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Before the

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of
Florida Power & Light Co.
Application for Amendment to DPR-31
and DPR- 41

)
) '84 JEL 11-110-59 Docket Nos. 50-250 0L
50-251 0L

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing & Service Branch

RE: Opportunity for Hearing on Federal Register Notice,
June 7, 1984, Volume 49, No. 111, Page 23715.
Proposed Issuance of Amendments to the Facility
Operating Licenses Nos. DPR-31 and DPR-41 issued to
Florida Power & Light Company to expand the spent
fuel facility for Turkey Point Nuclear Units No. 3
and No. 4.

REQUEST FOR HEARING AND
PETITION FOR LEAVE TO INTERVENE

Petitioners request a hearing and leave to intervene in these license
amendment proceedings

1. The Center for Nuclear Responsibility, Inc. (Center) and Joette
Lorion request a hearing and petition for leave to intervene in the
above captioned amendment proceeding as allowed by the U.S. Nuclear
Regulatory Commission's (Commission or NRC) Rules of Practice.

2. The Center for Nuclear Responsibility is a corporation with
its principal place of business in Miami, Florida. The Center for
Nuclear Responsibility is an environmental organization.

3. The Center's members live, use, and work and vacation in and
otherwise use and enjoy, a geographic area within the immediate vicinity
of the Turkey Point Nuclear Power Plants and could suffer severe

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consequences if a serious nuclear accident occurred at these facilities.

Thus, the Center and its members are significantly and adversely affected and otherwise aggrieved by the final agency action proposed in the captioned June 7, 1984, Federal Register Notice. The Center is an appropriate party to represent the interests of persons similarly situated or whose interests might otherwise go unrepresented. Members of the Center who may be affected are:

Joette Lorion, 7269 SW 54 Avenue, Miami, Fl. 33143

Beverly Mullins, 25230 SW 129 Pl., Princeton, Fl. 33032

4. Joette Lorion is an individual who lives and works and owns property real and personal in and about the city of South Miami, Florida, approximately 15 miles from the Turkey Point Nuclear Power Plants, and otherwise uses and enjoys a geographic area within the immediate vicinity of those plants. Her interests and those of her family could also be significantly and adversely affected if a serious nuclear accident occurred at the Turkey Point plants. She is an appropriate party to represent the interests of others similarly situated whose interests might otherwise go unrepresented.

5. If the Commission issues an order allowing issuance of the proposed license amendments in the manner sought by the utility, operation of the Turkey Point spent fuel facilities for Turkey Point Plants Nos. 3 and 4 would:

- a) involve a significant increase in the probability or consequences of an accident previously evaluated;
- b) create the possibility of a new or different kind of accident from any accident previously evaluated; and
- c) involve a significant reduction in the margin of safety.

6. If permitted to intervene, the petitioners could address, but not be limited to, the following contentions. Petitioners contend that the amendment request constitutes a significant safety hazards consideration because:

A.1 The Commission has traditionally held, in a series of case law that expansion of the spent fuel facility constitutes a significant safety hazards consideration.

A.2 Acceptance criteria for criticality will not be met and thus, FPL will not be able to ensure that the fuel storage facility will always be subcritical by a safe margin in both normal operating and accident conditions.

A.3 The recitation and notice in 48 Federal Register Notice 23715, Vol. 49, NO. 111, June 7, 1984, that the established acceptance criteria for criticality in the spent fuel pool shall be kept at or below K_{eff} 0.95 is untrue as evidenced by 48 Federal Register Notice 25360, Volume 49, NO. 120, June 20, 1984.

A.4 In light of the fact that the utility, FPL, wants to operate the facility with a K_{eff} of 0.98 (FR25360), as above referenced, places the proposed undertaking in the Significant Safety Hazards Category, and there can be no issuance of a license amendment to expand the spent fuel facility without a public hearing required by the Atomic Energy Act of 1954.

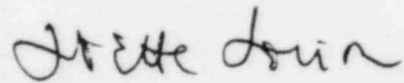
Note: In support of contentions A.1 - A. 4, I would like to point out a position taken by the Commission in Policy Issue SECY-83-337, STUDY ON SIGNIFICANT SAFETY HAZARDS, August 15, 1983:

"A K_{eff} of greater than 0.95 may be justifiable for a particular application but it would go beyond the present accepted staff criteria and would potentially be a significant hazards consideration." pg. 5-6.

B.1 Expansion of the spent fuel facilities at Turkey Point should not be allowed.

7. The Petition for Leave to Intervene should be granted. The issues raised concerning the expansion of the spent fuel facilities for Turkey Point Units Nos. 3 and 4 owned by the Florida Power & Light Company should be assigned to the Atomic Safety and Licensing Board for review in formal hearing process before there can be issuance of any license amendments.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Joette Lorion".

Joette Lorion

Director

Center for Nuclear Responsibility
7210 Red Road #208
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cc

Executive Legal Director, Nuclear Regulatory Commission

Harold F. Reis, Esquire, Counsel FPL Company

Dated July 9, 1984