

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

4/24/79

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of:)	Docket Nos. 50-250
Florida Power and Light Co.)		50-251
(Turkey Point Nuclear)	(Proposed Amendments to
Generating Units Nos.		Facility Operating License
3 and 4))	to permit Steam Generator
		Repairs)

Petitioner Reply to Licensee Response and
NRC Staff Response

Statements in the Licensee's Response of March 30, 1979 and the NRC Staff Response of April 6, 1979 suggest that the Petitioner possesses no special training or expertise which would contribute toward developing a sound record. The Licensee Response on page 6 states:

"As for the second factor, there is no indication that petitioner -- as a result of either training or experience -- would be able to significantly assist in the development of a sound record."

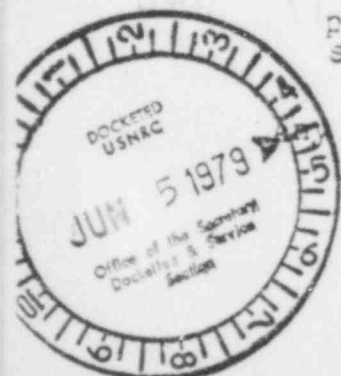
The NRC Staff Response, on page 4 states:

"Although Petitioner does not allege any facts that would suggest he is qualified by either specialized education or relevant experience to make a meaningful contribution to one or more of the contentions he seeks to have litigated, ..."

The justification for these statements is not to be found in 10 CFR Part 2. Paragraph 2.714 Intervention, states:

"Any person whose interest may be affected by a proceeding and who desires to participate as a party shall file a written petition for leave to intervene."

attempts to prejudice the petition by suggesting the



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petitioner lacks expertise or specialized training undermines the spirit and letter of 10 CFR Part 2. The important consideration for granting an intervention must be the protection of the Petitioner's interest irrespective of any expertise the petitioner may or may not have. If the petitioner's interests have merit, then the requested intervention will contribute toward developing a sound record.

Important considerations in granting the instant petition must be given to (ii) The availability of other means whereby the petitioner's interest will be protected. And (iv) The extent to which the petitioner's interest will be represented by existing parties. The Licensee's Response fails to address either of these important considerations. If the petition is denied, there will be no public hearings to protect the petitioner's interests nor will there be any contribution made by the general public in this decision making process.

The legal standing of the petitioner is unquestionable. The petitioner resides on his own property approximately 15 miles north north west of the Turkey Point Nuclear facility. Personal health hazards will be encountered by the petitioner, his wife, and his infant son if the Licensee releases hazardous amounts airborne radioactivity during normal meteorological conditions.

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The petitioner will also suffer economic losses if the real property owned by the petitioner becomes contaminated

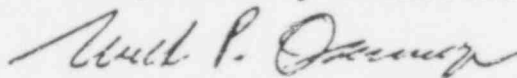
with radioactivity.

The petitioner also maintains a sizeable investment of personal property in the form of a recreational sailboat. If Biscayne Bay becomes contaminated with radioactivity, the recreational activities will be eliminated and the petitioner will suffer economic losses since there will no longer be a market for recreational sailboats.

Conclusion


The intervention sought will complement the examination of the issues by the Atomic Safety and Licensing Board. The perspective is that of a concerned member of the South Florida Community. The intervention is warranted.

Respectfully submitted,



Mark P. Onecavage

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LIST OF CONTENTIONS PRESENTED TO THE
ATOMIC SAFETY AND LICENSING BOARD
UNITED STATES NUCLEAR REGULATORY COMMISSION

BY MARK P. ONCAVAGE

MIAMI, FLORIDA

MAY 2, 1979



1. Whether the operating licenses for Turkey Point Units 3 and 4 should be suspended until the Commission either approves or denies the utility's operating license amendment application, due to the impaired condition of the steam generators (plugged tubes)?
 - a) Whether Turkey Point be allowed to continue operation in an impaired condition, in violation of 10 CFR Part 50, considering impaired cooling capacity due to numerous plugged tubes in the possible event of a loss of coolant accident?
 - b) Whether Turkey Point be allowed to continue operation in an impaired condition, in violation of 10 CFR Part 20, considering onsite workers are subject to radiation exposures higher than ALARA due to defective steam generators?
 - c) Whether Turkey Point be allowed to continue operation in an impaired condition, in violation of 10 CFR Parts 50, 100, considering offsite radiation releases higher than ALARA which may endanger the public health due to defective steam generators?
 - d) Whether operation of Turkey Point Units Nos. 3 and 4 with defective or modified steam generators (plugged tubes) conforms with the Federal Water Pollution Control Act (FWPCA)?

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2. 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 reference 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?

3. Whether the creation of a nuclear waste storage facility on site at Turkey Point may be allowed under 10 CFR Part 50, NEPA, or FWPCA, and whether NEPA requires a cost/benefit analysis for an additional commitment of land resources for the disposal of the defective radioactive steam generators?

- a) Whether the method of storage of the defective steam generators proposed by the applicant complies with NEPA requirements to protect the environment?
- b) Whether a cumulative, accurate monitoring of all sources of ionizing radiation on site at Turkey Point complies with 10 CFR Part 50, NEPA, or poses a potential public health hazard?

4. Whether the discharge of processed primary coolant violates FWPCA during normal operation of Turkey Point Nuclear Units Nos. 3 and 4?

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

6. 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?

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

8. Whether the lack of a cumulative, accurate monitoring of all sources of radiation on site at Turkey Point Nuclear Facility complies with requirements of 10 CFR Parts 20, 50, 51, 100, NEPA, and thereby poses a potential public health hazard?

9. Whether present fire protection systems meet requirements of 10 CFR Parts 20, 50, and NRC guidelines, or endangers public safety?

10. Whether monitoring of radiation exposures to plant personnel, including alpha, beta, gamma, ingested alpha, or partial body gamma exposure, is in compliance with requirements of 10 CFR Parts 20, 50, 51, 100 and is NEPA cost-beneficial?

11. Whether monitoring of radiation releases offsite is in compliance with 10 CFR Parts 20, 50, 51, 100, NEPA, or the FWPCA and will not endanger the public and the environment with inaccurate assessments of offsite releases of radioactivity?

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

13. Whether adequate consideration of repair alternatives to the replacement of steam generator lower assemblies, including but not limited to the following, has been performed by the licensee in conformance with NEPA cost/benefit analysis requirements:

- a) arresting tube support plate corrosion;
- b) in-place tube restoration (sleeving);
- c) replacement of entire steam generators through a construction opening in the containment wall;
- d) replacement of entire steam generators through a construction opening in the containment dome;
- e) in-place steam generator tube replacement (retubing);
- f) derating;
- g) decommissioning;
- h) bioconversion;
- i) conservation;
- j) solar energy;
- k) natural gas; or
- l) coal?

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14. Whether the lack of a detailed analysis on the probability of recurring tube leaks in the repaired steam generators is in compliance with the cost/benefit analysis requirements of 10 CFR Part 50 or NEPA?

15. Whether the interim measure at 10 CFR Part 50, Appendix I, establishing a radiation exposure guideline of \$1,000 per man-rem for plant workers represents a sufficiently high value in light of inflation and in view of testimony before the Advisory Committee on Reactor Safeguards re: Surry Units 1 and 2 on October 28, 1973, at TR 149, indicating a value of \$10,000 per man-rem may be more appropriate?

16. Whether the use of \$300,000 per day per unit for replacement power costs for reactor outage is an accurate cost projection basis for assessing cost/benefits as required by 10 CFR Part 51 or NEPA?

17. Whether the licensee proposes to delay the addition of a full-flow condensate polishing demineralizing system and whether it should be considered in an Environmental Impact Statement on steam generator repairs pursuant to 10 CFR Parts 50, 51 or NEPA?

18. 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?

19. Whether the Turkey Point Units Nos. 3 and 4 should be allowed to operate at full power levels with about 20 percent of the steam generator tubes plugged during the interim period prior to completion of steam generator repairs and whether such operation is in compliance with 10 CFR Part 50?

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