

UNITED STATE OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENCING BOARD

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

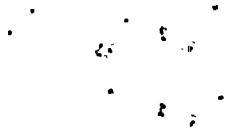
APPLICATION FOR STAY OF FINAL ORDER

Intervenor, Mark P. Oncavage, applies to the court for a stay of its Final Order in the above styled case, dated June 19, 1981 pending a decision on appeal in this action.

In support of his application, the Intervenor shows:

1. The Final Order dated June 19, 1981 authorizes the issuance of license amendments to permit the proposed steam generator repairs at Turkey Point Units 3 and 4.
2. The Intervenor has this date filed with the Atomic Safety and Licensing Appeal Board exceptions to the Final Order of June 19, 1981.
3. The licensee, by and through a letter from its attorney dated June 12, 1981, desires to begin repairs on Turkey Point Unit 3 as soon as possible. A copy of this letter is attached hereto as Exhibit I. The letter states that the licensee wants to begin preliminary work on the repairs to Unit 3 immediately upon receipt of the Final Order from the Atomic Safety Licensing Board. See the first full paragraph on Page 3 of Exhibit 1.
4. The Affidavit of Leonard Pardue was previously filed by the

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Intervenor in reply to the staff's Motion for Summary Disposition on Contention 4B. A copy of that affidavit is attached to this application as Exhibit II. The affidavit of Mr. Pardue would show that there is a 5% probability of a major hurricane striking Turkey Point during the southeast Florida hurricane season.

5. The licensee now intends to begin the repairs to Unit 3 not on October 1, 1981, but immediately after June 19, 1981. June 19, 1981 falls within the first month of the southeast Florida hurricane season. October 1, 1981, begins the last month of the hurricane season.

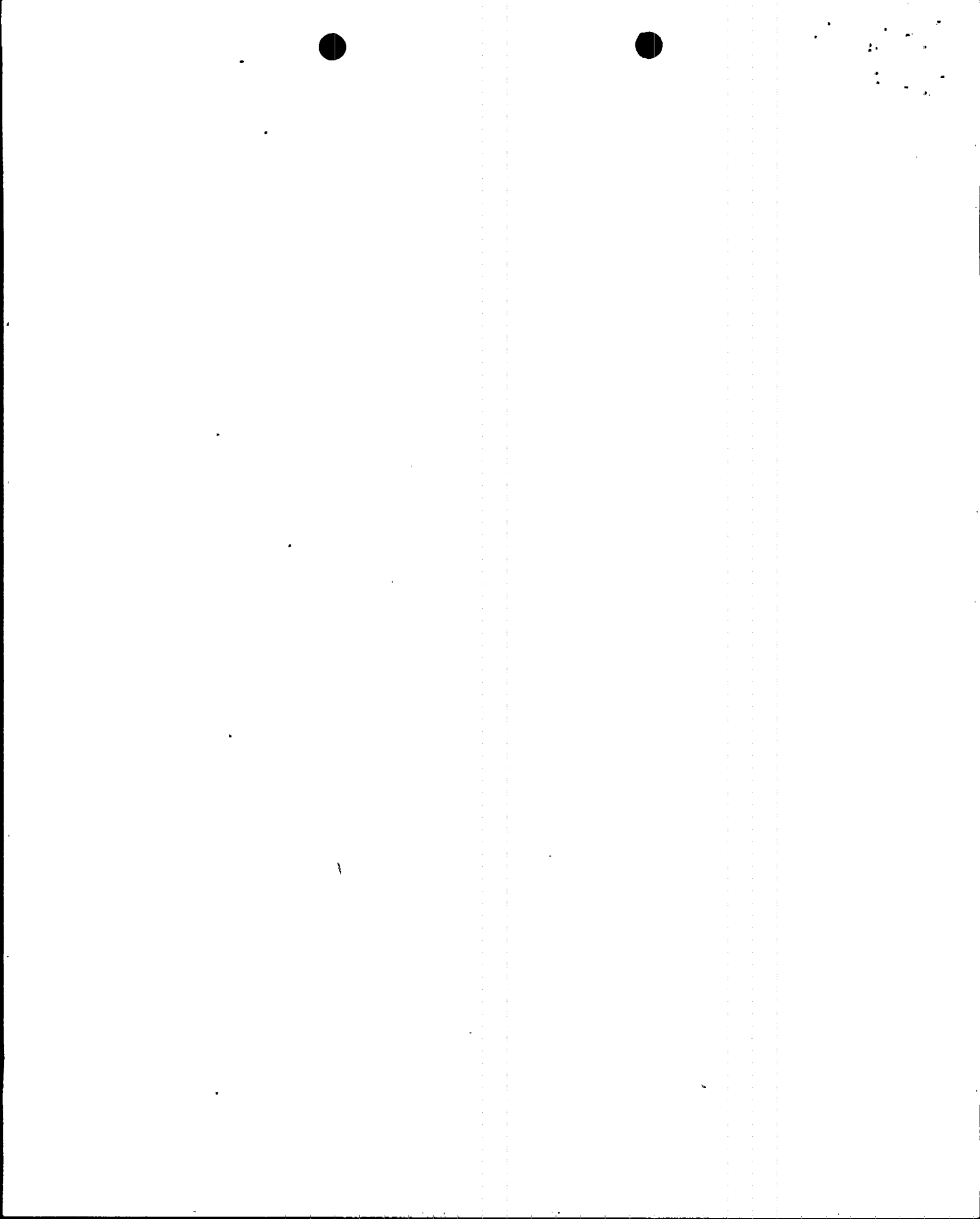
6. The Bechtel Power Corp. Steam Generator Replacement Summary Schedule was produced by the licensee in response to the Intervenor's request for production of documents. This report shows that during the first six weeks of repair the licensee will decontaminate the containment building, process the primary coolant and decontaminate the channel head and divider plates of the three steam generators.

7. The first six weeks of the repairs on Unit 3 will now be finished during the hurricane season.

8. After the first six weeks of repairs on Unit 3, the licensee will be required to store between 1470-3270 ci. of radioactivity as a result of the repairs. See Affidavit of Douglas King attached hereto as Exhibit III.

9. The peak hurricane season for southeast Florida occurs during the first week of September. See U.S. Department of Commerce, National Oceanic and Atmospheric Administration, "Tropical Cyclones of the North Atlantic Ocean, 1871-1977" at Page 19, which is attached as Exhibit IV.

10. The first six weeks of repairs to Unit 3 will now be completed before the peak of the hurricane season.



11. The change of schedule proposed by the licensee requires potential hazardous amounts of radioactivity to be stored without adequate precautions. See Conclusion of Affidavit of Douglas King.

12. 10 C.F.R. 82.788(e) says:

In determining whether to grant or deny an application for stay, the Commission, Atomic Safety and Licensing Appeal Board, or presiding officer will consider:

1. Whether the moving party has made a strong showing that it is likely to prevail on the merits;

2. Whether the party will be irreparably injured unless a stay is granted;

3. Whether the granting of a stay would harm other parties, and

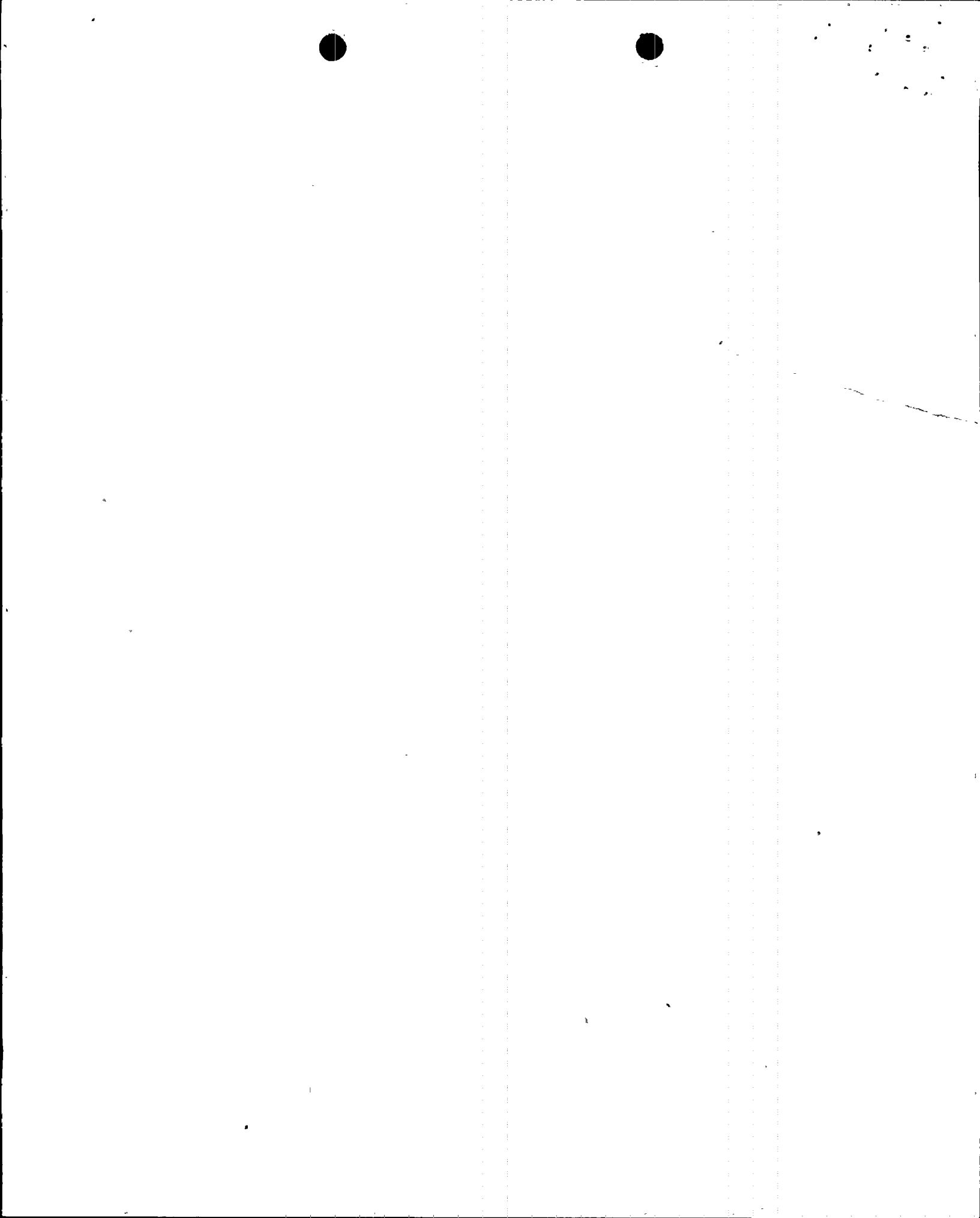
4. Where the public interest lies.

13. No one of these four (4) factors listed in 10 C.F.R. 82.788(e) is necessarily dispositive, Public Service Company of Oklahoma, 8 NRC 559, 561 (ASLAB 1978), but the most crucial factor is whether irreparable injury will occur. Public Service Company of Indiana, Inc., 6 NRC 630, 632 (ASLAB, 1977).

14. If the waste, containing from 1470-3270 ci., is released to the marine environment during a hurricane there will be irreparable injury not only to the Intervenor, but also to the general public.

15. The public interest lies in delaying the storage of these very high amounts of radioactivity until after the height of the hurricane season.

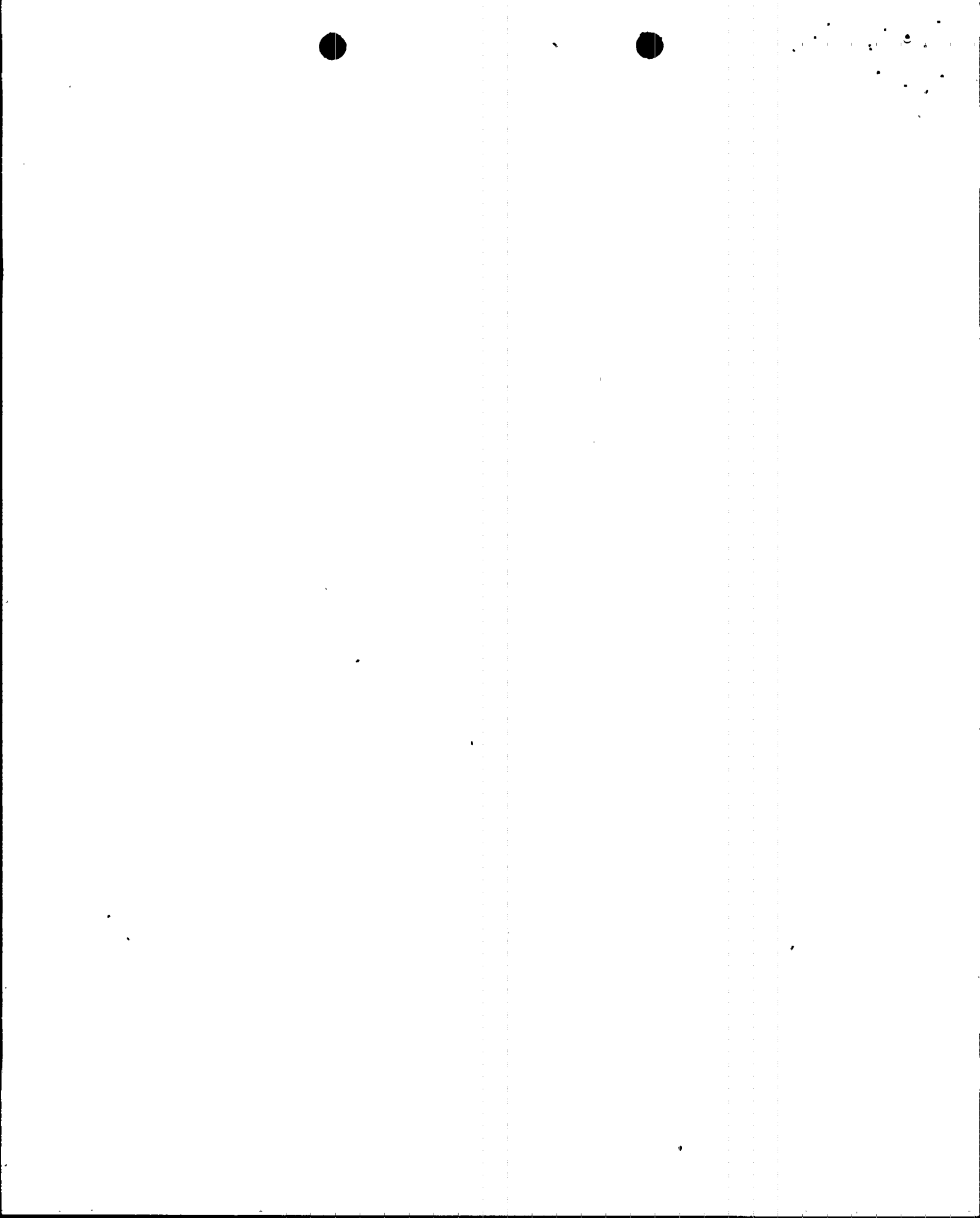
16. The granting of a stay will not harm the licensee, because it has represented throughout this litigation that the repairs at Turkey Point were not to begin until October 1, 1981.



DATED: June 27th, 1981.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of

was mailed on this the 27th day of JUNE, 1981,
to the following addresses:

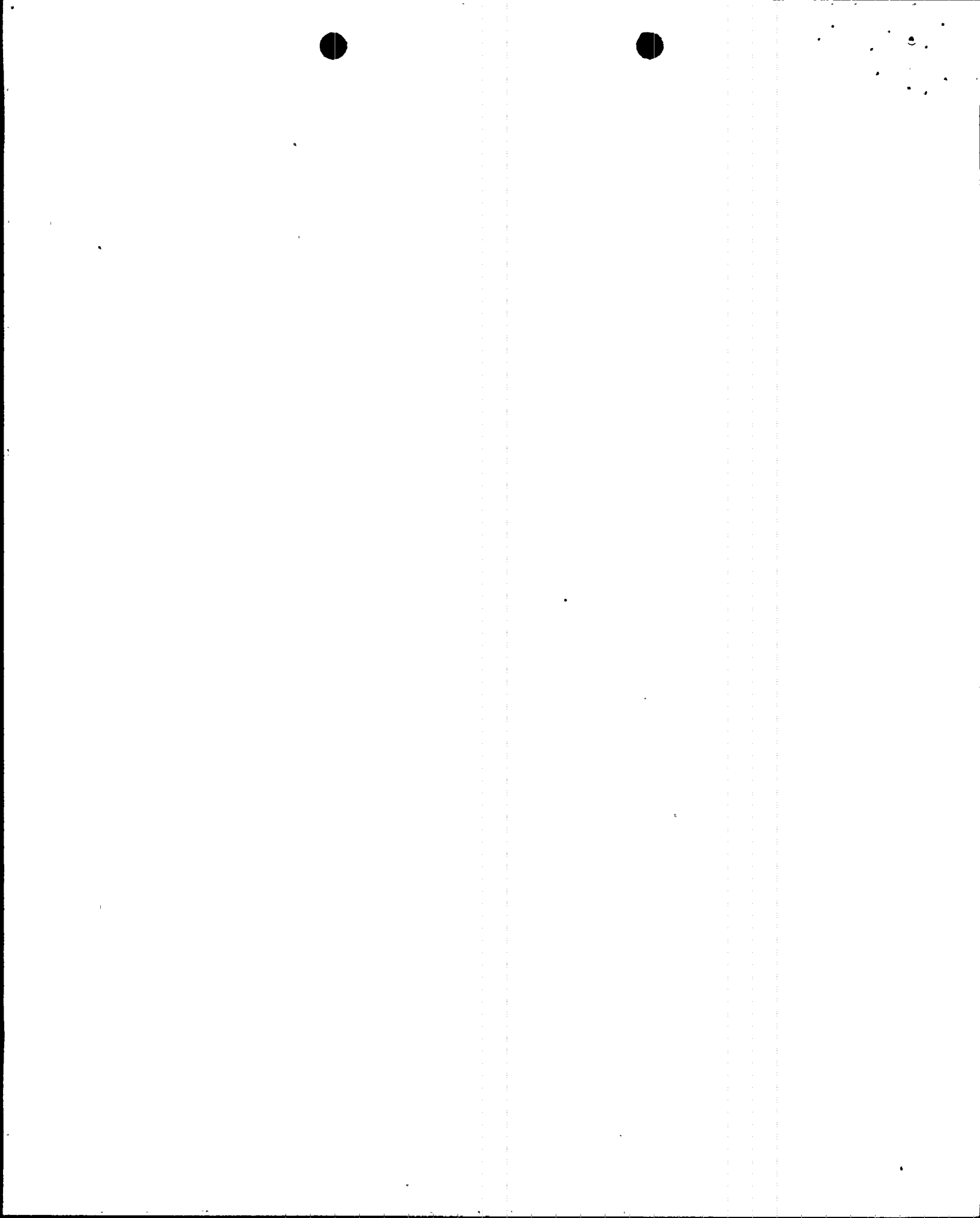
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U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Emmeth A. Luebke, Administrative Judge
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