

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Dr. Robert M. Lazo, Chairman
Dr. Richard F. Cole
Dr. Emmeth A. Luebke

In the Matter of)	Docket Nos. 50-250-OLA-3
)	50-251-OLA-3
Florida Power & Light Company)	
)	ASLBP No. 84-505-08 LA
Turkey Point Plant)	
Units 3 & 4)	March 7, 1985

AMENDED PETITION TO INTERVENE

I. INTRODUCTION

On June 20, 1984, the Nuclear Regulatory Commission ("NRC") published Federal Register Notice, Volume 49, No. 120, page 25360, which was a notice of consideration of issuance of license amendments that would allow the Florida Power and Light Company ("FPL") to store fuel with increased enrichment in the existing new fuel storage racks, and increase the k_{eff} factor for the existing new fuel storage racks.

Pursuant to this notice, Petitioners, the Center for Nuclear Responsibility, Inc., and Joette Lorion, filed a joint request for hearing and petition for leave to intervene in this proceeding on June 12, 1984. Subsequently on September 5, 1984, the Staff made a final no significant hazards determination and issued amendments No. 109 and 103 to Turkey Point's operating license. And, on February 7, 1985, the Atomic Safety and Licensing Board ("ASLB" or "Board") issued an Order Scheduling Prehearing Conference on the

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above identified proceedings to take place in the Miami area on March 27 and 28, 1985.

Thus pursuant to 10 C.F.R. 2.714 (b), the Petitioners submit this, their "Amended Petition to Intervene", in these proceedings.

II. AMENDED PETITION

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 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 non-profit corporation with its principal place of business in Miami, Florida. The Center manages a resource library that could be damaged as a result of an accident at the Turkey Point plant. 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 and the subsequent issuance of the license amendments on September 5, 1984. The Center is an appropriate party to represent the interests of persons similarly situated, or whose interests

might otherwise go unprotected are. Members of the Center who may be affected, and have consented to be represented, are:

Joette Lorion, 7269 SW 54 Avenue, Miami, Fl. 33143
Susan Bortel, 9850 Caribbean Blvd., Miami, Fl. 33139
Howard Pew Sheronas, 4071 Barbarosa, Coconut Grove, Fl. 33133

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 significantly and adversely affected if a serious nuclear accident occurred at the Turkey Point facility. She is an appropriate party to represent the interests of others similarly situated whose interests might otherwise go unrepresented.

5. The Commission's issuance of the license amendments in the manner sought by the utility, cause the operation of the storage of the reactor fuel with increased enrichment and K_{eff} to:

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.

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:

III. AMENDED AND SUPPLEMENTAL CONTENTIONS

CONTENTION 1. The storage of fuel with increased uranium enrichment and the increase in k_{eff} (neutron multiplication factor) for the existing new fuel storage racks constitutes a significant hazards consideration and requires that a public hearing be held on the amendments before issuance of such amendments.

BASES FOR CONTENTION: The increase of fuel storage U-235 linear loading and change of k_{eff} from 0.95 to 0.98 increases both the consequences and possibility of an accident, creates the possibility of a new and different kind of accident, and involves a significant reduction in the margin of safety of the spent and fresh fuel pools. As the Commission pointed out 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. pp 5-6.

Thus, the 0.98 k_{eff} places the proposed undertaking in a Significant Hazards category, and require that no license amendments be issued to the facility without the public hearing required by the Atomic Energy Act of 1954.

CONTENTION 2. The proposed amendments are part of a broad agency program, pressure vessel flux reduction, and should become part of a single, program environmental impact statement on the pressure vessel flux program, as required by the National Environmental Policy Act of 1969. And, that the uranium enrichment amendments and vessel flux program are a major federal action that will effect

the South Florida Environment.

BASES FOR CONTENTION: The amount of uranium enrichment was increased for the Turkey Point reactors to make up for a loss in core reactivity caused by the fuel core design changes made to reduce the vessel flux for the Turkey Point reactors. (see letter From Uhrig, FPL, to Varga, NRC, "Pressurized Thermal Shock", March 25, 1983, pg 25.) Thus, the enrichment and its resultant environmental effects, increase in possibility of a criticality accident and increase in fission products, is part of a larger program of agency action and that will impact the environment and requires an EIS.

CONTENTION 3. That the uranium enrichment amendments increase the chances of a criticality accident occurring in the fresh fuel pool and establishes a clear reduction in the safety margin of the fresh and spent fuel pool.

BASES FOR CONTENTION:

- a) The U-235 loading of 52.40 grams per axial centimeter (SER pg 2), is the maximum loading which can assure a k_{eff} of no greater than 0.95, including uncertainties. Thus, the safety margins for the enrichment of the fuel have been pushed to the limit and leave no margin of safety.
- b) The increase of criticality from 0.95 to 0.98 for the fresh pool pushed the criticality of the pool closer to criticality, which is 1.0. This increases reactivity and increases the possibility of a criticality accident and/or loss of fuel cooling system flow. Thus, the requirements of 10 C.F.R Part 50, Appendix A, criterion 62 will not be met.

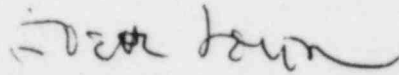
CONTENTION 4. The increase in U-235 loading and increase in the possibility of an accident as a result of the increase in k_{eff} , will increase the amount of fission products, such as radioactive iodine and krypton 85, that are available to be released in normal or abnormal occurrences and will cause the licensee to exceed the limits of 10 C.F.R. Parts 20, 50, 51, 100, NEPA, and FWPA, and will pose a threat to the health and safety of the public, workers, and the Biscayne Bay environment.

BASES FOR CONTENTION: The increase of U-235 will increase the amount of radioactive fission products to be released. This is especially significant in light of the fact that the tables in the SER 5-5 shows a dramatic increase in some of the radioactive isotopes present in the spent fuel pool water, especially radioactive iodine. Radiological documents show an increase in krypton 85. The NRC has warned that an increase in the density of fuel rods could cause an unsafe level of krypton 85 in spent fuel pool expansions. Thus, the level of radioactive fission products in both normal and abnormal operation could cause Turkey Point to exceed regulatory limits for radiation, and will not meet the 10 C.F.R. Part 50, Appendix A, 60 and 61 Criterion.

Thus, for all of the above reasons, the license amendments governing uranium enrichment that were recently granted should be revoked, the licensee's proposed action should be considered a significant hazards consideration, and public hearings, as required by the Atomic Energy Act of 1954, should be held.

and an environmental impact statement issued before the Florida Power and Light Company is permitted to carry on the activity requested in the contested amendments.

Respectfully Submitted,



Joette Lorion
Pro se litigant
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Dated: March 7, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of the Intervenor's "Amended Petition to Intervene" has been served on the following parties by deposit in the United States mail, express, , postage prepaid, on this 7th day of March, 1985.

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Dated : March 7, 1985