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Before the

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UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of)

Florida Power & Light Company)

Docket Nos. 50-250 OL

50-251 OL

Application for Amendment)
to DPR-31 and DPR-41

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

Attention: Docketing and Service Branch

RE: Opportunity for Hearing on Federal Register Notice,
June 20, 1984, Volume 49, No. 120, Page 25360.
Proposed issuance of license amendments to the
facility operating licenses nos. DPR-31 and DPR-41,
issued to Florida Power & Light Company to allow
storage of fuel with increased enrichment by
revising Technical Specifications Section 5.2 for
Turkey Point Units 3 and 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, 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 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 20, 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 Place, Princeton, Fl. 33032.

4. Joette Lorion is an individual who lives, 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 adversely and significantly 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 Units 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 accidents previously evaluated; and
- c) involve a significant reduction in the margin of safety.

6. If permitted to intervene, the Petitioners would address, but not be limited to, the following contentions.

Petitioners contend that the amendment request constitutes a significant safety hazards consideration and contend that:

- A.1 The proposed increase of K_{eff} from 0.95 to 0.98 for the existing new fuel storage racks is a significant safety hazards consideration in that the new criterion does not meet the margin of safety that has been established by the NRC for criticality. The criterion used by the NRC since 1976 is that the neutron multiplication factor in the spent fuel pool is to be equal to, or less than, 0.95, including all uncertainties, under all conditions as contained in the American National Standard Institute (ANSI) 210-1976, (ANSI) N-18.2, and in the "NRC Position for Review and Acceptance of Spent Fuel Storage Handling Application," April 14, 1978.
- A.2 The proposed increase of K_{eff} from 0.95 to 0.98 does not meet 10 C.F.R. 50, Appendix K, Criterion 62, which states that "criticality in the fuel storage and handling system shall be prevented by physical systems or processes, preferably by the use of geometrically safe configurations." And, that an accidental criticality, caused by a change in fuel geometry due to storage of the more highly enriched uranium fuel rods could release substantial amounts of radioactivity to the environment in violation of 10 C.F.R. Parts 20, 50, 51, 100, and NEPA, and will pose a danger to the health and safety of the public and endanger the Biscayne Bay environment.
- A.3 Because the license amendment will not meet the above referenced criteria, the license amendment should not be allowed.
- A.4 The statement in FR Notice 25360, June 20, 1984, that the proposed license amendments "do not involve a significant hazards consideration" is incorrect, and there cannot be issuance of the amendments until a public hearing is held as mandated by the Atomic Energy Act of 1954.

In support of contention A1-A-4, Petitioners offer the following:

In the "Review and Evaluation of Spent Fuel Expansion Potential Hazards Considerations," SAI Report No. SAI-84-221-WA, REV. 1, July 29, 1983, Page 4, it is stated that:

"Another major consideration in pool storage expansion is to ensure that the fuel storage facility is always subcritical by a safe margin, even under accident conditions. The Current Requirement that the multiplication factor, K_{eff} must be 0.95 or less for spent fuel rack designs is given in the NRC Standard Review Plan, Section 9.1.2."

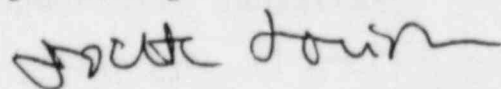
The same criterion is also addressed in Policy Issue, SECY-83-337, "Study of Significant Hazards," August 15, 1983, which states on page 5 that:

"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."

B.1 The National Environmental Policy Act of 1969 (NEPA), imposes the requirement of an Environmental Impact Statement for this Major Federal Action.

7. That in keeping with the criteria in (48 FR 14869), and the legislative history of Public Law P.L. 97-415), the Commission should grant this Petition for Leave to Intervene. The issues raised concerning the storage of more highly enriched uranium fuel rods and increase in K_{eff} from 0.95 to 0.98, for the Turkey Point Units 3 and 4, owned by the Florida Power & Light Company, should be assigned to the Atomic Safety and Licensing Board for review in a formal hearing process before there can be any issuance of the license amendments.

Respectfully Submitted,



Joette Lorion, Individually and
Director of the Center
7210 Red Rd. #208
Miami, Fl. 33143
Ph: (305) 661-2165

Dated: July 12, 1984.

Before the

UNITED STATES NUCLEAR REGULATORY COMMISSION

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Florida Power & Light Company

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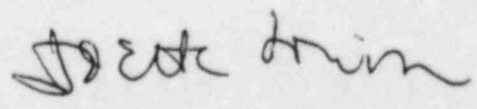
CERTIFICATE OF SERVICE

I hereby certify that copies of Petitioners' "Request for Hearing and Petition for Leave to Intervene, Dated June 12, 1984, were served on the following by deposit in the United States Mail, first class, properly stamped and addressed, on the date shown above.

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service

Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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