

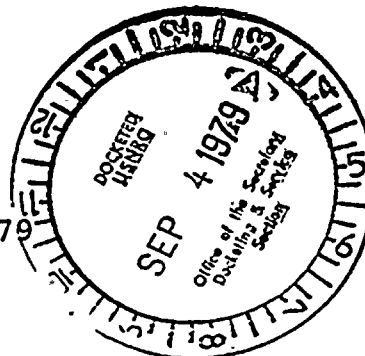
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August 31, 1979

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Dr. David B. Hall
400 Circle Drive
Santa Fe, NM 87501

In the Matter of
Florida Power & Light Company
(Turkey Point Units Nos. 3 & 4)
Docket Nos. 50-250-SP and 50-251-SP

Dear Members of the Board:

The purpose of this letter is to report to the Board on the meeting between all parties held August 30, 1979, in Miami, Florida, pursuant to the Board's Order of August 3, 1979. The purpose of the meeting was to discuss proposed contentions and possible stipulations, and to attempt to set a realistic schedule for discovery.

Prior to the meeting, counsel for the Licensee and counsel for the Intervenor exchanged proposed refined contentions. At the meeting, counsel for Intervenor indicated that the contentions Intervenor wished to litigate in this proceeding would consist in part of those contentions identified by the Board in its Order of

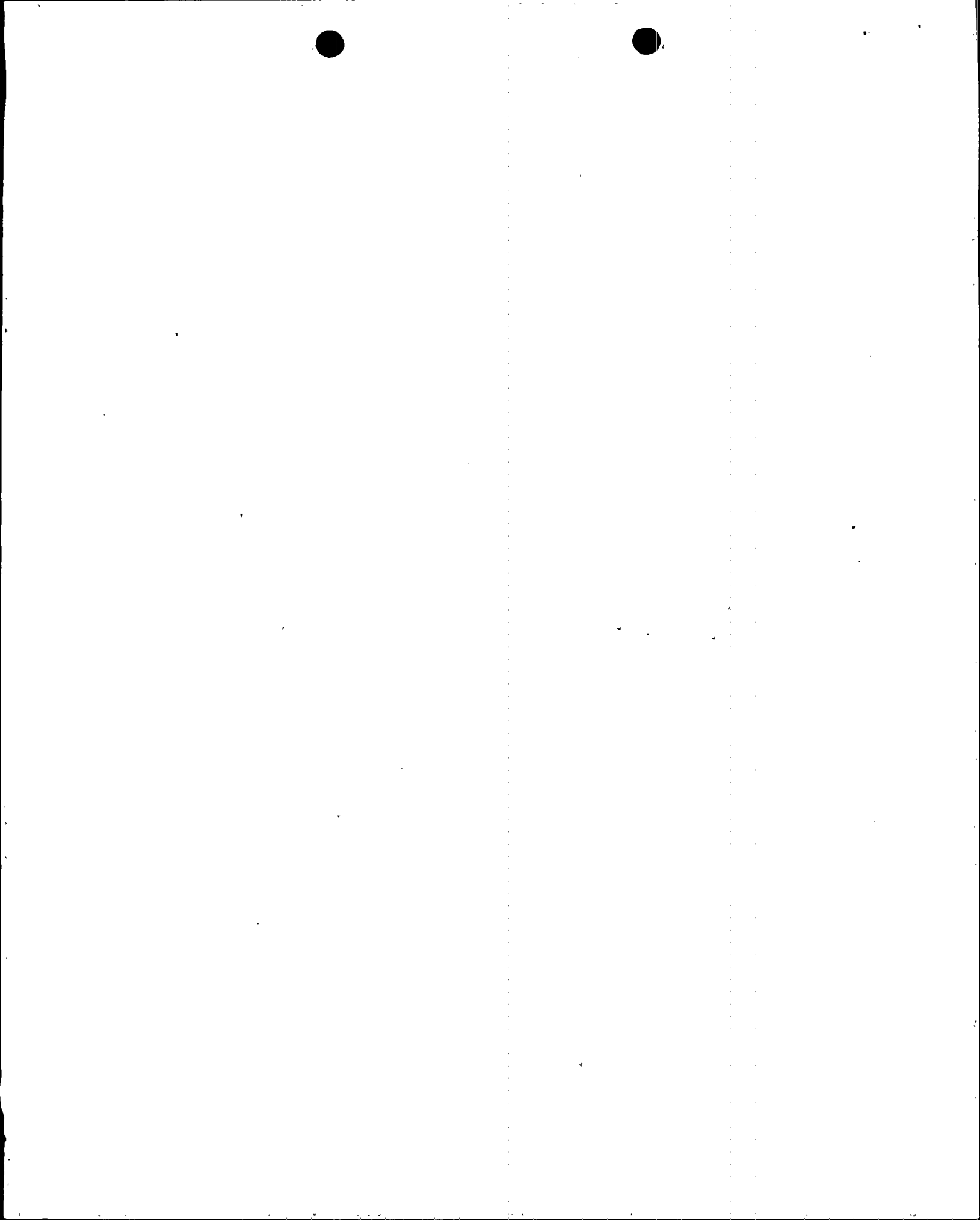
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August 3, 1979 (Contentions 2, 5, 6, 7, 12 and 18 submitted May 2, 1979). In addition, counsel for Intervenor indicated that certain contentions which had been refined from the original May 2, 1979 submittal, as well as certain other contentions which the Licensee had refined and to which additions had been made by Intervenor should also be litigated. Taken together, these contentions now supersede all prior contentions and contain all of the matters which Intervenor wishes to litigate in this proceeding. They are contained in Attachment A to this letter.

The parties are unable to reach complete agreement as to the admissibility or form of these proposed contentions. Counsel for the NRC Staff understands the Board to have admitted the contentions identified by the Board in its Order of August 3, 1979 (Contentions 2, 5, 6, 7, 12 and 18), but reserves the right to submit that certain statutes and regulations referenced therein are inapplicable. The NRC Staff counsel also expressed the view that other contentions lacked specificity and basis, or otherwise contained matters beyond the scope of this proceeding. Counsel for Licensee expressed the view that the contentions identified by the Board in its Order of August 3, 1979 need further refinement, in particular the elimination of references to statutes and regulations which are inapplicable. In addition, counsel for Licensee believes certain of the proposed contentions in Attachment A are beyond the scope of this proceeding and the jurisdiction of this Board, and others require further refinement, particularization and specificity. The parties agreed that each would file a statement with the Board no later than September 14, 1979 setting forth its position concerning these matters.

In addition, the parties attempted to establish a tentative pre-hearing schedule. Depending upon the Board's schedule, the Licensee and the Intervenor have agreed to a tentative December 4, 1979 hearing commencement date. A procedural schedule keyed to that date is attached to this letter as Attachment B.



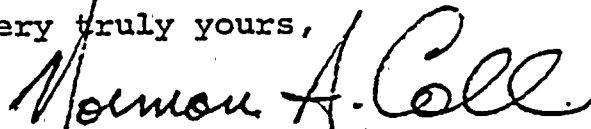
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Counsel for the NRC Staff believes it is premature to project dates to file proposed testimony or for commencement of a hearing. With respect to the date for commencement and cut-off of discovery on those issues identified by the Board in its August 3 order, counsel for the Licensee and NRC Staff agree to the dates specified in the schedule. Counsel for the Intervenor agrees to those dates, subject to the understanding that the hearing is to be held in December 1979.

In order to resolve the question of scheduling the date for filing proposed testimony and the commencement of a hearing, Licensee intends shortly to file a formal motion with the Board requesting that it adopt a proposed schedule.

Very truly yours,

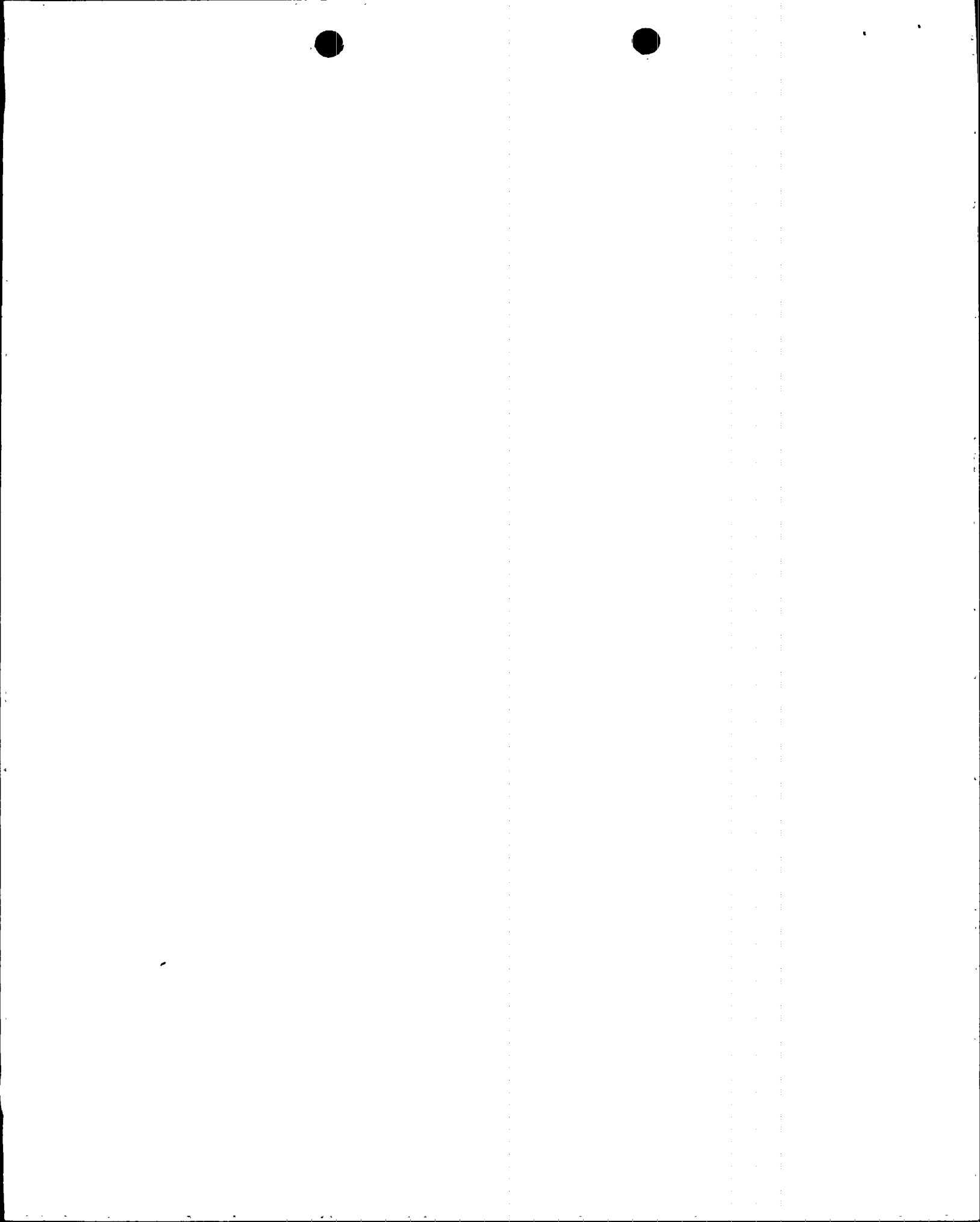
A handwritten signature in cursive script that reads "Norman A. Coll". The signature is written in dark ink and is positioned above the printed name.

Norman A. Coll

jb

Attachments

cc: See attached Certificate of Service



Atomic Safety and Licensing Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

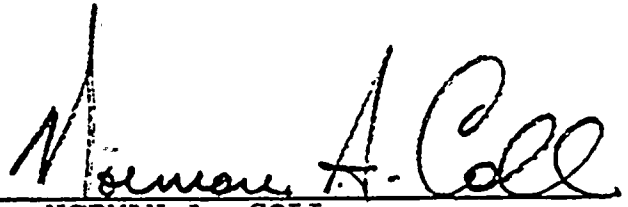
Mr. Mark P. Oncavage
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Dated: August 31, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of)	Docket Nos. 50-250-SP
)	50-251-SP
FLORIDA POWER & LIGHT COMPANY)	
(Turkey Point Nuclear Generating)	(Proposed Amendments to
Units Nos. 3 and 4))	Facility Operating License to
)	Permit Steam Generator Repair)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the attached letter of this date to the Members of the Licensing Board, captioned in the above matter, were served on the following by deposit in the United States mail, first class, properly stamped and addressed, this 31st day of August, 1979.

Elizabeth S. Bowers, Esquire
Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Oscar H. Paris
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
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400 Circle Drive
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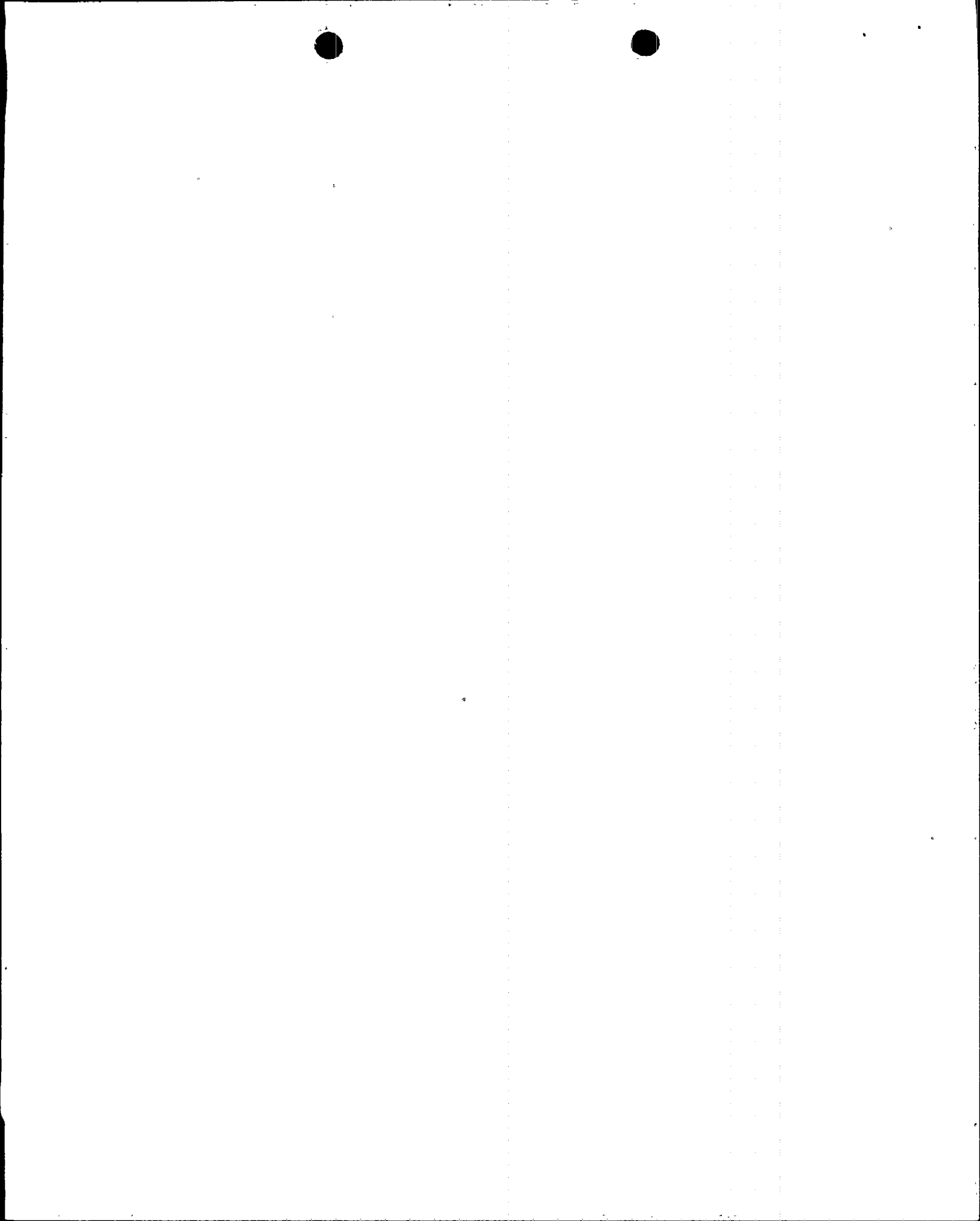
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

INTERVENOR CONTENTIONS - AUGUST 30, 1979

1. Whether pursuant to requirements of the National Environmental Policy Act (NEPA), 10 CFR Parts 50, 51, the Commission must prepare an Environmental Impact Statement on the proposed operating license (OL) amendments, with specific references to 10 CFR 50.90?
 - a. Whether the requirements of the FWPCA are met in the form of inclusion in a NEPA cost/benefit analysis?

2. Whether the steam generator repairs proposed by the utility comply with 10 CFR Part 20, NEPA, or the FWPCA?

3. Whether the handling, processing, storing, or discharging of primary coolant is in conformance with requirements of 10 CFR Parts 20, 50, 51, 100, NEPA or FWPCA?



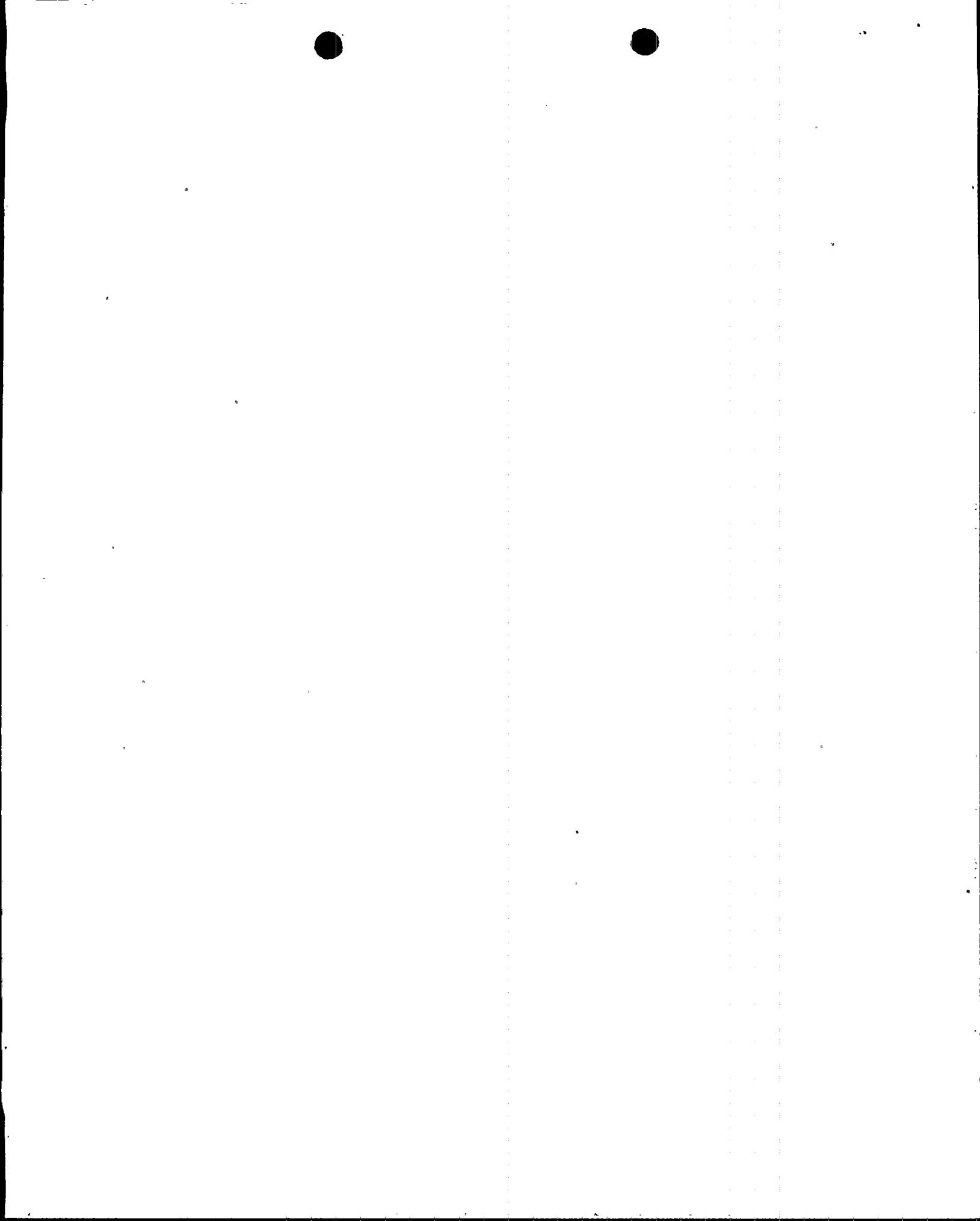
4. Whether the discharge of untreated laundry waste water complies with 10 CFR Parts 20, 50, 51, NEPA or FWPCA?

5. Whether the use of transient workers with unknown radiation exposure histories is in compliance with 10 CFR Parts 20, 51 or NEPA?

6. Whether the creation of a long-term nuclear waste storage facility at Turkey Point is in compliance with 10 CFR Parts 50, 51, NEPA, FWPCA, or any laws protecting Biscayne Bay or Biscayne National Monument, their surroundings, and their delicate life forms, with particular attention being drawn to the proposed floorless steam generator disposal building?

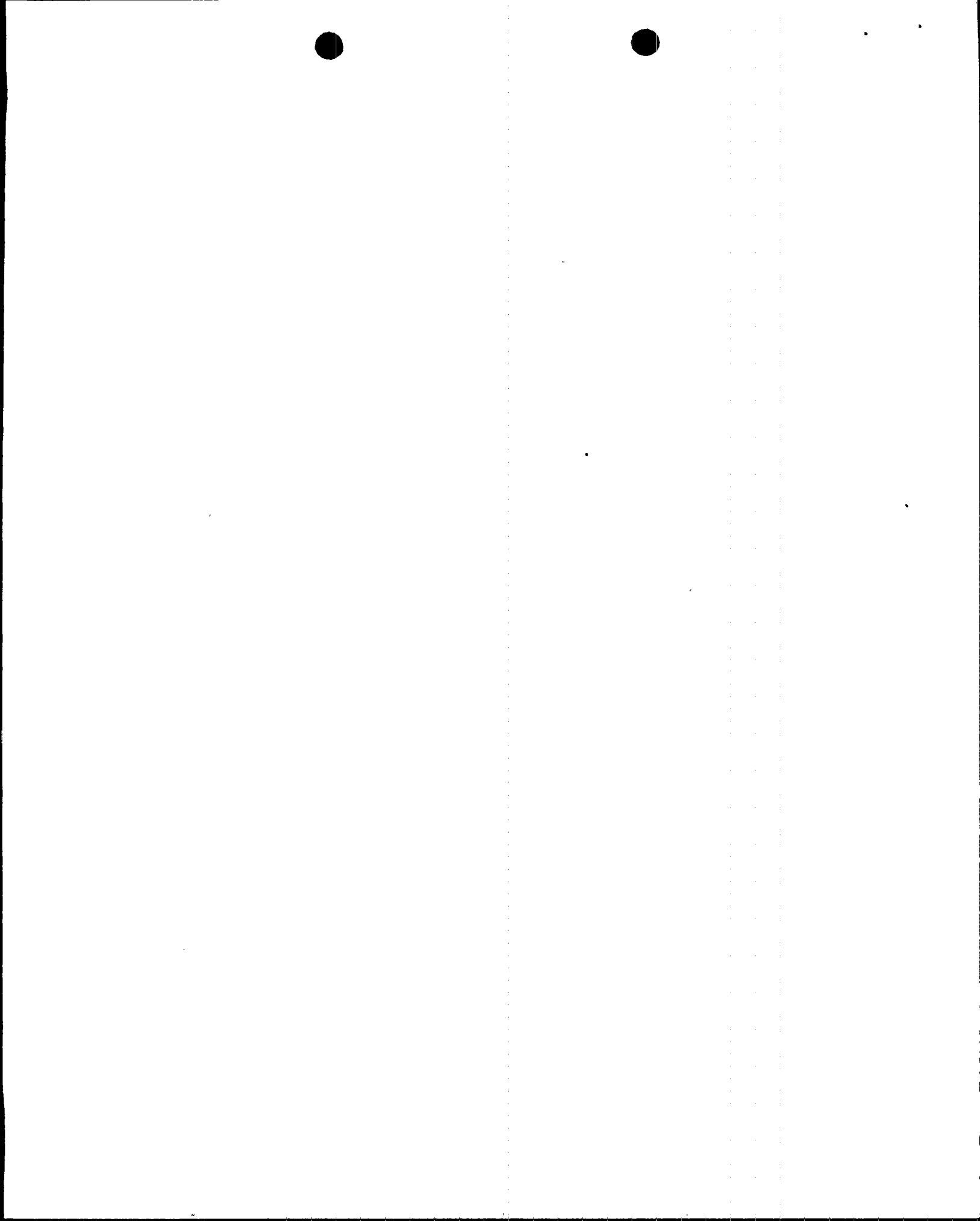
7. The Licensee has not considered in its cost benefit analysis in violation of 10 CFR Parts 50 and 51, and NEPA:

- a. the cost of a full-flow condensate polishing demineralizing system;
- b. the effluent release from a full-flow condensate polishing demineralizing system; or
- c. the environmental degradation caused by a full-flow condensate polishing demineralizing system.



8. The continued operation of Turkey Point Units 3 and 4 should be suspended because:

- a. the impaired condition of the steam generators poses the possibility of accidental loss of coolant;
- b. the impaired condition of the steam generators subjects onsite workers to unacceptable levels of radiation exposure;
- c. the impaired condition of the steam generators poses the possibility of offsite radiation releases endangering the public health and environment and violate the Federal Water Pollution Control Act by the discharge of primary coolant.



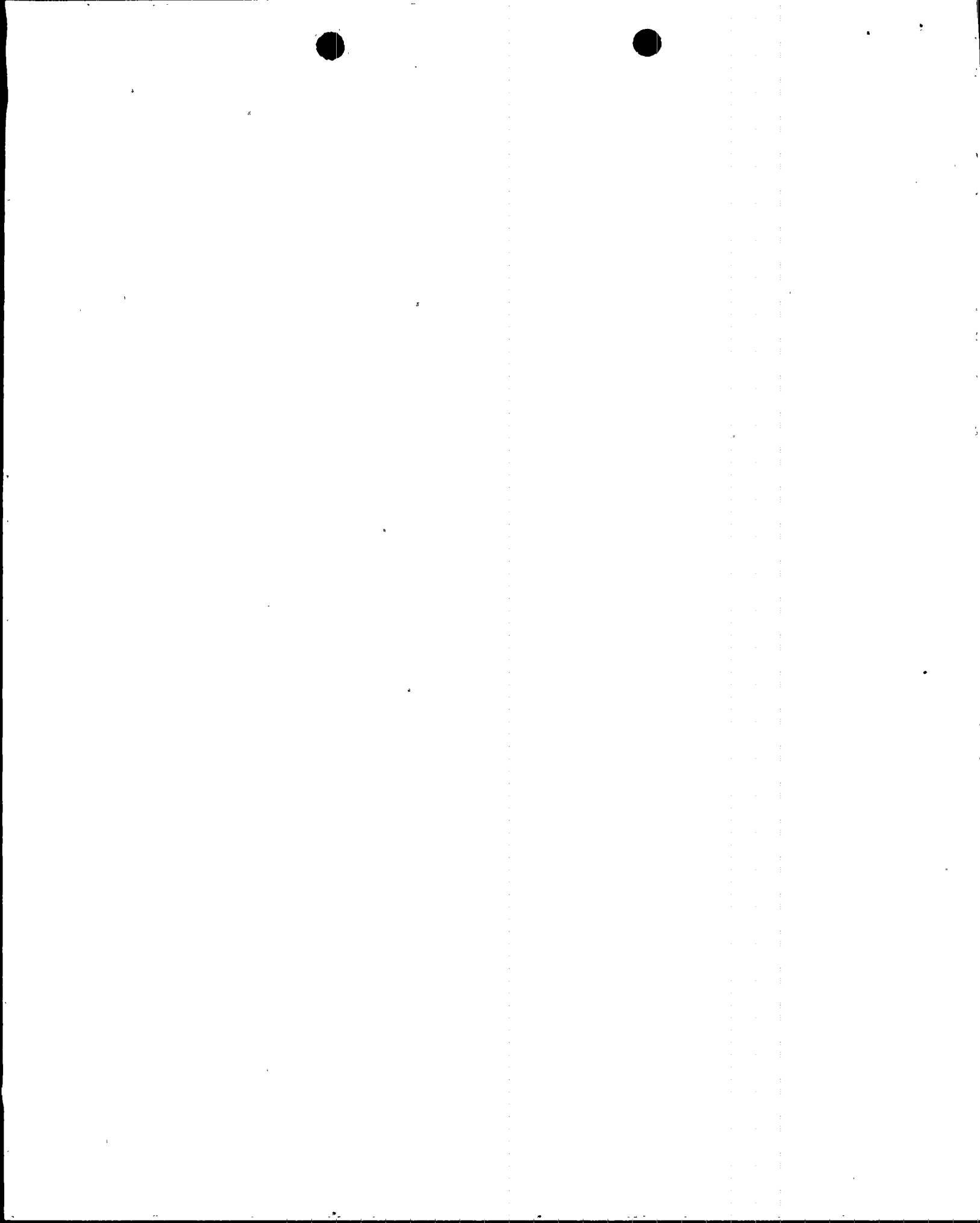
9. The cumulative offsite radiation releases as a result of all activity at Turkey Point, during the proposed repairs, are contrary to 10 CFR Parts 20, 50, 51, 100, and the National Environmental Protection Act.

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

- a. arresting tube support plate corrosion;
- b. in-place tube restoration (sleeving);
- c. in-place steam generator tube replacement (retubing);
- d. derating;
- e. decommissioning;
- f. bioconversion;
- g. conservation;
- h. solar energy;
- i. natural gas; or
- j. coal

11. The utility has failed to provide an accurate cost/benefit analysis contrary to 10 CFR Parts 50 and 51, and the National Environmental Policy Act, and the FWPCA because:
 - a. it has failed to consider the cost of future recurring steam generator repairs;
 - b. it has used the inaccurate figure of \$300,000 per day per unit for replacement power costs for reactor outage;
 - c. the use of a radiation exposure value guideline of \$1,000 per man-rem for plant workers is inaccurate;
 - d. it has failed to provide a cost/benefit analysis for an additional commitment of land resources for the creation of a nuclear waste storage facility.
 - e. it has failed to consider the costs of addition of a full flow condensate demineralizer and of condenser retubing;
 - f. it has failed to consider the additional costs caused by inflation and delay.

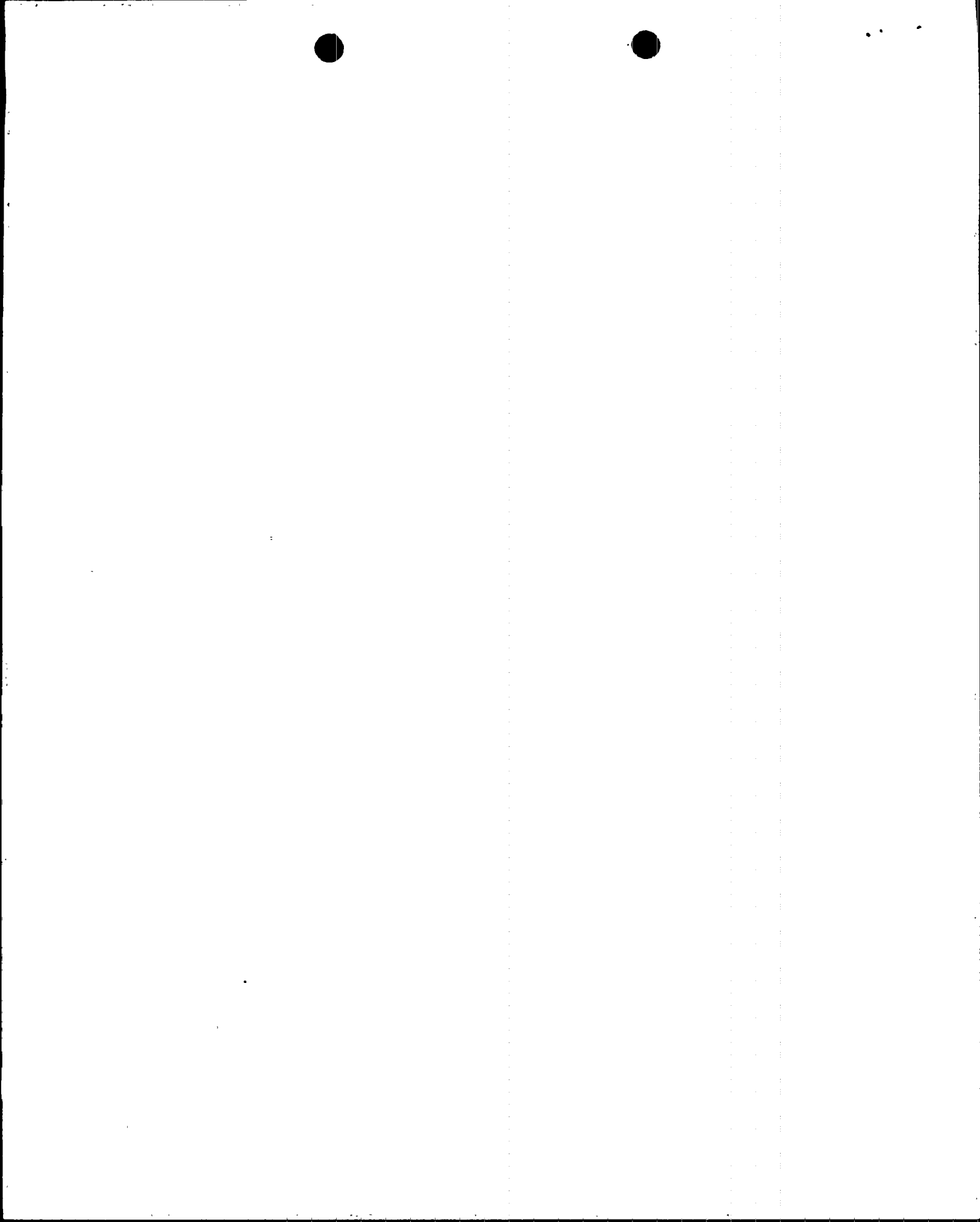
12. The programs and procedures proposed to be followed by the Licensee in making the steam generator repairs demonstrate that it will not make every reasonable effort to maintain occupational radiation exposures at a reasonably safe level and at a level within 10 CFR Parts 20 and 51.



13. The proposed method of radiation monitoring during repair of the steam generators is inadequate in that it fails to comply with 10 CFR Parts 20, 50, 51, 100, NEPA, and FWPCA.



14. The measures proposed to be taken to protect against fire hazards associated with the steam generator repairs are inadequate to protect against radioactive releases in violation of 10 CFR Parts 20, 50, 51, 100, NRC guidelines, and NEPA.



PROPOSED SCHEDULE - TURKEY POINT
STEAM GENERATOR REPAIRS
LICENSING HEARING

Thursday	August 30, 1979	Parties meet in Miami - to discuss contentions, possible stipulations, and set a schedule for discovery.
Friday	August 31, 1979	Parties report to Board (ASLB) on meeting of August 30. All parties commence discovery on contentions ruled admissible by Board in Order of August 3, 1979. (Contentions 2, 5, 6, 7, 12 and 18).
Friday	September 14, 1979	Parties simultaneously file and serve statements concerning admissibility of Intervenor's contentions filed with Board with report of August 31, 1979.
Tuesday ^{*/}	October 30, 1979	Cut-off for discovery requests on contentions ruled admissible by the Board in Order of August 3, 1979.
Friday ^{**/}	November 16, 1979	File prepared testimony.
Tuesday ^{**/}	December 4, 1979	Commence hearing.

^{*/} All parties agree that discovery on any other contentions ruled admissible by the Board may commence upon issuance of the Board's order so ruling.

^{**/} Assuming it is consistent with the Board's schedule, both Licensee and Intervenor agree to the proposed December 4 hearing date. The NRC Staff believes it is premature to project dates to file testimony or commence a hearing.

