

# STEEL HECTOR & DAVIS

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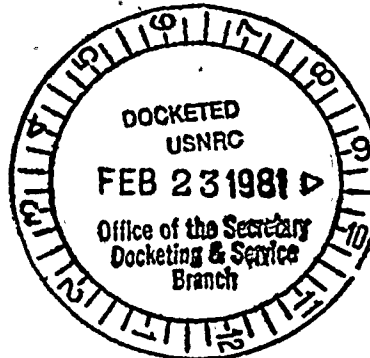
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February 19, 1981



Neil Chonin, Esq.  
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Miami, Florida 33131

Re: In the Matter of Florida Power & Light Company  
(Turkey Point Nuclear Generating Unit Nos. 3 and 4)  
Docket Nos. 50-250, 50-251 (Proposed Amendments to  
Facility Operating Licenses to Permit Steam  
Generator Repair)

Dear Neil:

Thank you for your letter of February 4, 1981 regarding  
"Turkey Point Site Inspection."

In the Intervenor's "Motion to Permit Entry Upon Turkey  
Point Site" served December 9, 1980, the motion sought an order  
authorizing access to the site, and the production of certain  
documents. Your letter of February 4, 1981 addresses both items  
and this letter will respond to both.

## Document Request

In the December 9, 1980 Motion, it was stated that "...  
the Intervenor wishes to examine. ..." three categories of  
documents (Motion, ¶8):

a. "...the Plant Survey Reports  
starting January 1, 1978. ...

b. "...the environmental radiological  
monitoring data starting January 1, 1978. ...

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c. "...the workers dosimetry records  
starting January 1, 1978. . ."

In the Licensee's Response served December 24, 1980, FPL objected to the production of the records in categories (a) and (c) for the reasons there stated, and indicated that those in category (b) were available for inspection at the Local Public Document Room which is maintained at the Urban and Environmental Affairs Library at Florida International University. FPL objected to the production of the Plant Survey Reports and Personnel Dosimetry Records on the grounds that the information sought was irrelevant and immaterial to the issues and subject matter of this proceeding and was not designed to lead to the discovery of admissible evidence. (Response pp 10, 14.) As to the Plant Survey Reports, FPL also objected on the grounds that to require it to compile such information is unduly burdensome, oppressive, and expensive in that such reports, which are prepared at the rate of 12 to 15 reports per day, and an active file of which is only maintained for 3 to 12 months, are reduced to microfilm annually on a batch basis with other plant records, and a review by FPL of all microfilm cassettes would be necessary. (Response, p. 11.) As to the Personnel Dosimetry Records, FPL also objected on the grounds that same were confidential, to which the individual has a right of privacy, and such exemption from disclosure has been authorized by Commission regulations for such records in the possession of the NRC. 10 CFR §9.5(a)(6)(i). FPL did point out that summaries of individual dosimetry records were on file and available for inspection at the Local Public Document Room. (Response, p. 14.)

In our meeting January 26, 1981, we discussed these document requests with your client and further explained the nature of the records and the reason for FPL's objections.

Your letter of February 4, 1981 states that "Douglas King, Health Physicist and Mark Oncavage, Intervenor" want to inspect certain records at the plant "...dating back to January 1, 1979. . ." identified as:

"(a) Personnel Dosimetry H.P. Records.

(b) Plat (sic) Report H.P. Records."

Your letter also requests, for the first time:



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"(c) Any supplies that may be needed to carry out the record search, i.e. lab coats, TLD's, shoe coverings, gloves, face masks, etc.

(d) A site health physicist to answer questions pertaining to the locations of the various type (sic) of H.P. records."

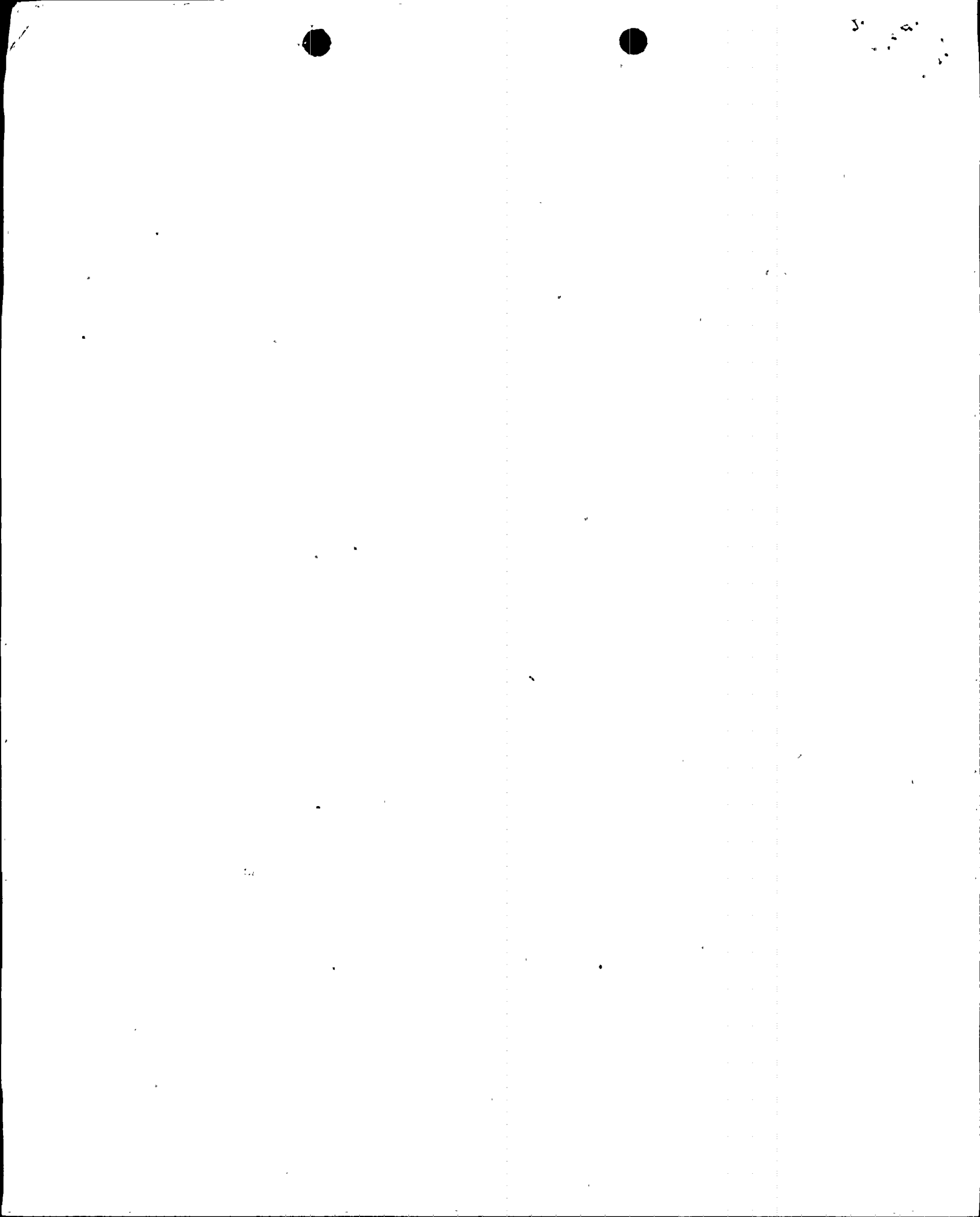
To the extent that the document request in your letter of February 4, 1981 is similar to that contained in your Motion of December 9, 1980, FPL objects on the same grounds as stated in its Response of December 24, 1980, which is incorporated herein by reference. In addition, we wish to advise you of the following objections:

A. At our meeting January 26, 1981 we explained to Mr. Oncavage the confidential, private, medical nature of individual "Personnel Dosimetry H.P. Records" and the basis for FPL's objection to their production on those grounds, as well as the availability of summaries of this data in the Local Public Document Room. Of course, FPL's objection in this regard extends to disclosing such documents to "Douglas King, Health Physicist".

B. As to the Plant Survey Reports, we have made clear the extensive, expensive nature of the search for same ". . . dating back to January 1, 1979. . ." As to the production of those which may relate to the past 3 to 12 months which may be on active file, we interpose FPL's previous objections.

C. FPL is not required to provide, and objects to your request for "any supplies that may be needed to carry out the record search. . . ."

D. FPL is not required to provide, and objects to your request for ". . . a site health physicist to answer questions



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pertaining to the locations of the various type (sic) of H.P. Records". See Belcher v. Bassett Furniture Industries, Inc., 588 F.2d 904 (4th Cir. 1978).

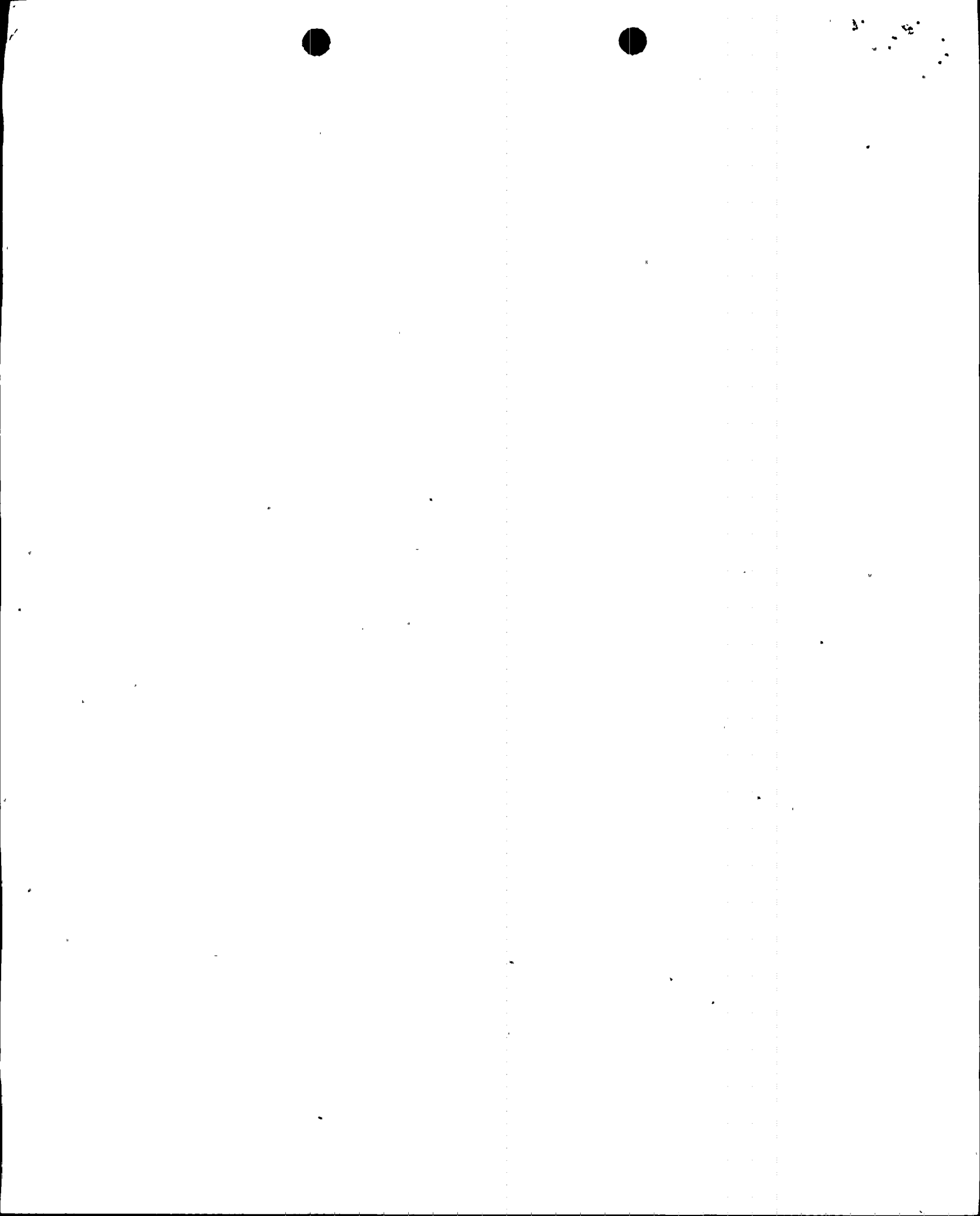
Request For Access to Site

In the Motion of December 9, 1980, the purpose of the site visit was expressed to be ". . .to determine. . .whether or not there has been radioactive leakage into the various cooling canals and surrounding areas of the Turkey Point Site . . ." and ". . .to do a physical radiological survey of Turkey Point and environs, to obtain samples of the air, water, soil, sediment, and various biota forms." (Motion, ¶¶ 5, 7, 8.)

The meeting of January 26, 1981 was attended by technical representatives from Dade County who are familiar with the current monitoring program conducted by the State of Florida for FPL at Turkey Point. The location of the monitoring equipment, method of sampling, data obtained, and refinement of data obtained from this program were described and discussed. The discussion also covered the need for those persons conducting such activities to have expert qualifications.

Mr. Oncavage was questioned about the details of the proposed site visit and the qualifications of the experts he proposed to bring with him. Mr. Oncavage was not prepared to respond to our questions for more detail at the meeting, but, at your suggestion, he agreed to consult with his experts and to provide a letter to the parties by February 2, 1981 which describes in detail the testing and monitoring proposed to be conducted including the names, addresses, and expert qualifications of the person(s) involved, so that we could discuss the matter further. (See my letter to the Board of January 28, 1981, ¶2).

Your letter of February 4, 1981 indicates that access is requested to both the restricted area and the unrestricted area of the site for "Douglas King, Health Physicist, Mark Oncavage, Intervenor, Barry Levin, Ph.D, Health Physicist, and George Swensson, Fisherman. . . to collect samples for the purpose of measuring radioactivity and surveying the site for general levels of radioactivity". Neither the identity nor the qualifications of the named individuals are further described.





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Your letter then states:

"Samples from the restricted area will consist of soils, subsoils, plants, insects, air, water, bottom sediments, algae, exterior building swipes (including containment buildings), and interior building swipes.

Samples from the unrestricted area, in the vicinity of the cooling canals, will include soils, subsoils, plants, insects, small animals, birds, fish, reptiles, algae, water, and bottom sediments."

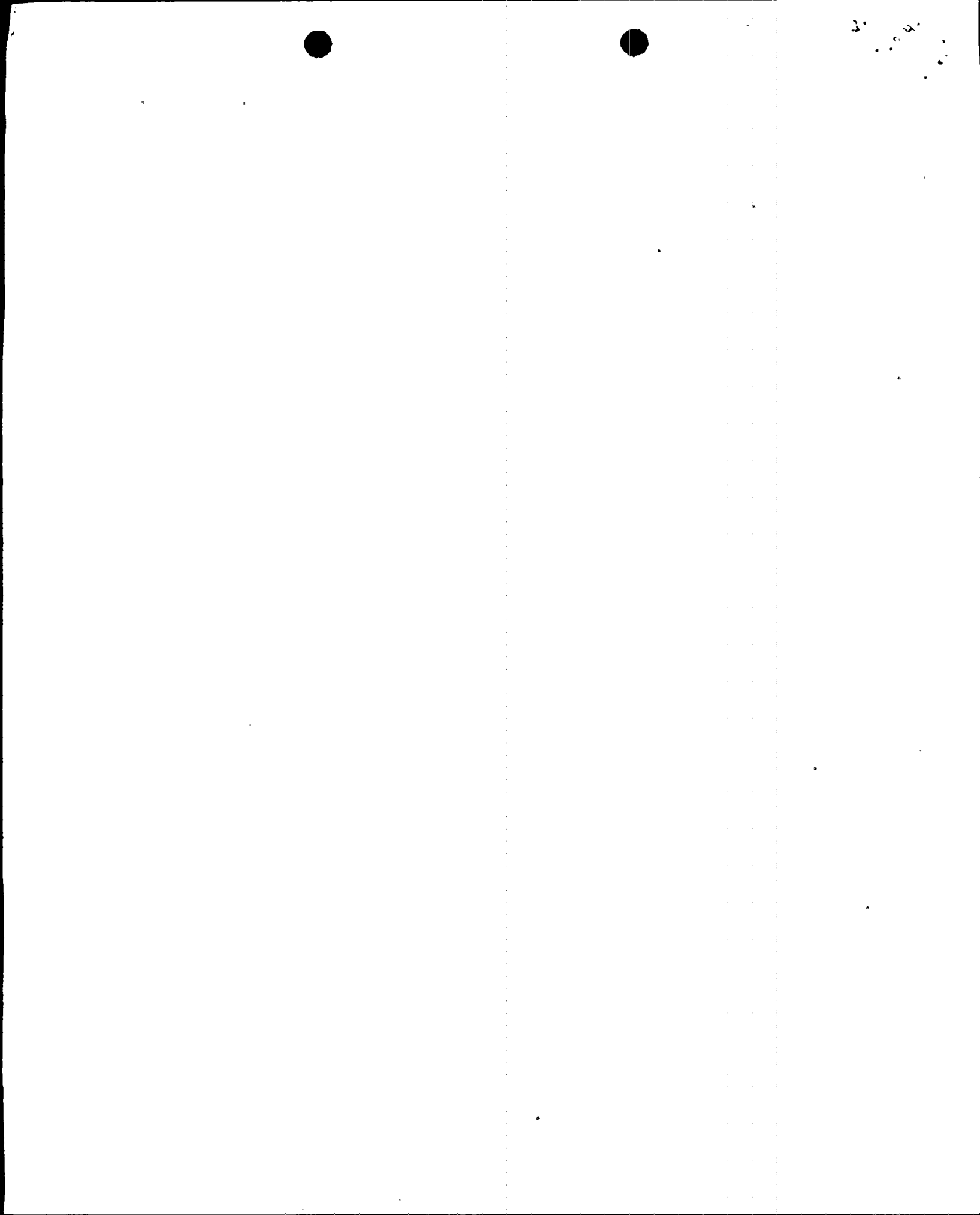
Finally, your letter states that you wish FPL to provide:

"(a) Any supplies needed to carry out the proposed sampling, I.E. (sic) hard hats, TLD's, shoe coverings, gloves, face masks, radiation protective clothing, etc.

(b) A servicable (sic) geiger counter."

Our client has given careful consideration to Mr. Oncavage's request to visit the site, as contained in the Motion of December 9, 1980 and your letter of February 4, 1981. For the reasons set forth below, it must continue to maintain its objections as expressed in Licensee's Response served December 24, 1980, and also to interpose the following objections:

A. The proposed onsite activities, as you have described them, do not appear to be designed to obtain any information different from that presently obtained by the radiological environmental monitoring programs conducted by FPL and the State of Florida. The results of the State of Florida program are reported semi-annually by FPL to the NRC and are available for inspection at the Local Public Document Room. Neither the Motion of December 9 nor your letter of February 4 suggests how or that the proposed monitoring and sampling by Mr. Oncavage would develop significantly different, or more accurate data.



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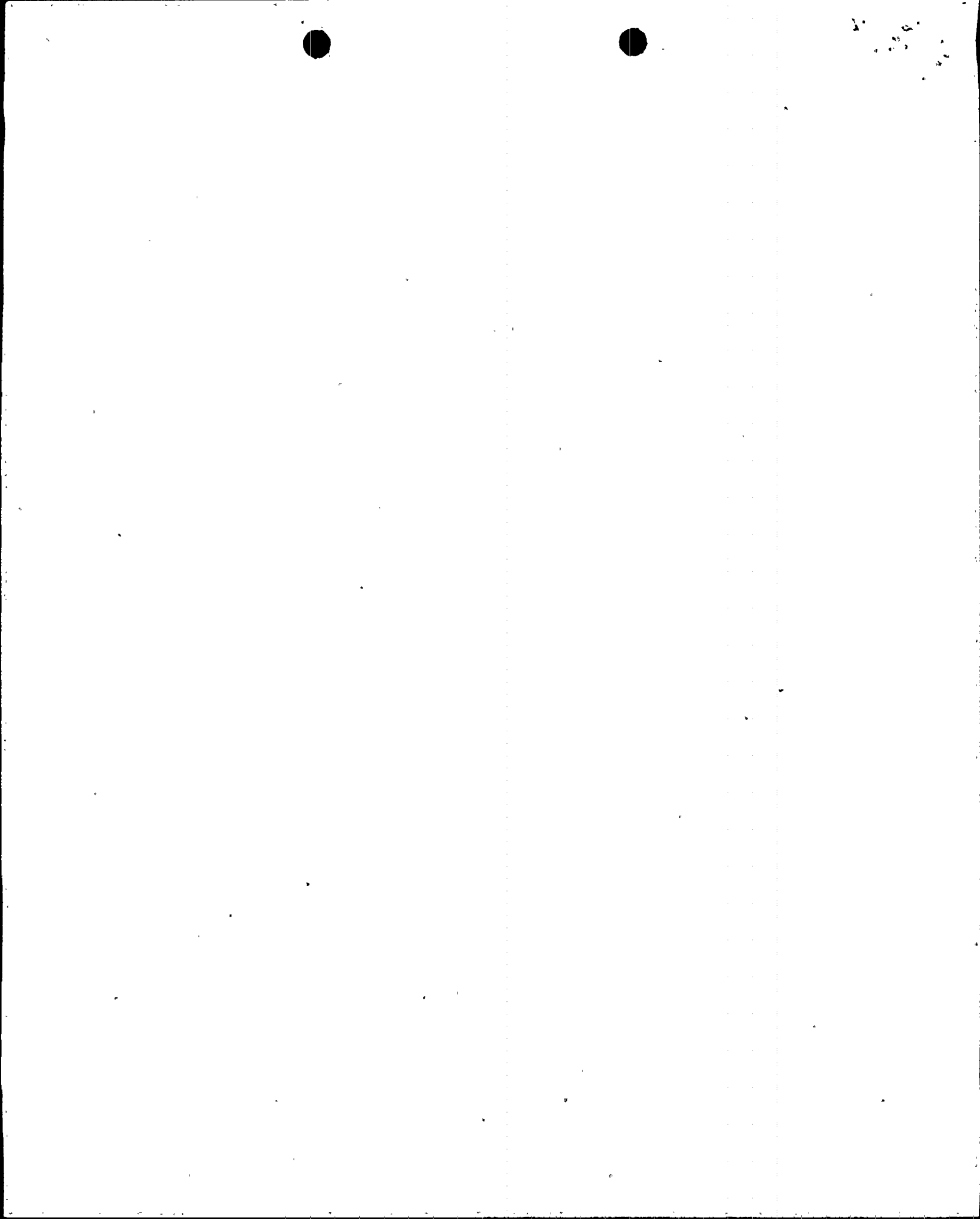
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B. Neither the addresses nor the expert qualifications of "Douglas King, Health Physicist, Mark Oncavage, Intervenor, Barry Levin, Ph.D, Health Physicist, and George Swensson, Fisherman, are disclosed. FPL is entitled, at a minimum to be provided with their addresses, and a summary of their expert qualifications including educational background (college attended, date of graduation, degree(s) received), occupational experience, and current employment.

C. The health physicists, Mr. King and Mr. Levin, do not appear to be equipped with, or have access to supplies or even elementary radiological monitoring equipment to conduct the proposed sampling and monitoring. It should be known to Mr. Oncavage, or at least to the persons whom he has designated to assist him, that his request for a "servicable geiger counter" could apply to numerous instruments, of different makes, models, and calibrated with varying sensitivities, all according to the function to be performed. In any event, FPL is not required to provide such supplies or equipment.

D. No attempt is made to describe how or that any analysis or testing of any "samples" will be performed, where it will be performed, by whom it will be performed, or what equipment will be used to perform it. Your letter does not indicate that Mr. Oncavage and his designated experts are qualified, equipped, or prepared to perform any testing or analysis on site.

E. FPL is unauthorized to release and Mr. Oncavage and his designated experts would not, without a license, be authorized to remove any "samples" from within the restricted area of the site which contain significant levels of activity. Consequently, any "samples" that Mr. Oncavage seeks to remove would first have to be analyzed by FPL to determine



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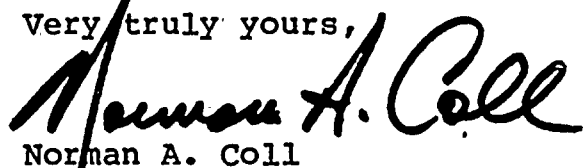
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the levels of activity. Such analysis, if performed by FPL, will be expensive and time consuming.

F. Plant security is an ever-present concern to FPL, and is of concern in this instance, in view of Mr. Oncavage's failure or reluctance to adequately disclose the identity and background of his designated experts, and his lack of specificity as to areas of the site to be visited.

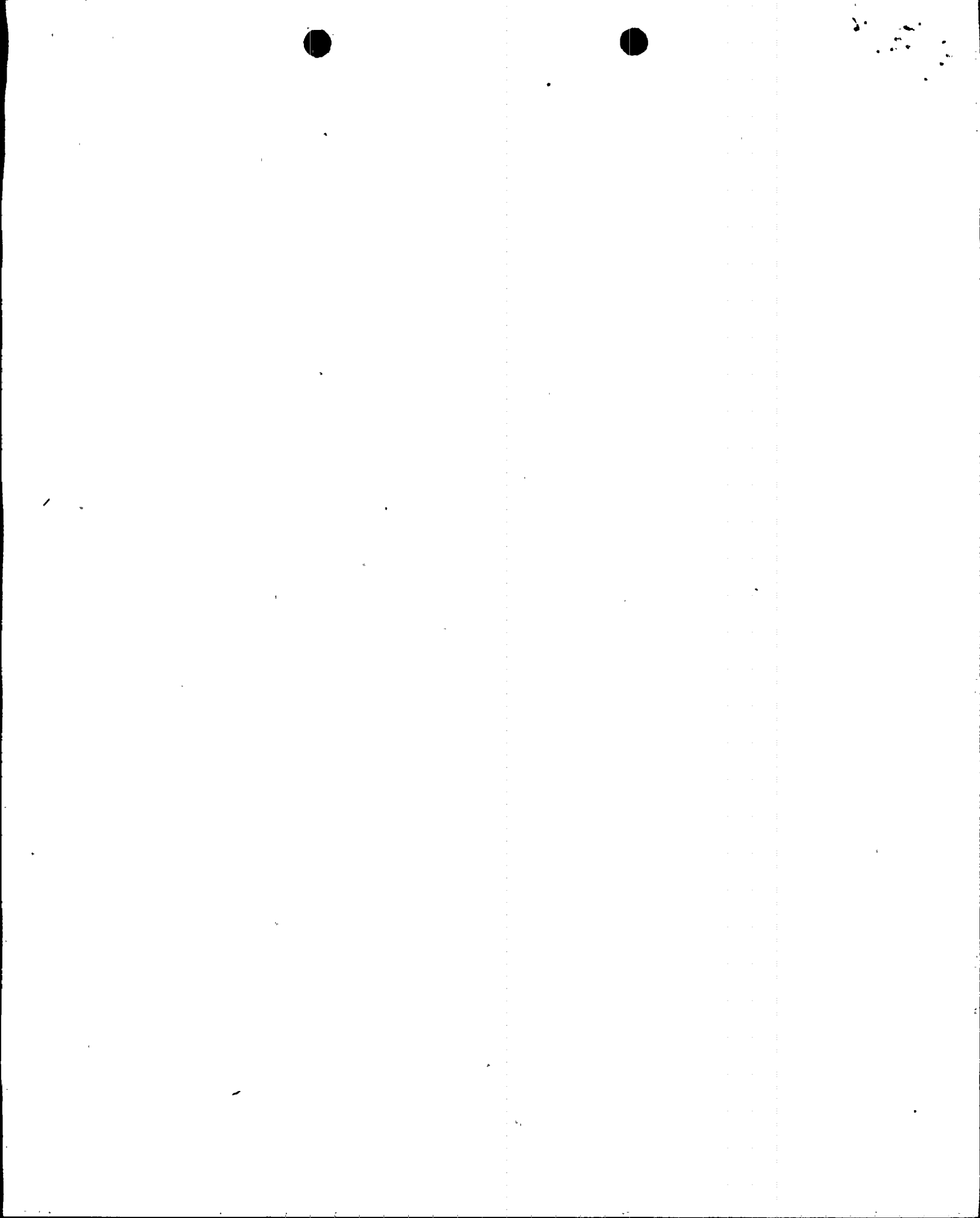
All of the foregoing deficiencies--that is the broad, generalized, non-specific description of the proposed monitoring and sampling, and areas of the site to be inspected; the failure to disclose the identity and expert qualifications of persons proposed to conduct the monitoring; the demonstrated lack of supplies and equipment for the proposed sampling and monitoring; the failure to describe what, if any, testing or analysis is proposed to be done of the "samples", or to provide for any analysis -- all create serious doubts about the accuracy, validity, and reliability of the information to be obtained, the conclusions to be drawn from it, or its probative value, if any, in these proceedings. Consequently, your letter of February 4, 1981 provides no basis for our client to change its previous position as expressed in its response of December 24, 1980.

Very truly yours,



Norman A. Coll

cc: See attached Certificate  
of Service



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

IN THE MATTER OF	)	
FLORIDA POWER & LIGHT COMPANY	)	(Proposed Amendments to
(Turkey Point Nuclear Generating	)	Facility Operating
Units Nos. 3 and 4	)	License to Permit Steam
		Generator Repairs)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing  
letter of February 19, 1981 were served on the following by  
deposit in the United States mail, first class, properly  
stamped and addressed, on the date shown below:

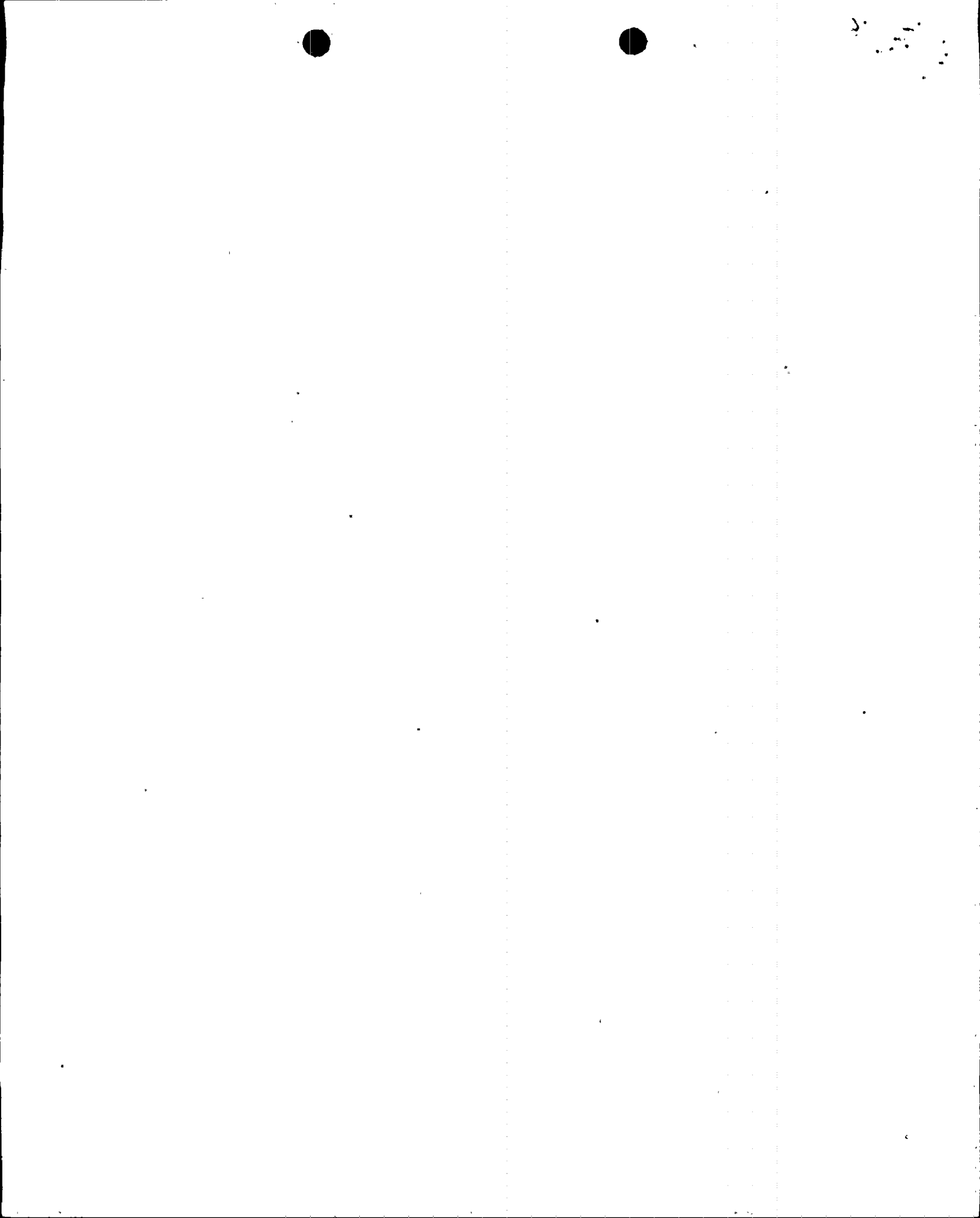
Elizabeth S. Bowers, Esq., Administrative Judge  
Chairman, Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Emmeth A. Luebke, Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
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Dr. Oscar H. Paris, Administrative Judge  
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By

*Jesús I. Astigarraga for*  
Norman A. Coll

February 19, 1981

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