May 8, 2015

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF ANSWER TO "PETITION BY THE CITY OF MIAMI, FLORIDA, FOR LEAVE TO INTERVENE IN A HEARING ON FLORIDA POWER & LIGHT COMPANY'S COMBINED CONSTRUCTION AND OPERATING LICENSE APPLICATION FOR TURKEY POINT UNITS 6 & 7, OR IN THE ALTERNATIVE, PARTICIPATE AS A NON-PARTY LOCAL GOVERNMENT"

INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.323 and 2.309 and the Atomic Safety and Licensing Board (Board) Orders dated March 30, 2011,[1] and March 25, 2015,[2] the staff of the U.S. Nuclear Regulatory Commission (Staff) hereby responds to the "Petition by the City of Miami, Florida, [City] for Leave to Intervene in a Hearing on Florida Power & Light Company's Combined Construction and Operating License Application for Turkey Point Units 6 & 7, or in the Alternative, Participate as a Non-Party Local Government" (Petition) dated April 13, 2015. For the reasons set forth in detail below, the Staff agrees the City has standing but opposes admission of the proposed new contentions since they either do not meet the criteria of 10 C.F.R. § 2.309(c)(1) for contentions filed after the deadline set in the Notice of Hearing or the contention standards of 10 C.F.R § 2.309(f)(1)(iv)–(vi). Accordingly, the Staff opposes the City's

[1] *Florida Power & Light Co.* (Turkey Point Units 6 and 7), Initial Scheduling Order and Administrative Directives (Mar. 30, 2011) (unpublished) (ADAMS Accession No. ML110890768) (Initial Scheduling Order).

[2] *Florida Power & Light Co.* (Turkey Point Units 6 and 7), Order (Granting Motion for Additional Time) (Mar. 25, 2015) (unpublished) (ADAMS Accession No. ML15084A225) (2015 Scheduling Order).

Petition to intervene as a party to this proceeding. The Staff, however, has no objection to the City's participation in this proceeding under the provisions of 10 C.F.R. § 2.315(c).

BACKGROUND

On June 30, 2009, the Florida Power and Light Company (Applicant or FPL), pursuant to the Atomic Energy Act of 1954, as amended (AEA) and the Commission's regulations, submitted an application for combined licenses (COL) for two nuclear power reactors to be located adjacent to the existing Turkey Point Units 1 through 5, at the Turkey Point site near Homestead, Florida (Application). *See* Letter from M. K. Nazar, FPL, to M. Johnson, Office of New Reactors, NRC, dated June 30, 2009 (ADAMS Accession No. ML091830589). The Application designated the proposed units as Turkey Point, Units 6 & 7. Application Rev. 0, Part 1 at 1 (ML091870846). The Application includes an Environmental Report (ER), which provides the Applicant's assessment of the environmental impacts of the proposed action, as required by the 10 C.F.R. §§ 52.80(b) and 51.50(c). *See* Application, Part 3 (ER).[3]

On August 3, 2009, the Staff published a notice of the receipt and availability of the Application in the *Federal Register*. 74 Fed. Reg. 38,477 (Aug. 3, 2009). The Application was accepted for docketing on September 4, 2009. 74 Fed. Reg. 51,621 (Oct. 7, 2009). On June 18, 2010, the NRC published a Notice of Hearing and Opportunity to Petition for Leave to Intervene, which provided members of the public sixty days from the date of publication to file a petition for leave to intervene in this proceeding. *See* "Florida Power & Light Company, Combined License Application for the Turkey Point Units 6 & 7, Notice of Hearing, Opportunity for Leave to Petition to Intervene and Associated Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation," 75 Fed. Reg. 34,777 (June 18, 2010) (Notice of Hearing).

[3] The ADAMS Accession number for the ER depends on the revision number being cited.

In response to the Notice of Hearing, on August 17, 2010, Citizens Allied for Safe Energy, Inc. ("CASE") and Mark Oncavage, Dan Kipnis, Southern Alliance for Clean Energy, and the National Parks Conservation Association (Joint Intervenors) submitted separate Petitions through which they sought to intervene in this proceeding. *See* Citizens Allied for Safe Energy, Inc. Petition to Intervene and Request for a Hearing (Aug. 17, 2010) (ML102300287);[4] Joint Intervenors' Petition for Intervention (Aug. 17, 2010) (ML102300582). In addition, the Village of Pinecrest petitioned to intervene or, in the alternative, participate in the proceeding as an interested governmental entity. *See* Petition by the Village of Pinecrest, Florida, for Leave to Intervene in a Hearing on [FPL's] [COL] Application For Turkey Point Units 6 & 7, or in the Alternative, Participate as a Non-Party Local Government (Aug. 16, 2010) (ML102280601).

On August 31, 2010, this Atomic Safety and Licensing Board was established to preside over the proceeding. *See* 75 Fed. Reg. 54,400 (Sept. 7, 2010). In a decision dated February 28, 2011, the Board admitted Joint Intervenors' Contention NEPA 2.1 and CASE Contentions 6 and 7, and admitted CASE and the Joint Intervenors as parties to this proceeding. *See Florida Power & Light Co.* (Turkey Point Units 6 and 7), LBP-11-06, 73 NRC 149, 190-94, 226, 241-43, 244-46, 248 (2011).[5] The Board also granted the Village of Pinecrest request to participate in the proceeding under 10 C.F.R. § 2.315(c). *Id*. at 165, 251.

On January 26, 2012, the Board granted FPL's motion to dismiss CASE Contention 6 and Joint Intervenors' Contention 2.1 as moot, but accepted Joint Intervenors' amended Contention 2.1 for consideration. *Florida Power & Light Co.* (Turkey Point Units 6 and 7), Memorandum and Order (Granting FPL's Motions to Dismiss Joint Intervenors' Contention 2.1 and CASE's Contention 6 as Moot), at 3, 7 (Jan. 26, 2012) (unpublished) (ML12026A438). The

[4] CASE filed a revised Petition on August 20, 2010 (ML102320411). *See Turkey Point*, LBP-11-06, 73 NRC 149, 166 n.3 (2011).

[5] In LBP-11-06, the Board found the rest of the contentions CASE proposed in its petition inadmissible, including CASE Contention 5 regarding sea level rise. *See Turkey Point*, LBP-11-06, 73 NRC at 237, 248.

Board later dismissed CASE's only remaining contention and dismissed CASE from this proceeding. *Florida Power & Light Co.* (Turkey Point Units 6 and 7), LBP-12-04, 75 NRC 213, 217; LBP-12-07, 75 NRC 503, 520 (2012). The Board also admitted Joint Intervenors' amended Contention 2.1. *See Florida Power & Light Co.* (Turkey Point Units 6 and 7), LBP-12-09, 75 NRC 615, 632. The Board later narrowed and reformulated in a decision granting in part and denying in part an FPL motion for summary disposition on amended Contention 2.1. *Florida Power & Light Co.* (Turkey Point Units 6 and 7), Memorandum and Order (Granting in Part and Denying in Part Motion for Summary Disposition of Amended Contention 2.1) (Aug. 30, 2012) (unpublished) (ML12243A323). Joint Intervenors' Contention 2.1, as amended, is pending.

On March 5, 2015, the NRC published a notice of availability of a draft Environmental Impact Statement (EIS) on the Application. On April 13, 2015, in accordance with the Board's 2015 Scheduling Order, the City submitted its Petition.

DISCUSSION

I. LEGAL STANDARDS

A. Standing to Intervene

In accordance with the Commission's Rules of Practice:

> [a]ny person whose interest may be affected by a proceeding and who desires to participate as a party must file a written request for hearing or petition for leave to intervene and a specification of the contentions that the person seeks to have litigated in the hearing.

10 C.F.R. § 2.309(a). The regulations further provide that the Licensing Board "will grant the [petition] if it determines that the [petitioner] has standing under the provisions of [10 C.F.R. § 2.309(d)] and has proposed at least one admissible contention that meets the requirements of [10 C.F.R. § 2.309(f)]. *Id*.

Under the general standing requirements set forth in 10 C.F.R. § 2.309(d)(1), a request for hearing or petition for leave to intervene must state:

> (i) The name, address and telephone number of the

> requestor or petitioner;
>
> (ii) The nature of the requestor's/petitioner's right under the [AEA] to be made a party to the proceeding;
>
> (iii) The nature and extent of the requestor's/petitioner's property, financial or other interest in the proceeding; and
>
> (iv) The possible effect of any decision or order that may be issued in the proceeding on the requestor's/petitioner's interest.

10 C.F.R. § 2.309(d)(1). As the Commission has observed, "[a]t the heart of the standing inquiry is whether the petitioner has 'alleged such a personal stake in the outcome of the controversy' as to demonstrate that a concrete adverseness exists which will sharpen the presentation of issues." *Sequoyah Fuels Corp. and Gen. Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 71 (1994) (citing *Duke Power Co. v. Carolina Envtl. Study Group, Inc.*, 438 U.S. 59, 72 (1978), and quoting *Baker v. Carr,* 369 U.S. 186, 204 (1962)).

To demonstrate such a "personal stake," the Commission applies contemporaneous judicial concepts of standing. Accordingly, petitioner must (1) allege an "injury in fact" that is (2) "fairly traceable to the challenged action" and (3) is "likely" to be "redressed by a favorable decision." *Sequoyah Fuels*, 40 NRC at 71-72 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (citations and internal quotations omitted) and citing *Cleveland Elec. Illuminating Co.* (Perry Nuclear Power Plant, Unit 1), CLI-93-21, 38 NRC 87, 92 (1993)). *See also Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 323 (1999).

In reactor licensing proceedings, licensing boards have typically applied a "proximity" presumption to persons "who reside in or frequent the area within a 50-mile radius" of the proposed plant. *See, e.g., Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), LBP-01-6, 53 NRC 138, 147-48 (2001) (collecting cases and summarizing the development of the Commission's standing doctrine). The Commission noted this practice with approval, stating that "[w]e have held that living within a specific distance from the plant is

enough to confer standing on an individual or group in proceedings for construction permits, operating licenses, or significant amendments thereto[.]" *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329 (1989), citing *Virginia Electric and Power Co.* (North Anna Power Station, Units 1 and 2), ALAB-522, 9 NRC 54 (1979).

The proximity presumption establishes standing without the need to establish the elements of injury, causation, or redress. *Turkey Point*, LBP-01-6, 53 NRC at 150. The Commission has affirmed that the 50-mile proximity presumption applies to applications for new nuclear power plants, including combined license applications. *Calvert Cliffs 3 Nuclear Project LLC & Unistar Nuclear Operating Services, LLC* (Combined License Application for Calvert Cliffs, Unit 3), CLI-09-20, 70 NRC 911, 915-18 (2009).

B. Legal Standards for Contention Admissibility

To be admissible, a newly proffered contention must satisfy: (1) the timeliness standards in 10 C.F.R. § 2.309(c)(1) for new and amended contentions; and (2) the general contention admissibility standards in 10 C.F.R. § 2.309(f)(1). *See Florida Power and Light Co.* (Turkey Point, Units 6 & 7), LBP-11-15, 73 NRC 629, 633 (2011).[6] New or amended contentions filed after the initial filing period may be admitted only with leave of the presiding officer upon a showing that

> (i) The information upon which the amended or new contention is based was not previously available;
>
> (ii) The information upon which the filing is based is materially different from information previously available; and
>
> (iii) The filing has been submitted in a timely fashion based on the availability of the subsequent information.

10 C.F.R. § 2.309(c)(1) (modifying requirements of former 10 C.F.R. § 2.309(f)(2)).

In addition to satisfying the requirements in 10 C.F.R. § 2.309(c)(1) for a new or amended contention filed after the deadline, the petitioner must set forth with particularity the

[6] The Commission has consolidated its requirements for filing contentions after the deadline set in the Notice of Hearing in 10 C.F.R. § 2.309(c)(1). *See* Amendments to Adjudicatory Process Rules and Related Requirements, 77 Fed. Reg. 46,562, 46,591 (Aug. 3, 2012).

reasons why the proposed contention satisfies the 10 C.F.R. § 2.309(f)(1) general contention admissibility requirements, which are that the contention must:

> (i) Provide a specific statement of the issue of law or fact to be raised or controverted . . . ;
>
> (ii) Provide a brief explanation of the basis for the contention;
>
> (iii) Demonstrate that the issue raised in the contention is within the scope of the proceeding;
>
> (iv) Demonstrate that the issue raised in the contention is material to the findings the NRC must make to support the action that is involved in the proceeding;
>
> (v) Provide a concise statement of the alleged facts or expert opinions which support the requestor's/petitioner's position on the issue and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue; and
>
> (vi) . . . provide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief . . . .

10 C.F.R. § 2.309(f)(1).

The 10 C.F.R. § 2.309(f)(1) requirements should "focus litigation on concrete issues and result in a clearer and more focused record for decision." Changes to Adjudicatory Process, 69 Fed. Reg. 2,182, 2,202 (Jan. 14, 2004)(final rule). The Commission has stated that it "should not have to expend resources to support the hearing process unless there is an issue that is appropriate for, and susceptible to, resolution in an NRC hearing." *Id*. The Commission has emphasized that the rules on contention admissibility are "strict by design." *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-01-24, 54 NRC 349, 358 (2001), *petition for reconsideration denied*, CLI-02-01, 55 NRC 1 (2002). Failure to comply with any of these requirements is grounds for the dismissal of a contention. *Private Fuel*

Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 325 (1999). Attempting to meet these requirements by "[m]ere 'notice pleading' does not suffice." *Amergen Energy Co., L.L.C.* (Oyster Creek Nuclear Generating Station), CLI-06-24, 64 NRC 111, 119 (2006).

II. THE CITY HAS ESTABLISHED STANDING

In support of its standing in this proceeding, the City states that it is a "Florida municipal corporation" incorporated in 1896 that is "located 25 miles from Turkey Point." Petition at 3. Furthermore, "FPL's proposed transmission corridor originating at the company's Davis substation is located directly within the City's limits." *Id*. The Petition states that the City "anticipates that hazards to the health of its residents may arise from completion and operation of the proposed reactors, including both routine and accidental releases of radioactive materials into the air and into local surface waters and groundwater." *Id.* The Petition also states that the City and its residents "are …concerned about the impact construction and operation of the proposed units will have on the quality and quantity of water available to them for portable use, and to support natural ecosystems." *Id*.

The Staff agrees that the City has shown standing to intervene in this proceeding. The Commission has recognized that a governmental body's interest in protecting the individuals and territory that fall under its authority establishes an organizational interest for standing purposes. *See Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-98-13, 48 NRC 26, 33 (1998); *Carolina Power and Light Co*. (Shearon Harris Nuclear Power Plant), LBP-99-25, 50 NRC 25, 29 (1999). Moreover, a local government entity in the vicinity of a nuclear power plant has been considered to have standing to intervene where it is in a position analogous to that of an individual living or working within a few miles of the plant. *Cf. Power Auth. of the State of New York* (James FitzPatrick Nuclear Power Plant and Indian Point Nuclear Generating Unit 3), CLI-00-22, 52 NRC 266, 294-295 (2000) (finding standing for local

governmental entities in license transfer proceeding); *see also Shearon Harris*, LBP-99-25, 50 NRC at 29-30 (finding standing in spent fuel pool expansion amendment proceeding for county located approximately 17 miles from facility). Here, the Staff agrees that because the City is a municipality and its residents are located within 25 miles of the proposed new units, the City has demonstrated organizational standing under the 50-mile proximity presumption applied by the Commission in proceedings for new power reactor licenses. *Calvert Cliffs*, CLI-09-20, 70 NRC at 915-8.

III. THE PROPOSED NEW CONTENTIONS ARE INADMISSIBLE

A. Proposed Contention 1

> The draft EIS is deficient in concluding that the environmental impacts from FPL's proposed deep injection wells will be "small" because the draft EIS fails to identify the source data of the chemical concentrations in draft EIS Table 3-5 for methylbenzene, [heptachlor], tetrachloroethylene, and toluene. Such information is necessary to ensure the accuracy and reliability of those concentrations, so it might reasonably be concluded that those chemicals will not adversely impact the groundwater by migrating from the Boulder Zone to the Upper Floridan Aquifer.

Petition at 6.

The City asserts five bases for proposed Contention 1: (1) It claims the DEIS has failed to adequately address the potential impacts associated with the disposal of plant liquid effluents, including chemical and radioactive waste, into the Lower Floridan Aquifer via Class I underground injection wells. Petition at 6. Specifically, the City claims the DEIS fails to analyze the fate and transport of the injected effluent into the Boulder Zone, and fails to assess health and environmental risks associated with the liquid effluent pathway. *Id*. at 7. (2) The City claims the DEIS has failed to provide a complete and accurate assessment of the chemical and radiological constituents of the plant liquid waste streams. *Id*. at 7. Specifically, it asserts the DEIS fails to identify the total amount of each chemical constituent of the effluent, and it is not possible to discern exactly what is in the effluent, and in what

amount. *Id*. (3) The City claims the DEIS has failed to state what release levels into the environment are considered safe for each potentially harmful chemical that will be released. *Id*. at 7 n.2. (4) The City claims the DEIS has failed to provide the source references for safe release levels. *Id.* (5) The City claims the DEIS analysis is based on an unsubstantiated assumption that no vertical migration of effluents from the Boulder Zone will occur. *Id*. at 8.[7]

Staff Response: For the reasons more fully set forth below, proposed Contention 1 should be denied because: 1) it is not timely under 10 C.F.R. § 2.309(f)(2); and 2) fails to raise a specific challenge to the DEIS, and therefore fails to meet the pleading requirements of 10 C.F.R. § 2.309(f)(1)(v)-(vi).

1. The City did not meet 10 C.F.R. § 2.309(f)(2) with respect to Proposed Contention 1 nor does the City establish good cause for filing Proposed Contention 1 after the deadline set in 10 C.F.R. § 2.309(c).

Proposed Contention 1 is identical to Joint Intervenors' Contention NEPA 2.1, which was previously admitted and is currently pending in this proceeding, except that the proposed contention refers to the DEIS while the admitted contention refers to the ER. *See Florida Power & Light Co.* (Turkey Point Units 6 and 7), LBP-12-09, 75 NRC 615, 632; *Florida Power & Light Co.* (Turkey Point Units 6 and 7), Memorandum and Order (Granting in Part and Denying in Part Motion for Summary Disposition of Amended Contention 2.1) (Aug. 30, 2012) (unpublished) (ML12243A323) (Board August 2012 Order). Joint Intervenors' Revised NEPA Contention 2.1, as amended by the Board, reads:

> The ER is deficient in concluding that the environmental impacts from FPL's proposed deep injection wells will be "small" because the chemical concentrations in ER Rev. 3 Table 3.6-2 for ethylbenzene, heptachlor, tetrachloroethylene, and toluene may be inaccurate and unreliable. Accurate and reliable calculations of

[7] The City also asserts that DEIS Table 3.5 reports blowdown constituents and concentrations by citing to FPL documents that are unavailable because they are password protected. Petition at 7. The DEIS does refer to a password-protected website, and the Staff regrets this clerical error, which the Staff will correct in the final EIS. The information to which DEIS Table 3.5 refers is publicly available in ADAMS at Accession Numbers ML14311A285 and ML12074A057 and has been publicly available since December 16, 2014 and March 7, 2012, respectively.

> the concentrations of those chemicals in the wastewater are necessary so it might reasonably be concluded that those chemicals will not adversely impact the groundwater should they migrate from the Boulder Zone to the Upper Floridan Aquifer.

Board August 2012 Order at 10.

Proposed Contention 1 is not timely in that the City failed to raise proposed Contention 1 based on documents or other information available by the deadline set in accordance with 10 C.F.R § 2.309(b) or at least by the time the Board issued its August 2012 Order, as required by 10 C.F.R. § 2.309(f)(2), nor does the City satisfy the requirements of 10 C.F.R. § 2.309(c) for filing this contention now. Specifically, § 2.309(f)(2) requires that "[o]n issues arising under [NEPA], participants shall file contentions based on the applicant's environmental report." All the information necessary to raise proposed Contention 1 was *per force* available in the ER when the Board reformulated Contention NEPA 2.1 in August 2012, and the City could have raised proposed Contention 1 then in connection with the ER. Accordingly, the City failed to comply with the requirements of § 2.309(f)(2) by not raising proposed Contention 1 in 2012 in connection with the ER.

In regard to the standards of § 2.309(c), the City fails to show good cause for nontimely filing, or to address the other nontimely filing factors in 10 C.F.R. § 2.309(c)(1). Indeed, the City does not address the standards of § 2.309(c) at all. As set forth above, all the information needed to formulate proposed Contention 1 was available at least by August 2012, and the City does not identify any previously unavailable information in the DEIS to establish good cause for filing after the deadline established in § 2.309(b). Proposed Contention 1 should be rejected for this reason alone.[8]

[8] To the extent that proposed Contention 1 raises other arguments, proposed Contention 1 is untimely under 10 C.F.R. § 2.309(f)(2). Specifically, to the extent the City raises any dispute regarding radioactive effluents, the ER described and assessed such effluents in the original version of the Application. *See* ER Rev. 0, § 5.4.1 (ML091870919) (publicly available in ADAMS on July 8, 2009). Accordingly, the City should have raised the proposed Contention as described in the Notice of Hearing. The City cannot argue that the proposed Contention is based on information in the DEIS that was

2. Proposed Contention 1 fails to raise a specific challenge to the DEIS and fails to meet the pleading requirements of 10 C.F.R. § 2.309(f)(1)(v)-(vi).

The City argues in general terms that the DEIS is deficient in concluding that the environmental impacts from FPL's proposed deep injection wells will be "small" because the EIS fails to identify the source data of the chemical concentrations. Petition at 6-7. However, the City does not identify with any specificity which measures discussed in the DEIS are insufficient or inadequate or how the failure to identify chemicals supports proposed Contention 1. For this reason, it has not demonstrated the existence of a genuine dispute and has not met the requirements of 10 C.F.R. § 2.309(f)(1)(vi). Additionally, the City provides no factual basis or expert opinion to support its argument that the DEIS is inadequate and deficient, as required by 10 C.F.R. § 2.309(f)(1)(v). In particular, the City does not attach any affidavit relating to this issue, nor does it refer to any particular documentation, as required by § 2.309(f)(1)(vi). *Compare* Petition *with* Joint Intervenors' Answer to FPL's Motion to Dismiss Joint Intervenors' Contention 2.1 as Moot, and Alternatively, Joint Intervenors' Motion to Amend Contention NEPA 2.1, at 14 (citing Affidavit of Mark Quarles and other references in support of admission of an amended contention) (Jan. 23, 2012) (ML12023A271). In view of the above, the City's proposed Contention 1 does not meet the contention standards of § 2.309(f)(1)(v) and (vi).[9]

For these reasons, Proposed Contention 1 should be denied.

B. Proposed Contention 2

> The draft EIS is deficient because its evaluation of the operation of the radial collector wells does not preclude the possibility that the radial collector wells will change the plume dynamics of the Industrial Wastewater Facility/Cooling Canal contaminant plume.

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previously unavailable, since the Contention is one of omission and the assertedly missing information would also have been missing from ER Rev. 0.

[9] The City claims the asserted omission is significant because "some municipalities in Miami-Dade County are now using the Floridan Aquifer as a source for drinking water." Petition at 6 n.1. But the City does not dispute the DEIS in this regard, as the DEIS indicates that the Upper Floridan Aquifer can be a source of drinking water. DEIS at 2-53, 2-59. The City has evidently confused the Upper Floridan Aquifer with the Lower Floridan Aquifer, into which FPL proposes to inject wastewater.

Petition at 8.

The City asserts the following basis for proposed Contention 2: "[I]t is possible that operation of the radial collector wells could change the [hypersaline] plume [underneath the Industrial Waste Facility] dynamics." *Id*. In this regard, the Petition asserts that surface water samples "indicate the possibility that the plume may have been further distended during the APT [Aquifer Performance Test] to a point where a portion of it directly entered surface waters in the location of sampling." *Id*. The Petition further asserts that the net result of the "redistribution" of the plume due to operation of the radial collector wells "would be increased loading of hypersaline water to other portions of the Biscayne aquifer." *Id.* at 9.

Staff Response: Proposed Contention 2 is inadmissible for three reasons: First, it fails to explain why this issue is material to the findings that the NRC must make in this proceeding; second, it is unsupported by alleged facts or expert opinion; and third, it fails to identify a genuine dispute with the DEIS regarding a material issue of law or fact. *See* 10 C.F.R. § 2.309(f)(1)(iv)-(vi).

1. Because the DEIS is not required to "preclude" the possibility of environmental impacts, the City has not demonstrated that the concerns raised are material to the findings the Staff must make.

"Courts have consistently interpreted NEPA as a procedural statute that requires disclosure and analysis of environmental impacts, not one that imposes substantive obligations for the protection of natural resources." *Detroit Edison Co.* (Fermi Nuclear Power Plant, Unit 3), LBP-09-16, 70 NRC 227, 287 (2009)(citing to *Robertson v. Methow Valley Citizens Council,* 490 U.S. 332, 350 (1989); *Strycker's Bay Neighborhood Council, Inc. v. Karlen*, 444 U.S. 223, 227 (1980) ("If the adverse environmental impacts of the proposed action are adequately identified and evaluated, the agency is not constrained by NEPA from deciding that other values outweigh the environmental costs")). As the Supreme Court in *Methow Valley* noted, "it is now well settled that NEPA itself does not mandate particular results, but simply prescribes the necessary process (citations omitted)." 490 U.S. at 350. Further, the requirement that an

agency prepare an EIS ensures that agencies will take a 'hard look' at environmental consequences. *Id*. at 336 and 350. The premise of the City's Contention 2 is that the DEIS must "preclude" the possibility that the proposed action (namely, the use of radial collector wells) will have certain impacts on the groundwater near the facility. However, NEPA only requires the NRC to take a "hard look" at the potential consequences of the proposed action, and the DEIS indeed addresses the potential groundwater impacts that the City identifies. Accordingly, the "substantive outcome" sought by Contention 2 is not material to the findings the NRC must make in this proceeding.

The DEIS describes the effect of operation of the Radial Collector Wells (RCW) on the Industrial Waste Facility (IWF), which is the system of cooling canals into which the existing Turkey Point Units 3, 4, and 5[10] discharge cooling water. DEIS § 5.2.1.2. Currently, seepage from the bottom of the IWF has resulted in a hypersaline plume in the groundwater underneath the IWF, and in this regard, the DEIS states:

> Pumping from the RCWs would increase the hydraulic gradient to the northwest. Both the FPL and USGS [United States Geological Survey] groundwater models (Appendix G) predict that some hypersaline water from the cooling canals would be drawn into the RCWs during extended periods of pumping. The increased gradient during RCW pumping would likely increase the flow velocity of hypersaline water eastward under Biscayne Bay and **may change the area affected by the hypersaline plume.**

DEIS § 5.2.1.2 at 5-15 (emphasis added). In DEIS Appendix G, the Staff further explained the basis for the above statements:

> In regard to the RCW pumping periods, the commissioned [USGS] study examined (1) continuous pumping (the most conservative pumping option), (2) 90-day pumping during the annual dry period, and (3) alternating periods of 30 days pumping and 90 days no pumping (NRC 2014-TN3078). Each of these pumping periods is longer than the 60 days mentioned in Section 5.2.1.2 of this EIS as the limit currently proposed by FDEP [Florida Department of Environmental Protection] as the permit condition for operating the wells.

[10] Units 3 and 4 are nuclear power reactors, while Unit 5 is a gas-fired power plant. DEIS at 1-1.

DEIS at G-34. Thus, the Staff did acknowledge and evaluate possible changes to the plume dynamics in the DEIS by conservatively analyzing a continuous pumping option that was longer than the currently proposed FDEP permit conditions; the review team took the "hard look" required by NEPA.

Additionally, the Petition asserts that a "multi density hydrologic model with coupled surface and groundwater" is required because "according to Appendix G of the Draft EIS, the current groundwater model is inadequate to examine these issues." Petition at 10. This statement does not correctly reflect Appendix G of the DEIS. In Appendix G, the Staff indicated that the FPL groundwater model was inadequate. DEIS at G-29. For this reason, the FPL model was not the only groundwater model that the Staff used in the DEIS to evaluate the effects of excavation dewatering and radial collector well operation on the Biscayne Aquifer. Specifically, "[t]he NRC commissioned the U.S. Geological Survey (USGS), to conduct additional modeling to help identify the potential effects of RCW pumping." DEIS at G-26 (reference omitted). After noting that each of the two hydrologic models examined in Section G.3.2 involved imperfect estimations due to "a number of uncertainties," the Staff explained that "examining the results of both modeling efforts provides a better understanding of the possible range of effects of building and operating Units 6 and 7." DEIS at G-26. The DEIS provides in-depth discussion of the parameters of the modeling efforts (of both FPL and the USGS) in Section G.3.2. DEIS at G-26 to G-46.

While it is true that the DEIS evaluation "does not preclude the possibility that the radial collector wells will change the plume dynamics of the Industrial Wastewater Facility/Cooling Canal contaminant plume" as asserted in proposed Contention 2, this does not indicate a material dispute. Even though Section 102 of NEPA requires an agency to take a "hard look" at environmental consequences, "NEPA itself does not mandate particular results, but simply prescribes the necessary process." *Methow Valley*, 490 U.S. at 351. The DEIS is not required to "preclude" a possibility of environmental impact, only to take a hard look at that possibility,

which has been done here. As such, the City has not demonstrated that proposed Contention 2 is material to the findings the Staff must make, as required by 10 C.F.R. § 2.309(f)(1)(iv).

2. The City does not assert facts or expert opinions together with references to specific sources and documents to support proposed Contention 2.

In Proposed Contention 2, the City asserts that "the evaluation of the radial collector wells presented by the draft EIS is not adequate to address any of the above concerns, nor is it able to assess the combined effects of the existing operations and the Uprate and Units 6 and 7 project." Petition at 9. However, the Petition does not identify any facts, expert opinion, or other documents on which the City intends to rely to support this asserted inadequacy, as required by 10 C.F.R. § 2.309(f)(1)(v). In each of its eight asserted bases described below, the City states in the Petition that something "is believed" without citing to the basis for that belief (or who believes it) in either the DEIS or any other supporting document.

Claim 1: The Petition's discussion begins by stating that "…the plume is believed to extend towards the proposed well field and potentially into this portion of the Biscayne Aquifer" without stating the basis for the belief or exactly whose belief it is. Petition at 8.

Claim 2: Similarly, the Petition asserts that "if the APT data can be relied on, *it is believed* that the explanation is due to uptake by the IWF pumps of significant volumes of water from the surrounding portions of the aquifer." *Id*. at 9 (emphasis added). The Petition does not cite to any page or section of the DEIS to support this position, nor does the Petition cite any expert opinion or source that supports that position. Further, the City does not specifically identify any analysis in the DEIS with which it disagrees in regard to that position.

Claim 3: In regard to aquifer performance testing, the Petition concludes that "this finding indicates the possibility that the plume may have been further distended during the APT to a point where a portion of it directly entered surface waters in the location of the sampling." *Id*. The City then asserts that "[u]nusual and significant stresses to the aquifer are the most

likely explanation." *Id*. As in the above example, the City does not provide an expert basis for this proposition and does not identify any specific page or section of the DEIS as inadequate.

Claim 4: The City also speculates on the impacts of unusual and significant stresses to the aquifer, and discusses what might happen "if operation of the radial collector wells does change the hypersaline plume dynamics." *Id*. However, nowhere in this discussion does the City provide an expert or factual basis for its position on hypersaline plume dynamics. *Id*.

Claim 5: The Petition further asserts that "[o]ne important aspect of this hydrologic question will be to determine how much of the current water consumption is replaced via fresh groundwater and how much is replaced via saline groundwater and to what extent this ratio of sources will change with combined operation of all proposed projects." *Id*. at 10. As stated in the DEIS, "nearly all of the potable water supplied by the Miami-Dade Water and Sewer District] to southern Miami-Dade county comes from the Biscayne aquifer [but] the Biscayne aquifer in the immediate vicinity of proposed Units 6 and 7 is too saline to be used as a potable water supply from the coastline to about 6 to 8 mi inland." DEIS at 2-59 (references omitted). Yet the City provides no facts or expert opinion, as required by 10 C.F.R. § 2.309(f)(1)(v), to explain why the City's concern about water consumption ratios sought in Claim 5 is important.

Claim 6: With respect to water quality data, the Petition also asserts that:

> Water quality data collected during the APT that was performed in April/May 2009 revealed unusually high sulfate levels in the surface water samples. These levels were well in excess of concentrations expected in typical surface waters of the bay but were consistent with the levels found in the IWF contaminant plume. This finding indicates the possibility that the plume may have been further distended during the APT to a point where a portion of it directly entered surface waters in the location of sampling.

Id. at 8. The City does not provide any basis for these indications nor does it indicate what the possible effect of this "finding" are on the NRC's impact analysis. Specifically, the City does not assert any basis for this "finding" nor any expert opinion for the "possibility that the plume may have been further distended," and the City has not met § 2.309(f)(1)(v) in this regard.

Furthermore, even if the City believes that the hypersaline plume could extend further than previously thought, Contention 2 does not explain how this materially contradicts the analysis and conclusions in the DEIS with respect to the impacts of the operation of the radial collector wells associated with Turkey Point Units 6 & 7. Accordingly, even if the above assertion regarding the plume were correct, the City has not identified a genuine dispute with the DEIS regarding a material issue of law or fact under § 2.309(f)(1)(vi).[11]

Claim 7: The City also does not explain certain key terms in its bases. For instance, the City refers to "fresh groundwater". Petition at 10. However, as explained in the DEIS, the groundwater in the Biscayne aquifer in the vicinity of the Turkey Point site has levels of salinity which are elevated above levels established for fresh water (>1,000 mg/L). *See* DEIS at 2-66, lines 15-20. The City, however, does not refer to groundwater of any particular salinity. Further, the City does not provide any expert opinion as to why such "fresh groundwater" would be replaced by more saline water. While the City discusses a ratio of types of water, it does not apply that analysis to the Biscayne Bay or identify a proposed impact that the NRC has inadequately analyzed. Accordingly, the City does not explain why the NRC's analysis is inadequate and thus does not identify a genuine issue of material fact.

Claim 8: Finally, the City asserts that "[t]hese questions require a multi density hydrologic model with coupled surface and groundwater since, according to Appendix G of the

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[11] To the extent that the City is concerned that operation of the RCWs would capture water from both the aquifer and the bay, the Staff evaluated that issue. Specifically, the Staff used a "conservative" modeling scenario in which modeled continuous pumping rather than the more limited pumping permitted by the FDEP Conditions of Certification. The Staff found that:

> The model predicted greater freshening of the groundwater under the continuous-pumping scenario than under the 90-day-pumping scenario. The freshening is shown by a negative change in salinity centered northwest of Turkey Point. The predicted change, with the inclusion of RCW pumping, likely results from the withdrawal of a portion of the hypersaline plume from the groundwater system.

DEIS at 5-15. The RCW pumping effects on groundwater salinity are discussed in the DEIS at G-34 to G-40. The RCW pumping effects on Biscayne Bay salinity are discussed in the DEIS at G-40 to G-45. Section G.3.3, entitled "Confirmatory Calculations of Potential Upward Migration of Injectate from the Boulder Zone of the Lower Floridan Aquifer" also provides the requisite NEPA analysis. *See* DEIS at G-46 to G-50.

draft EIS, the current groundwater model is inadequate to examine these issues." Petition at 10. The phrase that the City cites to is a phrase that refers explicitly to the FPL model; that phrase does not mention a "current ground water model." DEIS at G-29. No fact or expert opinion is provided either to explain why the identified hydrologic questions require a "multi density hydrologic model" or to define a "multi density hydrologic model." If the City means a "variable density" model, then such a model has already been included in the review team's analysis. As noted in the DEIS, "[t]he USGS model had a larger domain and included the effects of variable density fluid and changes in water levels at freshwater canals, which were ignored in the FPL model." DEIS at 5-14.[12]

3. The Petition does not identify a genuine dispute of material law or fact with the DEIS as required by § 2.309(f)(1)(vi).

The City states that the "impact of the radial collectors on the Industrial Wastewater Facility (IWF) contaminant plume should be evaluated **more thoroughly**" without identifying any particular deficiency in the analysis set forth in the DEIS. Petition at 8 (emphasis added). The City provides a summary of "data submitted by FPL as part of the application to the State of Florida for the Units 6 and 7 project" (*id*.) and concludes that "if operation of the radial collector wells does change the hypersaline plume dynamics, the portion of the plume that is recaptured by the current IWF pumping would likely change as would the potential fate of the remainder of this plume[.] The net result of this redistribution would be increased loading of hypersaline water to other portions of the Biscayne aquifer (*id*. at 9)." The Commission has explained that "[a]n environmental impact statement [is not] intended to be a 'research document,' ….[W]hile

[12] If the City did not intend to refer to a variable density model, the NRC has still undertaken the requisite NEPA analysis. The Commission has ruled that "an environmental impact statement [is not] intended to be a 'research document,' reflecting the frontiers of scientific methodology, studies, and data," but a tool for reasonable analysis that allows an agency "'to draw the line and move forward with decisionmaking.'" *Pilgrim*, CLI-10-11, 71 NRC at 315 (quoting *Town of Winthrop v. FAA*, 535 F.3d 1, 11-13 (1st Cir. 2008)). The agency is not required to provide every type of hydrologic model but rather a hydrologic model sufficient to constitute a "hard look" at the reasonably foreseeable impacts of Turkey Point Units 6 and 7. As explained above (*see supra* at 16-17), the Staff used the USGS variable density groundwater model to take a hard look at the impacts of the proposed action on groundwater. DEIS § 5.2 and Appendix G.

there 'will always be more data that could be gathered,' agencies 'must have some discretion to draw the line and move forward with decisionmaking.'" *See Entergy Nuclear Generation Co*. (Pilgrim Nuclear Power Station), CLI-10-11, 72 NRC 202, 208-09 (2010). As the Commission has stated, "'[o]ur Boards do not sit to "flyspeck" environmental documents or to add details or nuances. If the ER (or EIS) on its face "comes to grips with all important considerations" nothing more need be done.'"" *Exelon Generation Co., LLC* (Early Site Permit for Clinton ESP Site), CLI-05-29, 62 NRC 801, 811 (quoting *Systems Energy Resources, Inc.* (Early Site Permit for Grand Gulf Site), CLI-05-4, 61 NRC 10, 13 (2005)).

Although the City summarizes its concerns regarding hypersaline groundwater as described above, it does not explain why these concerns would materially contradict the assessment and conclusions in the DEIS with respect to any groundwater topic; accordingly, it does not show why a "more thorough" review is required. Thus, the Petition does not demonstrate a genuine dispute with the DEIS on a material issue of law or fact, contrary to 10 CFR 2.309(f)(1)(vi).

C. Proposed Contention 3:

> Concerning the radial collector wells, Appendix G, page G-28, of the draft EIS states that "[t]he base case model predicted that 1.9 percent of the water extracted by the RCW would come from the industrial wastewater facility. A 'worst' case of 3.3 percent of the extracted water coming from the industrial wastewater facility was predicted by cutting the vertical conductivity of all layers in half." This portion of the draft EIS is deficient because it does not address what percentage of water would come from under the IWF. Due to differences in vertical and horizontal transmissivity, it can be assumed that a greater quantity of water would come from deeper ground waters under the IWF, including the hypersaline plume, than from the surface waters in the IWF.

Petition at 10.

As bases for proposed Contention 3, the City cites to the NRC's evaluation of the FPL model for evaluating the effects of the operation of radial collector wells on groundwater, discusses the horizontal and vertical transmissivity and motion of water, and mentions salt

concentrations. Petition at 10-11. The City also appears to differentiate between groundwater sources. *Id.* at 11.

Staff Response: Proposed Contention 3 is inadmissible because it fails to explain why this issue is material to the findings that the NRC must make in this proceeding; is unsupported by alleged facts or expert opinion; and fails to identify a genuine dispute with the DEIS regarding a material issue of law or fact. *See* 10 C.F.R. 2.309 (f)(1)(iv)-(vi).

The City's basis for this Contention appears to be the Staff analysis on page G-28 of the DEIS; however, that analysis was only a portion of the basis for the Staff conclusions regarding impacts on groundwater. As discussed above in connection with proposed Contention 2, the Staff determined the FPL model to be inadequate and as a result that model was not the only groundwater modeling effort that the Staff used to evaluate the effects of excavation dewatering and radial collector well operation on the Biscayne Aquifer. *See* DEIS at G-26 to G-46. Specifically, "[t]he NRC commissioned the [USGS] to conduct additional modeling to help identify the potential effects of RCW pumping." DEIS at G-26 (reference omitted). The Staff explained in the DEIS that each of the two hydrologic models examined in Section G.3.2 involved imperfect estimations due to "a number of uncertainties" and explained that "examining the results of both modeling efforts provides a better understanding of the possible range of effects of building and operating Units 6 and 7." DEIS at G-26. In-depth discussion of the parameters of the modeling efforts (of both FPL and the USGS) is provided in Section G.3.2 of the DEIS. DEIS at G-26 to G-46.

The City asserts that "this portion of the draft EIS is deficient because it does not address what percentage of water would come from under the IWF." Petition at 10. However, the City fails to explain why this topic is material to the findings that the NRC must make in this proceeding. Accordingly, proposed Contention 3 does not satisfy the standards of § 2.309(f)(1)(iv).

Similarly, the City provides no expert or factual basis to support the position that the EIS needs to address what percentage of water would come from under the IWF.[13] It also provides no expert or factual basis as to why proposed Contention 3 purports to differentiate between "deeper ground waters under the IWF, including the hypersaline plume" and "surface waters in the IWF." Petition at 11. It likewise provides no basis for its claim that the hypersaline water under the IWF "may also prove problematic for cooling the reactors which require salt concentration to stay below 1.5 times the salinity of the bay water." *Id.*

In evaluating the adequacy of the FPL and USGS models in the context of hydrological alterations, the Staff stated that "[a]ccording to FPL's groundwater modeling [], the RCWs would draw produced water from Biscayne Bay (approximately 98 percent), the IWF cooling canals (approximately 2 percent), and the inland portions of the Biscayne aquifer (less than 0.3 percent)[.]" DEIS at 5-14 (references omitted). The USGS model commissioned by the NRC also predicted that "nearly all of the water produced by the RCWs would come from Biscayne Bay with minor, seasonally variable, amounts of water coming from the inland portion of the Biscayne aquifer, from the IWF, and from nearby freshwater canals." DEIS at 5-14. Drawing on this information, the Staff provided an estimate of the amount of groundwater that could be removed from the Biscayne aquifer: "[T]he review team *estimated* that the worst-case volume of groundwater removed from the Biscayne aquifer could reasonably be as high as 4,500 gpm during RCW operation. This represents 5 percent of the water produced by RCWs and is conservatively 166 times greater than the fraction estimated by the base case FPL groundwater model." DEIS at 5-15 (emphasis added). This bounding estimate indicates that no matter where the water is pulled from, the impact on the aquifer is likely to be small and constrained to the site area. The City provides no facts or expert opinion to support a claim that this conservative Staff estimate is insufficient: "NEPA does not call for certainty or precision, but an *estimate* of

[13] As indicated by Figure 3-7, the terms "Industrial Wastewater Facility" and "Cooling Canal system" refer to the same facility. See DEIS at 3-12.

anticipated (not unduly speculative) impacts." *Louisiana Energy Servs.* (National Enrichment Facility), CLI-05-20, 62 NRC 523, 536 (2005) (emphasis in original).

Proposed Contention 3 also fails to identify a genuine dispute with the DEIS on a material issue of law or fact. *See* 10 C.F.R. 2.309(f)(1)(vi). Proposed Contention 3 begins by citing to the Staff evaluation of FPL's model for groundwater modeling, a model which the Staff indeed found to be inadequate. DEIS at G-29. But DEIS § G.3.2 discusses in depth why the Staff commissioned the USGS to conduct additional analysis. Because the City does not address that additional analysis, Contention 3 does not raise a genuine dispute with the DEIS. *See* Petition at 10; DEIS at G-26; DEIS at G-26 to G-46.

To the extent the City's concern relates to changes in aquifer salinity, this topic is also already addressed in the DEIS and the Petition does not dispute it. The Petition notes, "[a]ssuming the denser hypersaline water under the IWF is more resistant to transit than the surrounding fresh water, the radial collector wells are likely to pull a greater amount of fresh water in from the northwest, increasing demand on the freshwater aquifer, as shown in Figure G-5 on page G-37 of the draft EIS." Petition at 11. However, this statement does not dispute the analysis in the DEIS. While the USGS analysis considered by the staff predicts an increase in salinity on the northwest side of the plant, as shown in Appendix G Figure G-6, Section 5.2.1.2 of the DEIS explains that:

> [T]he USGS model predicted increasing aquifer salinity in a ring around the IWF from continued migration of the IWF hypersaline plume. Predicted increases were near 40 psu in areas west of the IWF**. The increase was predicted for scenarios both with and without RCW pumping and is not related to construction or operation of the proposed units.**

DEIS at 5-14 to 5-15 (emphasis added). The NRC has taken the "hard look" required by NEPA as evidenced by the DEIS. *Methow Valley*, 490 U.S. at 333 ("The sweeping policy goals announced in § 101 of NEPA are thus realized through a set of 'action-forcing' procedures that

require that agencies take a 'hard look' at environmental consequences" (citation omitted)(1976)).

As noted above, the City asserts "it is vital the EIS address the percentage of water that could conceivably come from underneath the IWF." Petition at 11. But as described *supra*, "[t]he review team estimated that the worst-case volume of groundwater that could be removed from the Biscayne aquifer is 4,500 gpm during RCW operation…[which] represents 5 percent of the water produced by RCWs and is conservatively 166 times greater than the fraction estimated by the base case FPL groundwater model." DEIS at 5-15. This bounding estimate indicates that regardless of the source of the water, the impact on the aquifer is likely to be small and constrained to the site area. Because Proposed Contention 3 does not dispute this conclusion, the contention does not satisfy the standards of § 2.309(f)(1)(vi).

IV. THE CITY'S ALTERNATIVE REQUEST TO PARTICIPATE UNDER § 2.315(c)

The City's petition states that in the event its contentions are found inadmissible and it is not admitted as a party under 10 C.F.R. § 2.309, it requests permission to participate in the proceedings as a non-party local government, as provided for in 10 C.F.R. § 2.315. Petition at 9. As the Petition notes, 10 C.F.R. § 2.315(c) provides that:

> The presiding officer will afford an interested ... local governmental body (county, municipality or other subdivision)... which has not been admitted as a party under § 2.309, a reasonable opportunity to participate in a hearing.

Particularly in light of the City's location within 25 miles of the proposed new units and the City's stated concerns regarding the health of residents and the environmental impacts of the proposed action (*see* Petition at 3 and discussion of standing, *supra* at 8-9), the Staff agrees the City has sufficiently described its interest in the proposed action as an interested local governmental body as contemplated by § 2.315(c). Since the Board has already admitted the Joint Intervenors' Contention NEPA 2.1 and admitted the Joint Intervenors as a party to the

proceeding, the Staff would not object to the City's request to participate to the extent authorized by 10 C.F.R. § 2.315(c).

CONCLUSION

In view of the foregoing, the City's Petition for leave to intervene should be denied, but the City should be allowed to participate as an interested governmental entity under 10 C.F.R. § 2.315(c).

Respectfully submitted,

/Signed (electronically) by/
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Dated at Rockville, Maryland
this 8th day of May, 2015

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that the "NRC STAFF ANSWER TO 'PETITION BY THE CITY OF MIAMI, FLORIDA, FOR LEAVE TO INTERVENE IN A HEARING ON FLORIDA POWER & LIGHT COMPANY'S COMBINED CONSTRUCTION AND OPERATING LICENSE APPLICATION FOR TURKEY POINT UNITS 6 & 7, OR IN THE ALTERNATIVE, PARTICIPATE AS A NON-PARTY LOCAL GOVERNMENT'" has been filed through the E-Filing system and has been served upon the following person by electronic mail (e-mail) this 8th day of May, 2015.

Barry White
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Dated at Rockville, Maryland
this 8th day of May, 2015