RAS 2419

November 22, 2000

U.S. Nuclear Regulatory Commission
1155 Rockville Pike
Rockville, Maryland 20852

Via Federal Express

'00 NOV 24 P2:35

Attention: Rulemaking and Adjudications Staff, Office of the Secretary

Re: **Turkey Point Units 3 & 4; Docket Nos. 50-250 and 50-251; Objections to NRC License Renewal Process as not complying with NEPA; and in lieu of the NRC failure to comply with NEPA, a Request for Hearing and Petition for Leave to Intervene.**

INTRODUCTION

Please be advised that I am a resident of South Florida who lives within twenty miles of the Turkey Point nuclear power plant. I am also an environmentalist who has dedicated many years of my life to protecting and preserving the Florida Everglades and the South Florida ecosystem. The effect that the relicensing of the Turkey Point nuclear power plant has on the South Florida ecosystem will directly affect me, my family, and friends who use it for hiking, boating, bird watching, fishing, contemplation and observation of the diverse plant and animal species that frequent this fragile ecosystem. The health and safety of my family and community could also be adversely impacted by the offsite consequences of the NRC's proposal to operate these old nuclear power reactors for twenty years beyond the original license.

A 1982 study (CRAC2) provided by the Congressional Subcommittee on Oversight and Investigations showed that in certain weather conditions, a meltdown at Turkey Point could cause 29,000 early deaths within a twenty mile radius of the plant, 4,000 delayed cancer deaths and 45,000 injuries within a seventy mile radius of the plant, and 43 billion dollars in property damage. Just as I question the safety of flying in an old airplane, I question the safety of the extended operation of an old nuclear power plant near my home that may pose an increased threat to my family's health and safety and that of my community. The adverse impacts to my property in particular, and the ecosystem as a whole, that may be caused by the NRC's proposed action demonstrate that I have a particularized legally protected interest in the outcome of this proceeding that falls within the zone of interests protected by the Atomic Energy Act (AEC) and the National Environmental Policy Act (NEPA).

The operation of this aged and embrittled nuclear power plant beyond its original license will cause more radioactive fission products to accumulate and could increase the probability and consequences of a nuclear accident; thereby increasing the threat of injury to me, my family, our property and the South Florida ecosystem, which includes priceless Everglades and Biscayne National Parks. A fair and objective NEPA analysis by the NRC, that fully studies environmentally friendly alternatives to this proposed action, would undoubtably find that it is unsafe, uneconomical, and environmentally indefensible to operate these old nuclear plants beyond their original license in this ecologically sensitive area.

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As a resident and environmentalist who will be adversely affected by the Nuclear Regulatory Commission's (NRC's) proposed action, I strongly object to the current process being used by the Commission for the License Renewal of the Turkey Point Nuclear Power Plants. In my opinion, the current process is designed to "rubber stamp" Florida Power & Light's (FPL or Licensee) license renewal request, rather than permit the full and objective evaluation required under the National Environmental Policy Act (NEPA). The NRC's failure to prepare a full and objective site-specific Environmental Impact Statement (EIS), or Supplemental EIS (SEIS), prior to conducting the license renewal process (reportedly estimated to cost between $15 to $19 million dollars), is an irretrievable commitment of resources designed to prejudice the process prior to a full environmental analysis, and does not comply with the spirit or intent of NEPA.

The NRC appears to be blithely unaware that South Florida is the scene of the largest ecosystem restoration project in human history. The effort to restore the Florida Everglades will take decades and cost at least $8 billion dollars. As pioneer conservationist Marjory Stoneman Douglas reminded us, "There are no other Everglades in the world." Yet, the NRC, seemingly oblivious to the federal government's commitment to the South Florida ecosystem, is attempting to conduct "business as usual" in one of the most environmentally sensitive areas on earth by conducting a generic process that does not meet the requirements of NEPA. While, this may be the Commission's protocol for relicensing, I contend that this type of "end run" proceeding, apparently designed to skirt NEPA, does not satisfy the requirements of the Act. My participation in this proceeding will acquaint the NRC with the environmental sensitivity of this area.

Turkey Point was licensed in the early 1970's, shortly after NEPA became our national charter for environmental protection. The EIS conducted on Turkey Point was very limited and failed to consider substantial environmental issues. Even more important, changed circumstances and significant new information concerning the South Florida ecosystem in which Turkey Point is located, require the NRC to conduct a site specific SEIS prior to any major investment of resources into the relicensing assessment under 10 C.F.R. Part 54 of the relicensing process. While, this letter is also a request for hearing under the NRC regulations, I believe that such a request on the 10 C.F.R. Part 54 process is premature until the NEPA process is completed and the issues fully defined. However, should the NRC refuse my request to conduct a site-specific SEIS prior to conducting its relicensing process, thereby forcing me into federal court to seek review of the procedural issues, I have listed contentions in Section D of this letter on which I am requesting an evidentiary hearing.

I. NRC RELICENSING PROCESS MUST COMPLY WITH NEPA

A. NEPA Requirements

The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et sq., "is our basic national charter for the protection of the environment. NEPA was enacted in 1969 to create and carry out a national policy designed to encourage productive and enjoyable harmony between

man and his environment . . . [and] promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C.A. § 4321 (1994). NEPA aims to achieve these goals by focusing the attention of the federal government decision-makers and the public on the likely environmental consequences of a proposed federal action so that the environmental effects can be identified and understood before the action is implemented and potential negative environmental impacts can thus be avoided. Marsh v. Oregon Natural resources Council, 490 U.S. 360, 371 (1989). (Emphasis supplied.)

NEPA requires all federal agencies to prepared a detailed statement known as an Environmental Impact Statement (EIS) for any major federal action which will significantly affect the quality of the human environment. The EIS must detail I) the environmental impact of the proposed action; ii) any adverse environmental effects which cannot be avoided should the proposal be implemented; iii) alternatives to the proposed action; iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long term productivity; and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. See, 42 U.S.C. 4332 (C); 40 C.F.R. 1501.4, 1502.

NEPA does not set out substantive environmental standards, but instead establishes "action-forcing" procedures that require agencies to take a "hard look" at environmental consequences. See Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 348, 104 L. Ed. 2d 351, 109 S. Ct. 1835 (1989); Kleppe v. Sierra Club, 427 U.S. 390, 409, 49 L. Ed. 2d 576, 96 S. Ct. 2718 (1976); ("NEPA does not mandate particular results, but simply provides the necessary process to ensure that federal agencies take a hard look at the environmental consequences of their actions.") Muckleshoot Indian Tribe v. United States Forest Serv., 177 F.3d 800, 814 (9th Cir. 1999).

NEPA's goals are to place upon agencies "the obligation to consider every significant aspect of the environmental impact of a *proposed* action," and to "ensure that the agency will *inform the public* that it has indeed considered environmental concerns in its decision-making process." Baltimore Gas, 462 U.S. at 97. **"[T]he comprehensive "hard look" mandated by Congress and required by the statute must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made."** Metcalf v. Daley, 214 F.3d 1135, 2000 WL 732909, (9th Cir. 2000). (Emphasis supplied).

NEPA assumes as inevitable an institutional bias within an agency proposing a project and erects the procedural requirements of §102 to insure that "*there is no way* [the decision-maker] can fail to note the facts and understand the very serious arguments advanced by [a] plaintiff.." Environmental Defense Fund v. Corps of Eng'rs of the U.S. Army, 470 F.2d 289, 295 (8th Cir. 1972). This comprehensive hard look mandated by Congress and required by the statute ***must be timely***, and it must be taken ***objectively*** **and** ***in good faith***. The statute is "primarily procedural," and courts have held that **"agency action taken without observance of the procedure required by law will be set aside."** Save the Yaak, 840 F.2d at 717. **(Emphasis supplied.)**

Like all federal agencies, the NRC is required to implement the policies of NEPA in its decision making. See 42 U.S.C. § 4332; 40 C.F.R. § 1507.1. NEPA requires the NRC to prepare a detailed statement, known as an Environmental Impact Statement (EIS) prior to any "major federal

action significantly affecting the quality of the human environment." 42 U.S.C. 4332(C). In my opinion, the NRC's failure to prepare a site-specific SEIS and take the requisite "hard look" necessary to evaluate the consequences of this major federal action prior to commencing the relicensing process under 10 C.F.R. Part 54 is designed to "rubber stamp" its predetermined decision and deprives me, and other similarly situated individuals, of my statutory rights under NEPA. Additionally, it raises the important question as to whether the relicensing of nuclear power plants beyond their design basis should continue, since Congress has never resolved the important public policy issue of whether it is in the national and public interest to run old nuclear power plants beyond their original license

B. NRC'S First-the-Verdict then the Trial Process Fails to Comply with NEPA

Renewal of an operating license for the Turkey Point Nuclear Power plants is identified under 10 C.F.R. Part 51 of the Commission's regulations as a major federal action significantly affecting the quality of the human environment, within the meaning and provisions of the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4332(2)(C). As such, the NRC has a statutory obligation under NEPA to take certain procedural steps to assess the environmental damage that renewing operating licenses for up to 20 years beyond the 40 year term of the initial license could inflict.

The NRC avers to meet its NEPA requirements by improperly conducting a bifurcated process in which it purports to analyze environmental impacts in a generic process under 10 C.F.R. Parts 51, while simultaneously conducting relicensing activities under 10 C.F.R. Part 54. The NRC proposes to conduct only a site-specific supplement to a generic EIS, rather than a site-specific SEIS that should include a review of the original Turkey Point EIS. It appears that the NRC has failed to meet the requirement to prepare, publish, and seek public comment on a site-specific SEIS prior to commencing other costly activities in the relicensing process, as required by NEPA. It appears that the NRC process is an attempt to evade any meaningful review of its actions under NEPA by streamlining the process under 10 C.F.R. Part 51, so that it can conduct an environmental analysis concurrent with a relicensing process - a process that appears to be designed to "end run" NEPA and "rubber stamp" the relicensing decision, rather than allow a meaningful choice among alternatives.

The NRC's claim that it will meet NEPA requirements by conducting a generic SEIS concurrent with the licensing process fails to acknowledge that not only is an environmental impact assessment required, it must be **"prepared early by such an agency...so that it can serve practically as an important contribution to the decision-making process and will not be used to rationalize or justify decisions already made."** 40 C.F.R. § 1502.5. Finally, it is my contention that this so-called "relicensing" proceeding should be treated as though it is a new request for an initial construction permit and operating license. The fact that these power plants are already constructed should not limit the range of alternatives studied or predetermine the results. A full and objective site-specific EIS or SEIS should be conducted prior to an investment of considerable time and resources in the relicensing process, especially since the Licensee has twelve years before its original license expires.

Section 1502.2 states that, "agencies shall not commit resources prejudicing selection of alternatives before making a final decision (1506.1)." 40 C.F.R. 1502.2(f). The Commission's conducting of the relicensing review under 10 C.F.R Part 54, while at the same time averring to

conduct an objective NEPA process under 10 C.F.R. Part 51, raises a serious question. Having already begun to invest substantial resources in the relicensing process, can the NRC be trusted to take the objective "hard look" at alternatives that is required by NEPA? Or will the Commission's EIS process, in the words of one Judge in another NEPA case, **"be a classic Wonderland case of first-the-verdict, then the trial?** I contend that the generic Alice-in-Wonderland NEPA process currently being conducted by the NRC is fatally defective and does not meet the requirements of the Act, because it will taint the Commission's evaluation of the environmental impact of the relicensing proposal.

C. Site-specific SEIS on Turkey Point Required Before 10 C.F.R. Part 54 Activities Begin

NEPA requires an agency to prepare a supplemental EIS (SEIS) if "there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed actions or its impacts." 40 C.F.R. 1502.9(c)(1). It is my contention that, as part of this process, the NRC is required to conduct a site-specific Supplemental Environmental Impact Statement (SEIS) that includes a review of the original EIS that was conducted on Turkey Point before irretrievably committing resources under 10 C.F.R Part 54. The original EIS on Turkey Point, that was issued only a short time after NEPA was passed in 1969, does not address "substantial environmental issues," such as the proposed project's impact on the 7.8 billion dollar Everglades restoration effort, the largest environmental repair job in human history. Nor does the Licensee's current Environmental Report discuss the proposed action's impact on this important Congressionally authorized project.

Government support for Everglades restoration, and the clearly defined federal interest in the protection of Biscayne National Park, Everglades National Park, the Big Cypress National Preserve, and Miccosukee Indian Reservation, along with the endangered and threatened species that inhabit these lands, changes the likely environmental harms by a "considerable magnitude" and could significantly alter the costs and benefits of the proposed project. The Everglades Restoration Bill recently passed by Congress discussed the environmental importance of the area surrounding the Homestead Airbase located in the vicinity of Turkey Point. In authorizing the restoration plan, Congress demonstrated the government's commitment to protection of the fragile environment in this area, including Everglades National Park located fifteen miles west of Turkey Point and Biscayne National Park located two miles from Turkey Point. This significant new information, and the clear Congressional intent concerning the protection of the Everglades ecosystem, seriously alters the environmental picture and demands that a site-specific SEIS on the significant impact that the proposed project may have on the human environment around Turkey Point nuclear power plant be conducted.

Additionally, there are other issues not adequately addressed, or not addressed at all, in the original EIS on Turkey Point, or the Licensee's Environmental Report, that raise questions about the agency's proposal to relicense a nuclear power plant in this area. These issues include, but are not limited to the following: the intense population growth and ability to evacuate in the case of a or hurricane; the siting of Turkey Point in a hurricane zone in light of Hurricane Andrew, the proposed siting of a large commercial airport within five miles of the plant, the siting

of a school two miles from the plant. NEPA also requires the consideration of "cumulative impacts" in assessing the proposed action, such as the impact that radioactive emissions from the plant may have had, and may continue to have, on wildlife and the human environment. Other issues that should be addressed in an SEIS will be identified in the scoping process.

The NRC's completion of a full and objective SEIS must include a full study of alternatives to the proposed action prior to an irretrievable investment of resources. NEPA requires not merely a detailed statement of alternatives but also presentation of environmental risks incidental to reasonable alternative courses of action...and they should not be limited to measures which a particular agency or official can adopt."NRDC v. Morton, 458 F .2d (1972). Such an objective review of alternatives and their environmental risks could preclude the need to conduct the expensive and time consuming relicensing process by substituting a more environmentally friendly alternative for the operation of this aged nuclear power plant located in one of the most environmentally sensitive areas in the world.

Finally, for all the above reasons and for those contained in Section D, I hereby request pursuant to 10 C.F.R. Part 2.758, that the NRC waive its rule on generic environmental impact statements in this relicensing proceeding, because the relicensing of Turkey Point involves special circumstances and significant new information that would cause the application of the rule to not serve its intended purpose of assessing the environmental impacts of the proposed action on the fragile South Florida environment.

II. NRC RELICENSING PROCESS MUST COMPLY WITH THE ESA

Over 64 threatened and endangered species inhabit the South Florida Ecosystem, more than any state except California. The proposed action could adversely impact many of these species and subspecies. The NEPA process requires compliance with the Endangered Species Act (ESA), 16, U.S.C. 1531 et seq. The ESA dictates that federal agencies shall "utilize their authorities in furtherance of the purposes of the ESA...by carrying out programs for the conservation of endangered and threatened species listed." 16 U.S.C. 1536 (a). In particular, all federal agencies that plan, undertake, or authorize actions that "may affect" listed species or critical habitat must consult with the U.S. Fish and Wildlife Service, or other relevant agency, to insure that any action authorized, funded, or carried out by such any agency...is not likely to jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species...." 16 U.S.C. 1536 (a) (2).

Although the Licensee has sent a brief letter to the Fish and Wildlife Service (FWS) about the proposed action, it does not appear that the NRC conducted the required consultation with FWS prior to proposing to expend substantial resources in the relicensing process. As the July 5, 2000, letter from Jay Slack of FWS to FPL stated, "The ultimate responsibility for Section 7 obligations remains with the federal action agency. This letter does not fulfill requirements of interagency section 7 consultation for the project. " I hereby request that when, and if, the NRC decides to seek the required consultation under Section 7, that they ask the FWS to study the

impact that offsite consequences could have on a fifty mile radius of the plant; and not limit their review to the area directly surrounding the plant. There are a myriad of threatened and endangered species that inhabit this vast ecosystem, and that could be adversely affected by the proposed action. Also, due to the environmental importance of this area and the vast ecosystem restoration effort being undertaken here, I request that the NRC ask the Fish and Wildlife Service, Everglades National Park, Biscayne National Park, the Environmental Protection Agency, and the Army Corps of Engineers to become cooperating agencies on the site-specific EIS. I would also suggest that you notify the South Florida Ecosystem Restoration Task Force, and their Working Group, of the scope of your proposed action.

III. ISSUES THAT SHOULD BE SUBJECT TO AN SEIS AND PUBLIC HEARING

It is my understanding that I have until fifteen days before the Prehearing Conference to write specific contentions. The following list of issues that I believe should be raised in a site-specific SEIS process and eventually in a hearing, preferably after the NEPA process is completed include:

PRESSURE VESSEL INTEGRITY AND OTHER AGE-RELATED CONCERNS

10 C.F.R. Part 50.61, "Fracture Toughness for Protection Against Pressurized Thermal Shock Events," requires that the Licensee evaluate the reactor vessel beltline materials against specific criteria to ensure protection against brittle fracture. As evidenced by the shutdown of the Yankee Rowe plant, the toughness of the reactor pressure vessel may well determine the operating life of the nuclear reactor. In the past, Turkey Point has been named on NRC lists of reactors that are susceptible to embrittlement. To my recollection, Charpy tests were conducted by an outside laboratory on weld metal samples from the reactor vessels early in the life of Turkey Point, and the laboratory suggested that the Licensee repeat the weld metal sample test in a few years due to their findings. To the best of my recollection, the Licensee did not conduct the suggested test to the site-specific weld metal sample material a few years later, which is the best evidence of the true condition of the Turkey Point reactor vessels.

The Licensee appears to be relying on the NRC's Pressurized Thermal Shock (PTS) rule that appears to allow reactors to be operated longer prior to the testing of the reactor vessels. I hereby request pursuant to 10 C.F.R. 2.758 that the NRC waive their PTS Rule for this Turkey Point proceeding, because it is in the public interest to conduct site-specific weld metal tests that show the true condition of these reactor vessels before continuing with the relicensing process. According to statements in the Licensee's application, "The Turkey Point circumferential weld material previously fell below the 10 CFR 50, Appendix G requirement of 50 ft-lb," but "a fracture mechanics evaluation was performed to demonstrate acceptable equivalent margins of safety against fracture." It is my contention that plant-specific testing may show that these reactor vessels, which are the main line of defense against a meltdown accident, are more embrittled than these analyses show and that the multiple failure of aging components, including a hurricane induced failure, could increase the probability and possibility of a severe accident with severe

offsite radiological consequences.

In the interest of the public health and safety, the NRC should instruct the Licensee to test weld samples from Units 3 and Unit 4 to prove that the Charpy upper shelf energy is above 50 ft-lbs, or that the lower values of upper shelf energy would provide margins of safety equivalent to those required by Appendix G throughout the extended life of the plant before allowing the relicensing process to continue. Just as the proof is in the pudding, the proof of the fracture toughness of the Turkey Point reactor vessels is in the weld material contained inside those vessels. (FPL has responded to Sierra Club inquiries that 8 original samples of reactor vessel material and 4 weld capsules are still in the reactor.) Such a site-specific test is necessary, not only to protect the public health and safety, but also for the cost benefit analysis of alternatives required by NEPA, since the replacement cost of the reactor vessel would be prohibitive and annealing would create further environmental issues. It is my understanding that no nuclear power plant has ever replaced its vessel.

Finally, the NRC should analyze whether the age-related degradation of multiple components at Turkey Point could increase the chance that several components will fail simultaneously, thereby decreasing the safety margin of the plant and increasing the probability of an age-related accident and resultant radiological emergency that would have an extremely adverse impact on the human environment. As the GAO Report, Nuclear Regulation: Preventing Problem Plants Requires More Effective NRC Action stated, "The concept of defense-in-depth forms the foundation of NRC's confidence that nuclear plants are safe, even those that may be shut down for safety problems." Is this defense-in-depth compromised in aging plants?

HURRICANE AND AGING EQUIPMENT COULD INCREASE THE RISK, PROBABILITY, AND MAGNITUDE OF A RADIOLOGICAL ACCIDENT

The fact that the Turkey Point reactors are located in a hurricane region presents "special circumstances" in that the radiological threat from such an accident would be potentially greater than for another plant because of the inability to evacuate. In the case of a maximum hurricane, it is essential to ensure that critical components do not lose the ability to perform their intended safety function. Age related stress, corrosion and metal fatigue of both safety related and non-safety related equipment could make Turkey Point more susceptible to hurricane induced damage and make the risk, probability, and magnitude of a radiological accident more severe than other plants. 10 C.F.R. 50.4 (a) (1) (1984 requires that "no operating license for a nuclear reactor will be issued unless there is a finding made by the NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency."

It is my contention that the operation of the aged Turkey Point beyond its original license could increase the risk that a hurricane could cause an age-related accident and radiological emergency and complicate emergency response, thereby making an accident more likely and the results more catastrophic. Turkey Point is located in an area of high hurricane activity. In 1992, a direct hit by Hurricane Andrew caused extensive damage to the plant and the surrounding area

was unable to evacuate if it had become necessary. Hurricanes are "frequently occurring natural phenomena" in our area that has a long hurricane season, thus accidents that could be caused by them, or occur contemporaneously with them, are not remote or highly speculative. Neither is the already proven possibility that such an event could disrupt offsite emergency response, thereby causing potentially serious consequences to public health and safety.

I must say that I found it extremely disconcerting to read in the Licensee's Environmental Report that the annual offsite exposure risk of 10.88 person-rem for a radiological accident has been "converted to a monetary equivalent (dollars) via application of the NRC's conversion factor of $2,000 per person-rem." According to the Report, "The level 3 analysis shows an annual offsite economic risk of $22,850," and their "Estimated Present Dollar Value Equivalent for Severe Accidents at Turkey Point Units 3 & 4" for the offsite population dose is $234,207. This practice of converting exposure risk to a dollar figure is not only extremely tasteless, the dollar figure appears to be ridiculously low for this old plant at this hurricane prone site.

GROWING SOUTH FLORIDA POPULATION THREATENS EMERGENCY RESPONSE

The South Florida population, including the Miami Area has increased dramatically since Turkey Point was built. According to the Licensee's application, there is a high population of 2,572,526 people presently living within 50 miles of the Turkey Point plants. And, according to a chart entitled "Regional Population Distribution Year 2025," there will be 3,952,697 people living in a fifty mile radius of the plant during the license renewal period. This figure appears to be much lower than other figures that have been cited for estimated population growth in South Florida. Additionally, the current proposal to build a commercial airport at the Homestead Air Base site would greatly increase the population in the vicinity of the plant and could stress the evacuation capability of the surrounding community. The NRC must require the Licensee to demonstrate that the population in the rapidly growing South Florida area could safely evacuate in the event of a nuclear accident during the extended twenty year operation before relicensing this plant as required by 10 C.F.R. 50.4(a)(1).

RELICENSING WILL CREATE MORE NUCLEAR WASTE AND RADIOACTIVE BY-PRODUCTS THAT COULD ADVERSELY IMPACT THE ENVIRONMENT

Nuclear Waste:

According to an FPL response to a Sierra Club Miami Group member, there are presently about 1700 spent fuel assemblies being stored at Turkey Point, and they will run out of space for spent fuel in 2010 for Unit 3 and 2011 for Unit 4. According to the Licensee's application, the license for Unit 3 will expire on July 19, 2012 and the Unit 4 license on April 10, 2013. This shows that the Licensee barely has enough room to store the high-level wastes created from the original forty year operation of these plants, let alone the wastes from an additional twenty years operation being contemplated by the proposed action. According to this same response, Barnwell reportedly could be closed to low-level waste from FPL in the next few years.

The proposed action which would increase both the amount and toxicity of the high-level and low-level nuclear waste that will be created by at least half and will exceed the plant's original storage capacity for the high-level waste that must be isolated from the environment for at least ten of thousand of years. Wherever these wastes are stored will have a profound long term affect on the environment. The fact that after over forty years of nuclear power operation, the government still has not found a place to safely and permanently dispose of nuclear waste, means that, in all likelihood, the high-level waste will remain stored permanently on site at Turkey Point. And, if the Licensee is no longer able to send low-level waste to Barnwell, and another site is not found, low-level waste could also be stored on site. The fact that this is an area of high hurricane frequency could increase the risk and probability that nuclear wastes stored on site could contaminate the human environment and would increase the consequences if they did.

As was stated in the above discussion of hurricanes, the Turkey Point site presents special circumstances in that these spent fuel rods being stored on site, and not in the reactor containment building, could be distributed to the environment by a hurricane and age related accident that disrupts emergency response. Such an accident could cause severe and irreversible contamination of the surrounding environment and disrupt emergency response. The Licensee's Turkey Point site is probably the most unsafe site to store nuclear wastes in the country, and the NRC should not even consider the relicensing of this plant until the Licensee has demonstrated that they have a permanent, safe disposal facility for both the high level and low-level wastes that will be created by the proposed action. The special circumstances that occur at Turkey Point are far too important to be dismissed generically and must be addressed on a site-specific basis.

Potential Increase in Radiation in the Surrounding Environment:

Before the NRC considers relicensing the Turkey Point Reactors, it must analyze the impact that the current operation of Turkey Point is having on the cooling canals and the aquatic and human environment surrounding the plant. Relicensing of the Turkey Point reactors will mean that adverse impacts to the human environment (if occurring) will continue for an additional twenty years beyond the current license period. The impacts that the accumulation and biological magnification of radiation may be having on plant, animal and marine life and the immune system, as well as human health, and the potential cumulative impacts that may occur during the twenty years extended operation must be analyzed both in a site-specific SEIS and this proceeding.

The impact of radionuclides and any bioaccumulation or biomagnification that may be occurring in the food chain, marine life, plant, and humans from plant emissions and the coastal disposition and dispersion should be analyzed. This analysis should include research on any build-up of strontium-90 and cesium-137 in the surrounding environment, including Biscayne Bay. The sediments of the Turkey Point cooling canals should also be studied for any build-up of tritium and other fission products. The potential radiation exposure through the sand, soil, dust, air, food chain, and marine life may increase as the plant ages and its life is extended by the relicensing. Analysis of any current impact that may exist, as well as the cumulative impacts that could result

from the extended operation. should be the subject of a site specific SEIS, and this proceeding. It is important that the NRC take advantage of what has been learned about radiation exposure and emissions and investigate the current situation surrounding the plant before making a major commitment to future operation.

RELICENSING POSES UNIQUE THREATS, AND MAY BE INCOMPATIBLE WITH, THE RESTORATION OF THE EVERGLADES AND SOUTH FLORIDA ECOSYSTEM

Lastly, it is clear that neither the NRC, nor FPL, have addressed the important environmental issue of Everglades Restoration, and whether the relicensing of this old nuclear power plant is consistent with this other very important major federal action that will invest more than 8 billion dollars in restoring the South Florida ecosystem. It is clear that an accident at this old Turkey Point power plant that could be caused by what NRC Commissioner Kenneth Rogers once called "nuclear plant aging" has the potential to negate this $8 billion dollar effort.

According to an article in The Energy Daily dated August 31, 1988, Commissioner Rogers reportedly told a conference on Nuclear Power Plant Aging that the natural process of plant aging increases the chance that several components will fail simultaneously. According to a newspaper report Rogers told the conference that, **"Degradation would decrease the safety margins so that, in essence we have a 'loaded gun' an accident waiting to happen."** It has not been proven that the safety threats posed by plant aging will be averted by the NRC's management of these age related matters. In short, we may still have a loaded gun ready to go off, that if it did, could kill the most ambitious environmental repair job in human history. The probability, risk, and consequences of destroying this major federal action by allowing these old nuclear power plants to continue to operate in the midst of this environmentally sensitive area must be assessed. Moreover, the opinions of the government leaders who supported this great restoration effort should be solicited.

The power that we get from Turkey Point can easily be replaced by more environmentally benign sources of energy that do not contain the uncertain risks associated with the operation of these nuclear reactors beyond their original lives, and longer than any nuclear power plants have ever operated in this country. It is my contention that without the changes requested in this letter, the NRC's License Renewal Process will not provide reasonable assurance that the operation of Turkey Point will not be inimical to the public health and safety to the end of the renewal period,

nor will it protect the fragile environment. The people of South Florida, and the beautiful Everglades ecosystem where they live, should not be the subject of a high stakes nuclear gamble. **Turkey Point can be replaced. The priceless Everglades cannot.**

Sincerely,

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