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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)	(Proposed Amendments to
)	Facility Operating License
(Turkey Point Nuclear Generating)	to Permit Steam Generator
Units Nos. 3 and 4))	Repairs)

MOTION FOR A PROTECTIVE ORDER

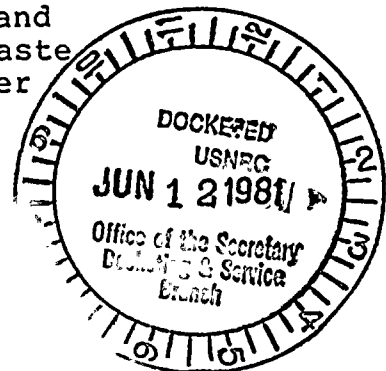
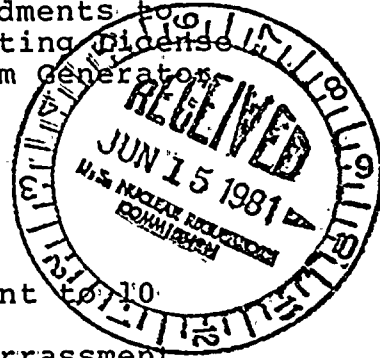
Licensee moves for a protective order, pursuant to 10 CFR §2.740(c) to protect Licensee from annoyance, embarrassment, oppression, undue burden, and expense with respect to that certain notice of taking deposition served by Intervenor June 4, 1981, and as grounds therefor shows the Board:

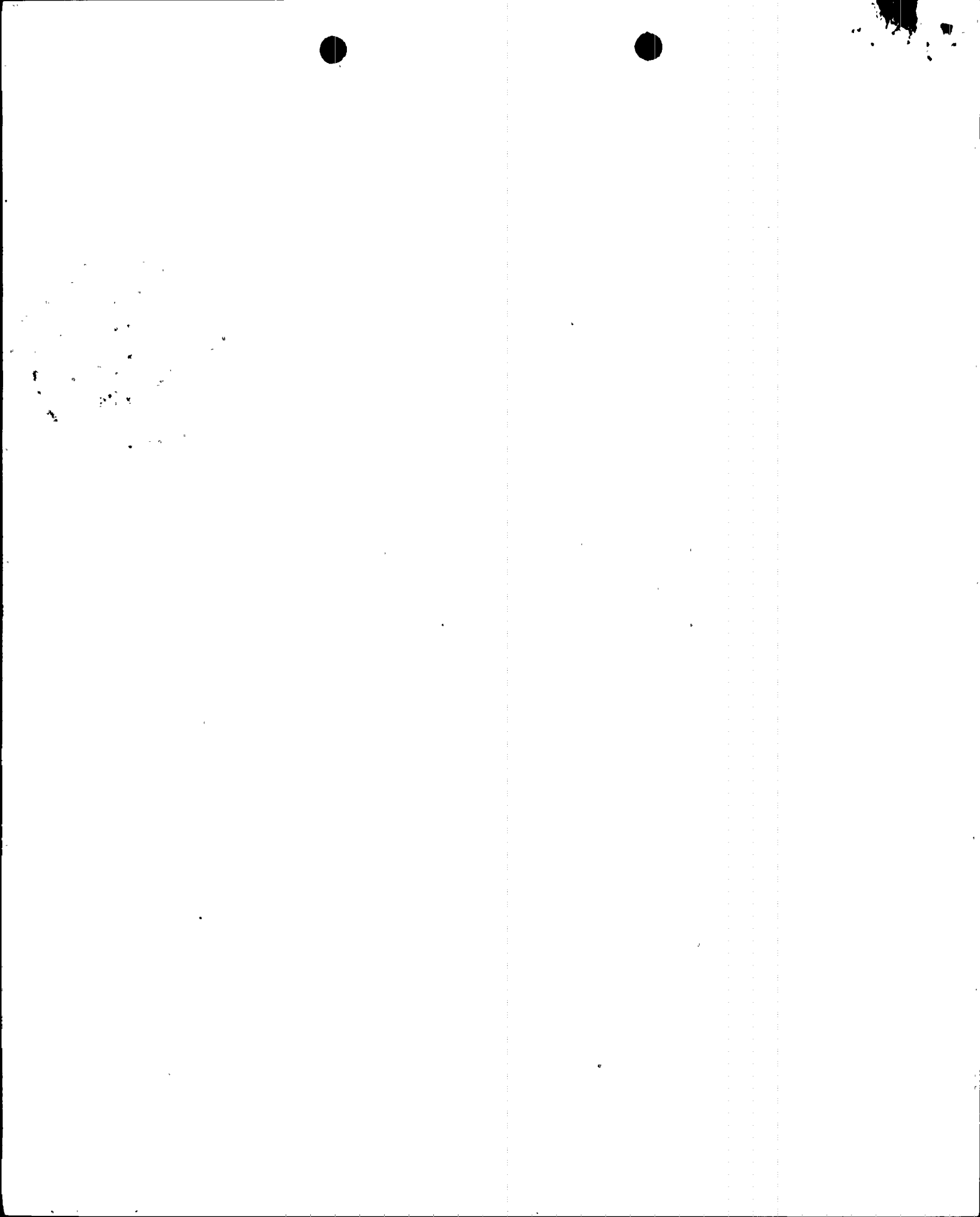
1. On June 4, 1981 Intervenor served a Notice of Taking Deposition by mail, indicating that on Thursday, June 11, 1981 at 9:30 a.m. and 11:00 a.m. respectively, in Miami, Florida, Intervenor desired to take the deposition of Licensee by deposing the following two (2) designated individuals:

1. Florida Power & Light officer, director or managing agent who has knowledge and responsibility for the present storage onsite of low level solid waste including plans for storage and or disposition.

2. Florida Power & Light officer, director or managing agent who has knowledge and responsibility for low level solid waste storage or its transportation or other

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disposition generated during the repair of the steam generators.

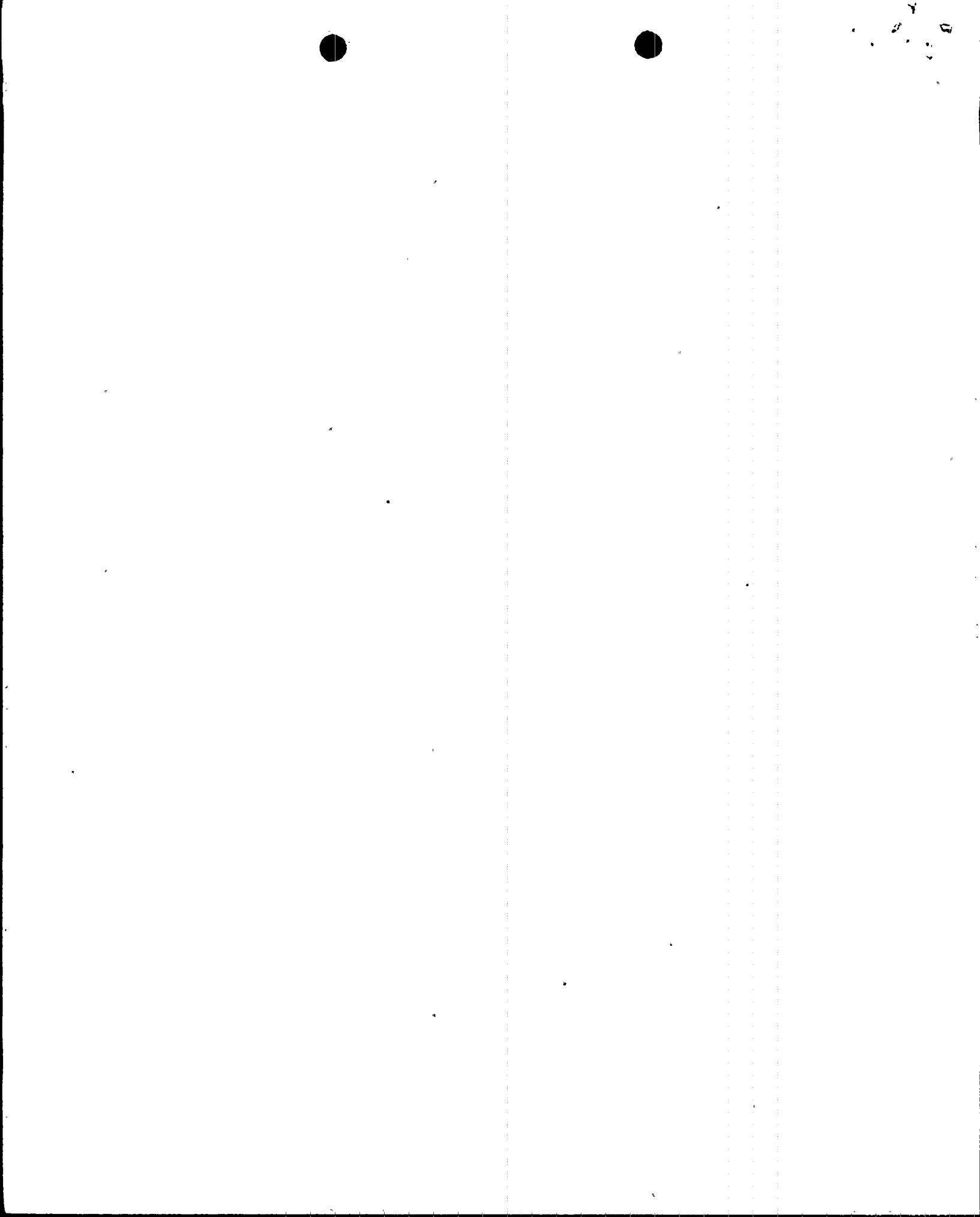
2. The notice of taking deposition specifically recites:

The oral examination will continue from day to day until completed. The depositions are being taken for the purpose of discovery, or for such other purposes as are permitted under the applicable rules. (emphasis added).

3. On February 23, 1981, in its "Order Accepting Negotiated Schedule", the Board adopted a proposed schedule to which all parties and their counsel had agreed. It specifically provided that April 15, 1981 was the date for final discovery requests, and April 30, 1981 was the last day for responses to final discovery requests.

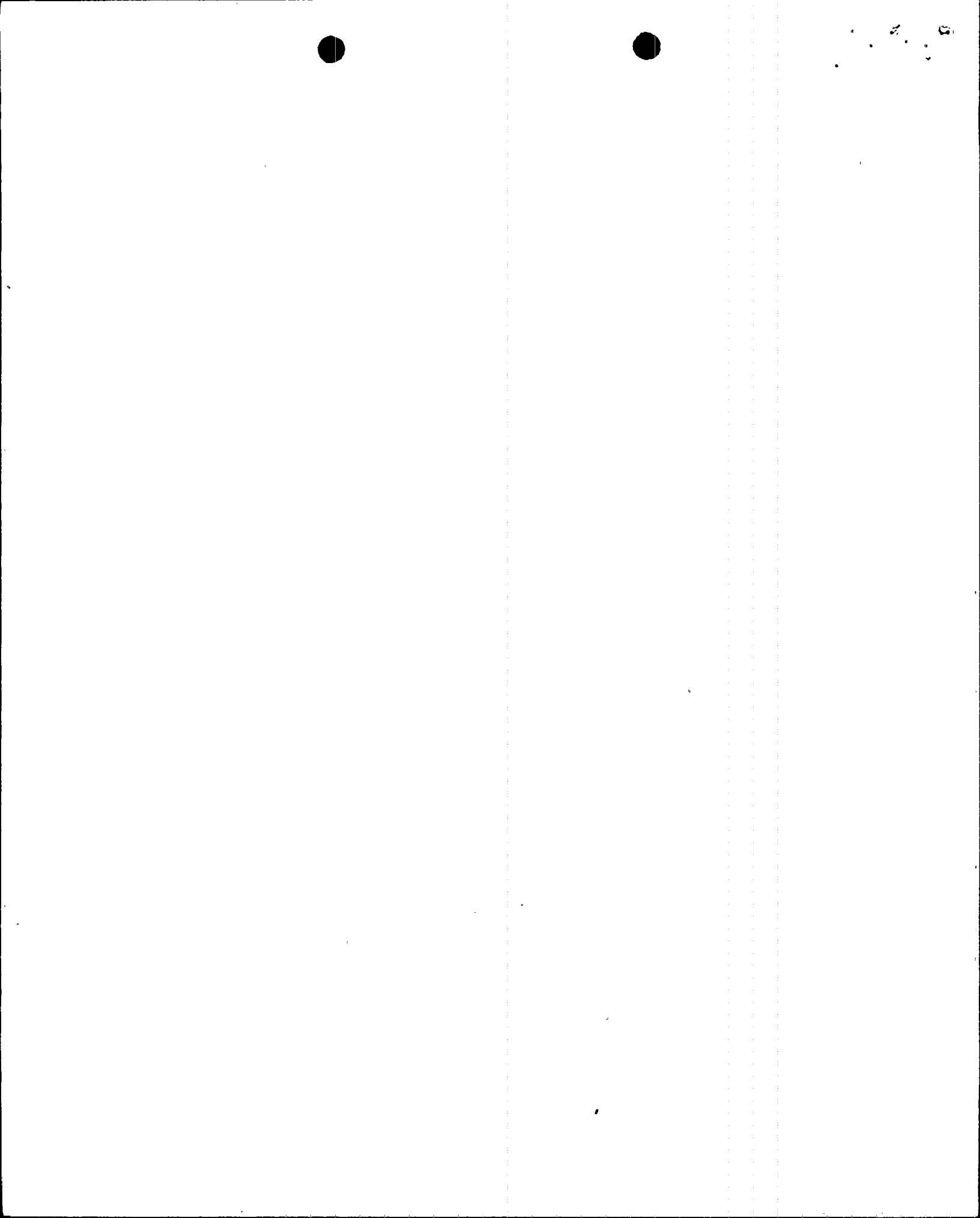
4. In its Memorandum and Order (Prehearing Conference, March 24-25, 1981), the Board permitted the Intervenor to amend Contention 4 by adding Paragraph B, which raised the question of radioactive releases during the period of repairs (TR56-60).

5. In that same Order, the Board granted the Intervenor's Motion for Site Inspection pursuant to the discovery provisions of 10 CFR §2.741, upon certain stated terms and conditions.



6. In support of its "Answer Opposing the Motion for Summary Judgment" served May 19, 1981, with respect to Contention 4B, Intervenor submitted the "Affidavit of Douglas King on Contention 4B" (Exhibit C) and the "Affidavit of Leonard G. Pardue on Contention 4B" (Exhibit D). The affidavit of Douglas King stated that during the Intervenor's site discovery visit on April 19, 1981, he had accompanied Intervenor, and had observed several locations of loosely stacked sealed drums in roped-off areas, that the drums had been identified as containing radioactive material, and that he had monitored "a few of these locations" and that "readings indicated radiation above the background level". It was further stated that the "present practice of outdoor storage of radioactive waste" was "unreasonable" in view of the likelihood of hurricanes or tornadoes.

7. On May 28, 1981, in its "Memorandum and Order (Granting Summary Disposition of All Contentions, and Cancelling Evidentiary Hearing)" the Board specifically granted summary disposition of Contention 4B (Memorandum and Order Pages 30-36). In addition, it terminated the scheduled evidentiary hearing originally scheduled to commence June 2, 1981 (Memorandum and Order Page 37). However, the Board retained jurisdiction concerning radioactive solid wastes. With respect to the latter, the Board noted:



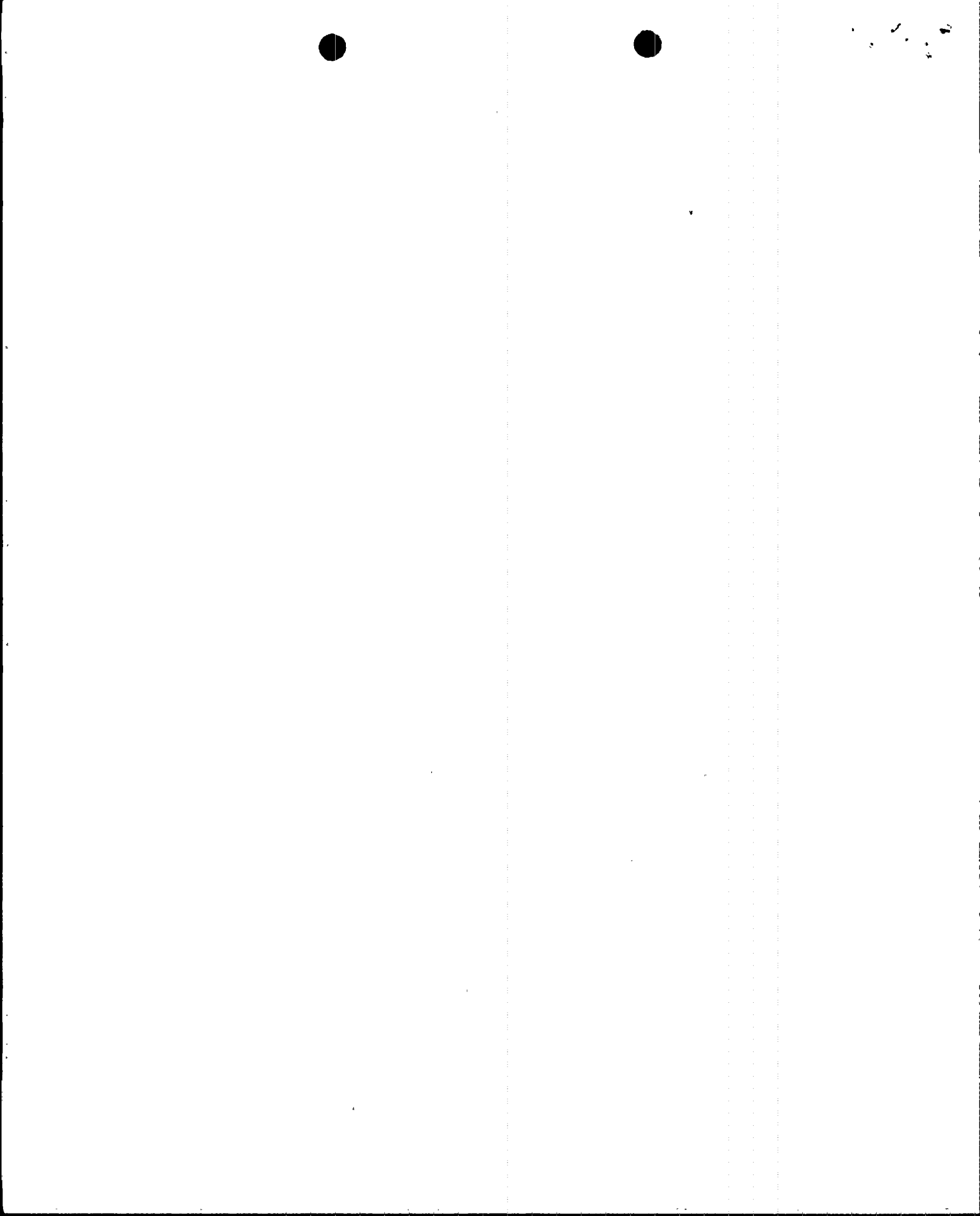
There remains one matter for which the record is not sufficiently developed to enable the Board to rule with finality . . . information regarding observations made at the Intervenor's April 19 site inspection came on May 21, in the form of an affidavit by Douglas King executed on May 13, contained in Intervenor's Answer Opposing the Motion for Summary Judgment (sic) dated May 19, 1981. That affidavit describes several hundred loosely stacked drums; apparently containing low-level solid wastes. However, due to the posture of the filings made by the several parties and the time pressures of preparing for hearing, no information on this subject has been received from the Licensee or the Staff. (emphasis added).

The Board wishes to keep the record open on the subject of solid wastes, their storage onsite in drums, or their transportation or other disposition. Accordingly, all parties are requested and directed to furnish reasonably detailed and concrete information on these matters, by affidavits or means tending to establish reliability. The parties are also requested to state their positions regarding what action, if any, the Board can or should take in this regard, including possible license amendment conditions.

Such written information should be lodged with the Board (not merely mailed) on or before 4:00 p.m. Monday, June 15, 1981.

8. In its Memorandum and Order, the Board further specifically "Ordered":

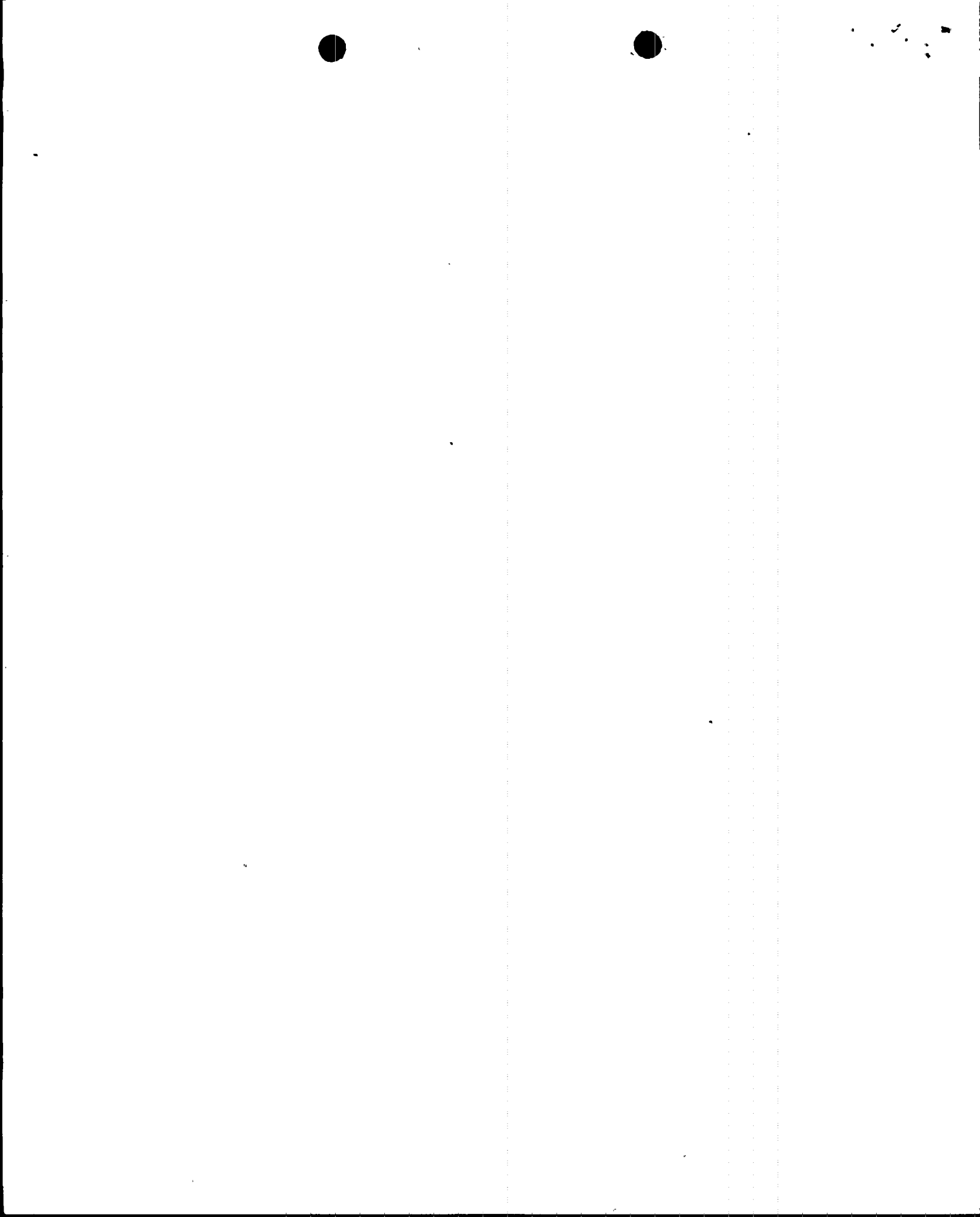
3. That the parties are directed to file by 4:00 p.m. June 15, 1981 detailed information concerning the handling, storage, transportation or other disposition to be made of low-level solid waste that may be produced at the Turkey Point facility as a result of the proposed steam generator repairs.



4. That the parties are further directed to state their positions as to whether the Board can or should take any action regarding solid waste resulting from steam generator repairs at Turkey Point, including the imposition of license amendment conditions.

9. Each of the contentions, as amended, upon which Intervenor was permitted to intervene in this proceeding "... have been summarily dismissed, there is nothing to be heard and no necessity for an evidentiary hearing." (Memorandum and Order, p. 38.) Consequently, there is no basis for Intervenor to commence discovery depositions relative to low level solid wastes to be generated by the repairs.

10. The Memorandum and Order of May 28, 1981 neither contemplates nor reopens additional discovery by the parties in order to respond to the Board's request and direction to furnish information to it on the matter concerning radioactive solid wastes. It specifically notes that information has been submitted to the Board by affidavit on behalf of Intervenor by Douglas King, and further notes that "... no information on this subject has been received from the Licensee or the Staff". If the Intervenor has no additional information, we respectfully submit that he should so state to the Board. Licensee will file with the Board an affidavit containing the information requested in the Order of May 28, 1981 on or before 4:00 P.M. Monday, June 14, 1981.



WHEREFORE, Licensee specifically requests a protective order directing that the deposition of the two designated witnesses not be taken.

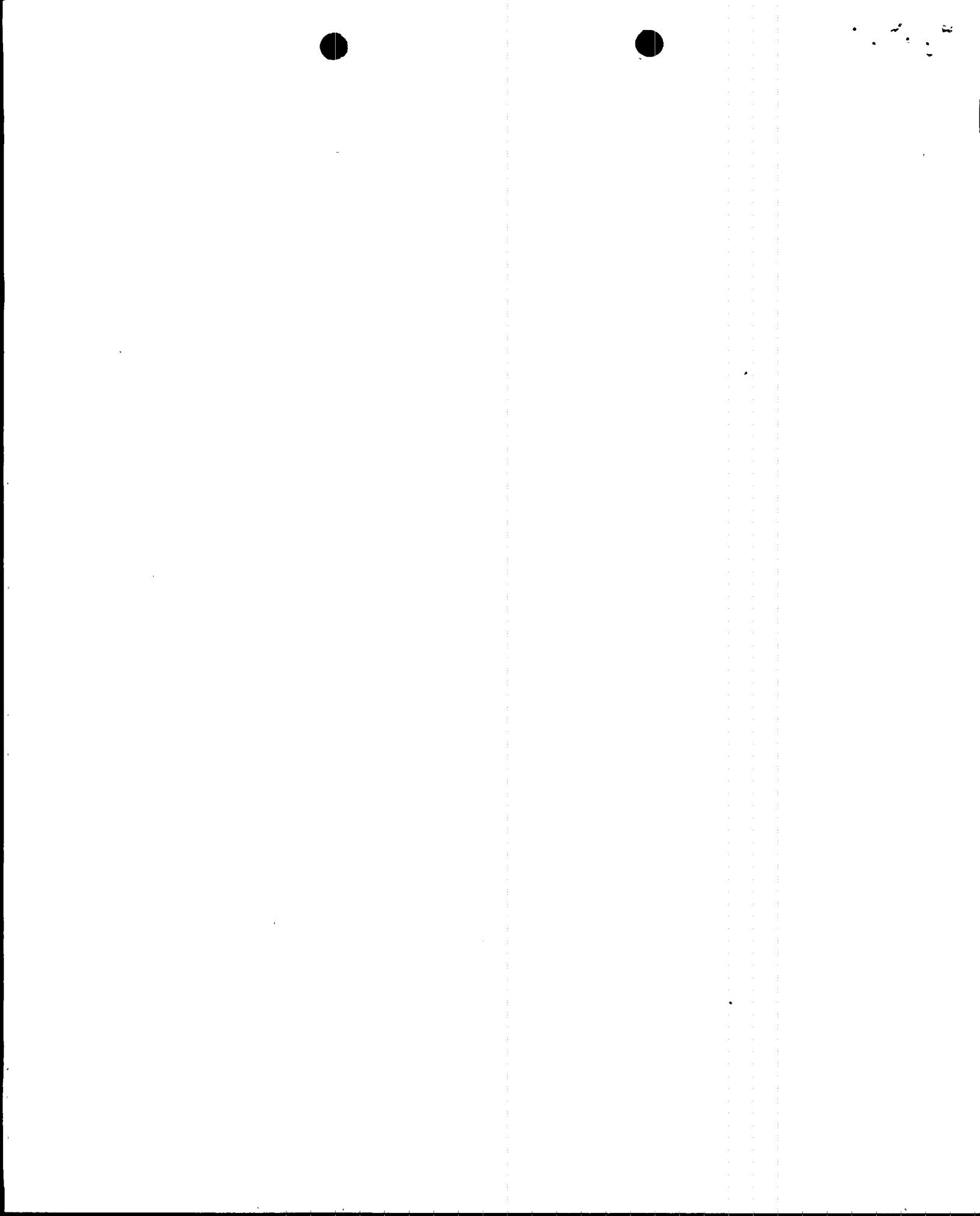
Dated this 5th day of June, 1981.

Respectfully submitted,

STEEL HECTOR & DAVIS
Attorneys for Licensee
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Bank Building
Miami, Florida 33131
(305) 577-2863

By: Norman A. Coll

Norman A. Coll



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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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

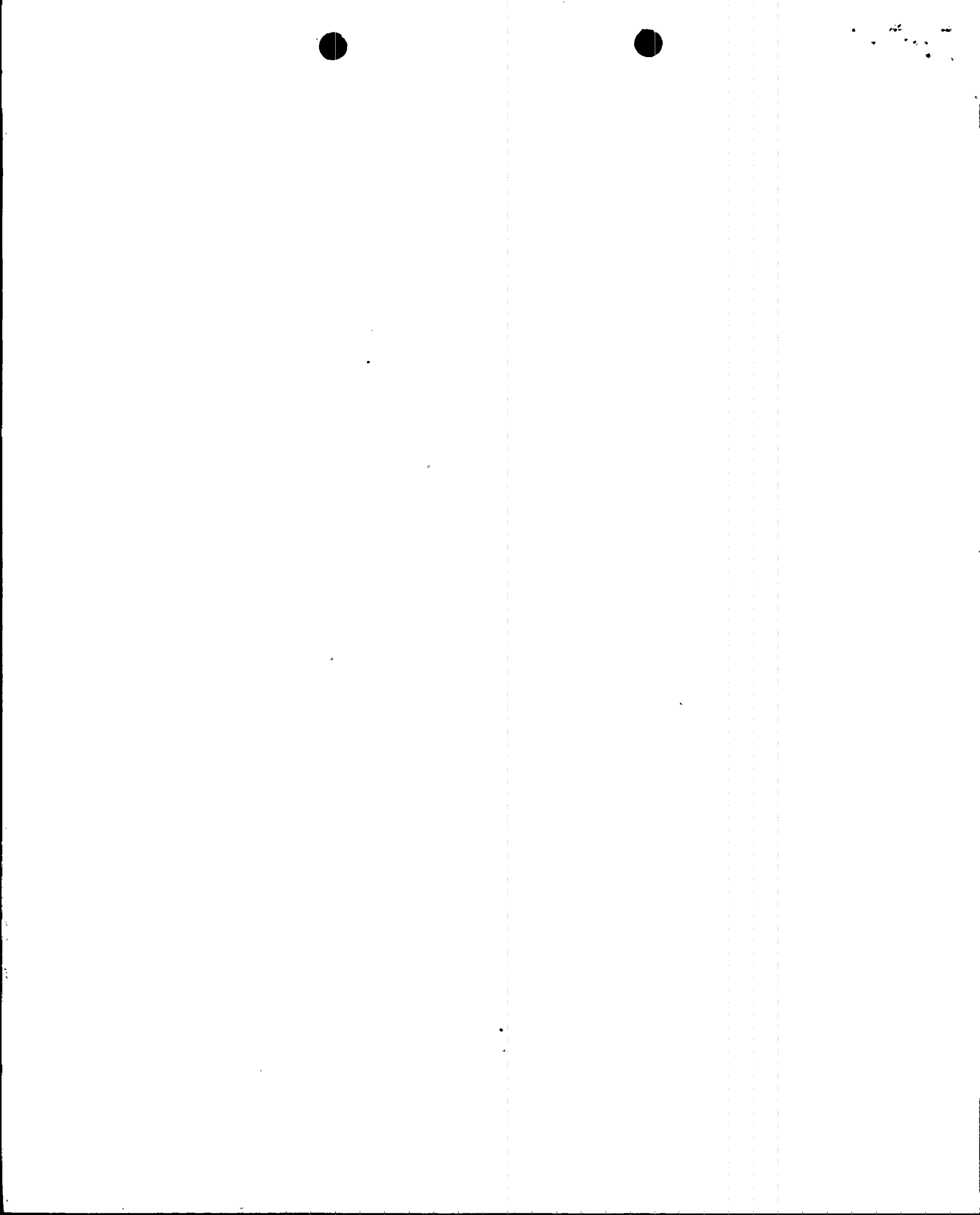
I HEREBY CERTIFY that a copy of of the foregoing
Motion for a Protective Order was served on the following: by
deposit in the United States mail, first class, properly
stamped and addressed, on the date shown below:

*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
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Miami, Florida 33131
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By 
Norman A. Coll

June 5, 1981

*Additional Service By
Hand or Courier

