

RAS 2436

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USNRC

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'00 NOV 27 P4:28

November 22, 2000

OFFICE OF THE  
GENERAL COUNSEL  
U.S. NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board  
Mail Stop O 16-C-1  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Atomic Safety and licensing Board members:

I am not a lawyer, I am not a scientist, I am a retired music teacher and I am trying to do my best under unusual circumstances. I would like to respond to FPL's and the NRC Staff's opposition to my request for a hearing. The Secretary of the Commission, Annette L. Viette-Cook, has extended the filing deadline for a hearing request to November 27, 2000 for Ms. Joette Lorion. I believe this extension gives me the opportunity to respond without delaying the proceedings.

Mr. David Lewis, Counsel for FPL notes that FPL was not served with a copy of my request. This oversight has been corrected, though belatedly. Mr. Lewis then writes, "Mr. Oncavage makes no statements concerning the nature or extent of his interest, other than to state that he lives approximately 15 miles from Turkey Point." Mr. Lewis is wrong. My request states, "I am a resident and homeowner in Miami-Dade County (emphasis added). I own a house a house situated on approximately one half acre of land. Turkey Point lies approximately to the southeast of my house. Oftentimes the wind blows from the southeast putting my family, my property, and me downwind of Turkey Point.

One of the documents I mentioned in my contentions, NUREG/CR-6451, displays a table (4.3) showing PWR Core Melt Accident results. The generic results, in this document, of a core melt accident with evacuation would be 35,000 latent fatalities and 2,000 square miles of condemned land. The generic results, in this document, of a

core melt accident without evacuation would be 110,000 latent fatalities and 2,000 square miles of condemned land. If a core melt accident were to occur at Turkey Point during the renewed license, there is an overwhelming possibility that my wife and I would be two of the generic 35,000 or 110,000 latent fatalities and that my property would be part of the generic 2,000 square miles of condemned land.

Mr. Lewis then opposes my request by writing, "While a proximity test has been used as a presumption in initial licensing proceedings, the Commission has not decided whether such a presumption should apply in license renewal proceedings." It appears that Mr. Lewis' opposition to my request is based on a Commission rule that doesn't exist.

Mr. Lewis then states, "If a person such as Mr. Oncavage expresses interest only in issues that are beyond the scope of the proceeding, there can be no injury that is redressable in the proceeding." It appears that Mr. Lewis is addressing the admissibility of each contention rather than the issue of standing. I would like the opportunity to respond to his statements about my contentions at a later date.

Mr. Steven Hom, Counsel for the NRC Staff writes, "That a petitioner lives within a specific distance from the plant has been found, in the past, to be sufficient alone to confer standing on that petitioner in proceedings on construction permits, operating licenses, or significant amendments thereto." The issue in this matter, is a plant with an expired operating license. This issue falls into two of the three proceedings mentioned in Mr. Hom's quotation, namely, "operating license" and "significant amendments thereto." A plant operating well beyond its license period of forty years deserves thorough examination by the public, state and local governments, the Atomic Safety and Licensing Board, and all aspects of the NRC. I believe the NRC carries the heaviest burden in proving the safety of the plant since the NRC's very mission is to "...ensure adequate protection of the public health and safety, the common defense

and security, and the environment in the use of nuclear materials in the United States.” I further believe that my participation will make a valuable contribution to the hearing process.

The Consequences of Reactor Accident (CRAC-2) report, published in 1982 by Sandia Laboratories of New Mexico describes a worst case scenario meltdown of Turkey Point causing 29,000 peak early fatalities and peak early injuries at 45,000. These chilling numbers are from 1982 and have not been increased for the growth in population that has occurred in the last 18 years. With my house so close to Turkey Point, I have no doubt that my family and I meet Mr. Hom’s test for “substantial”, “actual”, “direct”, or “genuine.”

I have one citation to offer. In 1979, an Atomic Safety and Licensing Board, in the matter of FLORIDA POWER AND LIGHT COMPANY (Turkey Point Nuclear Generating Unit Nos. 3 and 4), (Proposed Amendments to Facility Operating Licenses to Permit Steam Generator Repairs) granted intervenor status to Mr. Mark P. Oncavage, 12200 SW 110<sup>th</sup> Avenue, Miami, FL 33176.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark P. Oncavage", written in a cursive style.

Mark P. Oncavage

FLORIDA POWER & LIGHT COMPANY  
Turkey Point Units 3 and 4  
Docket Nos. 50-2500LR  
50-251-LR

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U.S. NUCLEAR REGULATORY COMMISSION  
ADJUDICATION DIVISION

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I certify the foregoing have been served with copies by Priority Class Mail.



November 22, 2000

Mark P. Oncavage