

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
FLORIDA POWER & LIGHT COMPANY)	Docket Nos. 50-250-LA
)	50-251-LA
(Turkey Point Nuclear Generating,)	
Units 3 and 4))	

STAFF RESPONSE TO FPL'S STATEMENT OF MATERIAL FACTS

The staff of Nuclear Regulatory Commission ("Staff") submits its response to Florida Power & Light Company's ("FPL") Statement of Material Facts.

A. The Ultimate Heat Sink Temperature License Amendment

1. On July 10, 2014 FPL sought a license amendment to amend the Technical Specifications for Turkey Point. The amendment would increase the ultimate heat sink temperature limit from 100° to 104 °F. FPL Testimony at A94; NRC Staff Testimony at A3a, A33.

Staff Response: Admit.

2. In addition to its safety evaluation, the NRC Staff prepared a Biological Assessment and an Environmental Assessment. FPL Testimony at A106, A119; NRC Staff Testimony at A33.

Staff Response: Admit.

3. The NRC's Environmental Assessment concluded with a formal Finding of No Significant Impact for the license amendment. FPL Testimony at A18, A109-A110; NRC Staff Testimony at A3a; A41.

Staff Response: Admit.

4. The NRC's Environmental Assessment noted that temperature increases associated with the amendment would increase water evaporation rates and result in higher

salinity levels in the cooling canal system, but that this effect would be temporary and short in duration because salinity would again decrease upon natural freshwater recharge of the system, and concluded that the ultimate heat sink license amendment would not have a significant impact on groundwater resources and aquatic resources. NRC Testimony at A40; FPL Testimony at A108; Exhibit NRC-009.

Staff Response: Admit.

5. The NRC issued the license amendment on August 8, 2014. NRC Staff Testimony at A33; *see also* FPL Testimony at A94.

Staff Response: Admit.

B. Environmental Impacts of the Ultimate Heat Sink License Amendment

6. The ultimate heat sink license amendment has not resulted in a significant increase in temperature in the Cooling Canal System (“CCS”). FPL Testimony at A99, A103- 104; NRC Staff Testimony at A60.

Staff Response: Admit.

7. The ultimate heat sink license amendment has not resulted in a significant increase in salinity in the CCS. FPL Testimony at A98, A109; NRC Staff Testimony at A61.

Staff Response: Admit.

8. The ultimate heat sink license amendment has not resulted in a noticeable effect in the surrounding aquifers. FPL Testimony at A98, A109; NRC Testimony at A63-64.

Staff Response: Admit.

9. The ultimate heat sink license amendment will not cause FPL to withdraw additional water from local sources. FPL Testimony at A96; NRC Testimony at A82-83.

Staff Response: Admit.

C. Environmental Impacts of Upper Floridan Aquifer Withdrawals

10. FPL has withdrawn water from the Upper Floridan Aquifer to mitigate conditions in

the CCS. FPL Testimony at A27; NRC Staff Testimony at A50.

Staff Response: Admit.

11. The Florida Department of Environmental Protection has issued an Administrative Order requiring FPL to develop a salinity management plan to reduce salinity in the CCS to 34 psu (approximately that of seawater) within 4 years. FPL Testimony at A59-A60; NRC Staff Testimony at A51, A69.

Staff Response: Admit.

12. FPL plans to comply with the Administrative Order by constructing and operating new wells in the Upper Floridan Aquifer to add up to 14 million gallons per day of water into the CCS. FPL Testimony at A63, A72; NRC Staff Testimony at A92.

Staff Response: Admit.

13. The Upper Floridan Aquifer contains brackish water in the vicinity of Turkey Point. FPL Testimony at A32; NRC Staff Testimony at A21.

Staff Response: Admit.

14. The Floridan Aquifer is separated from the Biscayne Aquifer and there is little if any interaction between the two. FPL Testimony at A32, A82; NRC Staff Testimony at A70.

Staff Response: Admit.

15. FPL's withdrawal of water from the Floridan Aquifer will not result in an increase in saltwater intrusion. FPL Testimony at A81-82; NRC Staff Testimony at A70.

Staff Response: Admit.

D. Environmental Impacts of Biscayne Aquifer Withdrawals

16. FPL has withdrawn water from the Biscayne Aquifer for CCS mitigation, using wells drilled on the Turkey Point peninsula. FPL Testimony at A27; NRC Staff Testimony at A50.

Staff Response: Admit.

17. The Biscayne Aquifer contains saltwater in the vicinity of Turkey Point. FPL Testimony at A35; NRC Staff Testimony at A18.

Staff Response: Admit.

18. Saltwater has been documented in the Biscayne Aquifer well inland of Turkey Point since before the construction of the CCS. FPL Testimony at A34; see *also* NRC Staff Testimony at A17.

Staff Response: Admit.

19. FPL's withdrawal of water from the Biscayne Aquifer will not result in an increase in saltwater intrusion. FPL Testimony at A79; NRC Staff Testimony at A68.

Staff Response: Admit.

E. Environmental Impacts of L-31 E Canal Withdrawals

20. FPL has directed excess storm water from the L-31 E canal to the CCS for CCS mitigation. FPL Testimony at A27.

Staff Response: Admit.

21. The water FPL has utilized from the L-31 E canal would be discharged to the ocean if it were not diverted to the CCS. FPL Testimony at A83, A87-A88, A91; NRC Staff Testimony at A72.

Staff Response: Admit. As explained in the Staff's testimony, the water utilized from L-31 E canal would first reach Biscayne Bay, prior to reaching the ocean if it was not diverted to the CCS. NRC Staff Testimony at A72.

22. FPL's withdrawal of water from the L-31 E canal will not result in an increase in saltwater intrusion. FPL Testimony at A92; NRC Staff Testimony at A72.

Staff Response: Admit.

Respectfully submitted,

Signed (electronically) by

Brian G. Harris
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop – O-14-G10
Washington, DC 20555
Telephone: (301) 415-1392
E-mail: brian.harris@nrc.gov
Date of signature: December 21, 2015