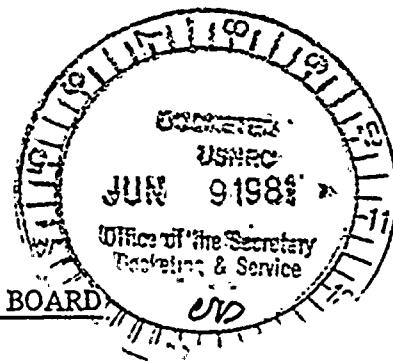


6/5/81



UNITED STATE OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

EXCEPTIONS TO DECISION

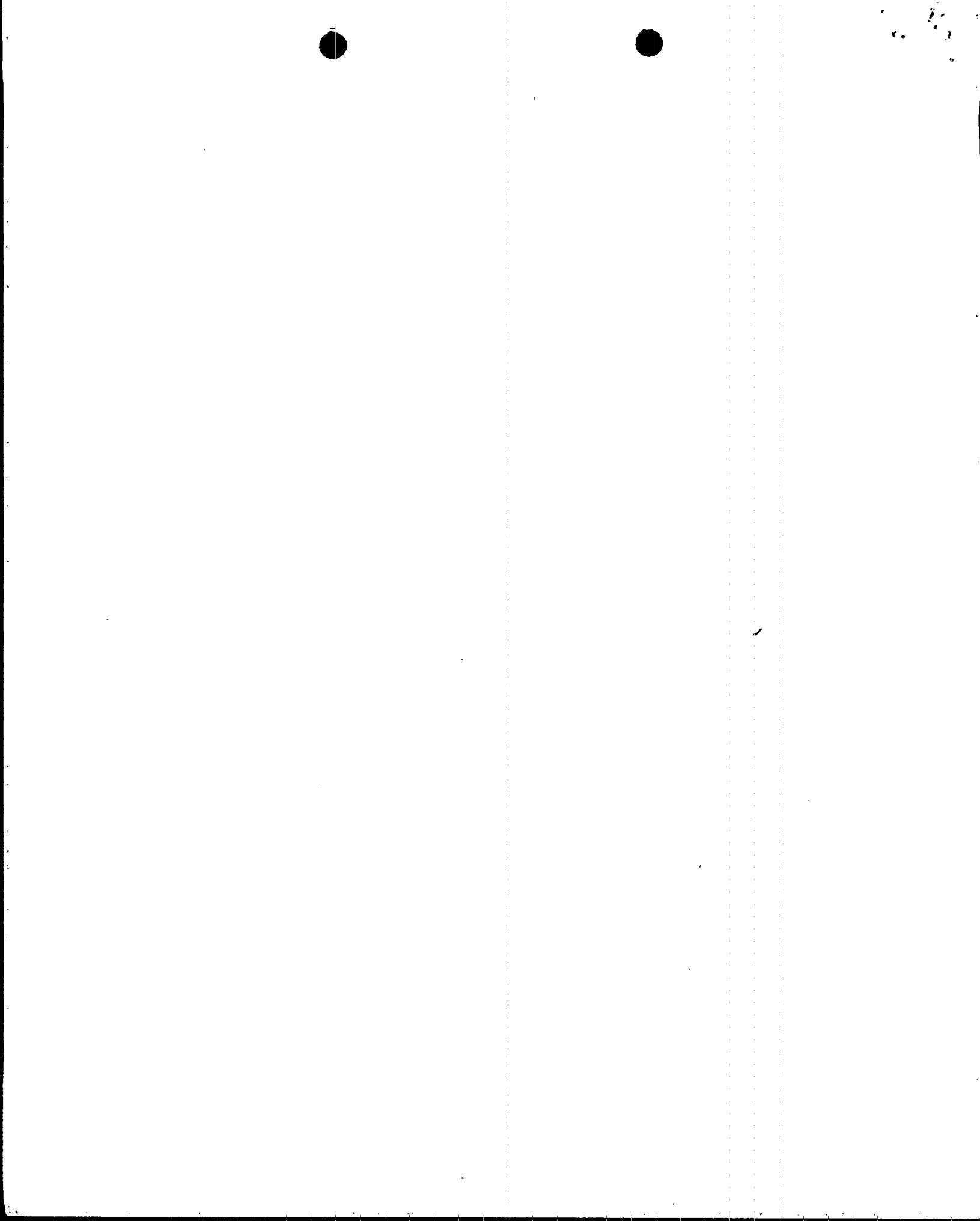
Intervenor, Mark P. Oncavage, files the following exceptions to the Memorandum and Order dated May 28, 1981.

1. The board erred in ruling that the NRC was not bound by the regulations of the Council on Environmental Quality. Last paragraph on p. 8 and first paragraph on p. 9 of the order.

2. The board erred in ruling that consideration of the use of solar energy and productive conservation was a reploting of the same ground previously assessed in NRC licensing procedures. Paragraphs one and two on p. 10 of the order.

3. The board erred in ruling that the scope of the FES encompassed the environmental impact analysis required by NEPA. First paragraph on p. 11 of the order.

4. The board erred in ruling that the alternative commitment of resources suggested by the intervenor are remote and speculative possibilities. Last paragraph on p. 14 and first paragraph after the quotation on p. 15.



5. The board erred in finding that when the repair costs are compared with the costs of continued operation in a derated mode there will be a savings of \$380 MILLION. Last paragraph on p. 15 of the order.

6. The board erred in ruling that the alternatives of solar energy and productive conservation were beyond the scope of the required environmental review. First full paragraph on p. 21 of the order.

7. The board erred in ruling that the FES contains a good faith reasonable review of alternatives as required by NEPA. First full paragraph on p. 21 of the order.

8. The board erred in ruling that the proposed steam generator repairs do not materially alter the environmental impacts of the facility or its site. Second paragraph on p. 22 of the order.

9. The board erred in assuming that Intervenor, by Contention 16, means to refer to the environmental impact resulting from the interaction of a hurricane with steam generator repair activities. Last paragraph on p. 22 of the order.

10. The board erred in ruling that contentions regarding conservation and solar energy are irrelevant and beyond the scope of issues that may be considered in this license amendment proceeding. First paragraph on p. 28 of the order.

11. The board erred in ruling that the issue of considering

the alternative of productive conservation and solar energy in combination with derating the plant does not directly arise from the proposed amendment to the license. First paragraph on p. 28 of the order.

12. The board erred in ruling that the consideration of the alternatives of solar power and conservation would amount to an irrelevant reconsideration of the need for power from Turkey Point. First paragraph on p. 29 of the order.

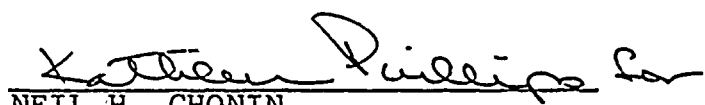
13. The board erred in summarily dismissing Contention 4B and simultaneously finding that the record is not sufficiently developed to enable the board to rule with finality on the subject of storage of loosely stacked, sealed drums in roped off areas at the plant site. Footnote 54 on p. 37 and the first paragraph on p. 40.

14. The board erred in ruling that Amendment 3 to Contention 1 does not state a cognizable contention. First paragraph on p. 22.

June 5, 1981

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By


NEIL H. CHONIN

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of
Exceptions to Decision and Notice of Appeal
was mailed on this the 6th day of June, 1981,
to the following addresses:

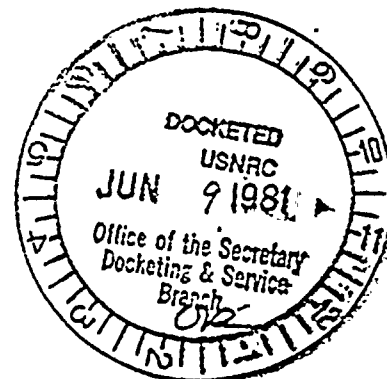
Marshall E. Miller, Esq. Administrative Judge
Chairman, Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

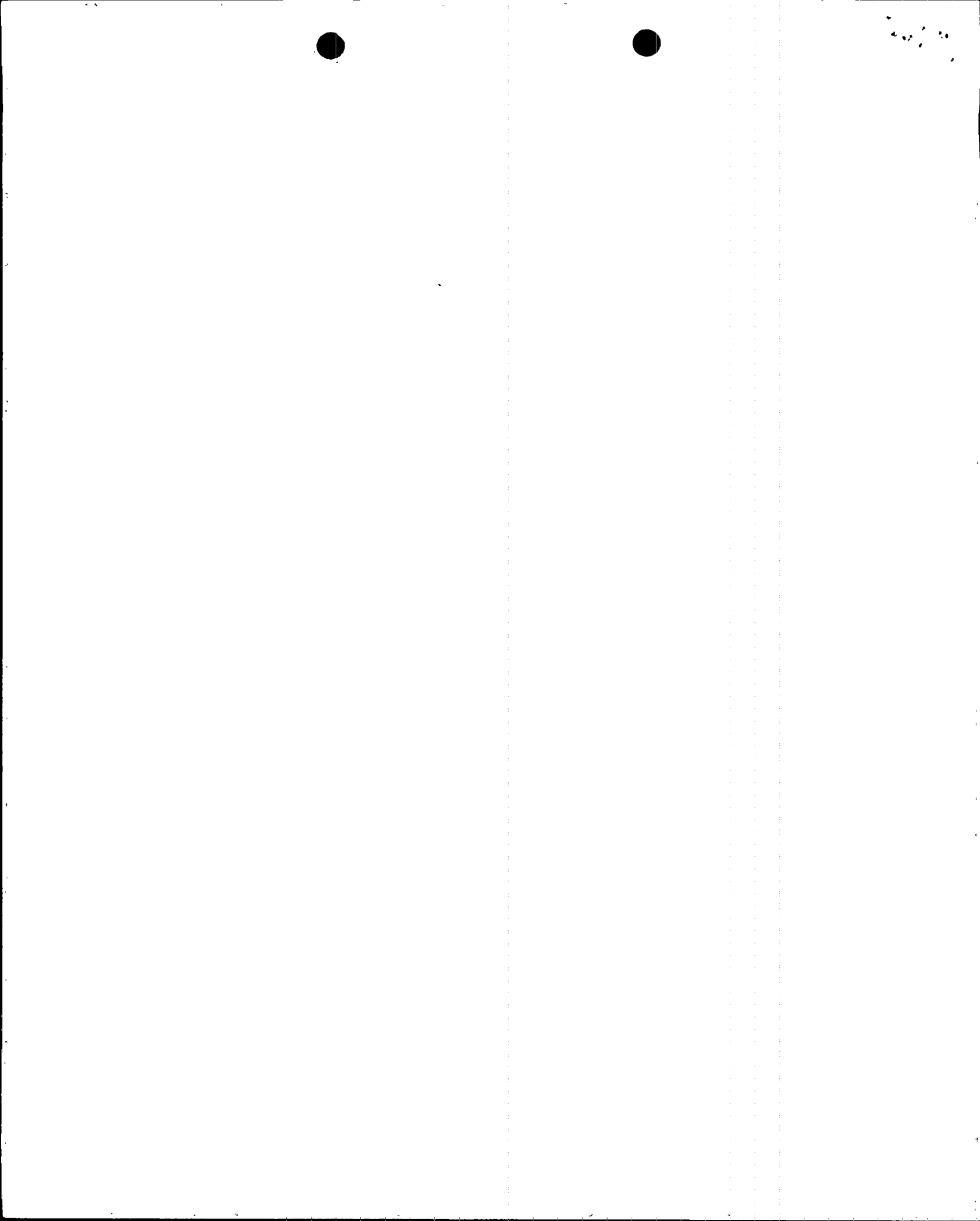
Dr. Emmeth A. Luebke, Administrative Judge
- Atomic Safety and Licensing Board Panel -
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Oscar H. Paris, Administrative Judge
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