ Saporito & Nuclear Energy
 Accountability Project.* Further response will not be
 forwarded unless directed by Board.W/Certificate of Svc.

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 891127 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 8912060056#

TASK: ODID: DSB-489 9517 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51883 089 51883 091 RIDS: DS03

8912060128 Statement for permission to represent.* Advises that author
 has voluntarily given permission to Nuclear Energy
 Accountability Project & TJ Saporito to represent author
 interests in case before Board.Served on 891128.

FROM: BREZENOFF, S.

AFFIL: ECI*****

TO:

AFFIL:

ISSUED: 891117 AVAIL: PDR 1p. DOCUMENT TYPE: TTOTHR FPAC: 8912060128*

TASK: ODID: DSB-489 9520 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51883 138 51883 140 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8912060149 Statement for permission to represent.* Advises that author voluntarily given permission to Nuclear Energy Accountability Project & TJ Saporito to represent author interests in case.W/Certificate of Svc.Served on 891128.

FROM: EDELSON,J.W.

AFFIL: ECI*****

TO:

AFFIL:

ISSUED: 891120 AVAIL: PDR 2pp. DOCUMENT TYPE: TTOTHR FPAC: 8912060128A

TASK: ODID: OLA-4 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 51883 139 51883 140 RIDS:

8912070147 Answer to Director's Decision under 10CFR2.206.* Opposes 890925 Director's Decision DD-89-07,denying author 890903 petition to intervene & stop scheduled 891012 launch of Galileo Spacecraft due to risk placed on public health.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NRCSEY

ISSUED: 891007 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 8912070147#

TASK: ODID: DSB-489 9304 DIN: DPN: * DRN: *

DOCKET NO: 05000251 FICHE: 51966 197 51966 202 RIDS: DS03

8912190372 Statement for permission to represent.* Advises that author gives permission to Nuclear Energy Accountability Project & TJ Saporito to represent interests in proceeding.

FROM: WEINKLE,A.

AFFIL: ECI*****

TO:

AFFIL:

ISSUED: 891127 AVAIL: PDR 1p. DOCUMENT TYPE: TTOTHR FPAC: 8912190372#

TASK: ODID: DSB-489 9560 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52005 119 52005 119 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8912260021 Intervenor supplemental response to licensee discovery requests, Interrogatory I. (A-B). * W/supporting info & Certificate of Svc. Related correspondence.

FROM: LORION, J.

AFFIL: ECICNR

TO: *

AFFIL: EUTFPL

ISSUED: 891204 AVAIL: PDR 10pp. DOCUMENT TYPE: TTINTR FPAC: 8912260021#

TASK: ODID: DSB-489 9589 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 52054 126 52054 135 RIDS: DS03

8912260050 NRC Staff motion for extension of time to file testimony & response to intervenors motion to modify hearing schedule.* Requests testimony be filed after order issued re licensee motion for summary disposition. W/Certificate of Svc.

FROM: JEHLE, P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 891212 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 8912260050#

TASK: ODID: DSB-489 9610 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52054 148 52054 151 RIDS: DS07

8912260111 Licensee response to intervenors motion to modify hearing schedule.* Licensee maintains that summary disposition should be granted & ASLB should dismiss proceeding as moot. W/Certificate of Svc.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 891208 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 8912260111#

TASK: ODID: DSB-489 9587 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52054 120 52054 125 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

8912260124 Intervenors motion to modify hearing schedule.* Requests
that hearing be rescheduled during period of 900219-0302 due
to inability of expert witness,G Sih,to testify at 900110
hearing.W/Certificate of Svc.

FROM: LORION,J.

AFFIL: ECICNR

TO: *

AFFIL: NASLP

ISSUED: 891204 AVAIL: PDR 9pp. DOCUMENT TYPE: TTPLED FPAC: 8912260124#

TASK: ODID: DSB-489 9588 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52054 290 52054 298 RIDs: DS03

8912270068 Staff response to petitioners clarification.* NRC will not
respond to substantive issues raised in clarification unless
directed by ASLB.W/Certificate of Svc.

FROM: JEHLE,P.A.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 891206 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 8912270068#

TASK: ODID: DSB-489 9590 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 52057 026 52057 028 RIDs: DS07

8912270234 Order.* Submits schedule for proceeding to hearing,per
telcon w/Lorion on behalf of intervenors,counsel for
licensee & NRC Staff.W/Certificate of Svc.Served on 891215.

FROM: COTTER,B.P.

AFFIL: NASLP

TO: *

AFFIL: NRCGC

ISSUED: 891215 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 8912270234#

TASK: ODID: DSB-489 9612 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52056 141 52056 143 RIDs: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9001030025 Petitioners supplemented petition for leave to intervene.*
Requests that ASLB consider that TJ Saporito secured
employment within city of Miami, FL on 891211 in decision to
grant leave to intervene.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 891218 AVAIL: PDR 3pp. DOCUMENT TYPE: TTINTV FPAC: 9001030025#

TASK: ODID: DSB-190 9626 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52101 121 52101 123 RIDs: DS03

9001250138 Memorandum & order (ruling on motion for summary
disposition& dismissal of proceeding). * Grants licensee
motion for summry disposition,keeping Amends 134 & 128 in
full force. W/Cerificate of Svc.Served on 900118.Re-served

FROM: BRIGHT,G.O.

AFFIL: NASLP

TO: *

AFFIL: EUTFPL

ISSUED: 900116 AVAIL: PDR 40pp. DOCUMENT TYPE: TTORDR FPAC: 9001250138#

TASK: ODID: DSB-190 9698 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52352 157 52352 196 RIDs: DS02

9001250416 Memorandum & order (denying petition to intervene). * Denies
in entirety,Nuclear Accountability & TJ Saporito 891022
petition for leave to intervene on basis of not complying w/
Commission rules.W/Certificate of Svc.Served on 900119.

FROM: BRIGHT,G.O.

AFFIL: NASLP

TO: *

AFFIL: ECINEAP

ISSUED: 900116 AVAIL: PDR 18pp. DOCUMENT TYPE: TTORDR FPAC: 9001250416#

TASK: ODID: DSB-190 9705 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52370 056 52370 073 RIDs: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9001260123 Notice of appeal.* Appeals 900116 decision re pressure-temp limits amend & requests to allow & order oral argument in order for Commission to be fully apprised of appellant position.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NRCC

ISSUED: 900121 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 9001260123#

TASK: ODID: DSB-190 9724 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52371 097 52371 098 RIDS: DS03

9002010030 Assignment of ASLAB.* CN Kohl will be chairman & TS Moore & HA Wilber,members.W/Certificate of Svc.Served on 900126.

FROM: HAGINS,E.E.

AFFIL: NASLAP

TO:

AFFIL:

ISSUED: 900125 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9002010030#

TASK: ODID: DSB-190 9732 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52445 318 52445 320 RIDS: DS02

9002010137 Notice of appeal.* Appeals Board 890118 granting of licensee motion for summary disposition & dismissal of proceeding.W/Certificate of Svc.

FROM: LORION,J.

AFFIL: ECICNR

TO: *

AFFIL: NASLAP

ISSUED: 900129 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 9002010137#

TASK: ODID: DSB-190 9750 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52444 099 52444 100 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9002080012 Establishment of ASLB to preside in proceeding.* Board will
be comprised of PB Bloch, chairman & GC Anderson & EB Johnson,
members. Certificate of Svc encl. Served on 900201.

FROM: COTTER, B.P.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 900124 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9002080012#

TASK: ODID: DSB-190 9756 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52539 091 52539 093 RIDs: DS02

9002080093 Memorandum & order (prehearing conference; filing schedule). *
Suggests petitioner address arguments made by applicant &
NRC either by filing position or through rebuttal legal
argument or both. W/Certificate of Svc. Served on 900206.

FROM: BLOCH, P.B.

AFFIL: NASLP

TO: *

AFFIL: NRCGC

ISSUED: 900205 AVAIL: PDR 9pp. DOCUMENT TYPE: TTORDR FPAC: 9002080093#

TASK: ODID: DSB-190 9797 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52538 002 52538 010 RIDs: DS02

9002080132 Request for hearing & petition for leave to intervene.*
Requests hearing on NRC consideration of licensee proposed
amends to licenses.

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NRCSEY

ISSUED: 891227 AVAIL: PDR 7pp. DOCUMENT TYPE: TTINTV FPAC: 9002080126A

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52537 236 52537 242 RIDs:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9002080140 Licensee answer in opposition to request for hearing & petition for leave to intervene.* Nuclear Energy Accountability Project & TJ Saporito 891227 petition does not demonstrate standing to intervene.W/Certificate of Svc.

FROM: FRANTZ,S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NRCC

ISSUED: 900110 AVAIL: PDR 32pp. DOCUMENT TYPE: TTINTV FPAC: 9002080126B

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52537 243 52537 274 RIDS:

9002080147 Statement for permission to represent.* Advises that author voluntarily given Nuclear Energy Accountability Project & TJ Saporito permission to represent interests in proceeding.

FROM: WEINKLE,A.

AFFIL: ECI*****

TO:

AFFIL:

ISSUED: 900103 AVAIL: PDR 1p. DOCUMENT TYPE: TTOTHR FPAC: 9002080126CA

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52537 276 52537 276 RIDS:

9002080150 NRC Staff response to request for hearing & petition for leave to intervene of Nuclear Energy Accountability Project & TJ Saporito.* Petition should be denied on basis of not meeting 10CFR2.714 requirements.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCC

TO: *

AFFIL: NRCC

ISSUED: 900116 AVAIL: PDR 19pp. DOCUMENT TYPE: TTBREF FPAC: 9002080126D

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52537 277 52537 295 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9002080155 Statement for permission to represent.* Advises that author voluntarily given Nuclear Energy Accountability Project & TJ Saporito permission to represent interests in proceeding.

FROM: EDELSON, J.W.

AFFIL: ECI*****

TO:

AFFIL:

ISSUED: 900107 AVAIL: PDR 1p. DOCUMENT TYPE: TTOTHR FPAC: 9002080126EA

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52537 297 52537 297 RIDS:

9002150077 Notice (limited appearances, prehearing conference). * Public limited appearance session will be conducted on 900323 at US District Courthouse in Miami, FL. Certificate of Svc encl. Served on 900212.

FROM: BLOCH, P.B.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 900208 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9002150077#

TASK: ODID: DSB-190 9833 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52606 302 52606 304 RIDS: DS02

9002150164 Order.* Consolidates TJ Saporito & Nuclear Energy Accountability Project & Ctr for Nuclear Responsibility appeals from Board 900116 memorandum & order in interest of judicial economy. W/Certificate of Svc. Served on 900212.

FROM: TOMPKINS, B.A.

AFFIL: NASLAP

TO: *

AFFIL: ECICNR

ISSUED: 900212 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9002150164#

TASK: ODID: DSB-190 9832 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52606 050 52606 053 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

90022:0025 Motion for extension of time.* Requests extension of time to
900320 to file contentions & amended petition due to author
prof responsibilities in addition to respresenting Nuclear
Energy Accountability Project.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900208 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9002220025#

TASK: ODID: DSB-190 9897 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52637 138 52637 141 RIDS: DS03

9002220083 Memorandum & order (extension of time).* Grants TJ Saporito
& Nuclear Energy Accountability Project 900208 request for
extension of time until 900301 to file amended petitions &
contentions.W/Certificate of Svc.Served on 900215.

FROM: BLOCH,P.B.

AFFIL: NASLP

TO: *

AFFIL: ECINEAP

ISSUED: 900213 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9002220083#

TASK: ODID: DSB-190 9892 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52637 200 52637 203 RIDS: DS02

9003010035 Addendum to appeal brief.* Acceptance of
addendum,consistingof table of contents & table of
cases,statutes,regulations &other authorities cited &
granting of discretionary intervenion to appellants

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLAP

ISSUED: 900212 AVAIL: PDR 5pp. DOCUMENT TYPE: TTBREF FPAC: 9003010035#

TASK: ODID: DSB-190 9941 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52700 205 52700 209 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9003010043 Appellant appeal from 900116 memorandum & order (Denying
Petition to Intervene) & memorandum of exceptions to
decision in support of appellant appeal.* Petition should be
granted & public hearing ordered.Certificate of Svc encl.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLAP

ISSUED: 900205 AVAIL: PDR 16pp. DOCUMENT TYPE: TTPLED FPAC: 9003010043#

TASK: ODID: DSB-190 9942 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52700 093 52700 108 RIDS: DS03

9003010047 Notice of address change.* Requests that all future
correspondence to Nuclear Energy Accountability Project be
mailed to stated new address.W/Certificate of Svc.

FROM: SAPORITO,R.

AFFIL: ECINEAP

TO:

AFFIL:

ISSUED: 900222 AVAIL: PDR 2pp. DOCUMENT TYPE: TTOTHR FPAC: 9003010047#

TASK: ODID: DSB-190 9968 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52700 091 52700 092 RIDS: DS03

9003010066 Motion for clarification.* Requests clarification on 900222
prehearing conference specifically,what is expected of
petitioners in proceeding.Certificate of Svc encl.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900219 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9003010066#

TASK: ODID: DSB-190 9964 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52699 162 52699 164 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9003010109 Intervenors motion for extension of time to file appeal
brief.* Extension requested to file brief due to Intervenor
J Lorian involved w/family health matters.W/Certificate of
Svc.Served on 900226.Granted for ASLAB on 900223.

FROM: *

AFFIL: ECICNR

TO: *

AFFIL: NASLAP

ISSUED: 900223 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9003010109#

TASK: ODID: DSB-190 9952 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52700 056 52700 058 RIDs: DS02

9003010137 Intervenors motion for extension of time to file appeal
brief.* Requests 5-day extension until 900305 to file appeal
brief due to author family health matters interfering w/
ability to meet commitments.W/Certificate of Svc.

FROM: LORION,J.

AFFIL: ECICNR

TO: *

AFFIL: NASLAP

ISSUED: 900223 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9003010137#

TASK: ODID: DSB-190 9965 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52699 289 52699 291 RIDs: DS03

9003010212 Memorandum & order (revised schedule).* Lists revised
schedule for case,per participants agreement.W/Certificate
of Svc.Served on 900222.

FROM: BLOCH,P.B.

AFFIL: NASLP

TO: *

AFFIL: NRCGC

ISSUED: 900220 AVAIL: PDR 2pp. DOCUMENT TYPE: TTORDR FPAC: 9003010212#

TASK: ODID: DSB-190 9932 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52698 336 52698 337 RIDs: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9003050073 Motion for reconsideration of time extension.* Petitioners ask that Board reconsider 900208 request for extension of time until 900305 to file amended petition & contentions based on parties agreement.Certificate of Svc encl.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900221 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9003050073#

TASK: ODID: DSB-190 9980 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52730 259 52730 261 RIDS: DS03

9003160053 Address correction.* Informs of incorrect zip code assigned to Nuclear Energy Accountability Project during registration for post ofc box number assignment.Correct address stated. W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900228 AVAIL: PDR 2pp. DOCUMENT TYPE: TTOTHR FPAC: 9003160053#

TASK: ODID: DSB-190 10011 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52944 220 52944 221 RIDS: DS03

9003160090 Petitioners amended petition for intervention & brief in support thereof.* Petitioners should be granted intervention & hearing to address & resolve serious stated nuclear concerns.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900305 AVAIL: PDR 169pp. DOCUMENT TYPE: TTINTV FPAC: 9003160090*

TASK: ODID: DSB-190 10019 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52944 050 52944 218 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9003160106 Affidavit of TJ Saporito.* Discusses concern that amends to licenses sought by applicant to revise Tech Specs will cause plant to be operated unsafely due to relaxed safety margins. W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO:

AFFIL:

ISSUED: 900228 AVAIL: PDR 5pp. DOCUMENT TYPE: TTAFF FPAC: 9003160090A

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52944 214 52944 218 RIDS:

9003160122 Objection to order.* Author ojects to method of filing, on part of petitioners, as required by order of Board. Petitioners will comply w/Board latest order & meet filing deadline of 900305.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900227 AVAIL: PDR 7pp. DOCUMENT TYPE: TTPLED FPAC: 9003160122#

TASK: ODID: DSB-190 10012 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52943 090 52943 096 RIDS: DS03

9003160151 Memorandum & order.* Board previous 900227 order modified & petitioners may file by overnight mail on that date, 900305. W/Certificate of Svc.Served on 900301.

FROM: BLOCH,P.B.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 900301 AVAIL: PDR 2pp. DOCUMENT TYPE: TTORDR FPAC: 9003160151#

TASK: ODID: DSB-190 9995 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52943 254 52943 255 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9003190059 Ctr for Nuclear Responsibility & J Lorion brief in support of appeal of ASLB order granting summary disposition of intervenors Contention 2 & dismissing proceeding.* Requests that public hearing be granted.W/Certificate of Svc.

FROM: LORION,J.

AFFIL: ECICNR

TO:

AFFIL:

ISSUED: 900305 AVAIL: PDR 48pp. DOCUMENT TYPE: TTBREF FPAC: 9003190038A

TASK: ODID: OLA-4 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52970 220 52970 267 RIDS:

9003190104 Applicant response to petitioner request to make limited appearance statement * Request should be denied on basis of inconsistency w/10CFR2.715.Position can be presented at 900323 prehearing conference.W/Certificate of Svc.

FROM: FRANTZ,S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900309 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9003190104#

TASK: ODID: DSB-190 10056 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 52970 026 52970 029 RIDS: DS03

9003230075 Applicant response to amended petition to intervene.* Opposes Nuclear Energy Accountability Project & TJ Saporito 900305 amended petition due to request not satisfying applicable stds.Certificate of Svc encl.

FROM: FRANTZ,S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900316 AVAIL: PDR 32pp. DOCUMENT TYPE: TTINTV FPAC: 9003230075#

TASK: ODID: DSB-190 10101 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53051 328 53051 359 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9003230160 NRC Staff response to petitioners amended petition for leave to intervene.* Request should be denied due to petitioners failing to meet stds of 10CFR2.714.Certificate of Svc encl.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 900319 AVAIL: PDR 83pp. DOCUMENT TYPE: TTINTV FPAC: 9003230160#

TASK: ODID: DSB-190 10109 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53051 180 53051 262 RIDS: DS07

9003230174 Memorandum & order (requirements for contentions).* Requests petitioners to be prepared to cite specific portions of documents on which were relied,per applicant & NRC responsive filings.W/Certificate of Svc.Served on 900320.

FROM: BLOCH,P.B.

AFFIL: NASLP

TO: *

AFFIL: NRCGC

ISSUED: 900319 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 9003230174#

TASK: ODID: DSB-190 10114 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53052 321 53052 323 RIDS: DS02

9003270378 Transcript of 900323 meeting in Miami,FL.Pp 1-232.

FROM: *

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 900323 AVAIL: PDR 234pp. DOCUMENT TYPE: TTTRAN FPAC: 9003270378#

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53192 160 53193 033 RIDS: TR01

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9003290062 Director's decision under 10CFR2.206.TJ Saporito 881221
petition that NRC take actions re plant denied due to lack
of basis for taking actions requested.No substantial health
& safety issues raised by petitions.

FROM: MURLEY,T.E.

AFFIL: NRRB

TO:

AFFIL:

ISSUED: 900322 AVAIL: PDR 7pp. DOCUMENT TYPE: TTDEC FPAC: 9003290060A

TASK: ODID: DD-90-01 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53232 096 53232 102 RIDS: DS07

9004040198 Transcript of 900322 hearing in Miami,FL.Pp 1-66.

FROM: *

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 900322 AVAIL: PDR 68pp. DOCUMENT TYPE: TTTRAN FPAC: 9004040198#

TASK: ODID: 90-602-01-OLA-5DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53286 022 53286 091 RIDS: TR01

9004110037 Notice of withdrawal from proceeding.* Advises that author
wthdrawing from proceeding due to applicant counsel
adversely affecting author employment & employment
opportunities by cotacting employer.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO:

AFFIL:

ISSUED: 900401 AVAIL: PDR 4pp. DOCUMENT TYPE: TTOTHR FPAC: 9004110037#

TASK: ODID: DSB-290 10200 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53327 223 53327 226 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9004110083 Licensee brief in response to appeals of Board 900116 memoranda & orders.* Board rulings in LBP-90-04 & LBP-90-05 should be affirmed on basis of licensee meeting burden of proof & as matter of law.W/Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 900403 AVAIL: PDR 79pp. DOCUMENT TYPE: TTBREF FPAC: 9004110083#

TASK: ODID: DSB-290 10206 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53327 137 53327 215 RIDS: DS03

9004200109 Petitioner objection to licensee brief in response to appeals of Licensing Board 900116 memo & orders.* Denied by Appeal Board on 900410.Served on 900410.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLAP

ISSUED: 900406 AVAIL: PDR 4pp. DOCUMENT TYPE: TTBREF FPAC: 9004200109#

TASK: ODID: DSB-290 10222 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53425 031 53425 034 RIDS: DS02

9004200219 Applicant response to notice of withdrawal from proceeding.* Advises that Nuclear Energy Accountability Project (NEAP) no longer has standing since Saporito withdrew from proceeding & NEAP has not established standing.W/Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900413 AVAIL: PDR 8pp. DOCUMENT TYPE: TTPLED FPAC: 9004200219#

TASK: ODID: DSB-290 10254 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53425 053 53425 060 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9004260035 Staff response to TJ Saporito notice of withdrawal.*
Licensing Board should deny petition to intervene & dismiss
proceeding.Oral argument re Nuclear Energy Accountability
Project standing issue unneeded.W/Certificate of Svc.

FROM: JEHLE,P. AFFIL: NRCGCCH

TO: * AFFIL: NASLP

ISSUED: 900423 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9004260035#

TASK: ODID: DSB-290 10276 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53524 179 53524 184 RIDs: DS07

9004260045 NRC Staff brief opposing appeals from Board memoranda & orders of 900116.* Order denying TJ Saporito & Nuclear Energy Accountability Project leave to intervene should be affirmed.W/Certificate of Svc.

FROM: JEHLE,P.A. AFFIL: NRCGCHH

TO: * AFFIL: NASLAP

ISSUED: 900419 AVAIL: PDR 65pp. DOCUMENT TYPE: TTBREF FPAC: 9004260045#

TASK: ODID: DSB-290 10266 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53524 199 53524 263 RIDS: DS07

9004260121 Intervenor's answer to applicant 900413 response &
intervenor's motion for sanctions against applicant &
intervenor's motion for leave to amend contentions.*
Certificate of Svc encl.

FROM: SAPORITO, T.J. AFFIL: ECINEAP

TO: * AFFIL: NASLP

ISSUED: 900420 AVAIL: PDR 13pp. DOCUMENT TYPE: TTPLED FPAC: 9004260121#

TASK: ODID: DSB-290 10270 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53525 071 53525 083 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9005020233 Memorandum & order (Motion to withdraw). * Nuclear Energy Accountability Project & TJ Saporito should make written filings on or before 900511, that respond to all questions raised in accompanying memo. Served on 900425.

FROM: ANDERSON, G.C.

AFFIL: NASLP

TO: *

AFFIL: NRCGC

ISSUED: 900424 AVAIL: PDR 11pp. DOCUMENT TYPE: TTORDR FPAC: 9005020233#

TASK: ODID: DSB-290 10288 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53571 142 53571 152 RIDs: DS02

9005020289 Memorandum & order (Error in order of 900424). * Lists info inadvertently omitted from bottom of Page 7 of recently issued order. W/Certificate of Svc. Served on 900426.

FROM: BLOCH, P.B.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 900425 AVAIL: PDR 2pp. DOCUMENT TYPE: TTORDR FPAC: 9005020289#

TASK: ODID: DSB-290 10293 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53571 190 53571 191 RIDs: DS02

9005150038 Nuclear Energy Accountability Project response to ASLB memorandum & order. * Nuclear Energy Accountability Project should be granted standing in proceeding.

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900505 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9005150038*

TASK: ODID: DSB-290 10343 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53741 247 53741 253 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9005150048 Affidavit of S Brezenoff re OL amend sought by util to
revise plant Tech Specs.

FROM: BREZENOFF, S.

AFFIL: ECINEAP

TO:

AFFIL:

ISSUED: 900216 AVAIL: PDR 3pp. DOCUMENT TYPE: TTAFF FPAC: 9005150038A

TASK: ODID: DSB-290 10343 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53741 251 53741 253 RIDS:

9005220391 Applicant reply to Nuclear Energy Accountability Project
(NEAP) response to ASLB memorandum & order.* NEAP petition
to intervene should be denied & proceeding dismissed.W/
Certificate of Svc.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900517 AVAIL: PDR 18pp. DOCUMENT TYPE: TTPLED FPAC: 9005220391#

TASK: ODID: DSB-290 10377 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53825 055 53825 072 RIDS: DS03

9006050113 Order.* Advises that oral argument consolidating appeals of
TJ Saporito & J Lorion from ASLB two decisions issued on
900116 will take place on 900710 in Bethesda, MD.W/
Certificate of Svc.Served on 900529.

FROM: TOMPKINS, B.A.

AFFIL: NASLAP

TO:

AFFIL:

ISSUED: 900529 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9006050113*

TASK: ODID: DSB-290 10397 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53963 129 53963 132 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9006050125 NRC Staff reply to Nuclear Energy Accountability Project
response to Licensing Board memo & order of 900424.*
Petition to intervene in proceeding should be denied for
lack of organizational standing.W/Certificate of Svc.

FROM: MOORE, J.E.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 900524 AVAIL: PDR 11pp. DOCUMENT TYPE: TTPLIED FPAC: 9006050125*

TASK: ODID: DSB-290 10393 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 53963 097 53963 107 RIDS: DS07

9006120450 Notice of oral argument.* Notifies that Licensing Board
decisions issued on 900116 re OL amend proceeding will be
heard on 900710 in Bethesda, MD.W/Certificate of Svc.Served
on 900608.

FROM: TOMPKINS, B.A.

AFFIL: NASLAP

TO:

AFFIL:

ISSUED: 900607 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9006120450#

TASK: ODID: DSB-290 10441 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54094 029 54094 031 RIDS: DS02

9006220040 Memorandum & order (prehearing conference order: parties &
contentions). * Applicant & NRC may appeal portion of order
granting petition to intervene, contingent on Saporito
response.W/Certificate of Svc.Served on 900615.

FROM: ANDERSON, G.C.

AFFIL: NASLP

TO: *

AFFIL: NRCGC

ISSUED: 900615 AVAIL: PDR 53pp. DOCUMENT TYPE: TTORDR FPAC: 9006220040#

TASK: ODID: DSB-290 10485 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54222 023 54222 075 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9006220138 Unopposed request for 1-day extension.* Extension requested in order to seek legal advise re Board 900615 order on intervention status.Granted for ASLB on 900619. Served on 900620.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900619 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 9006220138#

TASK: ODID: DSB-290 10510 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54222 137 54222 138 RIDS: DS02

9006270275 Transcript of 900626 meeting in Bethesda,MD.Pp 67-98.

FROM: *

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 900626 AVAIL: PDR 34pp. DOCUMENT TYPE: TTTRAN FPAC: 9006270275#

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54335 166 54335 199 RIDS: TR01

9007100054 Notice of appearance of counsel.* MA Bauser will enter as counsel for util in proceeding re Tech Spec replacement.W/Certificate of Svc.

FROM: BAUSER,M.A.

AFFIL: EUTFPL

TO:

AFFIL:

ISSUED: 900622 AVAIL: PDR 4pp. DOCUMENT TYPE: TTOTHR FPAC: 9007100054#

TASK: ODID: DSB-390 10557 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54390 071 54390 074 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9007100066 Order.* Argument scheduled for 900710 postponed until
further order.Util & NRC may file single reply to motions re
relocation of 900710 hearing to Miami,FL area by 900706.
Served on 900626.W/Certificate of Svc.

FROM: TOMPKINS,B.A.

AFFIL: NASLAP

TO: *

AFFIL: EUTFPL

ISSUED: 900625 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9007100066#

TASK: ODID: DSB-390 10559 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54390 067 54390 070 RIDC: DS02

9007100071 Applicant response in opposition to petitioners request for
extension of time.* Urges ASLB to deny requested extension
of time & rule,after receipt of responses,upon applicant
motion for reconsideration & dismissal.W/Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900622 AVAIL: PDR 7pp. DOCUMENT TYPE: TTPLED FPAC: 9007100071#

TASK: ODID: DSB-390 10556 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54395 133 54395 139 RIDC: DS03

9007100079 Notice of postponement of oral argument.* Oral argument on
consolidated appeals of TJ Saporito,J Lorion & Ctr for
Nuclear Responsibility scheduled for 900710,postponed until
further order.Served on 900626.W/Certificate of Svc.

FROM: TOMPKINS,B.A.

AFFIL: NASLAP

TO:

AFFIL:

ISSUED: 900626 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9007100079#

TASK: ODID: DSB-390 10560 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54390 064 54390 066 RIDC: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9007100085 Applicant motion for reconsideration & dismissal of petition
to intervene.* ASLB should reconsider & revise memorandum &
order & deny petition for intervention for failure to
satisfy requirements of 10CFR2.714.W/Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900622 AVAIL: PDR 8pp. DOCUMENT TYPE: TTPLED FPAC: 9007100085#

TASK: ODID: DSB-390 10555 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54390 056 54390 063 RIDS: DS03

9007100103 Notice of appearance.* BP Garde will enter appearance in
proceeding re facilities.Address listed.W/Certificate of
Svc.

FROM: GARDE,B.P.

AFFIL: ECINEAP

TO:

AFFIL:

ISSUED: 900620 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9007100103#

TASK: ODID: DSB-390 10566 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54390 046 54390 048 RIDS: DS03

9007100158 Appellant motion to move place of oral argument.* Appellant
motion should be granted.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLAP

ISSUED: 900620 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9007100158#

TASK: ODID: DSB-390 10551 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54389 353 54389 356 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9007110147 Intervenor motion for reconsideration of Appeal Board order
setting oral argument.* Requests that Appeal Board move oral
argument scheduled for 900710 in Bethesda,MD to Miami,FL.
Certificate of Svc encl.

FROM: LORION,J.

AFFIL: ECICENR

TO: *

AFFIL: NASLAP

ISSUED: 900624 AVAIL: PDR 8pp. DOCUMENT TYPE: TTPLD FPAC: 9007110147#

TASK: ODID: DSB-390 10574 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54412 150 54412 157 RIDs: DS03

9007170117 Comment opposing proposed rule 10CFR55 re fitness-for-duty
programs.Believes current program aggressively supports
performance objective of fitness-for-duty regulation &
applied equally to all persons granted unescorted access.

FROM: BOHLKE,W.H.

AFFIL: EUTFPL

TO: CHILK,S.J.

AFFIL: NRCSEY

ISSUED: 900629 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPC FPAC: 9007170117#

TASK: ODID: 55FR14288 00018DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54541 306 54541 308 RIDs: DS10

9007180080 Comment supporting NUMARC position on revised wording of
petition for rulemaking PRM-50-55 concerning FSARs.Resulting
longer interval between FSAR updates would benefit many
licensees.

FROM: BOHLKE,W.H.

AFFIL: EUTFPL

TO: CHILK,S.J.

AFFIL: NRCSEY

ISSUED: 900629 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPC FPAC: 9007180080#

TASK: ODID: 55FR18608 00012DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54541 357 54541 360 RIDs: DS10

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9007180093 NRC Staff response to motions for change of location of oral argument.* NRC does not see necessity for ASLAB to depart from practice of holding oral arguments in Bethesda,MD. Motion should be denied.W/Certificate of Svc.

FROM: JEHL, P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLAP

ISSUED: 900706 AVAIL: PDR 11pp. DOCUMENT TYPE: TTPLED FPAC: 9007180093#

TASK: ODID: DSB-390 10607 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54548 321 54548 331 RIDS: DS07

9007180179 Florida Power & Light opposition to motions to change location of oral argument.* Advises that relocation of oral argument would require Commission to bear travel expenses of members of ASLAB.W/Certificate of Svc.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900705 AVAIL: PDR 7pp. DOCUMENT TYPE: TTPLED FPAC: 9007180179#

TASK: ODID: DSB-390 10605 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54549 012 54549 018 RIDS: DS03

9007240027 Licensee motion for leave to submit citation to supplemental authority.* Licensee moves for leave to call recent supreme court authority to attention of Appeal Board & parties. Certificate of Svc encl.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 900716 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9007240027#

TASK: ODID: DSB-390 10642 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54621 217 54621 220 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9007240039 Memorandum & order (motion to dismiss). * Nuclear Energy
Accountability Project (NEAP) & TJ Saporito dismissed as
parties & NRC requested to comment on admitted contentions.
Certificate of Svc encl. Served on 900718.

FROM: ANDERSON, G.C.

AFFIL: NASLP

TO: *

AFFIL: NRCGC

ISSUED: 900717 AVAIL: PDR 15pp. DOCUMENT TYPE: TTORDR FPAC: 9007240039#

TASK: ODID: DSB-390 10643 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54621 221 54621 235 RIDs: DS02

9007240111 Order. * Oral argument in proceeding canceled & appeals will
be decided on basis of briefs of all parties & record before
Licensing Board. Certificate of Svc encl. Served on 900720.

FROM: TOMPKINS, B.A.

AFFIL: NASLAP

TO: *

AFFIL: NRCGC

ISSUED: 900719 AVAIL: PDR 5pp. DOCUMENT TYPE: TTORDR FPAC: 9007240111#

TASK: ODID: DSB-390 10648 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54621 296 54621 300 RIDs: DS02

9007240174 NRC Staff response to applicant motion for reconsideration. *
Advises that Nuclear Energy Accountability Project has not
established standing to intervene in proceeding, therefore,
petition should be denied. W/Certificate of Svc.

FROM: JEHL, P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 900712 AVAIL: PDR 8pp. DOCUMENT TYPE: TTPLED FPAC: 9007240174#

TASK: ODID: DSB-390 10637 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54621 351 54621 358 RIDs: DS07

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9007240206 Response to Nuclear Energy Accountability Project & TJ
Saporito to Florida Power & Light motion for reconsideration
& dismissal of petition to intervene.* Requests permission
to file motion for reconsideration.

FROM: GARDE,B.P.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 900710 AVAIL: PDR 17pp. DOCUMENT TYPE: TTPLED FPAC: 9007240198A

TASK: ODID: OLA-5 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54622 002 54622 018 RIDS:

9007240208 Affidavit of R Golden.* W/Certificate of Svc.

FROM: GOLDEN,R.

AFFIL: EUTFPL

TO:

AFFIL:

ISSUED: 900510 AVAIL: PDR 6pp. DOCUMENT TYPE: TTAFF FPAC: 9007240198B

TASK: ODID: OLA-5 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54622 019 54622 024 RIDS:

9008070150 NRC Staff response to licensee motion to submit citation to
supplemental authority.* NRC has no objection to granting of
licensee 900716 motion.W/Certificate of Svc.

FROM: MOORE,J.E.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLAP

ISSUED: 900731 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9008070150#

TASK: ODID: DSB-390 10678 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54824 031 54824 033 RIDS: DS07

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9008070167 Notice of appeal.* Requests oral argument on issue of standing & that argument be held in Miami,FL to permit fair & equitable opportunity to address issue in proceeding. W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLAP

ISSUED: 900725 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9008070167#

TASK: ODID: DSB-390 10676 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54824 037 54824 039 RIDS: DS03

9008070243 Notice of assignment of TS Moore,HA Wilber & GP Bollwerk to serve on ASLAB for license amend proceeding.Served on 900801.* W/Certificate of Svc.

FROM: TOMPKINS,B.A.

AFFIL: NASLAP

TO:

AFFIL:

ISSUED: 900801 AVAIL: PDR 3pp. DOCUMENT TYPE: TTOTHR FPAC: 9008070243#

TASK: ODID: DSB-390 10687 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54824 194 54824 196 RIDS: DS02

9008150189 Licensee motion for leave to submit citation to supplemental authority.* Licensee moves for leave to call recent Supreme Court authority to attention of Appeal Board.W/Certificate of Svc.Served on 900803.Granted for Appeal Board on 900803.

FROM: *

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 900803 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9008150189#

TASK: ODID: DSB-390 10695 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54929 057 54929 059 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9008150218 NRC Staff motion for extension of time.* Requests extension of time until 900831 to file response to Licensing Board 900717 order, per 10CFR2.711.W/Certificate of Svc.

FROM: MOORE, J.E.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 900810 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9008150218#

TASK: ODID: DSB-390 10717 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54929 066 54929 069 RIDS: DS07

9008240082 Motion for extension of time to appeal.* Requests extension of 15 days to file brief in support of appeal.W/Certificate of Svc.Served on 900817.Granted for Appeal Board on 900817.

FROM: *

AFFIL: ECINEAP

TO: *

AFFIL: NASLAP

ISSUED: 900813 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9008240082#

TASK: ODID: DSB-390 10745 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 54995 057 54995 059 RIDS: DS02

9008240101 Opposition to motion for extension of time to appeal.* Requests that Nuclear Energy Accountability Project 900813 motion for extension of time to file brief in support of appeal be denied.W/Certificate of Svc.

FROM: REIS, H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900816 AVAIL: PDR 5pp. DOCUMENT TYPE: TTPLED FPAC: 9008240101#

TASK: ODID: DSB-390 10742 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 54995 083 54995 087 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9008270135 Motion for extension of time to appeal.* Board should grant extension of time to insure intervenor has opportunity to fully & completely address issues on appeal.W/Certificate of Svc.

FROM: GARDE,B.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 900813 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9008270132A

TASK: ODID: OLA-5 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 55006 265 55006 268 RIDS:

9009050097 NRC Staff response to Licensing Board order of 900717.* Requests that Licensing Board refrain from raising sua sponte issues.

FROM: MOORE,J.E.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 900831 AVAIL: PDR 13pp. DOCUMENT TYPE: TTPLED FPAC: 9009050097#

TASK: ODID: DSB-390 10788 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 55057 059 55057 071 RIDS: DS07

9010010331 Applicant response to memorandum & order (motion to dismiss).* Board should not undertake sua sponte review due to Board lacking jurisdiction.W/Certificate of Svc.

FROM: BAUSER,M.A.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 900914 AVAIL: PDR 13pp. DOCUMENT TYPE: TTPLED FPAC: 9010010331#

TASK: ODID: DSB-490 10831 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 55293 067 55293 079 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9010050140 Memorandum & order (consideration of possible sua sponte issues). * No issues of sufficient importance identified to declare sua sponte issue & case dismissed. Certificate of Svc encl. Served on 900925.

FROM: ANDERSON, G.C. AFFIL: NASLP

TO: * AFFIL: NRCGC

ISSUED: 900925 AVAIL: PDR 24pp. DOCUMENT TYPE: TTORDR FPAC: 9010050140#

TASK: ODID: DSB-490 10854 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 55307 196 55307 219 RIDS: DS02

9010290101 Licensee opposition to Nuclear Energy Accountability Project
(NEAP) request to change location of oral argument.* NEAP
request to transfer location of oral argument should be
denied.W/Certificate of Svc.

FROM: BAUSER,M.A. AFFIL: EUTFPL

TO: * AFFIL: NASLAP

ISSUED: 901011 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9010290101#

TASK: ODID: DSB-490 10909 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 55512 346 55512 351 RIDS: DS03

9010290107 Licensee brief in response to Nuclear Energy Accountability
Project (NEAP) appeal of Licensing Board 900717 memorandum &
order (motion to dismiss). * Order dismissing NEAP should be
affirmed.W/Certificate of Svc.

FROM: BAUSER,M.A. AFFIL: EUTFPL

TO: * AFFIL: NASLAP

ISSUED: 901011 AVAIL: PDR 59pp. DOCUMENT TYPE: TTBREF FPAC: 9010290107#

TASK: ODID: DSB-490 10910 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 55512 288 55512 345 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9010300185 NRC Staff brief opposing appellants appeal from Licensing
Board 900717 memorandum & order.* W/Certificate of Svc.

FROM: JEHLE, P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLAP

ISSUED: 901022 AVAIL: PDR 57pp. DOCUMENT TYPE: TTBREF FPAC: 9010300185#

TASK: ODID: DSB-490 10956 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 55519 142 55519 198 RIDS: DS07

9011060136 Comment supporting proposed rules 10CFR2,50 & 54 re nuclear
power plant license renewal.

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 901015 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPC FPAC: 9011060136#

TASK: ODID: 55FR29043 00095DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 55616 096 55616 098 RIDS: DS10

9012050227 Notice of address change.*

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO:

AFFIL:

ISSUED: 901126 AVAIL: PDR 1p. DOCUMENT TYPE: TTOTHR FPAC: 9012050227#

TASK: ODID: DSB-490 11115 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 55951 049 55951 049 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9012050228 Request for hearing & petition for leave to intervene.*
Requests hearing on seven contentions, including that license
amends considered major federal action significantly
affecting quality of human environ & require EIS.

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NRCSEY

ISSUED: 901128 AVAIL: PDR 18pp. DOCUMENT TYPE: TTINTV FPAC: 9012050220A

TASK: ODID: OLA-6 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 55951 061 55951 078 RIDS:

9012050230 Licensee answer in opposition to request for hearing &
petition for leave to intervene.* W/Certificate of Svc.

FROM: VIGIL, J.

AFFIL: EUTFPL

TO: *

AFFIL: NRCC

ISSUED: 901109 AVAIL: PDR 36pp. DOCUMENT TYPE: TTINTV FPAC: 9012050220B

TASK: ODID: OLA-6 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 55951 079 55951 114 RIDS:

9012050231 Establishment of ASLB to preside in proceeding.* W/
Certificate of Svc.Served on 901130.Re-served on 901203.

FROM: COTTER, B.P.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 901130 AVAIL: PDR 4pp. DOCUMENT TYPE: TTOTHR FPAC: 9012050231#

TASK: ODID: DSB-490 11117 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 55951 043 55951 046 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9012050232 NRC Staff response to request for hearing & petition for
leave to intervene of Nuclear Energy Accountability Project
& TJ Saporito.* Petition should be denied since requisite
standing to intervene not established.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NRCC

ISSUED: 901114 AVAIL: PDR 50pp. DOCUMENT TYPE: TTINTV FPAC: 9012050220C

TASK: ODID: OLA-6 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 55951 115 55951 164 RIDS:

9012270056 Notice of address change for Nuclear Energy Accountability
Project.All pleadings should be forwarded to listed address.
W/Svc list.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NRCC

ISSUED: 901201 AVAIL: PDR 2pp. DOCUMENT TYPE: TTOTHR FPAC: 9012270056#

TASK: ODID: DSB-490 11150 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56160 001 56160 002 RIDS: DS03

9012270124 Memorandum & order (scheduling reply to answers to
petition).* Good cause exists to bar further filing of
contentions absent showing per 10CFR 2.714 (a)(1)(i) - (v).
W/Certificate of Svc.Served on 901206.

FROM: FRYE,J.H.

AFFIL: NASLP

TO: *

AFFIL: ECINEAP

ISSUED: 901205 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 9012270124#

TASK: ODID: DSB-490 11155 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56160 076 56160 078 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9012310136 Licensee response to motion to withdraw.* Licensee lack of
objection to withdrawal of Nuclear Energy Accountability
Project from proceeding noted.W/Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NRCC

ISSUED: 901213 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9012310136#

TASK: ODID: DSB-490 11201 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56196 113 56196 116 RIDS: DS03

9012310139 Motion to withdraw.* Nuclear Energy Accountability Project
will be dissolved effective 901231.W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 901208 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9012310137A

TASK: ODID: DSB-191 11247 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56196 119 56196 122 RIDS:

9012310172 Licensee response to notices of change of address.*
Inconsistencies re issue of standing have been injected into
proceeding by notices.W/Certificate of Svc.

FROM: BAUSER,M.A.

AFFIL: EUTFPL

TO: *

AFFIL: NRCC

ISSUED: 901205 AVAIL: PDR 8pp. DOCUMENT TYPE: TTPLED FPAC: 9012310168A

TASK: ODID: OLA-6 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56196 164 56196 171 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9012310192 Motion to withdraw.* Withdraws from proceeding due to dissolution of organization, effective 901231.W/Certificate of Svc.Served on 901213.Granted for Licensing Board on 901212.

FROM: SAPORITO, T.J.

AFFIL: ECINEAP

TO: *

AFFIL: NASLP

ISSUED: 901213 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 9012310192#

TASK: ODID: DSB-490 11186 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56196 196 56196 197 RIDS: DS02

9101030027 Motion for order to show cause why proceeding should not be terminated.* Nuclear Energy Accountability Project should be directed to show why proceeding should not be terminated, unless appeal denied prior to 901231.W/Certificate of Svc.

FROM: REIS, H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 901219 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9101030027#

TASK: ODID: DSB-191 11223 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56223 039 56223 042 RIDS: DS03

9101030118 Motion for order to show cause why Nuclear Energy Accountability Project (NEAP) should not be dismissed from proceeding.* Unless ASLAB denies appeal prior to 901231, NEAP should show cause for dismissal.W/Certificate of Svc.

FROM: FRANTZ, S.P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 901221 AVAIL: PDR 4pp. DOCUMENT TYPE: TTPLED FPAC: 9101030118#

TASK: ODID: DSB-191 11228 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56223 084 56223 089 RIDS: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9101140190 NRC Staff response to licensee motion for order to show cause why proceeding should not be terminated.* NRC supports licensee motion for issuance to show cause.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLAP

ISSUED: 901231 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9101140190#

TASK: ODID: DSB-191 11262 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56383 145 56383 150 RIDs: DS07

9101140217 NRC Staff response to licensee motion for order to show cause why proceeding should not be terminated.* NRC supports licensee motion for issuance.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLAP

ISSUED: 910103 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9101140217#

TASK: ODID: DSB-191 11272 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56383 173 56383 178 RIDs: DS07

9101150219 Reply to answers to petition & amended petition.* Intervenor finds ASLB 901206 order premature & requests that hearing on record be granted.

FROM: SAPORITO,T.J.

AFFIL: EUTFPL

TO: FRYE,J.H.

AFFIL: NASLP

ISSUED: 901226 AVAIL: PDR 7pp. DOCUMENT TYPE: TTPLED FPAC: 9101150219#

TASK: ODID: DSB-191 11268 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56382 248 56382 254 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9101170040 Order.* Nuclear Energy Accountability Project should file
 response to licensee 910130 motion, addressing why appeal
 should not be dismissed.W/Certificate of Svc.Served on
 910110.

FROM: TOMPKINS,B.A.

AFFIL: NASLAP

TO: *

AFFIL: EUTFPL

ISSUED: 910109 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9101170040#

TASK: ODID: DSB-191 11281 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56425 022 56425 025 RIDs: DS02

9101170071 Licensee answer to petitioner motion for reconsideration.*
 Request for hearing & intervention should be denied due to
 petitioner lack of standing & timing of contentions is moot.
 W/Certificate of Svc.

FROM: BAUSER,M.A.

AFFIL: EUTFPL

TO: *

AFFIL: NRCC

ISSUED: 910109 AVAIL: PDR 5pp. DOCUMENT TYPE: TTPLED FPAC: 9101170071#

TASK: ODID: DSB-191 11295 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56425 062 56425 066 RIDs: DS03

9101170082 NRC Staff response to licensee motion for order to show
 cause why Nuclear Energy Accountability Project should not
 be dismissed from proceeding.* NRC agrees w/& supports
 licensee 901221 motion.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLAP

ISSUED: 910109 AVAIL: PDR 7pp. DOCUMENT TYPE: TTPLED FPAC: 9101170082#

TASK: ODID: DSB-191 11287 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56425 075 56425 080 RIDs: DS03

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9101170085 Order.* Util motion to show cause why appellant,Nuclear
Energy Accountability Project should not be dismissed from
proceeding.W/Certificate of Svc.Served on 910114.

FROM: TOMPKINS,B.

AFFIL: NASLAP

TO: *

AFFIL: EUTFPL

ISSUED: 910111 AVAIL: PDR 4pp. DOCUMENT TYPE: TTORDR FPAC: 9101170085#

TASK: ODID: DSB-191 11299 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56425 086 56425 089 RIDS: DS02

9102010056 NRC Staff response to amended petition to intervene &
request for reconsideration of TJ Saporito.* Petition for
leave to intervene & request for hearing,as amended, should
be denied.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NASLP

ISSUED: 910115 AVAIL: PDR 8pp. DOCUMENT TYPE: TTINTV FPAC: 9102010056#

TASK: ODID: DSB-191 11311 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56553 079 56553 086 RIDS: DS07

9102010145 Memorandum & order (ruling on petition to intervene).* TJ
Saporito petition for leave to intervene denied.W/
Certificate of Svc.Served on 910123.Reserved on 910125.

FROM: KELBER,C.N.

AFFIL: NASLP

TO: SAPORITO,T.J.

AFFIL: ECISAPOR

ISSUED: 910123 AVAIL: PDR 12pp. DOCUMENT TYPE: TTORDR FPAC: 9102010145#

TASK: ODID: DSB-191 11325 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56553 103 56553 114 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9102200080 Appeal request.* Requests appeal on record, oral argument for fair consideration of issue of standing & that oral argument be held in home town of Miami, FL.

FROM: SAPORITO, T.J.

AFFIL: EUTFPL

TO: *

AFFIL: NASLP

ISSUED: 910204 AVAIL: PDR 1p. DOCUMENT TYPE: TTINTV FPAC: 9102200080#

TASK: ODID: DSB-191 11408 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56733 354 56733 354 RIDS: DS03

9102200127 Licensees motion to reject or strike petitioners reply to motion to dismiss.* Moves ASLAB to reject or strike Nuclear Energy Accountability Project 910128 reply due to discourteous & insulting tone of reply.W/Certificate of Svc.

FROM: REIS, H.F.

AFFIL: ECINEAP

TO: *

AFFIL: NASLAP

ISSUED: 910208 AVAIL: PDR 6pp. DOCUMENT TYPE: TTPLED FPAC: 9102200127#

TASK: ODID: DSB-191 11419 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56734 068 56734 074 RIDS: DS03

9102200132 Order.* Advises that Commission abolished ASLAP in June 1990 & therefore TJ Saporito 910204 appeal request referred to Commission.W/Certificate of Svc.

FROM: TOMPKINS, B.A.

AFFIL: NASLAP

TO: *

AFFIL: EUTFPL

ISSUED: 910211 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 9102200132#

TASK: ODID: DSB-191 11413 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56734 075 56734 077 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9102210310 NRC Staff reply to appeal request of TJ Saporito.*
Petitioner has not filed timely appeal brief in proceeding.
Failure to comply w/Commission regulations for appellate
review & appeal should be dismissed.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: NRCGCCH

TO: *

AFFIL: NRCC

ISSUED: 910219 AVAIL: PDR 10pp. DOCUMENT TYPE: TTPLED FPAC: 9102210310#

TASK: ODID: DSB-191 11440 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56767 209 56767 217 RIDS: DS07

9102220054 Licensee reply to appeal request of TJ Saporito.* Licensee
adopts position & argument of NRC as stated in appeal.
W/Certificate of Svc.

FROM: REIS,H.F.

AFFIL: EUTFPL

TO: *

AFFIL: NRCC

ISSUED: 910219 AVAIL: PDR 3pp. DOCUMENT TYPE: TTPLED FPAC: 9102220054#

TASK: ODID: DSB-191 11441 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56767 225 56767 227 RIDS: DS03

9103060202 NRC Staff response to licensee motion to reject or strike
appellant reply.* Sarcastic language in reply should be
stricken & appellant should be required to provide
supplementary info.W/Certificate of Svc.

FROM: JEHLE,P.

AFFIL: EUTFPL

TO: *

AFFIL: NASLAP

ISSUED: 910225 AVAIL: PDR 12pp. DOCUMENT TYPE: TTPLED FPAC: 9103060202#

TASK: ODID: DSB-191 11466 DIN: DPN: * DRN: *

DOCKET NO: 05000250 FICHE: 56879 325 56879 336 RIDS: DS07

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9104110129 Memorandum & order CLI-91-05.* TJ Saporito appeal from
Licensing Board decision denying petition to intervene
dismissed.W/Certificate of Svc.Served on 910403.

FROM: CHILK,S.J.

AFFIL: NRCSEY

TO: SAPORITO,T.J.

AFFIL: ECISAPOR

ISSUED: 910403 AVAIL: PDR 6pp. DOCUMENT TYPE: TTORDR FPAC: 9104110129#

TASK: ODID: DSB-291 11631 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 57334 323 57334 328 RIDs: DS02

9104300042 Reply.* Board of Directors of Nuclear Energy Accountability
Project (NEAP) have not decided to dissolve NEAP.TJ Saporito
notification that NEAP will dissolve by 901231 was outside
authority.ASLB 910110 order is moot.Appeal should be valid.

FROM: SAPORITO,T.J.

AFFIL: ECINEA?

TO: *

AFFIL: NASLAP

ISSUED: 910128 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPLED FPAC: 9104300042#

TASK: ODID: DSB-291 11678 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 57541 262 57541 263 RIDs: DS03

9107050091 Decision ALAB-952.* Licensing Board order dismissing Nuclear
Energy Accountability Project as party for lack of standing,
LBP-90-24 affirmed.W/Certificate of Svc.Served on 910628.

FROM: TOMPKINS,B.A.

AFFIL: NASLAP

TO:

AFFIL:

ISSUED: 910628 AVAIL: PDR 23pp. DOCUMENT TYPE: TTDEC FPAC: 9107050091#

TASK: ODID: DSB-391 11923 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 58278 053 58278 075 RIDs: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9107240027 Decision.* Appellant nuclear energy accountability project
dismissed from proceeding & board decisions LBP-90-04 &
LBP-91-05 affirmed.Served on 910624.W/Certificate of Svc.

FROM: TOMPKINS,B.A.

AFFIL: NASLP

TO:

AFFIL:

ISSUED: 910624 AVAIL: PDR 22pp. DOCUMENT TYPE: TTDEC FPAC: 9107240027#

TASK: ODID: DSB-391 11968 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 58498 347 58499 008 RIDS: DS02

9107300116 Brief for appellants,Nuclear Energy Accountability Project &
TJ Saporito.* Requests that Board reverse ASLB decision.
W/Certificate of Svc.

FROM: SAPORITO,T.J.

AFFIL: ECINEAP

TO: GARDE,B.P.

AFFIL: NASLP

ISSUED: 900905 AVAIL: PDR 60pp. DOCUMENT TYPE: TTBREF FPAC: 9107300105A

TASK: ODID: OLA-5 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 58559 115 58559 174 RIDS:

9108070078 Order * Time within which Commission may elect to review
decision of Appeal Board in ALAB-952 extended until 910826.
W/Certificate of Svc.Served on 900730.Reserved on 910812.

FROM: CHICK,S.J.

AFFIL: NRCSEY

TO: *

AFFIL: EUTFPL

ISSUED: 910730 AVAIL: PDR 3pp. DOCUMENT TYPE: TTORDR FPAC: 9108070078#

TASK: ODID: DSB-391 12060 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 58661 218 58661 219 RIDS: DS02

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9108270125 Order.* Extends time within which Commission may elect to
review decision of appeal board in ALAB-952 to 910912.
W/Certificate of Svc.Served on 910822.

FROM: CHILK,S.J.

AFFIL: NRCSEY

TO: *

AFFIL: NRCGC

ISSUED: 910821 AVAIL: PDR 2pp. DOCUMENT TYPE: TTORDR FPAC: 9108270125#

TASK: ODID: DSB-391 12149 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 58888 231 58888 232 RIDS: DS02

9109250133 Memorandum & order.* Rejects & overrules Licensing Board
rule in LBP-90-32 that Board may raise sua sponte issue in
OL or OL amend proceeding where all parties have withdrawn
or been dismissed.W/Certificate of Svc.

FROM: CHILK,S.J.

AFFIL: NRCSEY

TO: *

AFFIL: ECINEAP

ISSUED: 910911 AVAIL: PDR 5pp. DOCUMENT TYPE: TTORDR FPAC: 9109250133#

TASK: ODID: DSB-391 12193 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 59193 203 59193 207 RIDS: DS02

9204290015 Comment on proposed rule MISC (92-1) re conversion to metric
sys.Concurs w/issuance of rule & believes rule provides
flexibility not available through rulemaking.

FROM: BOHLKE,W.H.

AFFIL: EUTFPL

TO: CHILK,S.J.

AFFIL: NRCSEY

ISSUED: 920416 AVAIL: PDR 1p. DOCUMENT TYPE: TTPC FPAC: 9204290015#

TASK: ODID: 57FR4891 00003 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 61470 002 61470 002 RIDS: DS10

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9207160062 Comment supporting proposed rule 10CFR50 re receipt of
byproduct & SNM.

FROM: BEARD, P.M.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 920706 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPC FPAC: 9207160062#

TASK: ODID: 57FR15034 00020DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 62375 071 62375 072 RIDs: DS10

9303300328 Director's Decision DD-93-04 re JP Riccio 921023 petition on
behalf of petitioners request that NRC issue order to util
to show cause as to why facility should not remain shut down
or license suspended by NRC.

FROM: MURLEY, T.E.

AFFIL: NRRB

TO: *

AFFIL: EUTFPL

ISSUED: 930323 AVAIL: PDR 19pp. DOCUMENT TYPE: TTDEC FPAC: 9303300320A

TASK: ODID: DD-93-04 DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 74403 332 74403 350 RIDs:

9304280001 Comment endorsing NUMARC comments re proposed generic
communication, "Availability & Adequacy of Design Bases
Info."

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: MEYER, D.L.

AFFIL: NEAAC

ISSUED: 930422 AVAIL: PDR 1p. DOCUMENT TYPE: TTPC FPAC: 9304280001#

TASK: ODID: 58FR15885 DIN: DPN: DRN:

DOCKET NO: FICHE: 74743 358 74743 358 RIDs: DS09

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9306010274 Transcript of 930518 briefing in Rockville,MD re plant
lessons learned.Pp 1-82.Related documentation encl.

FROM: *

AFFIL: NRCC

TO:

AFFIL:

ISSUED: 930518 AVAIL: PDR 130pp. DOCUMENT TYPE: TTTRAN FPAC: 9306010274#

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: 05000250 FICHE: 75063 113 75063 242 RIDC: DF02

9306150150 Director's decision DD-93-13 re alleged deficiencies w/
restart of units after Hurricane Andrew.Petitioner requested
that NRC not permit licensee to resume operation of plants
until concerns raised were addressed.Request denied.

FROM: MURLEY,T.E.

AFFIL: NRRB

TO: *

AFFIL: EUTFPL

ISSUED: 930607 AVAIL: PDR 34pp. DOCUMENT TYPE: TTDEC FPAC: 9306150134A

TASK: ODID: DD-93-13 DIN: DI : DRN:

DOCKET NO: 05000250 FICHE: 75372 317 75372 350 RIDC:

9307090128 Final Director's Decision DD-93-11 under 2.206 re request to
immediately suspend OLs & CPs of all nuclear plants using
Thermo-Lag as fire barrier matl.Request denied.

FROM: MURLEY,T.E.

AFFIL: NRRB

TO: *

AFFIL: ECINIRS

ISSUED: 930523 AVAIL: PDR 20pp. DOCUMENT TYPE: TTDEC FPAC: 9307090113A

TASK: ODID: DD-93-11 DIN: DPN: DRN:

DOCKET NO: FICHE: 75670 070 75670 150 RIDC:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9309030012 Comment opposing proposed rule 10CFR2 re review of
10CFR2.206 process.

FROM: AXELRAD,M.

AFFIL: ELGNEWH

TO: CHILK,S.J.

AFFIL: NRCSEY

ISSUED: 930827 AVAIL: PDR 11pp. DOCUMENT TYPE: TTPC FPAC: 9309030012#

TASK: ODID: 58FR34726 00003DIN: DPN: DRN:

DOCKET NO: FICHE: 76318 001 76318 011 RIDS: DS10

9309030095 Comment supporting proposed rule 10CFR2 re review of 2.206
process.

FROM: WETTERHAHN,M.J.

AFFIL: ELGWINS

TO: CHILK,S.J.

AFFIL: NRCSEY

ISSUED: 930831 AVAIL: PDR 9pp. DOCUMENT TYPE: TTPC FPAC: 9309030095#

TASK: ODID: 58FR34726 00009DIN: DPN: DRN:

DOCKET NO: FICHE: 76318 055 76318 063 RIDS: DS10

9312080288 Exemption from requirements of 10CFR73.55.

FROM: VARGA,S.A.

AFFIL: NRRBPP

TO: *

AFFIL: EUTFPC

ISSUED: 931129 AVAIL: PDR 6pp. DOCUMENT TYPE: TTEXEM FPAC: 9312080286A

TASK: ODID: DIN: DPN: DRN:

DOCKET NO: FICHE: 77381 334 77381 339 RIDS:

U.S. NUCLEAR REGULATORY COMMISSION
NUDOCS PARTIAL RECORD FORMAT REPORT

9407140027 Comment supporting petition for rulemaking PRM-50-60 re
amend to 10CFR50.54 by changing frequency w/which licensees
conduct independent reviews of emergency preparedness
program from annually to biennially.

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 940617 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPC FPAC: 9407140027#

TASK: ODID: 59FR17499 00006DIN: DPN: DRN:

DOCKET NO: FICHE: 80189 090 80189 091 RIDs: DS10

9408160086 Comment opposing proposed rule 10CFR26 re change
consideration of fitness-for-duty requirements.

FROM: SCHANTZEN, J.F.

AFFIL: ECI*****

TO: *

AFFIL: NRCSEYD

ISSUED: 940801 AVAIL: PDR 2pp. DOCUMENT TYPE: TTPC FPAC: 9408160086#

TASK: ODID: 59FR24373 00008DIN: DPN: DRN:

DOCKET NO: FICHE: 80565 066 80565 067 RIDs: DS10

9408160146 Comment opposing proposed change to rule 10CFR26,
"Consideration of Changes to Fitness for Duty Requirements."
Util wants current scope of drug testing in 10CFR26 to be
retained & current trustworthiness programs to be improved.

FROM: BOHLKE, W.H.

AFFIL: EUTFPL

TO: CHILK, S.J.

AFFIL: NRCSEY

ISSUED: 940809 AVAIL: PDR 1p. DOCUMENT TYPE: TTPC FPAC: 9408160146#

TASK: ODID: 59FR24373 00016DIN: DPN: DRN:

DOCKET NO: FICHE: 80565 204 80565 204 RIDs: DS10



Florida Energy Consultants, Inc.

1620 North U.S. Hwy. 1, Suite 6, Jupiter, Florida 33469-3241
Telephone and Facsimile: (407) 745-1186

Toll Free Hot-Line for Safety Concerns and Assistance: (800) 328-3222

August 13, 1994

FREEDOM OF INFORMATION
ACT REQUEST

Executive Director for Operations
U.S. Nuclear Regulatory Commission
White Flint Building
Washington, D.C. 20500

FOIA-94-373
Rec'd 8-18-94

Re: Freedom of Information Act Request

Dear Sir:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Part 552, et seq., Florida Energy Consultants, Inc. ("FEC") by and through the undersigned, hereby request copies of any and all U.S. Nuclear Regulatory Commission ("NRC") records and information regarding NRC licensee, Florida Power & Light Company ("FPL"), Docket Nos. 50-335; 50-389; 50-250; and 50-251 and directly or indirectly related to the NRC's response and/or notification to the licensee of actions sought by individuals and/or organizations from the NRC against the licensee.

Specifically, FEC requests a copy of the following:

1. All NRC responses and/or director's decisions regarding petitions filed under 10 C.F.R. 2.206 seeking action by the NRC against FPL during the time period of January, 1988, until and including August, 1994;
2. All NRC responses, determinations, and/or rulings regarding NRC Atomic Safety and Licensing Board decisions, rulings, and/or determinations concerning FPL during the time period of January, 1988, until and including August, 1994;

4503090263 4AP

Executive Director for Operations
U.S. Nuclear Regulatory Commission
August 13, 1994
Page No. 2

3. All NRC responses, determinations, decisions, and/or rulings concerning any action sought by any individual and/or organization from the NRC regarding FPL during the time period of January, 1988, until and including August, 1994.

This FOIA request seeks information as described above and includes but is not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data, notebooks, books, telephone messages, computations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the three enumerated paragraphs above.

FEE WAIVER REQUEST

In accordance with 10 C.F.R. 9.41(a)(2) and (b), FEC hereby requests that all fees be waived because:

Purpose:

1. The information sought will contribute significantly to the public's understanding of the operations of the government and/or is primarily in the public interest. This FOIA request seeks information relevant to a Department of Labor ("DOL") discrimination complaint filed under the Energy Reorganization Act of 1974 as amended 42 U.S.C. 5851 ("ERA") concerning the undersigned and FPL. The Secretary of Labor has determined that cases under 29 C.F.R. Part 24 involve the litigation of "health and safety hazards to the public" not merely "private harms." See, Polizzi v. Gibbs & Hill, Inc., Case No. 87-ERA-38, slip op. of SOL at pp.2-3 (July 18, 1989).

Extent:

2. FEC will diligently extract and analyze the substantive content of the agency record.

Executive Director for Operations
U.S. Nuclear Regulatory Commission
August 13, 1994
Page No. 3

Nature & Qualifications:

3. FEC's activity and research will support and provide a basis for litigation under the ERA as described above. The undersigned is an experienced worker in the nuclear industry with over 10-years of knowledge about the agency's regulations and the DOL process. Moreover, the undersigned won a favorable decision in ERA Case No. 92-ERA-30 as a *pro se* litigant. There in that case as here in *Saporito v. FPL et. al.*, similar procedures are followed in presenting a *prima facie* case.

Likely Impact on the Public's Understanding of the Subject:

4. The information and subsequent actions by FEC will be widely disseminated to the public through press releases and through grassroots environmental organizations and through FEC. Thus, the public's awareness and understanding of the agency's behavior and performance and that of the DOL and NRC's licensee as well as the adverse consequences born by whistleblowers like the undersigned will be greatly enhanced.

Size and Nature of the Public:

5. Nationwide distribution of materials across the continental United States of America.

Means of Distribution:

6. Via the media; news releases; FEC publications; public school lectures; television and radio programs; etc.

Public Access to Information:

7. Public access to information will be provided free of charge.

Executive Director for Operations
U.S. Nuclear Regulatory Commission
August 13, 1994
Page No. 4

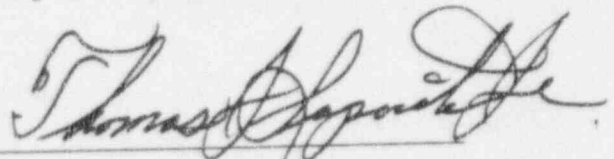
Requester's Commercial or Private Interest:

8. The requester has no commercial or private interest.

For any documents or portions of documents that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973). Cert. denied, 415 U.S. 977 (1974).

I look forward to your timely response to this FOIA request within 10-days as the law provides.

Very truly yours,



Thomas J. Saporito, Jr.
President and CEO

cc: file



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

March 18, 1988

Florida Power & Light

The Honorable Bob Graham
United States Senator
Post Office Box 3050
Tallahassee, Florida 32315

Dear Senator Graham:

I am pleased to respond to your February 12, 1988 letter to Mr. Carlton C. Kammerer of our Office of Governmental and Public Affairs, forwarding a letter you received from a constituent, Mr. Jeffrey Flaxman. Mr. Flaxman has expressed concerns regarding operations at the Turkey Point Nuclear Power Plant. You requested that we review Mr. Flaxman's concerns and provide our comments to you.

Mr. Flaxman references a recent Miami Herald article that mentioned that the Florida Power and Light Company (FPL - the licensee) had once again been fined for negligence at the plant. Mr. Flaxman notes that despite extensive fines since 1983, problems apparently continue at the plant and that he is concerned about a potential accident in south Florida. He asks that you help ensure FPL's compliance with "the NRC 14 page order requiring changes in management and supervision and training at the plant." Mr. Flaxman did not provide specific references or dates of the newspaper article or the NRC 14-page order. Although I do not have the specific newspaper article to which Mr. Flaxman refers, I believe it references the NRC's Order and Notice of Violation and Proposed Imposition of Civil Penalty (EA 87-85) dated October 19, 1987. I have enclosed a copy of this Order, which gives considerable detail on the background and nature of the problems (Enclosure 1).

I assure you that the Commission shares Mr. Flaxman's concern about the continuing problems at the Turkey Point plant, as expressed in the subject Order. I would like to emphasize that although the events leading to these cited violations, as well as several previous ones, are significant, none of them resulted in a situation which jeopardized public health and safety. The Commission's principal concern is the fact that these types of events have happened too often, indicating a need for substantial improvement in operations.

The Order takes cognizance of the licensee's corrective actions and initiatives relating to management, supervision, and training that are under way. As noted therein, we believe that if vigorously pursued, they should result in significant improvements in the performance of the Turkey Point plant and site personnel.

I also have enclosed three letters from FPL dated October 7 and 19 and November 18, 1987 (Enclosures 2, 3 and 4, respectively). These letters provide

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details of both the short- and long-term corrective measures under way and completed, the Management-On-Shift Program, and FPL's response to the October 19, 1987 Order and Notice of Violation (EA 87-85).

Both our headquarters and regional staffs have been carefully monitoring FPL's corrective programs, including the Independent Management Appraisal Program specified in the Order. In addition to our onsite presence and frequent progress reports, we meet at least monthly with FPL's top management personnel at the Turkey Point site to review the status of the corrective action programs as well as current operational experience. We are satisfied that FPL is being responsive to our concerns, and that its efforts are showing significant progress and should result in the desired high level of plant and personnel performance. We are continuing our close monitoring of the licensee.

For your further information, I will briefly describe the actions the Commission takes to meet its statutory responsibilities of ensuring that all operating facilities, including the Turkey Point plant, achieve and maintain adequate levels of protection of the health and safety of the public. The NRC has an extensive inspection and enforcement program to ensure that construction, operation and safety standards are met at all nuclear power plant sites. In the past year, about 8 person-years of inspection effort were expended at Turkey Point, about two times the effort at a typical site. The Turkey Point plant has three full-time resident inspectors on site. In addition, frequent announced and unannounced inspections are performed by specialists from NRC headquarters and the region to augment the resident inspection activities. Forty such inspections were conducted at Turkey Point during the past year.

In summary, FPL has several major initiatives in place, including its Performance Enhancement Program, Quality Improvement Program, Management-On-Shift Program, and Independent Management Appraisal Program. It has been and is continuing to devote considerable site and corporate resources to these and other programs and physical plant improvements for enhancing overall safe operation of the Turkey Point plant, and the NRC is closely monitoring this effort. Clearly, the NRC is vitally interested in the performance at Turkey Point and, if further deterioration is noted, prompt consideration will be given to suspending operations. However, we do not believe that point has been reached at the present time.

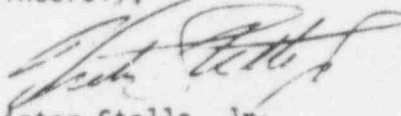
I hope that the information I have provided is responsive both to Mr. Flaxman's and your concerns and provides confidence that the NRC is taking prompt and vigorous action to ensure that FPL achieves the necessary attention to detail, is complying with the Order, and will meet the high standards set by the Commission for continued operation.

The Honorable Bob Graham

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If we can be of further assistance, please do not hesitate to contact us.

Sincerely,



Victor Stello, Jr.
Executive Director
for Operations

Enclosures:

1. NRC Order dated 10/19/87
2. FPL Letter dated 10/7/87
3. FPL Letter dated 10/19/87
4. FPL Letter dated 11/18/87



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

OCT 19 1987

Docket Nos. 50-250, 50-251
License Nos. DPR-31, DPR-41
EA 87-85

Florida Power and Light Company
ATTN: C. O. Woody, Group Vice President
Nuclear Energy Department
Post Office Box 14000
Juno Beach, Florida 33408

Gentlemen:

SUBJECT: ORDER (EFFECTIVE IMMEDIATELY) AND NOTICE OF VIOLATION AND
PROPOSED IMPOSITION OF CIVIL PENALTY
(NRC INSPECTION REPORT NOS. 50-250/87-27, 50-251/87-27,
50-250/87-28, 50-251/87-28, 50-250/87-33 AND 50-251/87-33)

This refers to the NRC inspections conducted May 18 through June 22, June 15-19, 1987, and June 22 through July 20, 1987, at the Turkey Point Nuclear Plant, Units 3 and 4, Homestead, Florida. Details of these inspections were provided to you by letters dated July 17, July 21, and August 7, 1987, respectively, and indicated significant failures to comply with NRC requirements. The violations associated with the above inspections were discussed at an enforcement conference held on July 29, 1987, at the Turkey Point Nuclear Plant facility. Another issue previously designated an unresolved item during one of the above inspections has also been determined to be a violation of NRC requirements and is a basis for Violation C in the enclosed Notice of Violation (Notice).

Violation A described in the enclosed Notice addresses the failure to adequately establish or implement procedures to assure configuration control over the safety-related emergency boration system between May 28 and June 3, 1987. This failure resulted in the loss of all boric acid flow paths. The major areas of concern are operations personnel departing from approved procedures, failing to notify the control room of changes in systems lineups, and the loss of configuration control over a safety-related system. Of additional concern to the NRC is that system engineers directed plant operators to perform valve operations without first obtaining the proper authorization and without using approved procedures.

Violation B in the enclosed Notice involves the failure to meet the Technical Specification requirement for maintaining the Auxiliary Feedwater System (AFW) for Unit 4 operable when the reactor coolant temperature was above 350 degrees. On July 15, 1987 a turbine operator closed valves which he thought were misaligned and thereby inadvertently isolated the safety-related nitrogen supply to the AFW automatic flow control valves for a 20-hour period. The operator was unaware of the proper valve lineup configuration, failed to report the system realignment to the control room, failed to use or implement the approved system lineup procedure, and failed to document the perceived misalignment and his subsequent realignment. Then, at least one operator failed to identify or promptly inform the control room staff of the status of the valves. The AFW

8710210136 4AP

flow control valves normally use the non-safety-related, non-seismic instrument air system for automatic valve positioning; therefore, the failure to have the nitrogen back-up system available is unlikely to have prevented the AFW system from operating. Nevertheless, we are concerned that these failures by plant personnel indicate a lack of appreciation for procedural compliance, system configuration control, receiving appropriate authorization for realignments from the control room, and notifying the shift supervisor of realignments.

Violation C described in the enclosed Notice addresses an event involving operation of the Intake Cooling Water (ICW) system outside the plant design basis, another example where communications of required information to supervisory personnel was a contributing factor. On December 1, 1986, a performance test conducted on the Unit 3 Component Cooling Water (CCW) heat exchangers indicated degraded performance. Revised performance data and a proposed immediate cleaning schedule were forwarded to the Shift Technical Advisors on December 4, 1986, but the changes required by the revised data were not implemented and the cleaning schedule was not adhered to. As a result of this failure to perform corrective action, with the 3B CCW heat exchanger out of service for cleaning during a seventeen hour period on December 11, 1986, the two CCW heat exchangers remaining in service would not have been able to dissipate the maximum hypothetical heat load even with the ICW flow provided by two ICW pumps as described in safety evaluation SPE-L-85-38, Rev. 2, and the turbine plant cooling system isolated.

We are very concerned with the implementation of your plant management controls and the effectiveness of previous corrective actions in regard to continued departures from approved procedures and from authorized safety-related system alignments. The failure to adhere to approved procedures and to maintain adequate configuration control over safety-related systems have been the subject of repetitive enforcement and escalated enforcement actions at Turkey Point. Between July 1983, and May 1987, there have been 32 violations cited for failure to implement or to follow procedures. Additionally, lack of management controls in these and other areas has resulted in frequent enforcement and conferences and multiple escalated enforcement actions, including: a Confirmatory Order regarding Turkey Point's Performance Enhancement Program; an Order regarding Turkey Point's Phase II Select Systems review; nine civil penalties totaling \$900,000 since July 20, 1984 of which \$250,000 has been assessed in 1987.

While your Procedure Upgrade Program (PUP) has resulted in improvements to the quality and usability of your procedures, remedial actions by management to date have not been sufficiently effective to correct the other problems at your facility. During the time this enforcement action was pending, FP&L management indicated to the NRC staff that the program for performance improvement could be significantly enhanced by utilizing an independent third party audit of the Turkey Point facility and the FP&L corporate organization. The NRC staff concurs that this action is necessary.

To emphasize the importance of ensuring improved communications, strict procedural compliance and maintaining control of system alignments the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the cumulative amount of Two Hundred Twenty Five Thousand Dollars (\$225,000) is issued for the violations described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1987) (Enforcement Policy), the violations described in the enclosed Notice have been categorized as a Severity Level III violations. The base civil penalty for a Severity Level III violation is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered. The base civil penalty amount in each case was increased by 50% after considering your past poor performance as offset by your recent initiatives including an independent management audit.

Because the numerous past civil penalties alone have been ineffective in assuring lasting safety improvements and compliance with NRC requirements, your commitments to have an independent review of site and corporate management, organization, operational activities, and an assessment of required changes as well as your management on-shift program have been reviewed by the NRC and as modified are confirmed by the enclosed Order. Your letters of October 7 and 19, 1987 as well as our discussions of September 25, 1987 and October 8, 1987 have given us a good understanding of your intentions. We strongly support your initiative in these areas and trust that these efforts if vigorously pursued should result in significant improvements in the performance of site personnel. Since the enclosed Order modifies your shift management program, please advise Region II how this Order affects the other short-term commitments and corrective actions described in your October 7, 1987 letter.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence.

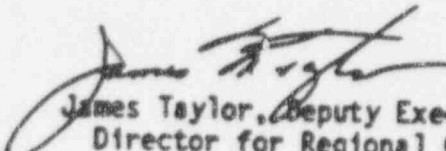
After reviewing your response to this letter and the enclosed Notice, and assessing the effectiveness of implementation of your proposed corrective actions and results of the required review and audits, the NRC will determine whether further NRC enforcement action, such as modification or suspension of your operating license, is necessary to ensure compliance with NRC regulatory requirements and safe operation of the Turkey Point facility.

With regard to the boric acid pump seal cooling system design control issue that was discussed during the July 29, 1987, Enforcement Conference, we have determined that no violation of regulatory requirements occurred.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Public Law No. 96-511.

Sincerely,


James Taylor, Deputy Executive
Director for Regional Operations

Enclosures:

- (1) Order (Effective Immediately)
- (2) Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encls:

J. S. Odom, Vice President
Turkey Point Nuclear Plant
C. J. Baker, Plant Manager
Turkey Point Nuclear Plant
L. W. Bladow, Plant QA Superintendent
J. Arias, Jr., Regulatory and Compliance
Supervisor

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)	Docket Nos.	50-250
)		50-251
FLORIDA POWER AND LIGHT COMPANY)	License Nos.	DPR-31
)		DPR-41
(Turkey Point Nuclear Plant)	EA 87-85	
Units 3 and 4))		

ORDER (EFFECTIVE IMMEDIATELY)

I

Florida Power and Light Company is the holder of operating Licenses No. DPR-31 and DPR-41 issued by the Nuclear Regulatory Commission (NRC/Commission) on July 19, 1972 and April 10, 1973 respectively. The licenses authorize the licensee to operate Turkey Point Nuclear Plant Units 3 and 4 in accordance with conditions specified therein.

II

Between July 1983 and May 1987, the licensee has been cited for 32 violations for failure to implement or to follow procedures. Lack of management controls in these and other areas has resulted in multiple escalated enforcement actions including seven civil penalties since July 20, 1984 and two additional civil penalties in the brief period since July 21, 1987. Overall poor performance by the licensee additionally resulted in the Turkey Point Performance Enhancement Program. A Confirmatory Order was issued on July 13, 1984 to confirm the implementation of this program. Subsequently to that, numerous additional violations were identified and the Phase II Assessment Program was developed by FP&L to be implemented in conjunction with the Performance Enhancement Program. This was addressed in the Confirmatory Order issued on August 12, 1986.

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Routine inspections of the licensee's activities were conducted during May 18 - July 20, 1967. The results of these inspections indicated that the licensee again had not conducted its activities in full compliance with NRC requirements. In conjunction with this Order, a written Notice of Violation and Proposed Imposition of Civil Penalty is being served upon the licensee. The Notice of Violation details a number of examples of the failure to adhere to approved procedures and maintain configuration control over safety-related systems.

III

The first two violations described in the Notice detail a number of occasions where plant personnel manipulated valves without the use of approved procedures or approval of licensed supervisory personnel. The major areas of concern included operations personnel departing from approved procedures, failing to notify the control room of changes in system lineups, the loss of configuration control over the safety-related emergency boration system, and system engineers directing plant operators to perform valve operations without first obtaining the proper authorization from the control room staff and without using approved procedures. These failures to adequately establish or implement procedures to assure configuration control of the safety-related emergency boration system resulted in the loss of boric acid flow paths which were required by Technical Specifications. Additionally, a turbine operator closed valves which he thought were misaligned. The operator was unaware of the proper valve lineup configuration, failed to report the system realignment to the control room, failed to implement the approved system lineup procedure, and failed to document

the perceived misalignment and his subsequent realignment. At least one plant operator also failed to identify or promptly inform the control room staff of the status of the valves. The improper manipulation of these valves resulted in the isolation of the nitrogen backup system for the Auxiliary Feedwater System (AFW) flow control valves. The AFW flow control valves normally use the non-safety-related, non-seismic instrument air system for automatic valve positioning; therefore, the failure to have the nitrogen back-up system available is unlikely to have prevented the AFW system from operating. Nevertheless, these failures by plant personnel indicate a lack of appreciation for procedural compliance, system configuration control, and receiving appropriate authorization for realignments from the control room.

The third violation described in the Notice addresses an event involving operation of the Intake Cooling Water (ICW) system outside the plant design basis, another example where communications of required information to supervisory personnel was a contributing factor. On December 1, 1986, a performance test conducted on the Unit 3 Component Cooling Water (CCW) heat exchangers indicated degraded performance. Revised data and proposed immediate cleaning schedule were forwarded to the Shift Technical Advisors on December 4, 1986, but the changes required by the revised performance data were not implemented and the cleaning schedule was not adhered to. As a result of this failure to perform corrective action, with the 3B CCW heat exchanger out of service for cleaning during a seventeen hour period on December 11, 1986, the two CCW heat exchangers remaining in service would not have been able to dissipate the maximum hypothetical heat load even with the ICW flow provided by two ICW

pumps as described in safety evaluation JPE-L-85-38, Rev. 2, and the turbine plant cooling system isolated.

In addition, on September 13, 1987, a licensed operator permitted an unauthorized, non-licensed individual to manipulate the reactor dilution controls in Unit 3 control room, and although a management representative on shift observed and reported the incident, neither the Site Vice-President nor management at the Corporate Office were informed of the event until a week later. The NRC is continuing to evaluate the circumstances surrounding this event, but it is clear that an attitude that permits an unauthorized, non-licensed individual to perform such actions is unacceptable. The NRC will consider whether further action is necessary on this issue subsequent to the completion of our evaluation.

IV

The nature and number of deficiencies that have been identified over the past few years at Turkey Point described in Section II together with the more recent issues in Section III raise questions regarding the ability of Florida Power and Light to adequately control activities at Turkey Point. In contrast, the licensee's St. Lucie facility has performed well with few of the weaknesses evident at Turkey Point. Continued operation of the Turkey Point facility may require significant personnel and procedural changes at both Turkey Point and the Florida Power and Light corporate office in order to ensure a consistent level of adequate performance.

Florida Power and Light has taken the initiative in developing a number of programs designed to improve performance, including a review of the design

basis of selected systems, a review and revision of all operating procedures, making a number of management changes, a management on-shift program and contracting with an outside consultant to review its activities. The last two initiatives which the licensee committed to in a letter dated October 7, 1987 and further described in meetings on September 25, 1987 and October 8, 1987, as well as in a letter dated October 19, 1987 appear necessary to provide assurance that proper controls are in place, along with qualified and committed management, and staff to properly perform licensed activities. Therefore, I have determined that public health and safety require that Florida Power and Light's plan for an independent evaluation be confirmed as revised by this Order. Pending the NRC evaluation of the results of the independent evaluation, I have also determined that the public health and safety requires that an on-shift oversight program be confirmed as revised by this Order.

Y

In view of the foregoing pursuant to Section 103, 161(1), 161(o) and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR Part 50, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY THAT:

- A. Within 30 days of the date of this Order, the licensee shall submit to the Region II Administrator for review and approval a plan for an independent written appraisal of site and corporate organizations and activities that would develop recommendations, where necessary, for improvements in management controls and oversight to provide assurance that personnel will comply with required procedures. Upon approval of the plan, it shall be implemented and scheduled milestone completion

dates shall not be extended without good cause and the concurrence of the Region II Administrator. The appraisal shall be completed as called for in the above plan, but in any case, within six months of the date this Order. The plan shall include at least the elements itemized below:

- 1) An independent organization retained by the licensee shall evaluate current organizational responsibilities, management controls, improvement and upgrade programs, staffing levels and competence, communications, the safety review process, and operating practices both at Turkey Point and the corporate office. The licensee's programs for personnel motivation such as incentive and disciplinary programs shall be examined in the appraisal. Where applicable, the practices at the St. Lucie facility shall be reviewed and compared with those at Turkey Point.
- 2) The appraisal shall include a review of the licensee's site and corporate management supervisory personnel as well as a representative number of site working level personnel to determine their understanding of both regulatory and administrative requirements in the areas of procedural implementation and compliance. Additionally, a determination of the level of commitment of the personnel to such goals should be made.
- 3) The appraisal report shall include the views of the independent organization on the causes of the past failures to meet regulatory requirements referenced in Section II and III of the Order and an evaluation of the adequacy of the current improvement and upgrade

programs and management changes to achieve lasting safety improvements in compliance with Commission requirements. Past efforts to improve procedures relating to security and operations shall be reviewed. Recommendations shall be made for procedural, organizational, personnel, or other changes to improve the safety of plant operations and compliance with Commission requirements.

- 4) A description of the appraisal program, the qualification of the appraisal team, a discussion of how the appraisal is to be documented, and a schedule with appropriate milestones.
 - 5) Periodic meetings shall be provided between the outside organization and the licensee to alert the licensee of potential safety issues that may need immediate correction.
- B. The final report, as well as interim findings, will be communicated to a senior-level review board consisting of the FP&L Chairman and Chief Executive Officer, the President and Chief Operating Officer, and the Group Vice President Nuclear Energy Department.
- C. The licensee shall direct the outside organization to submit to the Region II Administrator a copy of the report of the appraisal recommendations resulting from the appraisal, and any and all drafts thereof, at the same time they are sent to the licensee or any of its employees or contractors. Prior notice shall be given the Region II Administrator of any meeting between the licensee and the organization to discuss the results, recommendations, or progress made on the appraisal. The Region II

Administrator may designate a member of his staff to attend any such meetings as an observer. In addition the licensee shall consider the recommendations resulting from the appraisal and provide to Region II Administrator within 30 days of the receipt of the appraisal an analysis of each such recommendation and the action to be taken in response to recommendation. The licensee shall also provide at that time a schedule for accomplishing these actions. Justification shall be provided for any recommendation of the appraisal not adopted.

- D. Pending the completion of the review of the results of the above independent appraisal program, the licensee shall implement a continuous on-shift oversight program to monitor the safety of plant operations, both in and out of the control room. The oversight program shall be implemented prior to either unit entering Mode 2 (Startup) following the current outages.
- 1) At least one evaluator, whether licensee employee or contractor, on each shift shall have held a senior reactor operator license or have experience in auditing or appraising commercial nuclear plant operations and not have been an employee at the Turkey Point facility within the last two years.
 - 2) A guidance document will be issued which identifies the purpose of the program, the responsibilities of the personnel assigned to the program, reporting requirements, and the authority given to the evaluators to act where necessary to prevent personnel error and to assure quality performance. A copy of such duties and responsibilities

shall be provided to the NRC. At a minimum the evaluators shall report observations of immediate safety significance to the shift supervisor and his direct supervisor. Daily reports of all activities addressing questionable operating practices shall be made to the Site Vice President with same day copies provided to the President of FP&L. The President of FP&L shall be directly responsible for the oversight program. A weekly summary report along with a compilation of daily reports shall be provided to the Region II Administrator.

- 3) Following the licensee's review of the results of the independent appraisal program the licensee may seek to terminate the oversight program. Written justification of the termination shall be provided to the Region II Administrator, explaining the basis for termination after considering the significance of any appraisal or oversight findings in the area of plant operations.

F. The Regional Administrator, Region II, may relax or terminate in writing any of the preceding provisions for good cause.

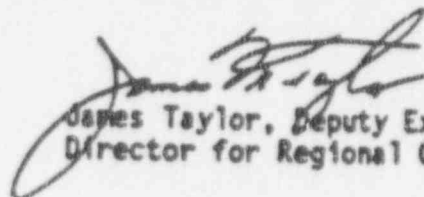
VI

The licensee or any person adversely affected by this Order may request a hearing within 30 days of the date of this Order. A request for hearing should be clearly marked as a "Request for Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with copies to the Assistant General Counsel for

Enforcement, Regional Administrator, Region II, and the NRC Resident Inspector, Turkey Point Nuclear Plant.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If a hearing is held, the issue to be considered shall be whether this Order should be sustained. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which the petitioner's interest is adversely affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). Upon the failure of the licensee and any other person adversely affected by this Order to answer or request a hearing within the specified time, this Order shall be final without further proceedings. AN ANSWER TO THIS ORDER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION


James Taylor, Deputy Executive
Director for Regional Operations

Dated at Bethesda, Maryland
This 19th day of October 1987

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Florida Power and Light Company
Turkey Point Units 3 and 4

Docket Nos. 50-250 and 50-251
License Nos. DPR-31 and DPR-41
EA 87-85

During the Nuclear Regulatory Commission (NRC) inspection conducted from May 18 through July 20, 1987, violations of NRC requirements were identified. In accordance with "General Statement of Policy and Procedure for NRC Enforcement Action," 10 CFR Part 2, Appendix C (1987), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. 10 CFR, Part 50, Appendix B, Criterion V, requires that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Technical Specification 6.8.1 requires that written procedures shall be established and implemented for activities recommended in Appendix A of Regulatory Guide 1.33. Appendix A recommends, in part, that procedures for the operation of safety-related systems should be established.

NUREG-0737, Item I.C.6, Independent Verification, requires the implementation of procedures to verify the correct performance of operating activities. This item was implemented by an Order dated July 10, 1981.

Contrary to the above, the licensee did not establish or implement adequate procedures to assure configuration control over emergency boration, a safety-related system, between May 28 and June 3, 1987. Examples include the following:

1. The boration flowpath established on May 28, 1987 from the discharge of the 3b boric acid (BA) pump to the Unit 4 Reactor Coolant System (RCS) was not authorized by established procedures, the administratively allowable alternatives of a Plant Work Order, or an approved temporary procedure.
2. Non-licensed personnel without SRO direction or an approved procedure established a boration flow path from Unit 4 BA system to the suction of the 3b BA pump. Establishment of the flowpath resulted in nitrogen intrusion from the Unit 4 BA system to the Unit 3 BA system and a loss of all boric acid flowpaths.
3. Independent verification to ensure valving alignment documentation and restoration from the above unauthorized valve line-up was not implemented in accordance with Administrative Procedure O-ADM-31, Independent Verification, and NUREG-0737, Item I.C.6.

8/7/02/0150 SPP

4. Off-Normal Operating Procedure ONOP-046.1, Emergency Boration, did not provide directions to operators for a loss of all boration flowpaths, including flow from the RWST.
5. Between May 30 and June 3, 1987 additional valve operations of the boration systems were performed without approved procedures, proper documentation or independent verification. These evolutions allowed additional nitrogen intrusion from the failed seal in the 4b BA pump into Unit 4 and an additional loss of the 3b BA pump.

This is a Severity Level III violation (Supplement I).

(Civil Penalty - \$75,000.)

- B. Technical Specification 3.18 requires, in part, that two independent auxiliary feedwater (AFW) trains and associated flowpaths shall be operable in reactor modes 1, 2 and 3. With both required AFW trains inoperable, and neither is returned to service within two hours, then the affected unit must be placed in at least hot standby (mode 3) within the next six hours and in hot shutdown (mode 4) within the following six hours.

Technical Specification definition 1.4, entitled Operable-Operability, specifies, in part, that a train or system shall be considered operable when it is capable of performing its specified functions.

The AFW nitrogen system is a necessary auxiliary system installed to provide at least two hours of automatic AFW flow control in the event of the loss of the instrument air system.

Contrary to the above, on July 15, 1987 with the Unit 4 in Mode 1, a turbine operator improperly aligned both trains of the AFW nitrogen supply system on Unit 4 such that all bottles were isolated. Consequently, for the approximately 20 hours the AFW nitrogen supply system was isolated the AFW system was not capable of performing its specified function.

This is a Severity Level III violation (Supplement I). (Applies to Unit 4 only.)

(Civil Penalty - \$75,000.)

- C. 10 CFR 50, Appendix B, Criterion XVI, as implemented by Florida Power and Light Topical Quality Assurance Report FPLTQAR 1-76A, Revision 10, and TQR 16.0, Revision 5, entitled Corrective Action, requires in part, that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

FPLTQAR 1-76A defines significant conditions adverse to quality as failures, malfunctions, deficiencies or deviations in material and equipment and other nonconformances which require engineering evaluation and/or

Notice of Violation

- 3 -

evaluation for reportability as required by 10 CFR 50.55(e), reportable occurrences (LERs) or 10 CFR 21 deficiencies.

Administrative procedures O-ADM-913, entitled Corrective Action for Conditions Adverse to Quality, revision dated July 15, 1986, specifies in section 5.3 that supervisors shall be alert to significant conditions adverse to quality when recommending or approving changes based on observed or reported discrepancies.

Turkey Point FSAR, Section 9.3 states, following a loss of coolant accident, two Component Cooling Water CCW heat exchangers accommodate the heat removal loads. If a CCW heat exchanger fails, the standby heat exchanger provides a 50 percent backup. Additionally, FSAR Table 9.3-5 specifies that two CCW heat exchangers can carry the total emergency heat load. The FSAR specifies, in Section 9.6, that only one Intake Cooling Water (ICW) pump is required following a Maximum Hypothetical Accident (MHA) and that the minimum operating requirements for the ICW system are met by one pump and one loop header.

FPL's Substantial Safety Hazards Evaluation for Intake Cooling Water System, JPE-L-85-38, determined that the ICW system was susceptible to single active failures. The licensee subsequently determined that the active failures were inconsequential during a MHA provided that a manual isolation valve was shut, and ICW (Cooling Canal) temperature and CCW heat exchanger cleanliness were maintained within given parameters.

Contrary to the above, on December 1, 1986, a performance test conducted on the Unit 3 Component Cooling Water (CCW) heat exchangers indicated degraded performance. Revised data and a proposed immediate cleaning schedule were forwarded to the Shift Technical Advisors on December 4, 1986, but the changes required by the revised performance data were not adhered to and the cleaning schedule was not followed. As a result of this failure to perform corrective action, with the 3B CCW heat exchanger out of service for cleaning during a seventeen hour period on December 11, 1986, the two CCW heat exchangers remaining in service would not have been able to dissipate the maximum hypothetical heat load even with the ICW flow provided by two ICW pumps as described in safety evaluation JPE-L-85-38, Rev. 2, and the turbine plant cooling system isolated.

This is a Severity Level III violation (Supplement 1). (Applies to Unit 3 only)

(Civil Penalty - \$75,000.)

Pursuant to the provisions of 10 CFR 2.201, Florida Power and Light Company (licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or

Notice of Violation

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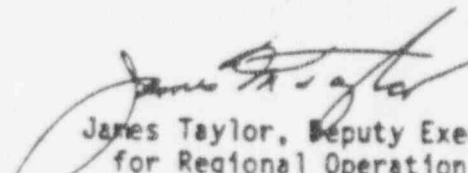
why such other action as may be proper should not be taken. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such an answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.8 of 10 CFR Part 2, Appendix C (1987), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty. Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234C of the Act, 42 U.S.C. 2282C.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, and a copy to the NRC Resident Inspector, Turkey Point facility.

FOR THE NUCLEAR REGULATORY COMMISSION


James Taylor, Deputy Executive Director
for Regional Operation

Dated at Bethesda, Maryland
This 9th day of October 1987



October 7, 1987
L-87-400

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

Gentlemen:

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Immediate, Short-Term and
Long-Term Corrective Measures

The purpose of this letter is to inform you of immediate, short-term and long-term corrective measures which Florida Power & Light Company (FPL) is taking to address the performance problems discussed during our meeting on September 25, 1987, and the more general matter of FPL's ability to identify and resolve issues at Turkey Point.

The following corrective actions have already been taken or are being taken:

- On Saturday, September 26, 1987, the Turkey Point Nuclear Plant Site Vice President met with his management team (managers and department heads) at the facility to discuss the September 25, 1987 meeting with the NRC and to communicate his expectations and standards of performance which must be achieved and maintained at Turkey Point. In attendance at this meeting were the FPL President, the Group Vice President Nuclear Energy Department and the Vice President Nuclear Operations.
- On Saturday, September 26, 1987, the Turkey Point Site Vice President met with approximately 600 of the 670 personnel work force during three separate meetings to discuss the September 25, 1987 meeting with the NRC and to communicate his expectations and standards of performance which must be achieved and maintained at Turkey Point. The FPL President, the Group Vice President Nuclear Energy Department and the Vice President of Nuclear Operations were in attendance at these three meetings. Briefing of the approximately 70 personnel who did not attend any of these three meetings is now being done and will be completed by October 15, 1987.
- Additional work crew briefing practices have been initiated and will remain in effect until the Site Vice President determines that these additional measures are no longer necessary. The Site Vice President has issued a memorandum to the foremen/supervisors requiring that they, at the beginning of each shift, brief all work crews on the activities to be performed during the shift, any precautions that are necessary, and the overall performance expectations. At the end of each shift, critiques are being performed to identify problems that may have been encountered during the shift, proposed solutions, and issues that need higher management attention.

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- The St. Lucie Plant Site Vice President has been assigned to Turkey Point for one day each week to provide supplemental support to the Turkey Point Site Vice President and to help identify weaknesses that exist at Turkey Point.
- On August 14, 1987, a Management on Shift program was implemented at Turkey Point to monitor plant activities on back shifts. The program consisted of ten 2-man teams with management and SRO experience to monitor operations, plant support activities and interfaces. The teams, which report to the plant manager, observe, coach, and provide management guidance.

A guidance document has been issued which identifies the purpose of the program, the responsibilities of the personnel assigned to the program, reporting requirements, and the authority given to the teams to act where necessary to prevent personnel error and to assure quality performance. The teams were to complete the monitoring activities and recommend short-term countermeasures in early October 1987. However, in order to enhance overall performance monitoring, the Management on Shift program will be continued until corrective actions for problems identified from observations are implemented, and changes and upgrades in operational management are accomplished. In addition, five St. Lucie Plant personnel and one Nuclear Energy staff engineer have been assigned to the Turkey Point Management on Shift program to supplement the existing teams. These additional personnel are being integrated with the twenty other personnel in the program. They will have received instruction on the guidance document and they will understand their accountabilities, their authority, and the requirements of the program prior to performing their on-shift duties.

- The Turkey Point Site Vice President is meeting with each of the operating crews to communicate performance expectations and consequences for failure to perform as expected. These meetings are planned to be completed by October 15, 1987.
- The site Quality Assurance organization will continue their augmented QA performance monitoring on shift, which focuses on performance based monitoring of plant activities. The functional areas receiving the most attention are operations, maintenance, procedures, and surveillance and test control. The QA performance monitoring program is delineated in Quality Instruction QI 18 QAD 4 which identifies the purpose of the program, the responsibilities of the personnel assigned to the program, reporting requirements, and handling of identified discrepancies. A surveillance guide, listing twenty-seven characteristics relating to control room activities, is utilized by the QA performance monitoring personnel. These on-shift performance monitoring personnel report to the site QA superintendent and are completely independent of the management on shift personnel previously discussed.

In the longer term, FPL will initiate a third party evaluation by an independent consultant to identify the root causes of continuing performance problems at Turkey Point, and to make recommendations in the areas of corporate and plant management, organization, personnel performance and competency, and teamwork that will assist FPL in accelerating improvement in performance at Turkey Point.

The evaluation will include, but not be limited to, organization, management and management controls, staffing levels, communications methods and effectiveness, improvement programs, operational practices, safety review committees, personnel performance, attitude and culture and disciplinary practices. The evaluation will cover all levels of corporate and plant personnel, and it will examine the recurring problems at Turkey Point and the differences in performance at St. Lucie and Turkey Point.

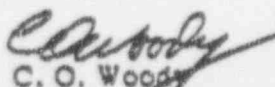
FPL believes that the value of this evaluation is critically dependent on the experience of the individuals performing the evaluation and their understanding of the standards of excellence required in the nuclear industry. FPL will provide the necessary liaison to facilitate the work of the consultant and to monitor scheduled milestones.

The final report, as well as interim findings, will be communicated to a senior-level review board consisting of the FPL Chairman and Chief Executive Officer, the President and Chief Operating Officer, and the Group Vice President Nuclear Energy Department.

FPL is preparing a solicitation for proposals to conduct the evaluation, has identified potential consultants, and expects to make a selection on or about November 1, 1987. Work will commence immediately thereafter. We would be pleased to discuss the proposed scope of the study with you before it is initiated. It is our intent to provide a thorough assessment which we believe can be completed by the end of April 1988. However, should the consultant we select be unable to complete the assessment by April 1988, we will inform the NRC.

FPL will evaluate the consultant's findings and recommendations as presented in the final report and will develop an action plan for corrective measures within 30 days of receipt of the final report. Of course, if the evaluation identifies matters which should be addressed immediately, FPL will respond in a timely fashion.

Very truly yours,


C. O. Woods
Group Vice President
Nuclear Energy Department

COW/RJS/bg:081

cc: Dr. J. Nelson Grace, Regional Administrator, Region II, USNRC
Senior Resident Inspector, USNRC, Turkey Point Plant



OCTOBER 19 1987

L-87-427

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

Gentlemen:

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Augmented Management on Shift Program

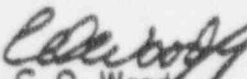
The purpose of this letter is to describe the actions Florida Power & Light Company (FPL) is taking to augment and modify the Management on Shift Program which was described in our letter, L-87-400, dated October 7, 1987. These changes have been discussed with the NRC Region II Staff and are provided here to formalize FPL's commitment to these actions.

FPL's commitment to management presence on the backshift will continue as discussed in our October 7, 1987 letter. However, the Management on Shift Program is being augmented to include continuous coverage by at least one individual who has not been assigned to Turkey Point within the previous two years. These individuals shall hold or have held an SRO license or have previous experience in assessing the operation of commercial nuclear power plants. The augmented Management on Shift Program will be implemented prior to entering Mode 2 for either Turkey Point reactor.

In addition to the augmented Management on Shift Program, a special operational evaluation will be performed by INPO, using industry peer evaluators, to assist FPL in identifying the actions needed to achieve the desired level of accountability and performance expected of our operating personnel. The augmented Management on Shift coverage will remain in place until FPL is satisfied that this high level of performance is achieved. The NRC will be advised in advance of FPL's determination that the program can be reduced or terminated.

As with the other operations enhancements, items of concern which are surfaced with this augmented coverage will receive prompt management attention.

Very truly yours,


C. O. Woody
Group Vice President
Nuclear Energy

COW/PLP/gp

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an FPL Group company



NOVEMBER 18 1987

L-87-479

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

Dear Sirs:

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Reply to Notice of Violation and Proposed Civil Penalty
EA 87-85 (Inspection Reports 87-27, 87-28 and 87-33)

Florida Power & Light Company (FPL) has reviewed the NRC letter dated October 19, 1987 which forwarded a Notice of Violation, Proposed Civil Penalty and the Confirmatory Order.

FPL's reply to this Notice of Violation is attached, concurring with them and setting forth the reasons for their occurrence and corrective actions which have been and will be taken. Additional long-term corrective action will be addressed in our response to the Order discussed above which will be provided by separate letter.

A check for the full amount of the Civil Penalty is attached.

Very truly yours,

C. D. Woody
Executive Vice President

COW/SDF/gp

Attachment
FPL Check No. 66752

cc: Dr. J. Nelson Grace, Regional Administrator, Region II, USNRC
Senior Resident Inspector, USNRC, Turkey Point Plant

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an FPL Group company

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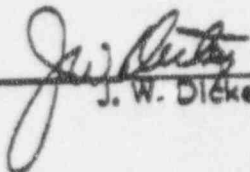
STATE OF FLORIDA)
)
COUNTY OF BROWARD)

ss.

J. W. Dickey being first duly sworn, deposes and says:

That he is Vice President of Nuclear Operations of Florida Power & Light Company, the Licensee herein;

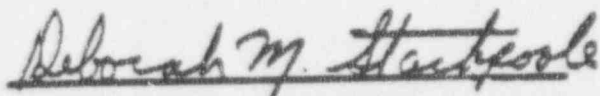
That he has executed the foregoing document; that the statements made in this document are true and correct to the best of his knowledge, information, and belief, and that he is authorized to execute the document on behalf of said Licensee.



J. W. Dickey

Subscribed and sworn to before me this

18 day of November, 1987.



Deborah M. Stantecole

NOTARY PUBLIC, in and for the County
of Broward, State of Florida

Notary Public, State of Florida at Large
My Commission Expires Sept. 10, 1988
BONDED THRU NUCLEBERRY SIBLEY

My Commission expires MARVET INSURANCE & MUNDY, INC

ATTACHMENT

Re: Turkey Point Units 3 & 4
Docket Nos. 50-250 and 50-251
Notice of Proposed Violation and Civil Penalty
EA 87-85 (Inspection Reports 87-27, 87-28 and 87-33)

Finding A

10 CFR, Part 50, Appendix B, Criterion V, requires that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Technical Specification 6.8.1 requires that written procedures shall be established and implemented for activities recommended in Appendix A of Regulatory Guide 1.33. Appendix A recommends, in part, that procedures for the operation of safety-related systems should be established.

NUREG-0737, Item 1.C.6, Independent Verification, requires the implementation of procedures to verify the correct performance of operating activities. This item was implemented by an Order dated July 10, 1981.

Contrary to the above, the licensee did not establish or implement adequate procedures to assure configuration control over emergency boration, a safety-related system, between May 28 and June 3, 1987. Examples include the followings:

1. The boration flowpath established on May 28, 1987 from the discharge of the 3B boric acid (BA) pump to the Unit 4 Reactor Coolant System (RCS) was not authorized by established procedures, the administratively allowable alternatives of a Plant Work Order, or an approved temporary procedure.
2. Non-licensed personnel without SRO direction or an approved procedure established a boration flow path from Unit 4 BA system to the suction of the 3B BA pump. Establishment of the flowpath resulted in nitrogen intrusion from the Unit 4 BA system to the Unit 3 BA system and a loss of all boric acid flowpaths.
3. Independent verification to ensure valving alignment documentation and restoration from the above unauthorized valve line-up was not implemented in accordance with Administrative Procedure O-ADM-31, Independent Verification, and NUREG-0737, Item 1.C.6.
4. Off-Normal Operating Procedure ONOP-046.1, Emergency Boration, did not provide directions to operators for a loss of all boration flowpaths, including flow from the RWST.
5. Between May 30 and June 3, 1987 additional valve operations of the boration systems were performed without approved procedures, proper documentation or independent verification. These evolutions allowed additional nitrogen intrusion from the failed seal in the 4B BA pump into Unit 4 and an additional loss of the 3B BA pump.

Response

1. FPL concurs with this finding.
2. The flowpath established from the discharge of the 3B boric acid pump to the Unit 4 reactor coolant system was not established per an established procedure due to a misinterpretation by the Plant Supervisor-Nuclear (PS-N) of the allowances of Operating Procedure O-OP-046, CVCS-Boron Concentration Control. This procedure stated that other valve line-ups which accomplish the intent of the Technical Specifications can, at the discretion of the PS-N, be utilized under Administrative Procedure AP-103.4, In-plant Equipment Clearance Orders, or AP-109.6, Temporary Procedure. The PS-N interpreted this statement to allow other valve line-ups to be used at his discretion, but did not document the changes per the requirements of the referenced administrative procedures. No independent verification of the discretionary line-up was performed since it had not been initiated in full compliance with proper plant procedures. Similar valve line-up changes were performed later during the week in an attempt to locate a boric acid blockage that was believed to be the source of the flowpath loss problems. Once again these were performed at the discretion of a licensed operator but were not documented since they were believed to be within the authorized valve line-ups of O-OP-046. The possibility of nitrogen intrusion thru a failed seal was not believed to be a credible failure. Therefore, no procedural cautions had been established and numerous line-ups were tried to locate a believed blockage until the failed seal problem was discovered.

The boration flowpath from the Unit 4 boric acid system to the 3B boric acid transfer pump was established with the assistance of a system engineer who had been sent by the PS-N to meet a non-licensed nuclear operator with the intent of troubleshooting the apparent loss of the boric acid flowpath on Unit 4. The system engineer believed he had been authorized by the PS-N to alter the system alignment in an attempt to determine the root cause of the lost flowpath.

3.
 - a) Training brief 201 was issued to describe to the operators the sequence of events, the significance of what happened and the procedure changes made to ensure nitrogen intrusion does not recur.
 - b) Administrative Procedure O-ADM-207 was written to provide instructions to plant personnel as to the proper procedure to use when a situation not covered by existing procedures is found.
 - c) System engineers have been provided instruction to ensure that cognitive personnel with the responsibility for maintaining the plant in a safe condition are informed and directly involved with troubleshooting activities.
 - d) A new Off-normal Operating Procedure O-ONOP-046.3 is being written to provide operator guidance in the event of total loss of boron injection flowpaths.

4. Additional immediate, short-term, and long-term corrective measures which FPL is taking in response to these and other Turkey Point performance problems has been provided in FPL letters dated October 7, 1987 and October 19, 1987. These include the on-going Management-on-Shift program which consists of around-the-clock coverage of plant operations by an off-site individual with senior reactor operator experience or previous experience in assessing the operation of commercial nuclear power plants and an independent evaluation by a third party to identify root causes of our continuing performance problems. The third-party evaluation will be further discussed in our response to the NRC Order accompanying EA 87-85.

5. Full compliance for Item 3a was achieved June 11, 1987.

Full compliance for Item 3b was achieved July 2, 1987.

Full compliance for Item 3c was achieved July 30, 1987.

Full compliance for Item 3d will be achieved December 24, 1987.

Full compliance with our October 19, 1987 Management-on-Shift commitment was achieved October 26, 1987.

Full compliance with the third-party independent evaluation will be discussed in FPL response to the NRC Order accompanying EA 87-85.

Finding B

Technical Specification 3.18 requires, in part, that two independent auxiliary feedwater (AFW) trains and associated flowpaths shall be operable in reactor modes 1, 2 and 3. With both required AFW trains inoperable, and neither is returned to service within two hours, then the affected unit must be placed in at least hot standby (mode 3) within the next six hours and in hot shutdown (mode 4) within the following six hours.

Technical Specification definition 1.4, entitled Operable-Operability, specifies, in part, that a train or system shall be considered operable when it is capable of performing its specified functions.

The AFW nitrogen system is a necessary auxiliary system installed to provide at least two hours of automatic AFW flow control in the event of the loss of the instrument air system.

Contrary to the above, on July 15, 1987 with the Unit 4 in mode 1, a turbine operator improperly aligned both trains of the AFW nitrogen supply system on Unit 4 such that all bottles were isolated. Consequently, for the approximately 20 hours the AFW nitrogen supply system was isolated the AFW system was not capable of performing its specified function.

Response

1. FPL concurs with this finding.
2. The cause of the inadvertent isolation of the AFW Nitrogen Backup System was personnel error due to failure to follow procedures.

The AFW system alignment requirements were changed during a recent Unit 4 outage in conjunction with work related to Plant Change Modification (PCM) 85-176. This design change was turned over to the plant on June 26, 1987. The change was made in order to provide a 2-hour nitrogen supply backup to the AFW flow control valves. The previous design called for a total of 5 bottles for both trains, with only the #1 bottle to be in service and the rest of the bottles being valved out. At the time the non-licensed operator performed the realignment, 3 bottles were valved in, however the operator's understanding was that only 1 bottle was required. The operator failed to seek supervisory assistance when he noticed a condition he felt was not normal and failed to notify his supervisor of the valve alignment changes he made. While procedure 4-OP-065.2 was updated to be in accordance with the PCM, the shift surveillance log sheet did not reflect any acceptance criteria, it only proper alignment.

3.
 - a) The system was realigned to the proper configuration using procedure 4-OP-065.2
 - b) A training brief on the Nitrogen Backup System was prepared and issued.
 - c) A training brief on operator required actions upon the discovery of a perceived abnormal condition was issued.

- d) New labeling was attached to the nitrogen bottle station.
 - e) Procedures O-OSP-200.1, "Schedule of Plant Checks and Surveillances," and OP-0204.2, "Periodic Tests, Checks, and Operating Evolutions," were revised to add a weekly nitrogen pressure gauge surveillance.
 - f) Procedure 3/4-OSP-201.3, "Nuclear Plant Operator Daily Logs," was revised to change the logs to delineate the requirement for three nitrogen bottles to be valved in.
 - g) The subject operator was counseled on the seriousness of his error and the requirements for strict adherence to procedures.
4. Additional immediate, short-term and long-term corrective measures which FPL is taking in response to these and other Turkey Point performance problems have been provided in FPL letters dated October 7, 1987 and October 19, 1987. These include the on-going Management-on-Shift program which consists of around-the-clock coverage of plant operations by an off-site individual with senior reactor operator experience or previous experience in assessing the operation of commercial nuclear power plants and an independent evaluation by a third party to identify the root causes of continuing performance problems. The third-party evaluation will be further discussed in our response to the NRC order accompanying EA 87-85.
5. Full compliance for item 3 was achieved on or before August 14, 1987.
- Full compliance with our October 19, 1987 Management-on-Shift commitment was achieved October 26, 1987.
- Full compliance with the third party independent evaluation will be discussed in FPL response to the NRC Order accompanying EA 87-85.

Finding C

10 CFR 50, Appendix B, Criterion XVI, as implemented by Florida Power and Light Topical Quality Assurance Report FPLTQAR 1-76A, Revision 10, and TQR 16.0, Revision 5, entitled Corrective Action, requires in part, that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

FPLTQAR 1-76A defines significant conditions adverse to quality as failures, malfunctions, deficiencies or deviations in material and equipment and other nonconformances which require engineering evaluation and/or evaluation for reportability as required by 10 CFR 50.55(e), reportable occurrences (LERs) or 10 CFR 21 deficiencies.

Administrative procedures O-ADM-913, entitled Corrective Action for Conditions Adverse to Quality, revision dated July 15, 1986, specifies in section 5.3 that supervisors shall be alert to significant conditions adverse to quality when recommending or approving changes based on observed or reported discrepancies.

Turkey Point FSAR, Section 9.3 states, following a loss of coolant accident, two Component Cooling Water CCW heat-exchangers accommodate the heat removal loads. If a CCW heat exchanger fails, the standby heat exchanger provides a 50 percent backup. Additionally, FSAR Table 9.3-5 specifies that two CCW heat exchangers can carry the total emergency heat load. The FSAR specifies, in Section 9.6, that only one Intake Cooling Water (ICW) pump is required following a Maximum Hypothetical Accident (MHA) and that the minimum operating requirements for the ICW system are met by one pump and one loop header.

FPL's Substantial Safety Hazards Evaluation for Intake Cooling Water System, JPE-L-85-38, determined that the ICW system was susceptible to single active failures. The licensee subsequently determined that the active failures were inconsequential during a MHA provided that a manual isolation valve was shut, and ICW (Cooling Canal) temperature and CCW heat exchanger cleanliness were maintained within given parameters.

Contrary to the above, on December 1, 1986, a performance test conducted on the Unit 3 Component Cooling Water (CCW) heat exchangers indicated degraded performance. Revised data and a proposed immediate cleaning schedule were forwarded to the Shift Technical Advisors on December 4, 1986, but the changes required by the revised performance data were not adhered to and the cleaning schedule was not followed. As a result of this failure to perform corrective action, with the 3b CCW heat exchanger out of service for cleaning during a seventeen hour period on December 11, 1986, the two CCW heat exchangers remaining in service would not have been able to dissipate the maximum hypothetical heat load even with the ICW flow provided by two ICW pumps as described in safety evaluation JPE-L-85-38, Rev. 2, and the turbine plant cooling system isolated.

Response

1. FPL concurs with this finding.
2. The reason for the finding was personnel error in that the cleaning schedule set up for the CCW heat exchangers was not followed. This resulted in the performance of the heat exchangers degrading to the point where a heat exchanger could not be cleaned during unit operation. Another contributor to this event was that the curves used for determining CCW heat exchanger cleaning frequency were revised after cleaning based on an expected level of cleanliness. Actual performance tests were run only periodically with the resulting data being used to correct the curves. This method did not adequately assess the level of cleanliness achieved after each cleaning.
3.
 - a) A plant change/modification (PC/M) 86-194 has been installed on Unit 3 which established an on-line mechanical tube cleaning capability for the CCW heat exchangers. The new cleaning system operates by introducing sponge rubber balls into the cooling water supply line of each heat exchanger. The normal process flow then forces the balls through the heat exchangers tubes, wiping them clean. Screens in the discharge lines collect the balls, and a centrifugal pump recirculates the balls to the injection point. A ball collector is also included to allow addition or retrieval of the cleaning balls.
 - b) Until satisfactory completion of performance testing of the tube cleaning system discussed in item 3a, routine heat exchanger performance tests on Unit 3 will be performed and updated curves plotted assuming that no cleaning benefit is received from this system. The decision to remove a heat exchanger from service for cleaning or to update the curves will be based on the as-found fouling condition.
 - c) After each cleaning of the Unit 4 CCW heat exchanger(s), performance tests will be conducted to assure consistency in cleaning. The fouling data from these tests will then be used to plot updated curves to determine when and which heat exchangers need to be removed for cleaning.
4.
 - a) Similar modifications to those described above in 3a are planned to be implemented on Unit 4. Unit 4 will continue to operate under the existing evaluation until the modifications are completed.
 - b) After installation of the tube cleaning system on Unit 4, routine heat exchanger performance tests similar to those discussed in 3c will be performed until system optimization is achieved. At that time a revised engineering evaluation and appropriate operating procedure changes will be issued.
 - c) Upon satisfactory completion of the performance testing of the Unit 3 tube cleaning system, a revised engineering evaluation and appropriate operating procedure changes will be issued to include the optimized tube cleaning system.

- d) Additional immediate, short-term and long-term corrective measures which FPL is taking in response to these and other Turkey Point performance problems have been provided in FPL letters dated October 7, 1987 and October 19, 1987. These include the on-going Management-on-Shift program which consists of around-the-clock coverage of plant operations by an off-site individual with senior reactor operator experience or previous experience in assessing the operation of commercial nuclear power plants and an independent evaluation by a third party to identify the root causes of our continuing performance problems. The third-party evaluation will be further discussed in our response to the NRC order accompanying EA 87-85.

5. Full compliance with item 3a was achieved on August 13, 1987.

Full compliance with item 3b was achieved October 22, 1987.

Full compliance with item 3c was achieved October 22, 1987.

Full compliance with item 4a will be achieved prior to completion of the Unit 4 refueling outage scheduled for late 1988 or early 1989.

Full compliance with item 4b will be achieved six months after return to service of Unit 4, following the installation of the tube cleaning system.

Full compliance with item 4c will be achieved on August 6, 1988.

Full compliance with our October 19, 1987 Management-on-Shift commitment was achieved October 26, 1987.

Full compliance with the third-party independent evaluation will be discussed in FPL response to the NRC Order accompanying EA 87-85.

United States Senate

WASHINGTON, DC 20510

February 12, 1988

Mr. Carlton Kammerer, Director
U.S. Nuclear Regulatory Commission
Office of Congressional Affairs
Washington, D.C. 20555

Dear Mr. Kammerer:

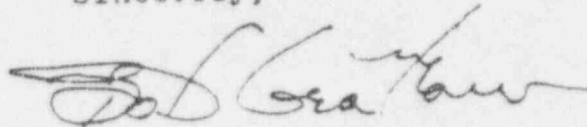
Enclosed is a letter from Mr. Jeffrey Flaxman, who has concerns regarding Turkey Point Nuclear Power Plant.

I would appreciate your reviewing this situation and providing me with your comments. Please send your response to my state office: Post Office Box 3050, Tallahassee, Florida 32315, Attention: Becky Liner.

I am grateful for your cooperation and assistance. I look forward to hearing from you soon.

With kind regards,

Sincerely,



United States Senator

BG/tbl

Enclosure

8703250185 2P.

Tally
JEFFREY FLAXMAN

3251 North 38th Street
Hollywood, FL 33021
December 2, 1987

Senator Bob Graham
SD 241 Dirksen Senate Office Building
Washington, D.C. 20510

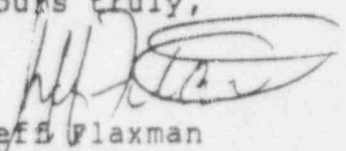
Dear Senator Graham:

I am deeply concerned about the operations at the Turkey Point Nuclear Power Plant. A recent article in the Miami Herald mentions that FP&L has once again been fined for negligence at the plant.

Despite fines of nearly \$1,000,000 since 1983, Turkey Point continues to have problems. I would appreciate your using your office to put some pressure on FP&L (if that is possible) to comply with the NRC 14 page order requiring changes in management and supervision and training at the plant. I am concerned about a potential accident in South Florida.

Thank you for your interest in this matter.

Yours truly,


Jeff Flaxman

JF:li



Fla. Power + Light

UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

June 15, 1988

The Honorable Lawton Chiles
United States Senate
Federal Building
Lakeland, Florida 33801

Dear Senator Chiles:

Today I received the April 1, 1988 letter from Joseph C. Filonowicz, President of the Treasure Coast Environmental Coalition, concerning the St. Lucie nuclear power plant spent fuel pool expansion hearing. I am by copy of this letter sending a copy of Mr. Filonowicz's letter to the Secretary of the Commission to be filed in the docket of this proceeding with other limited appearance statements.

Mr. Filonowicz's letter was inadvertently misdirected to the Department of Energy which has no jurisdiction over the subject matter of his concerns. The forwarding letter to the Department of Energy requested the comments and views of an official of that Department. As Chairman of the Atomic Safety and Licensing Board hearing the issues raised in the proceeding, I can only offer you a procedural history of the case to date.

Only one person from the St. Lucie area, Mr. Campbell Rich, has intervened in the proceeding. He filed several contentions which have been admitted to the proceeding for litigation. A copy of that ruling is enclosed for your information. The Board's ruling was recently sustained on appeal and a schedule for reaching hearing in the fall is being established. None of the admitted contentions deal with Mr. Filonowicz's concern about the possible threat of rising ocean levels to the plant. Under our rules, we are limited to hearing issues raised in a timely fashion by intervenors admitted to the proceeding.

The second principal concern raised by Mr. Filonowicz is the long-term storage of spent fuel at nuclear power plant sites. He is particularly concerned that a firm date for terminating long-term storage of such materials be established. The Nuclear Waste Policy Act of 1982 provides in section 302(a)(5)(B) that the Department of Energy will begin receiving such materials in 1998. As I am sure you are aware, that date is premised on the time that will be needed to resolve a significant number of complex issues related to siting and construction as well as the actual building of the repository.

CONCURRENCE:

Office: OMA Surname: BRADSHAW Date: 6-20-88

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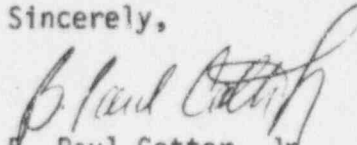
The Hon. Lawton Chiles

-2-

6/15/88

If you or your staff need any additional information, please do not hesitate to call me.

Sincerely,



B. Paul Cotter, Jr.
Chief Administrative Judge

Enclosure:
Board Ruling

cc: SECY
J. C. Filonowicz
(2 Addresses)
Thomas H. Isaacs, DOE

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

Before Administrative Judges:

B. Paul Cotter, Jr., Chairman
Glenn O. Bright
Cr. Richard F. Cole

In the Matter of:

FLORIDA POWER AND LIGHT COMPANY

(St. Lucie Plant, Unit No. 1)

Docket No. 50-335-OLA

(ASLBP No. 88-560-01-LA)

April 20, 1988

MEMORANDUM AND ORDER

Campbell Rich has petitioned to intervene in Florida Power and Light Company's application to expand the spent fuel pool at Unit 1 of its St. Lucie Plant. Mr. Rich has filed 16 contentions that he seeks to have litigated. We find herein that Mr. Rich has standing to intervene and admit several of his contentions.

I. Procedural History

On August 31, 1987, the Nuclear Regulatory Commission published a notice of: (1) Consideration of Amendment to facility operating license for St. Lucie, Unit 1; (2) a proposed finding of no significant hazards consideration; and (3) opportunity for hearing. 52 Fed. Reg. 32852 (1987). The notice advised in pertinent part that

88-04260049

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The amendment would authorize the licensee to increase the spent fuel pool storage capacity from 728 to 1706 fuel assemblies. The proposed expansion is to be achieved by reracking the spent fuel pool into two discrete regions. New, high-density storage racks will be used.

The St. Lucie plant is owned and operated by Florida Power and Light Company ("Licensee") on Hutchinson Island in St. Lucie County, 12 miles southeast of Fort Pierce, Florida.

Initially, and with the Board's approval, Licensee sought, without success, to resolve Mr. Rich's concerns by negotiation. Thereafter, pursuant to the Board's directions, Mr. Rich, by letter dated January 15, 1988, filed an amended petition to intervene setting forth 16 contentions challenging whether the health and safety of the public would be adequately protected by the license amendment applied for. Both Licensee and the Nuclear Regulatory Commission Staff ("the Staff") filed responses to the petition, opposing it in whole or in part. A prehearing conference was held on March 29, 1988 on Hutchinson Island, Florida to hear oral argument from the parties.

On March 17, 1988, Staff counsel informed the Board that the Staff had made a final "no significant hazards determination" pursuant to 10 C.F.R. 50.92(a)(4) [sic] (1987). The Staff had issued amendment number 91 to Facility Operating License No. DPR-67 on March 11, 1988, authorizing the requested spent fuel pool expansion at the St. Lucie, Unit 1 plant.

II. Criteria for Admitting Contentions

A. Standing

The requirements for intervention in Nuclear Regulatory (NRC) proceedings are set out in section 2.714 of Title 10 of the Code of Federal Regulations. A petitioner must have standing to participate, that is, it must demonstrate that its "interest may be affected" by the proceeding. 10 C.F.R. § 2.714(a)(1) (1987). That interest must be set forth "with particularity." 10 C.F.R. § 2.714(a)(2). In ruling on intervention petitions, Licensing Boards are required by subsection (d) of section 2.714 to consider

- ... (1) The nature of the petitioner's right under the Act to be made a party to the proceeding.
- (2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.
- (3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest.

Mr. Rich resides in Stuart, Florida, approximately 10 miles from the St. Lucie plant. His standing to intervene in the proceeding was conceded by the parties at oral argument. Tr. 16; Staff Brief, 2-3; Licensee Brief, 5-6. We concur in the parties' view and find that Mr. Rich has standing to intervene in this proceeding within the meaning of 10 C.F.R. §§ 2.714(a) and 2.714(d) (1987).

B. Admissibility of Contentions

The criteria for admitting contentions to the proceeding are set out in section 2.714(b)(2) of Title 10 of the Code of Federal Regulations which provides in pertinent part that:

... the petitioner ... must include a list of the contentions ... and the bases for each contention set forth with reasonable specificity.

The foregoing provision has been exhaustively interpreted in an extensive body of Commission case law holding, inter alia, that only those contentions which fall within the scope of issues set out in the Federal Register notice of opportunity for hearing may be admitted for litigation in Commission proceedings. See, e.g., Commonwealth Edison Co., 12 NRC 419, 426 (ALAB-616, 1980). If a petitioner states the bases of the contention proffered with reasonable specificity, the section 2.714(b) requirement is met. Whether or not the contention is true is left to litigation of the issues admitted, and it is not the function of the Presiding Officer to reach the merits of the issue proposed in deciding whether the contention is admissible. Mississippi Power and Light Co., 6 AEC 423, 426 (ALAB-130, 1973); Houston Lighting and Power Co., 11 AEC 542, 548 (ALAB-590, 1980).

Reasonable specificity means articulating the theory of the contention with sufficient clarity that the reasons for the petitioner's concern are apparent and the parties "will know at least generally what

they will have to defend against or oppose." Id., at 20. Thus, for example, a proposed contention challenging solutions to identified problems in the license application must state why the solution is inadequate. Commonwealth Edison Co., 16 NRC 183, 188 (LBP-82-52, 1982). The contention must address concrete issues and may not consist of "vague generalized assertions, drawn without any particularized reference to the details of the challenged facility." Philadelphia Electric Co., 6 AEC 173, 174 (CLI-73-10, 1973).

At the same time, our case law allows some "leeway in judging the sufficiency of intervention petitions" from counsel new to the field and pro se intervenors. Kansas Gas and Electric Co., 1 NRC 559, 576-577 (ALAB-279, 1975). The degree of specificity required to form the basis for a contention must be judged on a case-by-case basis. As Licensee and Staff correctly note, however, that does not mean that this board has any obligation "to recast" a contention to make it acceptable. Licensee Brief, 8-9; Commonwealth Edison Co., 8 AEC 381, 406 (ALAB-226, 1974).

III. Rulings on Contentions

Of the 16 contentions submitted, two were withdrawn at oral argument. Tr. 68, 95-96. Accordingly, Contentions 7 and 12 are dismissed from the proceeding, and we do not address them herein. The remainder of the contentions are discussed below, seriatim.

A. Contention 1

The Contention avers

That the expansion of the spent fuel pool at St. Lucie, Unit No. 1 is a significant hazards consideration and requires that a public hearing be held before issuance of the license amendments.

Petitioner recites three bases for the contention, namely, that:

(1) the spent fuel pool expansion increases the possibility of certain accidents, reduces the margin of safety, and creates the possibility of "a new and different type of accident ... which would cause the pool to lose its structural integrity"; (2) Commission case law holds that expansion of a spent fuel pool involves significant hazards; and (3) Congress intended such expansions to be "a no significant hazards consideration." Request for Hearing and Petition for Leave to Intervene ("Amended Petition"), pp. 1-2.

At the prehearing conference, petitioner modified the contention to ask that the Board suspend the Staff's March 11, 1988 determination of no significant hazards on the ground, inter alia, that the Staff had not adequately considered the safety implications of the use of Boraflex. Petitioner argued that Boraflex should be viewed as an unproven technology based on Applicant's October 20, 1987 response to questions from the Staff Project Manager. Tr. 17-24.

Both Licensee and Staff renewed their written opposition to the modified contention at the prehearing conference. Both take the position that the Board lacks jurisdiction to reverse or otherwise act on the Staff's no significant hazards determination itself. Tr. 27-29. Licensee's Answer in Opposition to Amended Petition to Intervene ("Licensee's Opposition") 14-19; NRC Staff Response to Amended Petition to Intervene ("Staff Response"), 6-9.

The issue is governed by section 50.58(b)(6) of Nuclear Regulatory Commission ("NRC") regulations which provides that

No petition or other request for review of or hearing on the staff's significant hazards consideration determination will be entertained by the Commission. The staff's determination is final, subject only to the Commission's discretion, on its own initiative, to review the determination.

10 C.F.R. 50.58(b)(6) (1987). In promulgating the rule, the Commission made it clear that the reference to "Commission" meant the Commissioners themselves and that this Board had no authority to act on the Staff's finding as such. That limitation on this Board's authority is distinguished from our authority, after a finding is made and the license issued, to consider and take corrective action on any threat to the public health or safety disclosed at any subsequent hearing. 51 Fed. Reg. 7745, 7759 (1986). Thus, this Board is barred as a matter of Commission regulation from acting on or granting the relief requested by

Contention 1. Accordingly, Contention 1 is denied admission to this proceeding.

B. Contention 2

Contention 2 states that

Expansion of the spent fuel pool at the St. Lucie facility, Unit No. 1 constitutes a major Federal action and requires that the Commission prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (NEPA) and 10 CFR Part 51.

Petitioner alleges that the spent fuel pool expansion increases the probability of a radioactive release to the environment as a result of normal operation and a total or partial loss of coolant. Petitioner also alleges that Staff has not examined the effects of long-term or permanent storage of wastes in the pool nor of alternatives to expanding the pool's storage capacity. Amended Petition, 3. At oral argument, petitioner asserted that the consequences of a zirconium cladding fire are so severe as to warrant an environmental impact statement.

Petitioner argued that the environmental assessment of the spent fuel pool expansion was inadequate because of: (1) the use of Boraflex; and (2) a severe accident such as a cask drop causing the structural failure of the pool as postulated in the Brookhaven National Laboratories Report titled "Severe Accidents in Spent Fuel Pools in Support of Generic

Safety Issue 82" (NUREG/CR-4892, BNL-NUREG-52093) ("the BNL Report").
Tr. 29-37.

At the prehearing conference, Licensee and Staff reiterated their written opposition to the admission of Contention 2. They argue that an environmental assessment satisfies the requirements of the regulations and that the more extensive environmental impact statement is not required for low probability accidents. Tr. 32-33. Licensee's Opposition, 20-23; Staff Response, 10-12.

Contention 2 asserts that Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C) ("NEPA"), requires that an Environmental Impact Statement (EIS) be prepared because the spent fuel pool expansion is a major federal action and thus, conversely, that the less rigorous environmental assessment prepared does not satisfy regulatory and statutory requirements. In support of the assertion, Petitioner cites essentially three bases: (1) a severe accident; (2) failure to analyze the effects of permanent waste storage at the site; and (3) failure to consider alternatives to onsite storage.

Licensee asserts that expansion of a spent fuel pool is not a major federal action within the meaning of NEPA, citing, inter alia, Portland General Electric Co., 9 NRC 263, 264-268 (ALAB-531, 1979). Because of the state of the law concerning the requirement of a NEPA EIS in the instant case, we do not reach the issue.

The severe accident postulated is based on the BNL Report. The accident assumes a cask drop causing the structural failure of the pool leading to loss of coolant, a fuel rod zircaloy cladding fire, and ultimately large radiation releases. The scenario describes an accident beyond the design basis of the plant and the spent fuel pool. However, the scenario does not identify any deficiencies in cask handling procedures that would result in such a drop and offers nothing to connect the "generic" scenario in the BNL Report with the cask handling procedures at the St. Lucie plant.

In the first instance, a contention must set forth its basis "with reasonable specificity." 10 C.F.R. 2.714(b) (1987). Absent an explanation as to why or how the cask might drop in the first place at the St. Lucie spent fuel pool, we cannot just assume it will happen and then continue on to consider all the possible consequences. The possible accident postulated thus remains too speculative to satisfy the specificity requirement for admission to the proceeding. Pacific Gas and Electric Co., 26 NRC 449, 454-457 (ALAB-880, 1987).

Severe accidents are also known as "Class 9" accidents or "beyond design-basis" accidents. Because such scenarios are highly speculative and of low probability, Commission policy and case law generally hold that they are not required to be considered in an EIS. Long Island Lighting Co., 26 NRC 383, 393 n. 17 (CLI-87-12, 1987); see generally, "Policy Statement on Severe Reactor Accidents Regarding Future Designs

and Existing Plants," 50 Fed. Reg. 32, 138 (1985). The courts have upheld that policy. San Luis Obispo Mothers for Peace v. NRC, 751 F.2d 1287, 1300-1301 (D.C. Cir. 1984), aff'd. en banc, 789 F.2d 26, cert. denied, ____ U.S. ____, 107 S.Ct. 330 (1986). An almost identical contention was considered in Pacific Gas and Electric Co., supra. There the Appeal Board held that

There is nothing, therefore, to suggest that the loss of pool coolant and zircaloy cladding fire scenario ... is anything but a remote and speculative, beyond design-basis accident ... NEPA does not require the consideration of such an event and an EIS need not be prepared.

Id. at 460. We find that conclusion controlling and so hold in this instance.

Finally, Petitioner asserts as a basis for requiring an EIS that Licensee failed to consider other possible alternatives to spent fuel pool expansion. Licensee points out that there is no obligation to seek possible alternatives, citing Portland General Electric, supra, and noting that Petitioner has not alleged any basis for concluding that the alternatives suggested are environmentally superior to spent fuel pool expansion. We concur. Contention 2 will not be admitted to the proceeding.

C. Contention 3

Contention 3 states

That the calculation of radiological consequences resulting from a cask drop accident are not conservative, and the radiation releases in such an accident will no [sic] be ALARA, and will not meet with the 10 CFR Part 100 criteria.

As bases for this contention, Mr. Rich refers to the BNL Report, citing sections of that report which identify uncertainties in accident progression and radiological consequences. Mr. Rich argues that because of these uncertainties the accident consequences of a cask drop accident in the expanded pool are not conservative and will not meet 10 CFR Part 100 requirements. In Mr. Rich's view, the uncertainties preclude the possibility of a conservative estimate. Amended Petition, 4. At the prehearing conference, Mr. Rich agreed that his reference to ALARA was misplaced since it generally applies to routine operation, not accidents. Tr. 44.

Both Licensee and Staff oppose admission. Licensee argues that the sweeping and unsupported statement that a conservative estimate cannot be made is insufficient to establish basis for the contention. Licensee states that the leap from the existence of substantial uncertainty to the conclusion that such uncertainty cannot be provided for through the use of conservatism is wholly inconsistent with both engineering practice and practice authorized by the NRC. Tr. 43; Licensee's

Opposition, 25. Mr. Rich responded that he is prepared to provide evidence related specifically to the inadequacy of the cask-drop accident calculations. Tr. 44-45.

The Board will afford Mr. Rich that opportunity. While Mr. Rich's written filing on this issue is not a model of specificity, it does raise an issue within the scope of the proceeding. The contention is accepted as modified by deletion of the reference to ALARA. Licensee's response to this contention should show that its analysis of a cask drop accident bounds those uncertainties that are identified in the BNL Report and listed as the bases for this contention. Thus, by such conservatisms and analysis, Licensee must demonstrate compliance with 10 CFR Part 100 (1987).

D. Contention 4

Contention 4 states that

That the consequences of a cask drop accident or an accident similar in nature and effect are greatly increased due to the presence of a large crane to be built inside the spent fuel pool building in order to facilitate the reracking.

As bases for this contention, Mr. Rich relies heavily on the contents of the BNL Report. He asserts that: (1) the presence of the temporary construction crane in the spent fuel pool area is contrary to Licensee's FSAR; (2) structural failure of the fuel pool due to a heavy

load drop is identified as a primary triggering event; (3) for heavy loads, human error probabilities, structural damage potentials, and recovery actions are the primary sources of uncertainties; and (4) the very presence of the crane inside the spent fuel pool building contributes to the potential for a heavy load drop accident and may inhibit the ability of the existing crane to operate in a recovery action. Amended Petition, 4-5; Tr. 45-47.

Licensee opposes admission stating that Mr. Rich uses a generalization from the BNL Report without even referring to the measures actually being taken to avoid such accidents. Licensee relies on portions of the SAR submitted with the amendment request and its responses to several NRC Staff amendment review questions related to the temporary crane and heavy load drops. Licensee's Opposition, 27-29; Tr. 49-50.

Staff states that construction accidents or safe handling of heavy loads is a litigable issue within the scope of the proceeding and since the temporary construction crane will be used to move racks within the spent fuel pool, they do not oppose admission. Staff further states that the contention may be erroneously premised on the fact that the temporary crane will be in the area during cask handling, but is otherwise adequately specific and supported by a minimally sufficient basis. Tr. 51; Staff Response, 15.

The Board finds that this contention meets the requirements of 10 C.F.R. 2.714. Cask drop accidents, although of low probability, are, potentially, among the most serious accidents considered in the operation of spent fuel pools. Consideration of Licensee's actions, either taken or proposed, to avoid construction crane related accidents would require an inquiry into the merits of the issue.

Licensee's response to the contention should also address the potential for cask transfer of Unit 1 fuel to Unit 2 in addressing construction crane accidents. (See Staff Environmental Assessment Relating to the Transfer of Unit No. 1 Spent Fuel Between Units No. 1 and 2 of the St. Lucie Plant dated February 22, 1988. The contention is admitted.

E. Contention 5

Petitioner avers in Contention 5

That FP&L has not provided a site specific radiological analysis of a spent fuel boiling event that proves that off-site dose limits and personal exposure limits will not be exceeded in allowing the pool to boil with makeup water from only seismic Category 1 sources.

At the prehearing conference, Petitioner admitted that his original basis for this contention is probably inapplicable. Tr. 58. Mr. Rich modified the contention, in effect alleging that the site specific radiological analysis of a fuel pool boiling event conducted by Licensee

is inadequate and that the NRC Staff should conduct its own independent study and analysis. Tr. 59. Upon learning that the Staff had conducted a separate analysis, Petitioner withdrew the contention but later retracted the withdrawal pending his review of Staff's analysis. Tr. 63, 73.

Licensee objected to both the original and restated contention, arguing that the contention is identical to a contention admitted in the Turkey Point proceeding but not supported by an adequate basis. The Turkey Point contention alleged that the radiological analysis of a spent fuel pool boiling event was an extrapolation of an analysis conducted at the Limerick reactor. Licensee's Opposition, 31. Licensee states that no such allegation is made in Petitioner's filing and the use of the term "greater" in the "Bases for Contention" portion lacks comparative reference. Id.

The NRC Staff did not oppose the contention, interpreting it to address the lack of a site-specific radiological analysis of a spent fuel pool boiling event which demonstrates that 10 CFR Part 20 and 10 C.F.R. Part 100 onsite and offsite dose limits will not be exceeded. Staff Response, 15. Apparently, the Staff interpreted the use of the term "greater" to apply to doses above the limits of NRC regulations.

The Board reserves judgment on this contention pending Petitioner's review of Staff's independent analysis. Mr. Rich is to advise the Board

within 30 days of his receipt of the Staff analysis (and in any event, no later than May 19, 1988) whether he wishes to pursue the contention. If he does not wish to pursue it, it will be dismissed. If he does wish to pursue it, it will be ruled on at that time.

F. Contention 6

Petitioner asserts in Contention 6 that

The Licensee and Staff have not adequately considered or analyzed materials deterioration or failure in materials integrity resulting from the increased generation of heat and radioactivity as a result of increased capacity and long-term storage in the spent fuel pool.

Petitioner argues that the pool was designed to store lesser quantities of spent fuel for a shorter period of time and that licensee has failed to adequately analyze problems that may result from exposure to the increased amount of decay heat and radiation emitted by the larger number of spent fuel assemblies stored. Petitioner specifies three problems: (1) deterioration of fuel cladding; (2) loss of integrity of materials making up the storage rack and the pool liner; and (3) deterioration of the concrete of which the pool is constructed. Amended Petition, 5-6. At oral argument, Petitioner asserted that the normal temperature of the pool would be increased, subjecting the pool materials, particularly the concrete, to greater stress. Petitioner asserted that the calculations of these forces were "clearly inadequate." Tr. 65-66.

Licensee objects to the contention, first on the grounds that a similar contention was litigated in a proceeding involving the Turkey Point reactor. Licensee asserts that while intervenors there presented no testimony, nine witnesses testified that the contention there was without merit. Licensee also cites the documentation supporting the St. Lucie spent fuel pool amendment application for the proposition that the calculations of decay heat and radiation satisfy regulatory requirements. Licensee's Opposition, 35-36.

Staff does not object to admission of the contention if it is limited to the storage period authorized by the amendment. While Staff notes that the contention may be premature because raised before the Staff's evaluation is available, citing Duke Power Co., 16 NRC 460, 468-469 (ALAB-687, 1982), it does not argue that the technical objection should bar admission of the contention. Staff Response, 16-17.

We agree with the Staff. The contention is adequately specific and clearly puts licensee on notice of the issue to be addressed. Licensee's argument that the contention was copied from prior proceedings is not grounds for barring the contention in this case. The St. Lucie spent fuel pool differs from the Turkey Point plant, and thus the Turkey Point decision on contentions cannot act as a bar to considering the issue here. See, e.g., Commonwealth Edison Co., 12 NRC

683, 689 (LBP-80-30, 1980).^{*} However, the scope of the contention is bounded by the scope of the notice of hearing and must be limited to the length of time authorized by the license amendment at issue.

Commonwealth Edison Co., supra, 12 NRC 419, 426. The contention is admitted as modified.

G. Contention 8

Contention 8 states

That the high-density design of the fuel storage racks will cause higher heat loads and increases in water temperature which could cause a loss-of-cooling accident and/or challenge the reliability and testability of the systems designed for decay heat and other residual heat removal, which could, in turn, cause a major release of radioactivity into the environment.

Petitioner alleges that increases in the heat load to the fuel storage pool using high-density storage racks could lead to excessively high temperatures in the pool and that a delay in make-up emergency water could cause a fuel rod cladding fire or explosion, thereby releasing radioactivity from the fuel and posing a threat to the public. Amended Petition, 6-7. Mr. Rich clarified his contention during the March 29, 1988 Prehearing Conference by stating that his basic concern

^{*} Licensee's argument is made in connection with many of Petitioner's contentions, and it is equally without merit in those instances. The argument will not be addressed further herein.

was that the pool cooling system was inadequate under certain heat load conditions. He maintains that boiling in the fuel pool would result, with the probability that this could lead to a loss of cooling capability, and that he or his experts will provide substantial technical evidence that temperature guidelines will be exceeded. Tr. 68-70.

Licensee argues that their calculations show no departure from Standard Review Plan guidelines. Licensee objects to admitting the contention as it relates to boiling because it fails to point to any specific error in Licensee's analysis and calculations. Licensee also objects to the cladding fire portion of the contention because it fails to suggest how make-up water might be lost. Tr. 71-72; Licensee's Opposition, 37-38. Similarly, Staff would reject the contention inasmuch as Petitioner does not show that any of the safety guides would be exceeded. Staff Response, 18-19.

However, safety guides do not have the force and effect of law or NRC regulations. Moreover, bulk pool temperatures can differ significantly from temperatures at specific locations within the pool. Departure from nucleate boiling to film boiling is always a matter of safety concern. Accordingly, the Board finds Contention 8 admissible. The Board expects Petitioner and Licensee, as well as their experts, to present direct technical testimony for the record.

H. Contention 9

Contention 9 states

That the cooling system will be unable to accommodate the increased heat load in the pool resulting from the high-density storage system and a full core discharge in the event of a single failure of any of the pumps or the electrical power supply to the pumps on the shell side of the cooling system and/or in the case of a single failure of the electrical power supply to the pumps on the pool side of the spent fuel pool cooling system. This inability will, therefore, create a greater potential for an accidental release of radioactivity into the environment.

This contention alleges that, if a pump or the power supply fails, the spent fuel pool cooling system will be unable to accommodate the increased heat load associated with the higher density fuel storage and a full core discharge. At oral argument, Petitioner emphasized the vulnerability of the electrical power supply to forces such as humidity, wear, and radiation. Tr. 80. Licensee opposes admission stating that it ignores a section of the Licensee's Safety Analysis Report (SAR) entitled "Decay Heat Calculations for the Spent Fuel Pool (Bulk)" which describes the cooling system design, a detailed decay heat analysis, and the sources and times of availability of makeup water in the event of loss of cooling capability. Licensee argues that the "mere assumption" of cooling system inadequacy is inadequate. The contention fails to question the Licensee's methodology or conclusions and should be rejected for lack of basis. Licensee's Opposition, 39-40. The Staff does not oppose admission. Tr. 81; Staff Response, 20.

The Board believes that this contention meets the minimal requirements of 10 C.F.R. 2.714 in that it is sufficiently specific for litigation. While the basis for the contention is minimal, the changes in fuel density and amount provide the quantum of basis required. Licensee's evidence on this contention should be directed toward applicability of and compliance with Criterion 44 of 10 C.F.R. Part 50, Appendix A.

I. Contention 10

Contention 10 states

That in calculating time to boil after loss of cooling after completion of full core discharge with the presence of the proposed 1706 assemblies, FP&L utilized a different set of assumptions than in determining the original figures for time to boil as indicated in the Final Safety Analysis Report for the St. Lucie plant, Unit No. 1. (9.1-49. Table 9.1-3).

At oral argument, Petitioner asserted that the "time to boil calculations are not conservative." Tr. 82-85. It appears that Petitioner addresses the final assumptions used rather than the difference between assumptions used in the final Safety Analysis Report for the plant itself and those used for the final SAR for the spent fuel pool expansion. Tr. 84.

Both Licensee and Staff argue for the rejection of this contention. Staff maintains that there is not sufficient basis or specificity.

Staff Opposition, 21; Tr. 88. Licensee points out, in part, that differing assumptions in the calculations do not form a basis for a contention. Licensee's Opposition, 41. At oral argument, Licensee emphasized that Petitioner fails to specify any flaw in the assumptions challenged. Tr. 87.

The Board agrees, and the contention is rejected for lack of basis and specificity. We note, however, that in Intervenor's clarification it appears that his real concern was that the calculations, particularly in the determination of "time to boil", were not conservative. Tr. 82-88. This is precisely the subject of Contention 8, supra, and thus will be addressed.

J. Contention 11

Petitioner asserts in Contention 11

That the proposed use of high-density storage racks designed and fabricated by the Joseph Oats Corporation is utilization of an essentially new and unproven technology.

This contention asserts that the use of Boraflex neutron absorber plates as incorporated in the proposed high density storage racks is an unproven, untested technology and is unsafe. Petitioner quotes a statement from NRC Information Notice 87-43, SSINS No. 6835 (dated September 8, 1987) that: "The concern is that separation of the neutron

absorbing material used in high density fuel storage might compromise safety." Amended Petition, 8; Tr. 88-95. Mr. Rich notes also that NRC has requested more information from Licensee in this regard, and presented extensive excerpts from a Board Notification concerning potential Boraflex problems. Tr. 90-104.

Licensee disagrees stating that similar installations have been made at many reactor sites and any problems are not the consequences of "new technology" but rather a result of the discovery of "(r)ecent anomalies ... due to Boraflex shrinkage caused by irradiation ..." in three plants. Licensee also asserts that it has answered the questions concerning potential Boraflex problems in its October 20 and December 23, 1987 responses to Staff inquiries. Tr. 104-105; Licensee's Opposition, 42-44. Staff does not oppose admission. Staff Response, 21-22; Tr. 106.

The Board finds this contention satisfies the requirements of basis and specificity. While the use of Boraflex may not be considered "new technology," the problems identified in the NRC Staff Board Notifications concerning the reports on the Quad Cities and Point Beach plants raise quite specific questions about the use of Boraflex in the Joseph Oats storage racks. Contention 11 is admitted.

K. Contention 13

Contention 13 states

That Licensee has not analyzed the effect that a hurricane or tornado could have on the spent fuel storage facility or its contents, and that the SER neglects certain accidents that could be caused by such natural disasters.

As bases for this contention, Petitioner cites failure to analyze damage from hurricane or wind driven missiles, tidal waves, and prolonged washovers of the island caused by large storms. Amended Petition, 9.

Licensee argues that the contention should be rejected both because it is beyond the scope of the proceeding, citing Florida Power and Light Co., 22 NRC 590, 598-599 (LBP-85-36), and because the issue was decided at the operating license stage and no new information is presented to challenge the validity of the health and safety finding made at that time. Licensee's Opposition, 48-49. Staff concurs. Staff Response 23.

The effects of natural disasters (hurricane wind and flooding, tornado wind, and missiles) were evaluated at the operating license stage, and the plant design was found to be adequate to cope with any possible conditions. The contention provides no basis for reevaluating these effects as a result of the proposed amendment. The contention is therefore rejected.

In his "clarification" during the prehearing conference the Petitioner proposed to amend the contention to include the possible effects of "... a fully-fueled Grumman jet slamming into the spent fuel pool building ...". Tr. pp. 106-109. Contention 13, on its face, is concerned with natural disasters. Neither the Board nor the Petitioner (Tr. 107) considers the airplane scenario to be a natural disaster. We therefore do not allow the aircraft proposal to be an amendment to Contention 13. If it is to be considered at all, it should be submitted as a late-filed contention pursuant to 10 CFR 2.714(a)(1).

L. Contention 14

Contention 14 states

That FP&L has not properly considered or evaluated the radiological consequences to the environment and surrounding, human population of an accident in the spent fuel pool.

As bases for this contention, Mr. Rich asserts that the BNL Report identifies three factors not included in earlier risk assessments. Mr. Rich does not identify the three factors. He argues that the accident analysis should address the burning of the total number of assemblies authorized to be stored in the pool, an accident which is beyond the design basis for the spent fuel pool and one which would require a loss of cooling water in the pool. Petitioner further asserts that the radiological consequences are underestimated because the Licensee's

population projection for the area is inadequate. Amended Petition, 9-11. At oral argument Petitioner reiterated his general concerns about inadequate conservatisms and the possibility of a severe accident initiated by a fuel assembly or cask drop or loss of coolant mentioned in the BNL Report. Petitioner offered no further information on population changes. Tr. 109-111.

Both Licensee and Staff oppose the contention for lack of a scenario connecting the BNL Report to the specific procedure and arrangement of the St. Lucie spent fuel pool. Licensee's Opposition, 50-51. Staff Response, 24. Tr. 111-113. Mr. Rich does not allege noncompliance with a safety standard or provide a credible accident scenario. In order to accept this contention, a credible mechanism or scenario for a spent fuel pool accident such as loss of cooling water must be provided. Because this has not been done, the contention cannot be admitted.

M. Contention 15

Contention 15 states

That the increase of the spent fuel pool capacity, which includes fuel rods which have experienced fuel failure and fuel rods that are more highly enriched, will cause the requirements of ANSI-N16-1975 not to be met and will increase the probability that a criticality accident will occur in the spent fuel pool and will exceed 10 CFR Part 50, A 62 criterion.

Petitioner asserts that the increased number of fuel rods stored will increase the "chances that the fuel pool will go critical." Amended Petition, 11. At oral argument, Petitioner withdrew the phrase "which have experienced fuel failure" from the Contention. Tr. 114.

Licensee argues that this contention is identical to one proposed in another proceeding. There the contention was admitted but later was summarily dismissed. Here, we look only for basis and specificity, and would consider the merits only in a case of summary judgment or through the hearing process. Licensee argues further that Petitioner offers no basis for his bare allegation to question the analysis in the SAR and gives no notice of the issue to be addressed. Licensee's Opposition, 52-53. Staff, on the other hand, states its opinion that the contention raises an issue within the scope of the proceeding, is adequately specific and is supported by at least a minimal basis. Staff finds the reference to criticality resulting from failed fuel lacks nexus, but does not oppose admission of the issue "whether added storage of fuel and more highly enriched fuel will cause a criticality accident." Staff Response, 25.

The Board agrees with the Staff. Criticality control is one of the basic concerns when fuel is being stored, and the methods used to achieve this control are of great importance. The contention is therefore admitted.

N. Contention 16

Contention 16 states

That FP&L has not responded to the concerns as presented by the NRC by outlining a loading schedule for the spent fuel pool detailing how the most recently discharged spent fuel will be isolated from other recently discharged fuel and/or a full core discharge in order to mitigate potential risks from fires in the spent fuel pools [sic] resulting in releases of radioactivity into the environment in excess of the 10 CFR 100 Criteria.

Petitioner's basis for this contention begins with the following quote from page 80 of the BNL Report:

For those plants which have a significant spent fuel pool risk, the one preventive measure which appears to have a substantial effect on risk (a risk reduction of 5 or more) is to maintain recently discharged fuel in low density storage racks that are isolated from the rest of the fuel racks by a foot or more of space.

Amended Petition, 11. The reduction of risk is pinned to the occurrence of an accident that causes a complete and rapid loss of water in the spent fuel pool. There is no assertion that St. Lucie is one of the plants with a significant spent fuel pool risk or that the Licensee's plan for reracking and storage is not in general accordance with the recommendations contained in the BNL Report. The NRC Staff's Safety Evaluation Report describes Licensee's plans to have two discrete regions in the reracked fuel pool. Region I, a specially designed region with greater spacing and neutron absorber material between

storage cells, is planned to accommodate new fuel cell assemblies or spent fuel assemblies that have not achieved a particular burnup level. Region 2 with closer spacing of spent fuel cells and a different neutron absorbing materials configuration is designed to store spent fuel with a particular minimum burnup level which is calculated for various initial enrichments. See Attachment to License Amendment No. 91, pp. 5-5, 5-6, and 5-6b and attached Staff Safety Evaluation at 3.

Again, the acceptance of this contention requires consideration of an accident greater than the design basis accident. Absent a credible mechanism or scenario for such an accident to occur, the contention cannot be accepted. The contention must be denied for lack of basis and specificity.

* * *

Because this memorandum and order grants a petition for leave to intervene, it is appealable by any party other than the petitioner on the question of whether the petitions should have been wholly denied. 10 CFR 2.714a(c) (1986).

ORDER

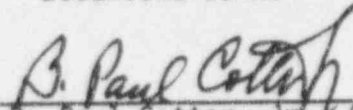
For all the foregoing reasons and based upon consideration of the entire record in this matter, it is this 20th day of April, 1988,

ORDERED

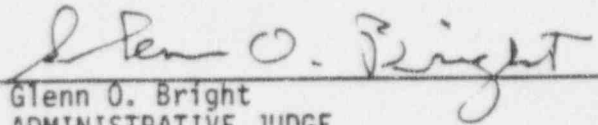
1. That Petitioner Campbell Rich is admitted as a party to this proceeding;
2. That Petitioner's Contentions 3, 4, 6, 8, 9, 11, 15 are admitted, as amended, the decision on Contention 5 is deferred, and all remaining contentions are denied;
3. That the contentions and their bases admitted in paragraph 2 above, are renumbered and restated, when appropriate, as set forth in Appendix A hereto which is incorporated herein by reference; and
4. That any party desiring to invoke the hybrid hearing procedures set forth in 10 CFR 2.1101 et seq. (1987) shall, on

or before May 6, 1988, file with this Board a written request including a proposed procedural schedule.

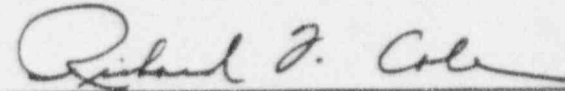
THE ATOMIC SAFETY AND
LICENSING BOARD



B. Paul Cotter, Jr., Chairman
ADMINISTRATIVE JUDGE



Glenn O. Bright
ADMINISTRATIVE JUDGE



Dr. Richard F. Cole
ADMINISTRATIVE JUDGE

April 20, 1988

Bethesda, Maryland

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

B. Paul Cotter, Jr., Chairman
Glenn O. Bright
Dr. Richard F. Cole

In the Matter of:

FLORIDA POWER AND LIGHT COMPANY

(St. Lucie Plant, Unit No. 1)

Docket No. 50-335-OLA

(ASLBP No. 88-560-01-LA)

April 20, 1988

APPENDIX A

Admitted Contentions

1. That the calculation of radiological consequences resulting from a cask drop accident are not conservative, and the radiation releases in such an accident will not meet with the 10 CFR Part 100 criteria. (Originally Amended Petition Contention 3.)
2. That the consequences of a cask drop accident or an accident similar in nature and effect are greatly increased due to the presence of a large crane to be built inside the spent fuel pool building in order to facilitate the reracking. (Originally Amended Petition Contention 4.)
3. The Licensee and Staff have not adequately considered or analyzed materials deterioration or failure in materials integrity resulting from the increased generation of heat and radioactivity as a result of increased capacity in the spent fuel pool during the storage period authorized by the license amendment. (Originally Amended Petition Contention 6.)
4. That the high-density design of the fuel storage racks will cause higher heat loads and increases in water temperature which could cause a loss-of-cooling accident and/or challenge the reliability and testability of the systems designed for decay heat and other residual heat removal, which could, in turn, cause a major release of radioactivity into the environment. (Originally Amended Petition Contention 8).

5. That the cooling system will be unable to accommodate the increased heat load in the pool resulting from the high-density storage system and a full core discharge in the event of a single failure of any of the pumps or the electrical power supply to the pumps on the shell side of the cooling system and/or in the case of a single failure of the electrical power supply to the pumps on the pool side of the spent fuel pool cooling system. This inability will, therefore, create a greater potential for an accidental release of radioactivity into the environment. (Originally Amended Petition Contention 9.)
6. That the proposed use of high-density storage racks designed and fabricated by the Joseph Oats Corporation is utilization of an essentially new and unproven technology. (Originally Amended Petition Contention 11.)
7. That the increase of the spent fuel pool capacity, which includes fuel rods that are more highly enriched, will cause the requirements of ANSI-N16-1975 not to be met and will increase the probability that a criticality accident will occur in the spent fuel pool and will exceed 10 CFR Part 50, A 62 criterion. (Originally Amended Petition Contention 15.)