

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Michael F. Kennedy
Dr. William W. Sager

In the Matter of

FLORIDA POWER & LIGHT COMPANY

(Turkey Point Nuclear Generating, Units 3 and 4)

Docket Nos. 50-250-LA and 50-251-LA

ASLBP No. 15-935-02-LA-BD01

February 17, 2016

ORDER

(Adopting Transcript Corrections and Closing Evidentiary Record)

On January 11–12, 2016, the Board held an evidentiary hearing in Homestead, Florida, on the sole admitted contention in this license amendment proceeding.¹ Following the Board’s request, Florida Power and Light Company and the NRC Staff have jointly proposed transcript corrections for the evidentiary hearing.² The corrections adopted by the Board are listed in Appendix A to this Order. The Board rejects eight of the proposed corrections, however, because the transcript accurately reflects what was stated at the hearing.³ The purpose of transcript corrections is solely to correct errors the court reporter made during the transcription process, not to revise a misstatement by a witness.⁴ If the parties wish to correct witness

¹ Tr. at 259–571.

² Joint Proposed Transcript Corrections (Feb. 9, 2016); CASE Statement on Transcript Corrections (Feb. 9, 2016) (not objecting to proposed corrections); see Tr. at 564–65.

³ Tr. at 365:13 (“pulling”); Tr. at 366:1 (“temperature”); Tr. at 424:22 (“EPA”); Tr. at 447:4 (“real rule”); Tr. at 447:6 (“I normally say”); Tr. at 484:24 (“calling”); Tr. at 484:25 (“calling”); Tr. at 500:19–20 (“If you”).

⁴ Tr. at 565 (“With regard to transcript corrections, when you do submit them, please note that this is not to correct an error that your witness may have said by misspeaking. It is solely to correct an error that our court reporter made in transcribing.”).

misstatements, they should do so in their proposed findings of fact and conclusions of law.⁵

The transcript of the evidentiary hearing, as corrected, constitutes the official record of events at the evidentiary hearing.⁶ Having corrected the transcript, the Board hereby closes the evidentiary record for this proceeding. Proposed findings of facts and conclusions of law are due on March 18, 2016.⁷

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 17, 2016

⁵ The Board notes that Chairman Gibson referred to an “EPA action” at the hearing. While he obviously meant to say “NRC action,” it was his misstatement, not an incorrect transcription by the Court reporter. See Tr. at 424:22 (“EPA”).

⁶ 10 C.F.R. § 2.327(b), (d).

⁷ 10 C.F.R. § 2.1209; see 10 C.F.R. § 2.712(c) (“Proposed findings of fact must be clearly and concisely set forth in numbered paragraphs and must be confined to the material issues of fact presented on-the-record, with exact citations to the transcript of record and exhibits in support of each proposed finding. Proposed conclusions of law must be set forth in numbered paragraphs as to all material issues of law or discretion presented on-the-record. An intervenor’s proposed findings of fact and conclusions of law must be confined to issues which that party placed in controversy or sought to place in controversy in the proceeding.”).

Appendix A

Page	Line(s)	Correction
282	14	Change "Harris" to "Hamrick"
311	4	Change "post-up-rate" to "post-uprate"
315	22	Change "Dr. Stoddard" to "Mr. Bolleter"
316	9	Change "maybe" to "may be seeing"
333	7	Change "environment" to "environmental"
333	23	Change "Klett" to "Grange"
362	11	Change "behind" to "behind that"
362	11	Change "standpoint" to "standpoint,"
362	19	Change "plan" to "plan,"
371	5	Change "discussed" to "discussion"
388	1	Change "up-rate" to "uprate"
405	11	Change "fluctuations" to "fluctuation"
408	12	Change "function the" to "function of the"
408	17	Change "day" to "data"
410	6	Change "There was algae bloom." to "There was an algae bloom."
411	3	Change "on" to "and"
411	17	Change "know" to "now"
413	20	Change "sync" to "sink"
414	16	Change "was much" to "was in a much"
415	12	Change "enzyme" to "intake"
417	2	Change "exchange" to "exchanger"

422	7	Change “some saline” to “some—some”
425	25	Change “there is still the frequency of temperatures” to “there is still — the frequency of temperatures”
426	21	Change “in-lined” to “unlined”
428	5	Change “understand” to “understanding”
430	4	Change “EUP” to “EPU”
438	25	Change “effect” to “affect”
445	12	Change “1000 per liter” to “1000 milligrams per liter”
447	6–7	Change: “2P issue” to “2 PSU”
461	18	Change “heat exchange or” to “heat exchanger”
462	20	Change “that went” to “that it went”
462	22	Change “that” to “the”
463	3	Change “then that” to “then the”
466	25	Change “in” to “and”
466	25	Change “I’m before” to “Before”
477	24	Change “allowed to be allowed” to “we asked to be allowed”
482	14	Change “resources impact Biscayne Bay” to “resources or impact Biscayne Bay”
485	8	Change “to that” to “so that”
485	14	Change “is that” to “is that it is”
485	24	Change “it. You know one,” to “it, you know, when”
495	24	Change “aquifer withdrawing” to “aquifer of withdrawing”
495	25	Change “mostly marked” to “most markedly”
496	7	Change “is that lower” to “does that lowering”

497	23	Change “feed” to “feet”
499	21	Change “it the state” to “it to the state”
500	21	Change “if” to “is”
506	8–9	Change “is the estuary stock portion” to “in the estuary portion”
507	14	Change “determine” to “determined”
510	4	Change “like two or three” to “LIC-203”
517	18	Change “is” to “are”
517	22	Change “then” to “the”
520	23	Change “ML-020280119” to “ML020280119”
529	6	Change “in” to “and”
529	24	Change “small plants” to “small at plants”
533	17	Change “is” to “are”
536	17	Change “equal agreement” to “equilibrium”
552	3	Change “is” to “are”
557	25	Change “2.3-150” to “2.3-50”
558	16	Change “the accommodation” to “combination”
565	7	Change “Blair” to “Hamrick”
565	14	Change “Blair” to “Hamrick”
565	20	Change “Bolleter” to “Hamrick”
568	17	Change “Blair” to “Hamrick”

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Adopting Transcript Corrections and Closing Evidentiary Record)** have been served upon the following persons by Electronic Information Exchange.

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Turkey Point, Units 3 & 4, Docket Nos. 50-250 and 50-251-LA

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[Original signed by Herald M. Speiser ____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 17th day of February, 2016