



## CENTER FOR NUCLEAR RESPONSIBILITY

November 12, 1981

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

50-251

Mr. Harold Denton  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Denton,

As to my letter on behalf of the Center for Nuclear Responsibility dated November 9, 1981, I wish to reiterate our position that the letter to the Commission dated September 11, 1981, concerning the operating condition of Turkey Point Unit #4 was merely advisory, having presented no legal arguments and without representation of counsel, and was not intended to be a formal legal pleading under 10 CFR 2.206 of the Commission's Regulations.

On November 10, 1981, I registered our position telephonically with Richard Levi in the Office of General Counsel, and asked that the Commission rescind the Director's Decision Under 10 CFR 2.206 dated November 5, 1981. Mr. Levi said that he would inform the Commission of our concern, but advised me that our letter and the Director's Decision was under consideration by the Commission as a formal legal petition under 10 CFR 2.206. I wish to formally note our exception to this inequitable and improper treatment of our factual and advisory letter as a formal legal pleading, since this was not intended on our part and our rights are impaired by not having had the opportunity to be represented by counsel.

I would also like to bring it to the Commission's attention that if the Center for Nuclear Responsibility had intended to file a legal petition on Turkey Point Unit #4, we would have presented a legal as well as factual case, and would have been represented by counsel. As this was not the case, I hereby request that the Commission formally agree to the position of CNR outlined in our letter of November 9, 1981, and ask that the Commission rescind the Director's Decision Under 10 CFR 2.206.

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Furthermore, if the Commission persists in looking at our September 11th advisory letter as a formal legal pleading and decides not to rescind the Director's Decision, please advise us of this position at the earliest possible time, so that we can enlist the aid of counsel since future legal action may be required to protect the position of the Center for Nuclear Responsibility.

In closing, we would like to stress the fact that outside of the legal arguments, the reality is that Turkey Point Unit #4 is rapidly deteriorating and the time is fast approaching when this nuclear unit will not be acceptably safe. The public health and safety of the people of Miami must be a concern to the Commission.

Respectfully yours,

*Joette Lorion*

Joette Lorion  
Research Director  
Center for Nuclear Responsibility

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cc/ see next page

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