

April 4, 2016

E. Roy Hawkens, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dr. Michael F. Kennedy  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dr. William C. Burnett  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

In the Matter of  
Florida Power & Light Company  
(Turkey Point Units 6 and 7)  
Docket Nos. 52-040 and 52-041

Dear Administrative Judges:

This letter is to correct an error in the “NRC Staff Answer To ‘Florida Power & Light Company’s [FPL] Motion For Summary Disposition Of Joint Intervenors’ Amended Contention 2.1 [Motion],” dated February 3, 2016 (Staff Answer), and the “Affidavit of Daniel O. Barnhurst Concerning Amended Contention 2.1 (Barnhurst Aff.)” attached to the Staff Answer. Last Friday, during the course of preparing for the oral argument regarding the FPL Motion scheduled for April 5, 2016, the Staff identified an incorrect statement on page 11 of the Staff Answer and in ¶ 25 of the Barnhurst Affidavit. The incorrect statement relates to the Staff discussion regarding the concentration data for tetrachloroethylene in the wastewater at its source at the Miami-Dade Water and Sewer Department South District Wastewater Treatment Plant (SDWWTP). Specifically, the Staff Answer incorrectly states that it “used the higher value [of tetrachloroethylene recited in the discussion] in its analysis in the [draft Environmental Impact Statement (DEIS)].” The Staff encloses with this letter the Supplemental Affidavit of Daniel O. Barnhurst (Barnhurst Supp. Aff.), which corrects this statement.

The concentrations of the chemical species in the blowdown water to be injected into the Boulder Zone listed in DEIS Table 3-5 are derived from the values FPL submitted to the Staff. For tetrachloroethylene, FPL submitted to the Staff the source concentration obtained from a 2007 SDWWTP tertiary sewage treatment pilot project, *i.e.*, 1.1 µg/L. Barnhurst Supp. Aff., ¶ 4. However, this is not the “higher value” recited in the discussion in the Staff Answer or the Barnhurst Affidavit, which referred to data from SDWWTP annual wastestream sampling reports rather than from the pilot project. *Id.*, ¶ 5. In a letter to the Board dated November 15, 2012 (ADAMS Accession No. ML12320A678), FPL explained that the 2007 tetrachloroethylene concentration data included in Table 1 of FPL’s response to Staff Request for Additional Information (RAI) 5765 was from a “reuse pilot project at the [SDWWTP]” and that FPL used

these data because the wastewater “received tertiary level treatment” and was “more representative of the water that FPL expects to receive from Miami-Dade Water and Sewer Department.” *Id.*, ¶ 4. FPL chose the 1.1 µg/L wastewater concentration of tetrachloroethylene from these data, and attached the RAI response to the November 2012 letter. *Id.*

As stated in the enclosed Supplemental Affidavit of Daniel O. Barnhurst dated April 4, 2016, the Staff does not take issue with the information in the FPL November 15, 2012, letter and FPL’s RAI response justifying the use of the pilot project data for determining the concentration of tetrachloroethylene. *Id.*, ¶ 6.

In view of the foregoing, the phrase in the Staff Answer at page 11 and the Barnhurst Affidavit, ¶ 25, “and the Staff used the higher value in its analysis in the DEIS” should be disregarded. *Id.*, ¶ 7. However, because FPL’s motion correctly states the concentration value upon which the DEIS relies and identifies the source of this value, this error does not alter the Staff’s position on FPL’s motion for summary disposition. The Staff apologizes for any confusion or inconvenience that may have resulted from the Staff error.

Respectfully submitted,

**/Signed (electronically) by/**  
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Enclosure: Supplemental Affidavit of Daniel O. Barnhurst

**STAFF ENCLOSURE**

April 4, 2016

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) )

SUPPLEMENTAL AFFIDAVIT OF DANIEL O. BARNHURST

I, Daniel O. Barnhurst, do state as follows:

1. I am employed by the United States Nuclear Regulatory Commission (NRC) as a Hydrologist in the Division of Site Safety and Environmental Analysis, Office of New Reactors. I have been employed by the NRC since May 2008. On February 3, 2016, I executed the “Affidavit of Daniel O. Barnhurst Concerning Amended Contention 2.1” (February Barnhurst Aff.) in support of the “NRC Staff Answer To ‘Florida Power & Light Company’s [FPL] Motion For Summary Disposition Of Joint Intervenors’ Amended Contention 2.1,” dated February 3, 2016. The February Barnhurst Affidavit is Attachment 1 to the Staff Answer. A statement of my professional qualifications is attached to the Staff Answer as Staff Attachment 2.

2. The purpose of this affidavit is to correct an error in the February Barnhurst Affidavit and the Staff Answer.

3. The Staff Answer on page 11 and the Barnhurst Affidavit, ¶ 25, both incorrectly state that the Staff “used the higher value [of tetrachloroethylene recited in the discussion] in its analysis in the [draft Environmental Impact Statement (DEIS)].”

4. As discussed in ¶ 21 of the February Barnhurst Affidavit, the Staff obtained annual waste stream sampling reports directly from Miami-Dade Water and Sewer Department South District Wastewater Treatment Plant (SDWWTP) to independently verify the values used by FPL for the concentrations of the four constituents in ER Table 3.6-2. Using these reports, the Staff noted that the SDWWTP annual waste stream sampling reports stated a higher value for tetrachloroethylene in 2007 compared to the value that FPL provided. However, in a letter dated November 15, 2012 to the Atomic Safety and Licensing Board (ADAMS Accession No. ML12320A678), FPL explained that the 2007 tetrachloroethylene concentration data included in Table 1 of FPL's response to Staff Request for Additional Information (RAI) 5765 (1.1 µg/L) was not obtained from the annual waste stream sampling reports, but from a 2007 "reuse pilot project at the Miami Dade South District Wastewater Treatment Plant" and that these data were used because the wastewater "received tertiary level treatment" and was "more representative of the water that FPL expects to receive from the Miami Dade Water and Sewer Department." FPL chose the 1.1 µg/L wastewater concentration of tetrachloroethylene from the reused pilot project data, and attached the RAI response to the November 2012 letter.

5. The concentration of tetrachloroethylene in the blowdown water to be injected into the Boulder Zone listed in DEIS Table 3-5 is derived from the value FPL submitted to the Staff, *i.e.*, 1.1 µg/L, which is the value obtained after tertiary level treatment, and not the higher value recited in the discussion on page 11 in the Staff Answer or the February Barnhurst Affidavit, ¶ 25.

6. The Staff does not take issue with the information in the FPL November 15, 2012, letter and FPL's RAI response justifying the use of the pilot project data for determining the concentration of tetrachloroethylene.

7. Accordingly, the phrase in the February Barnhurst Affidavit, ¶ 25, "and the Staff used the higher value in its analysis in the DEIS" should be disregarded.

8. I declare under penalty of perjury that my statements set forth above and in my statement of professional qualifications attached hereto are true and correct to the best of my knowledge, information and belief.

**Executed in Accord with 10 CFR § 2.304(d)**

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Hydrologist  
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Executed in Rockville, MD  
this 4<sup>th</sup> day of April, 2015

April 4, 2016

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that the NRC Staff Letter dated April 4, 2016, to the Administrative Judges in this proceeding, together with the enclosed Supplemental Affidavit of Daniel O. Barnhurst, has been filed through the E-Filing system this 4<sup>th</sup> day of April, 2016.

**/Signed (electronically) by/**

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