

January 12, 2017

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:

Pursuant to the Licensing Board's Memorandum and Order dated March 30, 2011, as modified by the Licensing Board's Notice dated September 12, 2012, the Staff is providing the Licensing Board and the parties an index (Attachment 1) identifying additions to the Hearing File required to be disclosed by the Staff pursuant to 10 C.F.R. § 2.336(d). The index includes the ADAMS accession number, date, and title of each listed document so as to make each document readily retrievable from the agency's website, www.nrc.gov, using the ADAMS "Find" function. Additionally, the Staff will add the documents identified in the index to the agency's Electronic Hearing Docket (EHD) associated with this proceeding entitled "Turkey Point Hearing File." Also attached, as required by 10 C.F.R. § 2.336(c), is the Affidavit of Manny Comar.

In accordance with the Licensing Board's March 30, 2011, Memorandum and Order, relieving all parties from the obligation of producing privilege logs, as otherwise required by 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5), the Staff is not now producing privilege logs. In accordance with the March 30, 2011, Order, however, the Staff is required to produce a log of documents withheld as containing proprietary information. In preparing the enclosed Hearing File Index update, the Staff identified no documents for inclusion on the log of documents withheld as containing proprietary information. Accordingly, no privilege log is attached. As directed by the Licensing Board, the Staff is preserving and maintaining all privileged documents during the pendency of this proceeding.

In addition, the Staff has identified five documents subject to the Copyright Act that are relevant to the admitted contention. While the staff must disclose the documents pursuant to 10 C.F.R. § 2.336(b)(3), the Staff, in view of the Copyright Act, may not make the document generally available to the public. The documents are in the non-public portion of the NRC's Agencywide Documents Access and Management System (ADAMS). The documents and corresponding individual ADAMS Accession Nos. are listed below:

1. *Comparative Assessment of Municipal Wastewater Disposal Methods in Southeast Florida*, Published by the Water Environment Federation, Water Environment Research, Vol. 77, No. 5 (Sep. - Oct., 2005), pp. 480-490, ADAMS No. ML ML17012A020;

2. *A Geological Review of the Confining Capability of a Regional Dolomite Unit: Application to the South District Wastewater Treatment Plant*, published by Donald F. McNeill, Ph.D., P.G., McNeill Geological Services Inc., prepared for the Miami-Dade County Attorney (October, 2002), ADAMS No. ML17012A017;
3. *Vertical Migration of Municipal Wastewater in Deep Injection Well Systems, South Florida, USA*, published online by Robert G. Maliva, Weixing Guo and, Thomas Missimer (April 2007) ADAMS No. ML17012A019;
4. *Evaluation of Emerging Contaminants of Concern at the South District Wastewater Treatment Plant Based on Seasonal Sampling Events*, published by A.C. Lietz and Michael T. Meyer, Prepared as part of the Comprehensive Everglades Restoration Plan Scientific Investigations Report 2006–5240 for the U.S. Department of the Interior U.S. Geological Survey (2004). ADAMS No. ML17012A021; and,
5. *Determination of Vertical and Horizontal Pathways of Injected Fresh Wastewater into a Deep Saline Aquifer (Florida, USA) Using Natural Chemical Tracers*, published by Virginia Walsh of the Miami-Dade Water and Sewer Department and Department of Earth and Environment, and René M. Price of the Department of Earth and Environment and Southeast Environmental Research Center, for the Hydrogeology Journal (February 2010). ADAMS No. ML17012A023.

On January 12, 2017, the Staff provided documents to counsel for the Joint Intervenors, the City of Miami, and the Applicant by e-mail for use in the ongoing litigation pending before the Licensing Board.

Respectfully submitted,

/Signed (electronically) by/
Anthony C. Wilson
Counsel for the NRC Staff
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Enclosures: Attachment 1: Hearing File Index
Attachment 2: Affidavit of Manny Comar

Attachment 1: Hearing File Index

**Turkey Point COL Hearing File and Mandatory Disclosures
Hearing File Index
Update 69 January 12, 2017**

ID#	Accession Number	Document Date	Title
69-1	ML16278A293	11/04/2016	LTR-16-0458-1 - Response to Dennis C. Bley, NRC/ACRS, Letter re: Report on the Safety Aspects of the Florida Power & Light Company's Combined License Application for Turkey Point Units 6 and 7.
69-2	ML16263A433	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 21, "Generic Design Issues".
69-3	ML16271A007	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 22, "Conclusions".
69-4	ML16266A100	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 3, "Design of Structures, Components, Equipment and Systems".
69-5	ML16266A079	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 4, "Reactor".
69-6	ML16266A083	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 5, "Reactor Coolant System and Connected Systems".
69-7	ML16266A087	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 6, "Engineered Safety Features".
69-8	ML16266A090	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 7, "Instrumentation and Controls".
69-9	ML16266A095	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 8, "Electric Power".
69-10	ML16260A085	11/10/2016	Turkey Point Units 6 and 7 FSER - Chapter 9, "Auxiliary Systems".
69-11	ML16272A497	11/10/2016	Turkey Point Units 6 and 7 FSER - Front Matter.
69-12	ML16313A437	11/10/2016	Turkey Point Units 6 and 7 FSER - Transmittal Letter
69-13	ML16337A379	12/02/2016	Certificate of Service.
69-14	ML16312A403	12/02/2016	Draft Summary Record of Decision for Turkey Point, Units 6 and 7.
69-15	ML17005A407	12/07/2016	2016/12/07 Turkey Point COL Hearing - [External Sender] Comment on draft PTN 6&7 licenses
69-16	ML16348A192	12/07/2016	Federal Register Notice on Combined License Application; Hearing for Florida Power and Light Company; Turkey Point, Units 6 and 7 [Docket Nos. 52-040 and 52-041; NRC-2009-0337].
69-17	ML16340B639	12/08/2016	Federal Register Notice - FRN For Availability of Issuance of The Final Turkey Point FEIS.
69-18	ML16342C464	12/08/2016	Notice of Availability of the Issuance of the Environmental Impact Statement Supplement 1 for the Environmental Review of the Turkey Point Nuclear Plant, Units 6 and 7 Combined License Application.

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))	

AFFIDAVIT OF MANNY COMAR CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. §§ 2.336(d) and 2.1203

I, Manny Comar, do hereby state as follows:

1. I am employed as a Senior Project Manager in Licensing Branch 4 of the Division of New Reactor Licensing in the Nuclear Regulatory Commission’s (“NRC”) Office of New Reactors (“NRO”). I serve as a project manager for the NRC’s review of the Combined License Application submitted by the Florida Power & Light Company, at issue in this proceeding.

2. In accordance with the Licensing Board’s March 30, 2011, Memorandum and Order, and the Board’s September 12, 2012, Notice, I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. §§ 2.336(d) and 2.1203 in this proceeding have been disclosed and that the disclosures are accurate and complete as of November 1, 2015.

3. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

Executed in Accord with 10 CFR § 2.304(d)
Manny Comar
Senior Project Manager, Licensing Branch 4
Division of New Reactor Licensing, NRO, NRC
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Manny.Comar@nrc.gov

Executed in Rockville, MD
this 12th day of January, 2017

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))

CERTIFICATE OF SERVICE

I hereby certify that the NRC Staff's Hearing File Update 69 has been filed through the E-Filing system this 12th day of January, 2017.

/Signed (electronically) by/
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