

January 23, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
FLORIDA POWER AND LIGHT COMPANY) Docket Nos. 52-040-COL and 52-041-COL
)
(Turkey Point Units 6 and 7))

NRC STAFF ANSWER TO "FLORIDA POWER & LIGHT COMPANY'S
MOTION TO DISMISS JOINT INTERVENORS' CONTENTION 2.1 AS MOOT"

Pursuant to 10 C.F.R. § 2.323(c), the staff of the U.S. Nuclear Regulatory Commission (Staff) hereby responds to the "Florida Power & Light Company's [Applicant or FPL] Motion To Dismiss Joint Intervenor's Contention 2.1 As Moot" dated January 3, 2012 (FPL Motion). As admitted by the Atomic Safety and Licensing Board ("Board") in this proceeding, Joint Intervenor's¹ Contention 2.1 states:

the ER fails to analyze and discuss the potential impacts on groundwater quality of injecting into the Floridan Aquifer via underground injection wells heptachlor, ethylbenzene, toluene, selenium, thallium, and tetrachloroethylene, which have been found in injection wells in Florida but are not listed in FPL's ER as wastewater constituent chemicals.

Florida Power & Light Co. (Turkey Point Units 6 and 7), LBP-11-06, 73 NRC __, __ (Feb. 28, 2011 (slip op. at 36).

On December 16, 2011, the Applicant submitted a revision to the Application. See Letter to NRC from M.K. Nazar, FPL, dated December 16, 2011. (ADAMS Accession No. ML11361A102). The revised Environmental Report (ER) submitted as part of the Application lists the chemicals identified in Contention 2.1 and includes analysis of the potential

¹ The Joint Intervenor's are Mark Oncavage, Dan Kipnis, Southern Alliance for Clean Energy (SACE), and the National Parks Conservation Association.

impacts on groundwater quality of, among other things, injecting the chemicals into the lower Floridan Aquifer via underground injection wells. See Application, Rev. 3, Part 3, Table 3.6.2 at 3.6-7, § 5.2.3.2.4 at 5.2-25, and § 5.2.1.1.9 at 5.2-10 to 5.2-13 (ADAMS Accession Nos. ML11362A163 and ML11362A165, respectively).² Accordingly, the NRC Staff agrees that Joint Intervenor's Contention 2.1 is now moot and should be dismissed.³ See *Duke Energy Corp.* (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), CLI-02-28, 56 NRC 373, 382-83 (2002).

Respectfully submitted,

/Signed (electronically) by/

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Executed in Accord with

10 C.F.R. § 2.304(d)

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Dated at Rockville, Maryland
this 23rd day of January, 2012

² The Staff notes that the substantive discussion of impacts to groundwater did not change with consideration of these additional chemical constituents.

³ The NRC Staff has not yet completed its review of the revised Application, and takes no position on the adequacy of the ER's analysis with respect to the injection into groundwater of water containing the listed chemical constituents.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC Staff Answer To 'Florida Power & Light Company's Motion To Dismiss Joint Intervenor's Contention 2.1 As Moot'" have been served upon the following persons by Electronic Information Exchange this 23rd day of January, 2012:

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Dated at Rockville, Maryland
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