

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Florida Power & Light Company)	Docket No. 50-250-LA
)	50-251-LA
(Turkey Point Units 3 and 4))	
)	ASLBP No. 15-935-02-LA-BD01

**FLORIDA POWER & LIGHT COMPANY’S
REVISION TO TABLES IN ITS OCTOBER 19, 2015 MOTION TO STRIKE**

On October 19, Florida Power & Light Company (“FPL”) filed a “Motion to Strike Portions of CASE’s ‘Initial Statement of Position, Testimony, Affidavits and Exhibits’ or, in the Alternative, Motion *in Limine* to Exclude it and its Cited Documents From Evidence” (“Motion to Strike”). Subsequently, on October 22 and 26, 2015 CASE refiled certain exhibits via the NRC’s EIE system. The version of CASE Exhibit INT-001 submitted on October 22 differs from the version it originally submitted via email as Attachment 1. Most of the differences are relatively minor and reflect changes of font and justification, as well as the removal of certain embedded figures. However, CASE did move the two paragraphs that now come at the end of INT-001 from elsewhere within Attachment 1 and corrected the descriptions of other exhibits and its initial statement in those paragraphs.¹ The version filed on October 26 included still further changes, chiefly consolidating references to documents together with the excerpts from those documents and other organizational improvements. For example, CASE deleted the

¹ Compare INT-001 (October 22 version) at 24 (“Slide 10 in the exhibit INT-002”) with Attachment 1 at 12 (“Slide 10 in the exhibit xxxx”); compare INT-001 (October 22 version) at 24 (October 22 version) (“Illustration 3, Initial Statement, at 12,”) with Attachment 1 at 13 (“Attachment x”).

heading “usgs summary and conclusions” from page 11.² FPL notes that CASE’s revisions to this document in the October 26 version are inconsistent with the Board’s direction that “CASE may not submit any new exhibits.”³

Further, while neither the original Attachment 1 nor the first version of CASE Exhibit INT-001 included page numbers, the most recent version does include page numbers. The pagination in this version is significantly altered from that reflected in FPL’s Motion due to the changes among the three versions of Exhibit INT-001. As a result, FPL is providing a modified version of Tables 1 and 2 from its Motion to Strike, reflecting the new identification number for Exhibit INT-001 and updating the page numbers accordingly based on the October 26 version. The revisions to Tables 1 and 2 are identified in boldface and strikethrough below.

Table 1
Documents Improperly Referenced or Reproduced in the CASE’s Submission

Page #	Document	Identified in Mandatory Disclosures?
CASE Statement (CS) at 8-9	Email from Dr. Christopher Kelble	No
CS at 12-14	“Origins and Delineation of Saltwater Intrusion in the Biscayne Aquifer and Changes in the Distribution of Saltwater in Miami-Dade County, Florida”	Yes
CS at 15, INT-001 at 6-7	“Water, Water, Everywhere: Sea Level Rise in MiamiUniversity of Miami Rosenstiel School Of Marine and Atmospheric Science, Miami, http://www.rsmas.miami.edu/blog/2014/10/03/sea-level-rise-in-miami/ ”	No
CS at 17-18, 51, 77; INT-001 at 17	USGS Ground Water Atlas Of The United States Alabama, Florida, Georgia, South Carolina	No

² Compare INT-001 (October 22 version) at 11 (“usgs summary and conclusions.”) with INT-001 (October 26 version) at 11.

³ Order (Requiring Proper Numbering of CASE’s Exhibits), October 21, 2015 at 2.

Page #	Document	Identified in Mandatory Disclosures?
CS at 28-30	Letter from C. Espinosa to M. Harris, "Application to Renew Turkey Point Industrial Wastewater Facility Permit number Fzl0001582	No
CS at 32, 33	Florida Power and Light Company Docket No. 50-251 Facility Operating License, License No. DPR-41 April; 10. 1973 ML013400438	ADAMS
CS at 33; INT-001 at 23-25	Knowledge Of Ground Water Responses - Critical Factor in Saving Florida's Threatened and Endangered Species Part I: Marine Ecological Disturbances Sydney T. Bacchus Applied Environmental Services, P. O. Box 174, Athens, GA 30603; appliedenvirserv@mindspring.com https://www.nirs.org/nukerelapse/levy/exhf2bacchus.pd	No
CS at 37	Email from G. Burzycki, Subject "RE: FPL Cooling Canals"	No
CS at 38	Email from E. Alvear, Subject "Cormorant colony closest to FPL cooling canals undergoing severe decline"	No
CS at 38-40	Email from L. Otero, Subject "Uprate monitoring issues"	Yes
CS at 41	Email from L. Otero, Subject "CCS Surface Water TKN"	Yes
CS at 41	Email from C. Grossenbacher, Subject "FW:FPL Annual Crocodile Report"	Yes
CS at 42	Email from L. Otero, Subject "RE: Turkey Point Units 3&4 Uprate Addendum – Tritium Attachments: 2014 Post Uprate Report MDC Draft Comments"	Yes
CS at 42	Memorandum from L. Hefty L. to P. Coram	Yes
CS at 47	Message from F. Mazzoti to J. Wrublik	Yes
CS at 47	Ecology and Conservation of the American Crocodile (<i>Crocodylus acutus</i>) in Florida	No
CS at 47-48	Message from M. Pearce to S. Scroggs	Yes
CS at 48	Statement of P. Stoddard	No
CS at 48-50	Comments of Miami-Dade County on Draft Environmental Impact Statement for Turkey Point Units 6&7	ADAMS
CS at 56-57	Meeting Minutes of the South Florida Water Management District	No
CS at 63	July 25, 2014 NRC letter to the FWS the NRC requested consultation on the subject EA (ADAMS Accession No. ML14206A800)	ADAMS

Page #	Document	Identified in Mandatory Disclosures?
CS at 67-68	Email from A. Gunderson	No
CS at 68-69	Email to T. Hoeg; Email from T. Hoeg	No
CS at 75	Environmental Review Guidance for Licensing Actions Associated with NMSS Programs Division of Waste Management Office of Nuclear Material Safety and Safeguards (ML032450279)	ADAMS
CS at 79-80; INT-001 at 22	Statement from National Park Service website	No
INT-001 at 1-6	What Is Saltwater Intrusion? Saltwater Intrusion of Coastal Aquifers in the U.S. James Spatafo Johnson State College Senior Seminar May 6, 2008T http://kanat.jsc.vsc.edu/student/spatafora/setup.htm	Yes
INT-001 at 6-7	http://www.rsmas.miami.edu/blog/2014/10/03/sea-level-rise-in-miami/ ⁴	No
INT-001 at 7	Emergency Order No. 2015-034-DAO—WU [PDF] – South... www.sfwmd.gov/...sfwmd.../f	Yes
INT-001 at 7	Dolan Study	No
INT-001 at 8-9	Borehole geophysical logging for the Florida Power & Light Turkey Point Plant groundwater, surface water, and ecological monitoring plan	No
INT-001 at 9-16	Origins and Delineation of Saltwater Intrusion in the Biscayne Aquifer and Changes in the Distribution of Saltwater in Miami-Dade County, Florida ⁵	Yes
AT1 at 14-18	usgs summary and conclusions	No
INT-001 at 17	McNeill, Donald F., 2000. A Review of Upward Migration of Effluent Related to Subsurface Injection at Miami-Dade Water and Sewer South District Plant.	No
INT-001 at 18-21	Biological Assessment on the American Crocodile (<i>Crocodylus acutus</i>) Turkey Point Nuclear Generating Unit Nos. 3 and 4 Proposed License Amendment to Increase the	ADAMS

⁴ It is now apparent that the passage beginning “An Attack from Below” on page 6 of the October 26 version of INT-001 is a part of this blog post.

⁵ It is now apparent that the header “usgs summary and conclusions” in the previous versions did not refer to a separate document, but instead referred to parts of the “Origins and Delineation of Saltwater Intrusion” paper. This heading was removed in the October 26 version of INT-001.

Page #	Document	Identified in Mandatory Disclosures?
	Ultimate Heat Sink Temperature Limit July 2014	
INT-001 at 21	Hughes, J.D., Langevin, C.D., and Brakefield-Goswami, Linzy, 2010, Effect of hypersaline cooling canals on aquifer salinization: Hydrogeology Journal, v. 18, p. 25–38.	No
INT-001 at 21-22	Turkey Point Unit 1 Eco System By Russ Finley On Mar 3, 2015 with 14 Responses	Yes

Table 2
CASE Arguments and Exhibits Addressing Matters Beyond the Scope of Contention 1

Beginning Location	Ending Location	Description of Beyond-Scope Argument
CASE Statement		
Top of page 8 (“In one email...”)	Top of Page 9 (“...temperature of 35C”)	Email regarding fish habitat in Biscayne Bay
Bottom of page 33 (“Perhaps the strongest...”)	Middle of Page 35 (“Industrial Waste Facility (IWF).”)	Bacchus Report on impact on endangered species due to groundwater alterations with respect to pathogens, underground injection, endocrine disruptors, and microbes.
Bottom of Page 35 (“Monitoring”)	Middle of Page 37 (“...could be monitored.”)	Discussion of need for NRC to require additional monitoring
Beginning of Page 38	Middle of Page 38 (“...regularly monitored...”)	Alvear email regarding cormorants
Beginning of Page 41	End of Page 41	Otero email regarding TKN (Total Kjeldahl Nitrogen); Grossenbacher email regarding crocodiles
Bottom of Page 42 (“November 26, 2014...”)	Top of page 43 (“emphasis added”)	Hefty memorandum to Coram regarding sampling for trace metals and nutrients
Top of page 43 (“As the citations ...”)	Bottom of page 43 (“...specifically that it does.”)	Allegation that the NRC fails to discuss impacts of copper sulfate on crocodiles
Top of Page 46 (“Crocodiles and wildlife in the CCS”)	Middle of Page 50 (“as a regulatory action?”)	Discussion of crocodiles and wildlife, including emails
Bottom of Page 61 (“NEPA: Consultation with Other Agencies”)	Middle of Page 64 (“FPL statements accepted as fact.”)	Discussion of NRC consultation with other agencies, including US Fish and Wildlife Service
Bottom of Page 64	Middle of Page 65	Discussion of whether the EA addressed

Beginning Location	Ending Location	Description of Beyond-Scope Argument
“NEPA: Health and Welfare of Man”)	(“... did not consider these concerns.”)	health and welfare
Middle of Page 65 (NEPA: Consider Alternative Actions”)	End of Page 69; continuing at beginning of Page 71 to the middle of Page 72 (“...be asked.”)	Discussion of alternatives and grid reliability/shutting down reactors, including Gunderson and Hoeg emails.
Bottom of Page 73 (“NEPA: Unresolved Conflicts Over Resources”)	Middle of Page 75 (“...resource like freshwater.”)	Discussion of conflicts over resources
Middle of Page 75 (“NEPA: Major Federal Actions”)	End of page 76	Argument that the administration of the Cooling Canals is a major federal action
Beginning of page 81	Middle of page 81 (“...2014 EA.”)	Discussion of impact on Biscayne Bay
Bottom of Page 81 (“Speed of the 2014 EA”)	Middle of page 82 (“...18 day EA”)	Discussion of the speed of the NRC Staff’s review
INT-001		
Top of Page 17 (“McNeil, Donald F.”)	Middle of Page 17 (“...lateral travel.”)	McNeil Report on underground injection of effluents into the Boulder Zone of the Lower Floridan Aquifer
Middle of Page 21 (“Turkey Point Unit 1 Eco System”)	Middle of Page 22 (“... level playing field.”)	Blog post discussing impact on crocodiles
Middle of Page 22 (“The National Park website states...”	End of Page 22	Discussion of Biscayne Bay estuary
Beginning of Page 23	End of Page 25	Bacchus Report on impacts to marine species from underground effluent injection, aquifer storage and recovery, and mining
Bottom of Page 7 (“Tara Dolan study”)	End of Page 7	Thesis addressing impacts to mangroves and habitats

Respectfully Submitted,

Signed (electronically) by Steven Hamrick

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October 27, 2015

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “Florida Power & Light Company’s Revision to Tables in its October 19, 2015 Motion to Strike,” were provided to the Electronic Information Exchange for service to those individuals listed below and others on the service list in this proceeding, and via e-mail to those marked with an asterisk.

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Dated at Washington, DC
this 27th day of October, 2015