

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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

**FLORIDA POWER & LIGHT COMPANY’S OBJECTION  
TO THE ADMISSION OF CERTAIN CASE EXHIBITS**

In accordance with the Atomic Safety and Licensing Board’s Order dated January 4, 2016, Florida Power & Light Company (“FPL”) hereby objects to the admission of Exhibits INT-000, INT-001, INT-017, INT-028, and INT-076. FPL’s objection to the admission of Exhibits INT-000, INT-001, and INT-076 is based on the arguments set forth in its “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” dated October 19, 2015 and on the NRC Staff’s “Motion in Limine to Exclude Portions of the Prefiled Rebuttal Testimony or in the Alternative Strike Portions of the Prefiled Rebuttal Testimony and Rebuttal Statement of Position,” dated December 14, 2015. FPL understands that the Board has ruled on these motions, yet preserves its position regarding the admissibility of those documents as well as the documents referenced or excerpted therein. Moreover, FPL objects to treating a position statement drafted by a non-expert as evidence. FPL maintains that CASE’s original position statement (INT-000) and its rebuttal position statement (INT-076) should not be considered as evidence but rather as argument.<sup>1</sup>

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<sup>1</sup> See., e.g., *Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station) Board Order (Addressing Joint Motion, Motion in Limine, Proposed Findings of Fact and

Further, Exhibits INT-017 and INT-028 were not properly served in accordance with the NRC's governing regulations and the Board's Initial Scheduling Order. And neither document is relevant to the limited scope of CASE Contention 1, regarding the impacts of the ultimate heat sink license amendment and related water withdrawals on saltwater intrusion. Because these documents are not relevant, were not served on the parties, and in the case of INT-017, was not even discussed in CASE's pleadings, they should not be admitted as evidence. 10 C.F.R. § 2.337(a).

Exhibit INT-017 is a copy of the original NRC Operating License for Turkey Point Unit 4, issued on April 10, 1973. It is not material to this proceeding because it does not reflect the current status of the Turkey Point facility. In fact, the document is from a time period when the cooling canal system was contemplated or under construction, but the Turkey Point facilities still discharged cooling water to Biscayne Bay. *See* INT-017 at Appendix B, page 3 (discussing the "temperature of water discharged to Biscayne Bay or Card Sound"). CASE does not discuss this document in any of its filed statements and so has not shown that it or the environmental conditions contained therein are relevant to the Board's consideration of the contemporary environment at Turkey Point.

Exhibit INT-028 is a comment made by Miami-Dade County on the NRC's Draft Environmental Impact Statement for the Turkey Point Units 6&7 project. It is irrelevant for several reasons. First, CASE introduced this document in its Initial Statement of Position, by quoting a section discussing impacts to crocodiles, an issue that the Board did not admit as part of Contention 1. INT-000 at 48-50. Second, the document addresses potential impacts from two new nuclear units and modeling their impact on groundwater, a matter not relevant to this

proceeding. Moreover, the portion excerpted by CASE does not address the NRC's ultimate heat sink license amendment at all.

As discussed above, FPL objects to the admission of Exhibits INT-000, INT-001, and INT-076 for the reasons outlined in its and the NRC Staff's motions to strike. FPL further objects to the admission of Exhibits INT-017 and INT-028 because they were not properly served on the parties and are irrelevant to this proceeding.

Respectfully Submitted,

*Signed (electronically) by Steven Hamrick*

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January 6, 2015

COUNSEL FOR  
FLORIDA POWER & LIGHT COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “Florida Power & Light Company’s Objection to Admission of Certain CASE Exhibits” were provided to the E-Filing system for service to those individuals on the service list in this proceeding.

*Signed (electronically) by,*

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Dated at Washington, DC  
this 6th day of January, 2015