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December 31, 1987

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In the Matter of
Florida Power & Light Company
(Turkey Point Plant, Unit Nos. 3 and 4)
Docket Nos. 50-250, OLA-2 and 50-251, OLA-2
(Spent Fuel Pool Expansion)

Dear Members of the Board:

On October 19, 1987, Florida Power & Light Company ("FPL" or "Licensee") filed its Proposed Findings of Fact and Conclusions of Law in this proceeding. Pursuant to the agreement of the parties, approved by the Board and described in Harold Reis' letter to you of November 20, 1987, the Intervenor's Proposed Findings of Fact and Conclusions of Law were filed on December 11, 1987; those of the NRC Staff were filed on December 24, 1987; and Licensee is entitled to file reply findings by this date. This letter is intended to serve as such reply findings.

There are, of course, differences in emphasis and detail between the proposed findings and conclusions of the Licensee and the NRC Staff. Nevertheless, they are in substantial agreement. Licensee therefore does not consider it necessary to

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reply to the Staff's pleading. In addition, Licensee believes that its proposed findings and the NRC Staff's proposed findings adequately address the issues raised in the Intervenor's proposed findings. Consequently, Licensee does not believe it to be necessary to burden the Board with extensive additional formal proposed findings of fact and conclusions of law. Instead, Licensee will refer in this letter to the principal arguments made by the Intervenor and point out where those arguments are addressed in the proposed findings of the Licensee and the Staff.

Intervenor makes two arguments with respect to Contention 5, which pertains to the potential for lift-off of a spent fuel pool storage rack that has storage locations that overhang the rack supports. First, Intervenor's proposed findings (para. 14) allege that FPL has a "pattern and practice of abusing the 50.59 provision." As discussed in both the Licensee's proposed findings (para. 19) and the NRC Staff's proposed findings (paras. 27-28), the allegation is unfounded. Intervenor did not present any evidence supporting it, and no such evidence appears in the record of the proceeding. Second, Intervenor's proposed findings (pp. 6-8, 17, and 19) allege that the NRC Staff has not performed a timely, thorough or independent review of the potential for lift-off of the racks. In part, the allegation that the Staff's review was untimely is predicated upon Intervenor's unfounded allegation that FPL has a "pattern or practice of abusing the 50.59 provision." In any case, as demonstrated in both the Licensee's proposed findings (para. 18) and the NRC Staff's proposed findings (paras. 24-28), the NRC Staff has performed a wholly adequate review of the potential for rack lift-off and has concluded that the amount of lift-off calculated by Licensee is acceptable.

Intervenor makes three arguments with respect to Contention 6, which pertains to potential degradation of certain materials in the spent fuel pool. First, Intervenor's proposed findings (pp. 9-12, 15, and 19) argue that FPL should be required to establish a surveillance program for the materials in the spent fuel pool because the Licensee's and NRC Staff's conclusions regarding the potential for degradation during long-term storage are based upon engineering judgment rather than actual "experience in the field." Both the Licensee's proposed findings (paras. 46-48, 56-59, 64-65, and 89-94) and the NRC Staff's proposed findings (paras. 58-63, 86-91, and 96) demonstrate that the use of engineering judgment in conjunction with existing empirical data is a sufficient basis for drawing conclusions on the potential for materials degradation, and that FPL already has a sufficient program for monitoring the materials in the spent fuel pool.

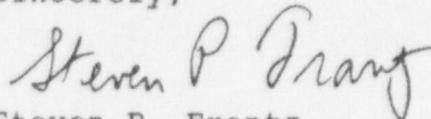
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Second, Intervenors' proposed findings (pp. 14-15, and 19) argue that the Licensee's testing has not demonstrated that there are no gaps smaller than 1.5 inches in the Boraflex at Turkey Point, and that the Turkey Point spent fuel pools will exceed the .95 K-effective limit if gaps of certain sizes (substantially greater than 1.5 inches) develop. As the Licensee's proposed findings (paras. 74-88) and the NRC Staff's proposed findings demonstrate (paras. 82-85 and 93-95), significant degradation of the Boraflex at Turkey Point is unlikely to occur; Turkey Point can accommodate gaps that are substantially greater than 1.5 inches and that are more severe than experienced at other plants without exceeding the .95 K-effective limit; and the boron in the spent fuel pool water will maintain the K-effective of the spent fuel pools below .95 even if the Boraflex is postulated not to exist.

Third, Intervenors argue (pp. 15 and 19) that the NRC Staff should be required to determine whether the Turkey Point spent fuel expansion amendments involve a "significant hazard." As the NRC Staff states in its proposed findings (paras. 94-95), there is no need to revisit the no significant hazards consideration determination for these amendments, since such determinations only affect the timing of potential hearings and the Intervenors have already been afforded a hearing.

Based upon the above, Licensee respectfully submits that the Board should not adopt the proposed findings filed by Intervenors but instead should issue an initial decision similar to that proposed by the Licensee.

Sincerely,



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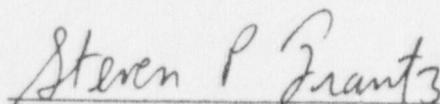
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Dated this 31st day of December, 1987.



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