

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 20-1026 2. DATE DOCKETED: 01-31-2020
3. CASE NAME (lead parties only) Friends of the Earth v. U.S. Nuclear Regulatory Commission
4. TYPE OF CASE: Review Appeal Enforcement Complaint Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? Yes No
If YES, cite statute _____
6. CASE INFORMATION:
- a. Identify agency whose order is to be reviewed: U.S. Nuclear Regulatory Commission
- b. Give agency docket or order number(s): Nos. 50-250 and 50-251
- c. Give date(s) of order(s): December 4, 2019
- d. Has a request for rehearing or reconsideration been filed at the agency? Yes No
If so, when was it filled? _____ By whom? _____
Has the agency acted? Yes No If so, when? _____
- e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
~~Please see Petitioners' Docketing Statement Addendum.~~
- f. Are any other cases involving the same underlying agency order pending in this Court or any other?
 Yes No If YES, identify case name(s), docket number(s), and court(s)

- g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
 Yes No If YES, give case name(s) and number(s) of these cases and identify court/agency:
~~Please see Petitioners' Docketing Statement Addendum.~~
- h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? Yes No If YES, provide program name and participation dates.

Signature /s/ Kenneth J. RumeltDate March 6, 2020Name of Counsel for Appellant/Petitioner Kenneth J. RumeltAddress 164 Chelsea Street, PO Box 96, South Royalton, VT 05068E-Mail krumelt@vermontlaw.eduPhone (802) 831-1031Fax (802) 831-1631

ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

CERTIFICATE OF SERVICE

I certify that on March 6, 2020 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Kenneth J. Rumelt

Kenneth J. Rumelt

Environmental Advocacy Clinic

Vermont Law School

P.O. Box 96, 164 Chelsea Street

South Royalton, VT 05608

(802) 831-1031 | Phone

krumelt@vermontlaw.edu

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FRIENDS OF THE EARTH, NATURAL)	
RESOURCES DEFENSE COUNCIL, INC.,)	
and MIAMI WATERKEEPER,)	
)	
Petitioners,)	
)	
v.)	
)	
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION and)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	
)	

No. 20-1026

ADDENDUM TO DOCKETING STATEMENT (USCA FORM 41)

Response to item 6(e): “Identify the basis of appellant’s/petitioner’s claim of standing. See D.C. Cir Rule 15(c)(2).”

Friends of the Earth, Natural Resources Defense Council, Inc. (“NRDC”), and Miami Waterkeeper (hereinafter collectively referred to as the “Petitioners”) seek judicial review of the Nuclear Regulatory Commission’s (“Commission”) Record of Decision for the Subsequent License Renewal Application for Turkey Point Nuclear Generating Unit Nos. 3 and 4 (“Turkey Point”), Docket Nos. 50-250 and 50-251 (December 4, 2019); Subsequent Renewed Facility Operating License, No. DPR-31, Docket No. 50-250; and Subsequent Renewed Facility Operating License, No. DPR-41, Docket No. 50-251, which were based on a Final Supplemental Environmental Impact

Statement (October 25, 2019) that failed to assess adequately Turkey Point's environmental impacts.

Pursuant to the National Environmental Policy Act ("NEPA"), Federal agencies are required to prepare a detailed environmental impact statement for any "proposed" major federal action that "significantly affect[s] the quality of the human environment," 42 U.S.C. § 4332(2)(C), including the renewal of an existing operating license at issue here through a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (June 2013), *see* 10 C.F.R. § 51.95(c). An environmental impact statement "forces the agency to take a 'hard look' at the environmental consequences of its actions, including alternatives to its proposed course." *Sierra Club v. Fed. Energy Regulatory Comm'n*, 867 F.3d 1357, 1367 (D.C. Cir. 2017) (quoting *Balt. Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983)). It also "ensures that these environmental consequences, and the agency's consideration of them, are disclosed to the public." *Id.*

In the present case, Petitioners challenge the Commission's Record of Decision and the two Subsequent Renewed Facility Operating Licenses (hereinafter "License Renewals") as the Record of Decision and the Final Supplemental Environmental Impact Statement on which the Commission based its decisions failed to assess adequately Turkey Point's environmental impact on groundwater during the license renewal term (through 2053) in

several respects. Petitioners also challenge the Commission's decision to grant the Record of Decision and License Renewals without an environmental report from Florida Power & Light Co. that includes a site-specific review of Turkey Point's impacts on all categories of environmental issues as required by the Commission's NEPA regulations. *See* 10 C.F.R. § 51.53(c)(3). Petitioners' members have concrete interests in a full and accurate review by the Commission of the environmental impacts of Turkey Point, which the Commission has failed to do.

To file suit in federal court, a party must demonstrate both constitutional standing and prudential standing. Constitutional standing requires the party to demonstrate three elements: first, that petitioners have suffered an actual or imminent injury in fact that is concrete and particularized; second, that the injury is fairly traceable to the challenged action; and third, that the injury is likely to be redressed by a favorable decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). When alleging a procedural injury, “[t]he person who has been accorded a procedural right to protect his concrete interests can assert that right without meeting all the normal standards for redressability and immediacy.” *Id.* n.7. In other words, the party “never has to prove that if he had received the procedure the substantive result would have been altered. All that is necessary is to show that the procedural step was connected to the substantive result.” *Sugar Cane Growers Co-op. of Fla. v. Veneman*, 289 F.3d 89, 94–95 (D.C. Cir. 2002).

Here, the Petitioners' members have suffered a concrete and particularized imminent injury which is fairly traceable to the Commission's action, and a court decision in favor of the Petitioners will redress the injury. Petitioners each have members that live in close proximity to Turkey Point and rely on the environmental resources it impacts. They will suffer harm from the Commission's failure to address the environmental impacts of Turkey Point in accordance with NEPA and 10 C.F.R. Part 51. *See Silverstein Decl.* (Attachment A) at ¶¶ 4–9; Parobok Decl. (Attachment B) at ¶¶ 3–7; Trujillo Decl. (Attachment C) at ¶ 4; Stodder Decl. (Attachment D) at ¶¶ 4–14; Thomas Decl. (Attachment E) at ¶¶ 4–8; Feuer Decl. (Attachment F) at ¶¶ 4–13; Bauman Decl. (Attachment G) at ¶¶ 4–12; McGee-Absten Decl. (Attachment H) at ¶¶ 4–12; Wynn Decl. (Attachment I) at ¶¶ 4–11; Lester Decl. (Attachment J) at ¶¶ 4–13; These members are reasonably concerned that their water resources (including their source of drinking water), health and safety, property value of their property, and use and enjoyment of the environment near Turkey Point will be negatively affected. *See Silverstein Decl.* at ¶¶ 4–8; Parobok Decl. at ¶¶ 4–7; Stoddard Decl. at ¶¶ 5–14; Thomas Decl. at ¶¶ 6–8; Feuer Decl. at ¶¶ 5–13; Bauman Decl. at ¶¶ 5–12; McGee-Absten Decl. at ¶¶ 5–12; Wynn Decl. at ¶¶ 5–11; Lester Decl. at ¶¶ 5–13. Therefore, they are injured by the Commission's decisions.

Due to its decision to grant the Renewal Licenses based on the flawed Final Supplemental Environmental Impact Statement and without the benefit of

an environmental report from Florida Power & Light Co. that includes a site-specific review of all categories of environmental issues, the Commission has failed to take a “hard look” at the environmental impacts of relicensing Turkey Point until the early 2050s. As a result, the Petitioners’ members have suffered procedural injury. A ruling in the Petitioners’ favor will redress these members’ procedural injuries by vacating the Record of Decision and License Renewals, and by ordering the Commission to require Florida Power & Light Co. to submit an environmental report that includes a site-specific review on all categories of environmental issues, followed by the Commission taking a “hard look” at the environmental impacts of Turkey Point before determining whether to grant or deny the license renewals. *See e.g.*, Silverstein Decl. at ¶ 9; Stoddard Decl. at ¶¶ 12–13.

Apart from constitutional standing discussed above, a person has to demonstrate prudential standing in order to challenge a final agency order in court under the Hobbs Act, 28 U.S.C. §§ 2341–2351. *Reyblatt v. U.S. Nuclear Regulatory Comm’n*, 105 F.3d 715, 720 (D.C. Cir. 1997). To demonstrate prudential standing, the petitioner must show that its members’ “grievances . . . arguably fall within the zone of interests protected or regulated by the statutory provision . . . invoked in the suit.” *Bennett v. Spear*, 520 U.S. 154, 162 (1997). It is well-established that NEPA’s zone of interest is environmental. *Metro Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 772 (1983). In the present case, the Petitioners’ members’ concerns are mainly environmental,

such as the impact on water resources and the environment near Turkey Point. Therefore, the members' grievances fall within the zone of interests of NEPA. Hence, the Petitioners have demonstrated prudential standing.

To establish Article III standing to sue on behalf of their members, Petitioners must show that “(a) [their] members would otherwise have standing to sue in their own right; (b) the interests [they] seek[] to protect are germane to [their] purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hunt v. Washing State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977). First, as discussed above, Petitioners' respective members have standing to sue in their own right. *Id.* Second, the interests that the Petitioners seek to protect in this case are germane to their respective purposes. *See* Stocker Decl. at ¶¶ 5–6; Trujillo Decl. at ¶¶ 5-6; Silverstein Decl. at ¶ 2. *Hunt*, 432 U.S. at 343. Third, in the present case, neither the claim asserted, nor the relief requested requires the participation of individual members in the lawsuit. *Id.* Therefore, the Petitioners have standing to challenge the decisions of the NRC before the Court.

If the Court decides that at least one of the Petitioners has established standing, the Court does not need to decide whether the other Petitioners have standing to sue. *Bullcreek v. Nuclear Regulatory Comm’n*, 359 F.3d 536, 540 (D.C. Cir. 2004).

Response to item 6(g): “Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?”

Yes. On March 7, 2019, the Nuclear Regulatory Commission Atomic Safety and Licensing Board (“Board”) referred to the Commission that portion of its ruling in LBP-19-3 concerning the applicability of 10 C.F.R. § 51.53(c)(3) to the preparation of an applicant’s environmental report in subsequent license renewal proceedings. *Fla. Power & Light Co.* (Turkey Point Nuclear Generating Units 3 & 4), LBP-19-3, 89 NRC ___, ___ (Mar. 7, 2019) (slip op. at 63).

Additionally, Petitioners appealed three decisions of the Board to the Commission. On August 9, 2019, Petitioners appealed two Board decisions to the Commission: (1) *Fla. Power & Light Co.* (Turkey Point Nuclear Generating Units 3 & 4), LBP-19-3, 89 NRC ___, ___ (Mar. 7, 2019) (slip op.), and (2) Memorandum and Order (Granting FPL’s Motion to Dismiss Joint Intervenors’ Contentions 1-E and 5-E as Moot), LBP-19-06 (July 8, 2019). On November 18, 2019, Petitioners appealed the Board Memorandum and Order (Denying Requests for Rule Waiver and Admission of Newly Proffered Contentions, and Terminating Proceedings), LBP-19-08, ___ NRC ___ (Oct. 24, 2019) (slip op.).

The Commission has not ruled on the Board’s March 7, 2019 referral, Petitioners’ August 9, 2019 appeal, or Petitioners’ November 18, 2019 appeal.

The Commission, however, issued its Record of Decision and renewed licenses on December 4, 2019.

Dated March 6, 2020

Respectfully submitted,

/s/ Kenneth J. Rumelt

Richard E. Ayres
2923 Foxhall Road, N.W.
Washington, D.C. 20016
202-722-6930
ayresr@ayreslawgroup.com
Counsel for Friends of the Earth

Kenneth J. Rumelt
Environmental Advocacy Clinic
Vermont Law School
164 Chelsea Street, PO Box 96
South Royalton, VT 05068
802-831-1031
krumelt@vermontlaw.edu
Counsel for Friends of the Earth

Geoffrey Fettus, Caroline Reiser
Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
202-289-2371
gfettus@nrdc.org
creiser@nrdc.org
Counsel for NRDC

Kelly Cox
Miami Waterkeeper
2103 Coral Way 2nd Floor
Miami, FL 33145
305-905-0856
kelly@miamiwaterkeeper.org
Counsel for Miami Waterkeeper

Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that on March 6, 2020 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Kenneth J. Rumelt

Kenneth J. Rumelt

Environmental Advocacy Clinic

Vermont Law School

P.O. Box 96, 164 Chelsea Street

South Royalton, VT 05608

(802) 831-1031 | Phone

krumelt@vermontlaw.edu

Attachment A

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FRIENDS OF THE EARTH, NATURAL)
RESOURCES DEFENSE COUNCIL, INC.,)
and MIAMI WATERKEEPER)

Petitioners,)

No. 20-1026

v.)

UNITED STATES NUCLEAR)
REGULATORY COMMISSION and)
UNITED STATES OF AMERICA,)

Respondents.)

DECLARATION OF RACHEL SILVERSTEIN, PH.D

I, Rachel Silverstein, declare as follows:

1. I am the Executive Director of Miami Waterkeeper, and I make this declaration in support of Petitioners’ Petition for Review.

2. Miami Waterkeeper (also known as Biscayne Bay Waterkeeper, Inc.) (“Waterkeeper”) is a Florida non-profit organization with a mission to defend, protect, and preserve the waters of South Florida from the Everglades to the aquifers to the reefs through citizen involvement and community action. As its advocate, Waterkeeper seeks to eliminate or mitigate threats to South Florida’s coastal waters. Through its work, Waterkeeper hopes to ensure a clean and vibrant

South Florida watershed and coastal culture for generations to come. Waterkeeper uses community outreach, scientific research, and legal advocacy to protect South Florida's marine ecosystems, marine life, and coral reefs. Waterkeeper is a member of the Waterkeeper Alliance, an international organization uniting more than 300 Waterkeeper organizations and affiliates across the globe. Miami Waterkeeper has approximately 75 members.

3. In addition to serving as Executive Director of Miami Waterkeeper, I am a member of the organization and I also serve as the "Miami Waterkeeper." A Waterkeeper is a full-time, paid employee of an organizational member of the Waterkeeper Alliance who serves as a non-governmental public advocate for an identified watershed. I hold a B.A. in Evolution, Ecology and Environmental Biology from Columbia University, and I received a Ph.D. in the Department of Marine Biology and Fisheries from the University of Miami's Rosenstiel School for Marine and Atmospheric Science. My job as Miami Waterkeeper involves patrolling the bays, monitoring and testing water quality, investigating pollution problems, educating the public, enforcing state and federal environmental laws, and working with civic leaders to support our mission.

4. Many members of Miami Waterkeeper recreate, study, enjoy, and work in the waters in South Florida, including those of the Florida Keys National Marine Sanctuary, Biscayne National Park, and Everglades National Park near

Turkey Point. Waterkeeper's members observe and interact with marine organisms such as fish, lobsters and other invertebrates (such as corals), sea turtles, and marine mammals through wildlife observation, research, photography, scuba diving, and recreational fishing. Our members also visit the terrestrial portions of the two national parks and other freshwater wetlands areas near Turkey Point and observe, interact with and value terrestrial organisms that depend on freshwater wetlands such as crocodiles, panthers, snakes, turtles, and a wide variety of birds. These activities require healthy freshwater wetlands, which in turn requires continued protection of the groundwater underneath those wetlands.

5. Members of Miami Waterkeeper also rely on the Biscayne Aquifer as a source of potable water. Consequently, Plaintiffs' members are concerned and directly affected by the consequences of Turkey Point's use of a cooling canal system to dispose of waste heat, including salinization of the Biscayne Aquifer, degradation of freshwater wetlands, discharges of pollution into Biscayne Bay, and the taking of American Crocodiles and harm to their Designated Critical Habitat.

6. I am a resident of South Florida, and I also personally share these concerns. I enjoy boating in southern Biscayne Bay, as well as scuba diving, snorkeling, and camping in the area. My family and I frequently visit Everglades National Park as well. I plan to continue visiting our spectacular national parks and

marine sanctuaries, and enjoying viewing the unique wildlife that depend on clean water and sustained freshwater flow for their habitats and lifecycles.

7. As a resident of Miami-Dade County, I also rely on the Biscayne Aquifer as a primary source of drinking water. I am concerned that the hypersaline plume emanating from Turkey Point's Cooling Canal System is contaminating the Biscayne Aquifer.

8. Lastly, I live approximately 30 miles from Turkey Point, and if an accident happened and a radiation release occurred, my personal safety may be at risk.

9. For these reasons, the relicensing of Turkey Point Units 3 and 4 is of great interest to me, to Miami Waterkeeper and to our membership. We have thus sought to appeal the Nuclear Regulatory Commission's decision to renew Turkey Point's operating licenses until 2052 and 2053 in order to ensure that the most important environmental impacts, and any mitigation alternatives, are fully and adequately considered so that a responsible and informed decision can be reached before making a final decision on whether to relicense Turkey Point Units 3 & 4. I endorse Miami Waterkeeper's effort to appeal the Nuclear Regulatory Commission's license renewal decision on my behalf. I am also a member of petitioner Natural Resources Defense Council.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on March 5, 2020.



Rachel Silverstein, Ph.D.

Attachment B

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FRIENDS OF THE EARTH, NATURAL)
 RESOURCES DEFENSE COUNCIL, INC.,)
 and MIAMI WATERKEEPER)
)
 Petitioners,)
)
 v.)
)
 UNITED STATES NUCLEAR)
 REGULATORY COMMISSION and)
 UNITED STATES OF AMERICA,)
)
 Respondents.)
)

No. 20-1026

DECLARATION OF DANIEL PAROBOK

I, Daniel Parobok, declare as follows:

1. I am a member of Miami Waterkeeper and I make this declaration in support of petitioner's request for a hearing and leave to intervene in Florida Power & Light Co.'s application for a second license renewal of its operating licenses for Turkey Point Nuclear Generating Units 3 and 4.

2. Miami Waterkeeper, Inc. ("Waterkeeper," also known as Biscayne Bay Waterkeeper, Inc.) is a Florida non-profit organization with a mission to defend, protect, and preserve the aquatic integrity of South Florida's watershed and wildlife through citizen involvement and community action. As its advocate,

Waterkeeper seeks to eliminate or mitigate threats to South Florida's coastal waters. Through its work, Waterkeeper hopes to ensure a clean and vibrant South Florida watershed and coastal culture for generations to come. Waterkeeper uses education, community outreach, and legal advocacy to protect South Florida's marine ecosystems, marine life, and coral reefs. Waterkeeper is a member of the Waterkeeper Alliance, an international organization uniting more than 190 Waterkeeper affiliates across the globe. Waterkeeper has approximately 76 members.

3. For four years, I lived and worked in Miami-Dade County as an Environmental Scientist. I have recently moved to Monroe County where I work as a biologist.

4. As a member of Miami Waterkeeper, I use and enjoy the waters of South Florida, including those of Biscayne National Park and the area near Turkey Point for recreational purposes. I regularly launch my boat out of Black Point Marina or Homestead Bayfront Park to go fishing along the mangrove shoreline and in the seagrass flats of Biscayne Bay, targeting species such as bonefish, permit, snapper, tarpon, sheepshead, snook, and redfish. I spend a significant amount of time boating and fishing in Biscayne Bay, Card Sound, Barnes Sound, and Florida Bay.

5. I also enjoy viewing wildlife such as manatees, turtles, birds, dolphins, and crocodiles when I recreate in these areas. In a professional capacity, these species are significant to me as well. I am a biologist by trade and my job involves conducting benthic and land-based field surveys, evaluating environmental permit applications, conducting site inspections, and ensuring compliance with local, state, and federal laws. In my professional work, I regularly conduct listed species surveys for wildlife including turtles, cara caras, queen conch, woodstorks, scrub jays, red cockaded woodpeckers, everglades snail kites, sand skinks, and gopher tortoises. Many of these species rely on a healthy interaction between terrestrial and marine environments, with a particular emphasis on wetland habitats. Without healthy wetlands, many listed species and other flora and fauna will suffer.

6. As a resident of the Florida Keys, I rely on the Biscayne Aquifer as a primary source of drinking water. I am concerned that the hypersaline plume from Turkey Point's Cooling Canal System is approaching the drinking water wellheads for the Florida Keys at more than a foot per day.

7. My personal and professional interests will be directly affected by the continued operation of Turkey Point's Cooling Canal System. Specifically, I am concerned that the hypersaline plume from the canals will contaminate my primary source of drinking water. I am also concerned that the canals are degrading natural

habitat that I rely on for both recreational and professional purposes. Lastly, I live 28 miles from Turkey Point, and if an accident happened and a radiation release occurred, my personal safety may be at risk. I endorse Miami Waterkeeper seeking to intervene on my behalf in the Turkey Point relicensing proceeding.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 5 day, March 2020.



Daniel Parobok

Attachment C

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FRIENDS OF THE EARTH, NATURAL)
RESOURCES DEFENSE COUNCIL, INC.,)
and MIAMI WATERKEEPER)

Petitioners,)

No. 20-1026

v.)

UNITED STATES NUCLEAR)
REGULATORY COMMISSION and)
UNITED STATES OF AMERICA,)

Respondents.)

**DECLARATION OF GINA TRUJILLO
DIRECTOR OF MEMBERSHIP
NATURAL RESOURCES DEFENSE COUNCIL**

I, Gina Trujillo, declare as follows:

1. I am the director of membership at the Natural Resources Defense Council (“NRDC”). I have been the director of membership since January 1, 2015.

I have worked in the membership department of NRDC for more than 24 years

2. My duties include supervising the preparation of materials that NRDC distributes to members and prospective members. Those materials describe NRDC and identify its mission.

3. NRDC is a membership organization incorporated under the laws of the State of New York. It is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.

4. NRDC currently has approximately 375,200 members. There are NRDC members residing in each of the fifty United States and in the District of Columbia. NRDC has 14,595 members in Florida. There are at least 1,477 members living within 50 miles of the Turkey Point Nuclear Generating Stations and at least 54 members live within 10 miles of the facility.

5. NRDC's mission statement declares that "The Natural Resources Defense Council's purpose is to safeguard the Earth: its people, its plants and animals, and the natural systems on which all life depends." Furthermore, NRDC "strive[s] to protect nature in ways that advance the long-term welfare of present and future generations," and "work[s] to foster the fundamental right of all people to have a voice in decisions that affect their environment."

6. Since its inception in 1970, NRDC has, as one of its organizational goals, sought to improve the environmental, health, and safety conditions at the nuclear facilities operated by the Department of Energy and the civil nuclear facilities licensed by the Nuclear Regulatory Commission and their predecessor agencies. To that end, NRDC utilizes its institutional resources (such as its capacities for legislative advocacy, public outreach and education, and litigation) to minimize the risks that nuclear facilities pose to its members and to the general public.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.

Dated: 3/3/20

A handwritten signature in black ink that reads "Gina Trujillo". The signature is written in a cursive style and is positioned above a horizontal line.

Gina Trujillo

Attachment D

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FRIENDS OF THE EARTH, NATURAL)
RESOURCES DEFENSE COUNCIL, INC.,)
and MIAMI WATERKEEPER)

Petitioners,)

No. 20-1026

v.)

UNITED STATES NUCLEAR)
REGULATORY COMMISSION and)
UNITED STATES OF AMERICA,)

Respondents.)

DECLARATION OF PHILIP STODDARD, PH.D.

I, Phillip Stoddard, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (NRDC). I have been a member since 1993. I joined NRDC because I care about the environment and believe that it is not being adequately protected. In general, I am worried about overexploitation of natural resources, climate change and sea level rise, contamination of air, water, soil and food, and the consequent potential impacts on human health and on the natural world. In particular, one of the reasons I have contributed to the NRDC was because of my concerns about

nuclear energy and its attendant risks following years of studying the operations at the Turkey Point Nuclear Generating Stations, and the special risks to mankind and the natural world posed by commercial operation of nuclear plants in a hurricane zone subject to storm surge.

3. I live at 6820 SW 64th Court, South Miami, Florida. I have lived at this address for about fifteen years.

4. My home is approximately 18 miles from the Florida Power & Light (FPL), Turkey Point Generating Station (TPGS), Units 3 & 4 in Homestead, Florida. I am aware that TPGS nuclear facility is seeking to have its operating license renewed for another 20 years by the Nuclear Regulatory Commission (NRC).

5. I used to be a “fan” of nuclear power because of its relatively low carbon footprint. Then I began looking into the safety record and environmental conditions at Turkey Point. As I studied the plant and its safety plan, I came to recognize greater hazards and environmental costs than had been made public. I was elected Mayor for the City of South Miami, Florida, in part because of my familiarity with these issues. My participation in public discussion of these issues has spanned nearly a decade. In the course of this participation, I physically toured the TPGS facility with FPL staff following the Fukushima accident, as part of FPL’s program to assure elected officials that their own nuclear operation was

safe. During the proposed licensing of planned Units 6 & 7, I reviewed licensing documents and other material related to safety issues and severe accident risks posed by the TPGS facility, and I consulted with experts in nuclear safety and risk assessment concerning the risks of operation of the reactors. My particular areas of special concern are (i) vulnerability of the nuclear fuel and spent fuel containment to storm surge, (ii) environmental problems surrounding the use of cooling canals, and (iii) the extreme difficulty of evacuating southern Miami-Dade County quickly in the event of an accidental radiation release.

6. I remain unconvinced that the TPGS facility is as safe as it needs to be to operate adjacent to an urban area, subject as it is to sea level rise and hurricane-driven storm surge. I am particularly concerned about lack of careful analysis of vulnerability to storm surge of cooling systems and stored fuel. I remain concerned with the risks to continued nuclear reactor operations resulting from parts failure and human error. I am concerned about embrittlement of the reactor vessel, designed for 40 years' operation, now proposed for 80 years, with no verification that a doubling of neutron bombardment will not create special vulnerability to accidental sudden cooling. I am not convinced that the NRC has adequately assessed the full-scale, long-term consequences of continued operations of the cooling canals, a poorly conceived cooling system design that is unique to this site of porous geology. Saline leakage, overheating, evaporative

concentration of salt, and storm washout are harmful to the southern reaches of the Biscayne Aquifer, Biscayne Bay, and the Southeast Coastal Everglades. The accident at Three Mile Island showed me the vulnerability of domestic nuclear plants to human error, to which TPGS has repeatedly proven prone. The disaster at the Fukushima-Daichi Nuclear Power Plant in Japan caused me increased concern about the unique vulnerabilities of nuclear power reactors to rare external events – here, the NRC’s probabilistic analysis is cold comfort, since infinity (the cost to me of an accident that leaves South Miami-Dade uninhabitable) divided by ten to the 4th power (the estimated likelihood of a particular accident) is still infinity. I sincerely question whether TPGS, in its current configuration, enjoys the full benefit of modern design knowledge needed to ensure that no harm to humans or the environment could come from the extended operation of its nuclear reactors.

7. The region where I live, Southeastern Miami-Dade County, has become far more populated and developed since the original licensing of the TPGS. The population of Miami-Dade County has more than doubled, with most of the growth concentrated in the south end within 15 miles of Turkey Point. The population has been increasing by an average 1.5%. If this rate continues the population will increase by another two thirds by the end of the proposed relicensing period, 2052. By 2112, the end of the decommissioning period, the

low elevation neighborhoods nearby will likely be depopulating because of sea level rise.

Recognizing the growing impossibility of timely evacuation of our greatly expanded population on a limited highway network, the current regional plan for a radiation emergency calls for “sheltering in place.” Under this plan, residents are to stay in their (powerless) dwellings, taping over the A/C vents and door seams to prevent radiation exposure. The limited ability of people to survive in a closed-up building in South Florida, in the summer heat, without air conditioning, seems not to have entered the calculus. This planning oversight might reasonably be viewed as criminal negligence in the aftermath of an actual emergency.

8. FPL’s Turkey Point operation is misusing our limited supply of freshwater. Southeast Florida requires a freshwater head to hold out the saltwater that would otherwise infiltrate our groundwater and exacerbate hypersalinity. The need to conserve these local freshwater sources is urgent. Climate change is already causing local sea levels to rise, increasing saltwater pressure on the aquifer. The local population continues to grow, increasing freshwater demand. By using cooling canals instead of cooling towers as the ultimate heat sink for the nuclear plants at Turkey Point, FPL increases evaporative loss beyond what is necessary. In using freshwater for what is likely to be an unsuccessful attempt to mitigate the hypersaline plume generated by canal evaporation, FPL is misusing

the limited freshwater supply to attempt to address a problem of their own making. While my drinking water is not supplied directly from the well fields most at risk, water is pumpable and therefore fungible. As the regional supply is depleted, the County must make up the shortfall, at considerable expense to the consumer, through desalination. In the height of irony, desalination requires vastly more electricity; FPL is raising demand for electricity by wasting water, and wasting water by meeting this demand. We have to maintain our regional freshwater head as long as we can, and FPL's plan to keep Turkey Point cool and its failing attempt to mitigate the hypersaline plume is raising the cost of domestic drinking water and shortening the period before seawater infiltrates our aquifer.

9. Moreover, because my home is well within the 50-mile emergency planning zone for the ingestion pathway, I am concerned that an accident at the TPGS may result in dangerous airborne levels of radioiodines, with subsequent elevations of radiation-induced thyroid cancers as reported near Chernobyl and Three Mile Island. Prevailing winds at TPGS are often in the direction of inhabited areas. No realistic plan exists to distribute potassium iodide prophylaxis to the vulnerable population before airborne exposure to radioiodines.

10. I know that the NRC must undertake an environmental review when it grants relicensing permits to nuclear power plants such as the TPGS. However, I am aware that there are a number of issues that as part of this relicensing have

not been adequately or accurately analyzed. Examples include, but are not limited to (i) sea level rise, (ii) microcystins produced by cyanobacterial blooms in the cooling canals, (iii) risks from reactor embrittlement, and (iv) vulnerability to backup power, cooling systems, and spent fuel in dry casks from storm surge (including surge-propelled marine vessels). Nor has FPL provided sufficient analysis of the potential ways to mitigate the consequences of the continued operations.

11. The failure to require updated studies and plans concerns me. Sea level rise was not even on the radar when the plants were initially licensed. I want to know that if the reactors are allowed to operate for 80 years (an additional 20 years beyond the already once-extended timeframe of 40 to 60 years) that the extended operating life is supported by reliable and accurate prospective analyses and realistic mitigation strategies, sufficient to effectively eliminate environmental and safety risks or impacts.

12. I would certainly pay close attention if the NRC were to analyze carefully the significant issues of sea level rise, environmental impacts of cooling systems, changes in population safety issues, and effective mitigation measures. A clear analysis would help me feel safer and better informed of the risks my family and neighbors face as a nearby residents. Such analysis would also help me determine what steps I need to take now to protect myself and others in the event

for decades, or ever for some of the issues, I remain deeply concerned.

13. The NRC has a duty to protect the American people, not to protect the nuclear industry. It also has a duty to keep us informed about the risks inherent in any nuclear energy plant now proposed to operate for double its design life, including any risk related to aging plants, aging materials, vulnerable fuel storage, or emerging risks from changes in climate and sea level.

14. I support NRDC's intervention in this case and authorize them to act on my behalf because I believe, with their participation, the Nuclear Regulatory Commission will be better positioned to fully review the possible impacts of the applicant's proposed relicensing for an additional 20 years, and, based on NRDC's and its experts' information, may address concerns and mitigate impacts to human health, as well as our water, land, and other resources, in the event of continued operation of the TPGS.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief and that this declaration was executed on March 4, 2020 in South Miami, Florida.

A handwritten signature in blue ink, reading "Philip K. Stoddard", is written over a horizontal line.

Philip K. Stoddard, Ph.D.

Attachment E

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FRIENDS OF THE EARTH, NATURAL)
RESOURCES DEFENSE COUNCIL, INC.,)
and MIAMI WATERKEEPER)

Petitioners,)

No. 20-1026

v.)

UNITED STATES NUCLEAR)
REGULATORY COMMISSION and)
UNITED STATES OF AMERICA,)

Respondents.)

DECLARATION OF ALAN THOMAS

I, Alan Thomas, declare as follows:

1. I make this declaration of my own personal knowledge. If called to testify as a witness, I could and would testify competently regarding its contents.

2. I am a current member of the Natural Resources Defense Council (NRDC). I joined NRDC because I am concerned about the environment, as I think anyone who lives on earth should be in this day-and-age.

3. I live at 11271 SW 175th Street, Miami, Florida. I have lived in Miami since 1968.

4. My home is approximately 14 miles from the Florida Power & Light (FPL), Turkey Point Generating Station (TPGS), Units 3 & 4 in Homestead,

Florida. I am aware that TPGS nuclear facility is seeking to have its operating license renewed for another 20 years by the Nuclear Regulatory Commission (NRC). I do not, however, understand why FPL is trying to keep TPGS open through the 2050's. The facility was never designed to be open this long already so it's already past its active lifecycle. It seems short-sighted and dangerous to me to keep such a facility open. I address some of my primary concerns below.

5. One of the scariest moments in my life was in September 2017 when hurricane Irma just missed hitting TPGS. During hurricanes, I usually hunker down in my home—at 18 feet above sea level, my home is the highest ground I can hope for. For the entire twenty hours I spent waiting out Irma in 2017, I was sure that any minute we would all be dead. I thought the hurricane was going to hit TPGS straight on and would cause an accident like Fukushima. Up until that point, during hurricanes I mostly worried about wind damage. Not anymore. Now there's something else to worry about—whether the next hurricane won't miss TPGS like Irma did.

6. I'm also concerned about releases from the TPGS's cooling canal system. We live on limestone here, which means there is only a small distance between fresh and saltwater underground. It is a very fragile system. Once it is destroyed, there is no undoing it. I fear that if TPGS remains open, our groundwater will be irreparably impacted.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief and that this declaration was executed on March 4, 2020 in Miami, Florida.

A handwritten signature in cursive script that reads "Alan Thomas". The signature is written in black ink and is positioned above a horizontal line.

Alan Thomas

Attachment F

**BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
) Docket No. 50-250
) Docket No. 50-251
 (Turkey Point Nuclear Power Plant, Units 3 and 4)

(Subsequent License Renewal Application)

DECLARATION OF Anne Hemingway Feuer

I, Anne Hemingway Feuer, declare as follows:

1. I am a resident of Cutler Bay, Florida. I own a house at 18661 Belview Drive Lane and have resided at this house with my wife since May, 1991. We raised two daughters in this home, though currently only my husband Bill and I reside at 18661 Belview Drive.
2. I am currently a member of Friends of the Earth (“FoE”), and have been a member since 1979. As a resident of Florida’s Miami-Dade county, I am particularly interested in and

support FoE's work related to Florida Power and Light Company (FPL) and their Turkey Point Power Plant ("Turkey Point") reactors.

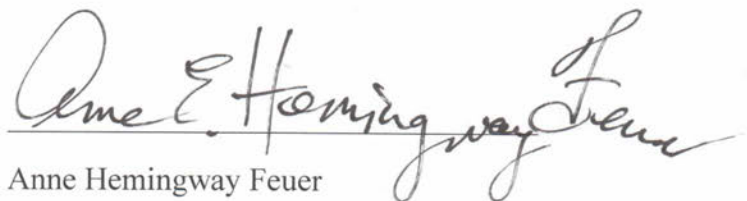
3. Among its missions, FoE seeks to ensure that the public has an opportunity to influence the outcome of governmental and corporate decisions that affect the lives of many people, including myself.
4. My home is about 5 miles from Turkey Point. I am an RN Care Manager for AIDS Healthcare Foundation, gardener and a glass/clay artist in my spare time
5. I live with my husband Bill Feuer, who does Biostatistics for the University of Miami Bascom Palmer Eye Institute and enjoys playing guitar and creating music in his spare time. We both enjoy working from home at least half time on our computer based home offices. An accident at Turkey Point would mean that we would no longer be able to enjoy fresh avocados, mangoes, carambolas, bananas, tomatoes and pineapples that grow in our yard as the prevailing wind blows straight off the ocean from Turkey Point. We would no longer be able to live where we do, as that same wind hits our home at 18661 Belview Drive, Cutler Bay.
6. I am concerned that the continued operation of Turkey Point for an additional 20 years beyond the term of its original license and the additional 20 year relicense renewal period will jeopardize the health and safety of my family and myself and the value of our property. I am also concerned that the operation of Turkey Point will have an adverse effect on the health of the environment in which I live.
7. My personal health and safety and my family's personal health and safety will be seriously affected in the event that Turkey Point is damaged by sea level rise, storm surge, hurricanes or other accidents, causing a radiation leak from the plant.
8. Turkey Point's operation without adequate assurance that its essential structures will continue to operate and that the plant can be safely shut down in the event of flooding or storm related power outages and damage poses a significant risk to my personal health and safety. I am particularly worried about the consequences that an accident at Turkey Point would cause for my daughter, as very young, developing children are at greater risk for radiation-related health problems than adults.

9. The value of my home - a three-bedroom, two-bath house with surrounding green space and gardens - will be adversely affected in the event of an earthquake/hurricane and subsequent release or threatened release of radioactivity at Turkey Point. The value of our home offices and creative space and our assets will be adversely affected in the event of a flood or accident or threatened release of radioactivity from Turkey Point because the local community will not want to purchase property with mature fruit trees and a garden near such a potential calamity.
10. My husband and I love to walk and bike out at Black Point Marina, and down in Everglades National Park. We are concerned about reports of heightened tritium from Turkey Point in our local waters. Continued operation of the Turkey Point reactors will only increase these contamination problems and threaten my use and enjoyment of the environment near the reactors and an accident at Turkey Point would destroy my ability to continue recreational activities in this area. We enjoy eating local seafood at Golden Rule and Captain's Tavern, and would be very distressed if this was no longer an option due to radioactive contamination of local fish.
11. The whole of Miami-Dade County surrounding Turkey Point would be financially ruined following any disaster at the plant, not to mention that the health and safety of my family and neighbors would be in jeopardy. Tourism is the economic backbone of Miami-Dade County and would be severely impacted if not completely destroyed in the event of an accident at Turkey Point. Agriculture is another leading economic force in our county. The integrity of agricultural land would certainly be spoiled by an accident at Turkey Point.
12. As a member of 350.com and Urban Paradise Guild and Awake Miami/Labor and Community Alliance of South Florida since 2015, I've been involved in several efforts to protect and restore the coastal environment surrounding Turkey Point. I have supported Cleo Institute's work and Oceana's work to establish a Marine Sanctuary in Biscayne Bay, and I've been active in protesting contamination from Turkey Point.
13. The continued operation of Turkey Point for an additional 20 years without ensuring that the aging plant can withstand foreseeable accidents, natural disasters and climate change

impacts poses a significant risk to my personal health and safety, the health and safety of my family, the market value of my home and business, and my interest in using and protecting the environment around Turkey Point.

14. I authorize FoE to petition to intervene in this proceeding on my behalf. I authorize FoE to represent my interests in any hearing on the license renewal request.
15. I strongly support the petition to intervene filed by FoE with the Nuclear Regulatory Commission regarding Turkey Point.

I declare, under penalty of perjury, that the foregoing information is true, accurate, and correct.
Executed on 29th June, in 2018..



Anne Hemingway Feuer

18661 Belview Drive, Cutler Bay, FL 33157

Attachment G

**BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
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)
(Turkey Point Nuclear Power Plant, Units 3 and 4)

Docket No. 50-250
Docket No. 50-251

(Subsequent License Renewal Application)

DECLARATION OF Laura Bauman

I, Laura Bauman, declare as follows:

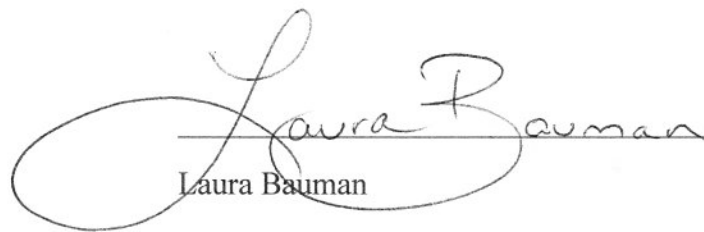
1. I am a resident of Key Largo, Florida. I own a house at 404 Thumper Thoroughfare and have resided at this house with my significant other since 2009. We are raising one daughter in this home. All three of us reside at the 404 Thumper Thoroughfare address.
2. I am currently a member of Friends of the Earth (“FoE”). As a resident of Florida’s Monroe County, I am particularly interested in and support FoE’s work related to Florida Power and Light Company (FPL) and their Turkey Point Power Plant (“Turkey Point”) reactors.
3. Among its missions, FoE seeks to ensure that the public has an opportunity to influence the outcome of governmental and corporate decisions that affect the lives of many people, including myself.
4. My home is about 41 miles from Turkey Point. I am a wetland ecologist that works in the Everglades and Florida Bay. My significant other is a mooring buoy specialist that works on the coral reef tract in the Florida Keys National Marine Sanctuary. We both rely on the health and vitality of our local waters for employment.
5. An accident at Turkey Point would mean that my family could not live and work in Key Largo, temporarily or permanently depending on the severity of the contamination. My child could not attend school. We would be forced to evacuate.

6. I am concerned that the continued operation of Turkey Point for an additional 20 years beyond the term of its original license and the additional 20 year relicense renewal period will jeopardize the health and safety of my family and myself and the value of our property. I am also concerned that the operation of Turkey Point will have an adverse effect on the health of the environment in which I live.
7. My personal health and safety and my family's personal health and safety will be seriously affected in the event that Turkey Point is damaged by sea level rise, storm surge, hurricanes or other accidents, causing a radiation leak from the plant.
8. Turkey Point's operation without adequate assurance that its essential structures will continue to operate and that the plant can be safely shut down in the event of flooding or storm related power outages and damage poses a significant risk to my personal health and safety. I am particularly worried about the consequences that an accident at Turkey Point would cause for my daughter, as young, developing children are at greater risk for radiation-related health problems than adults.
9. The value of my home - a three-bedroom, two-bath house with surrounding green space- will be adversely affected in the event of an earthquake and subsequent release or threatened release of radioactivity at Turkey Point.
10. I have been an avid diver since 2000 and have regularly swum waters in the Florida Keys for almost 20 years. I am concerned about reports of heightened tritium from Turkey Point in our local waters, including our fragile drinking water that comes from the Biscayne aquifer. Continued operation of the Turkey Point reactors will only increase these contamination problems and threaten my use and enjoyment of the environment. An accident at Turkey Point would destroy my ability to continue recreational activities in this area, as well as threaten my drinking water supply.
11. Monroe County has a very real threat to be financially ruined following any disaster at the plant, not to mention that the health and safety of my family and neighbors would be in jeopardy. Tourism is the economic backbone of Monroe County and would be severely impacted if not completely destroyed in the event of an accident at Turkey Point.
12. The continued operation of Turkey Point for an additional 20 years without ensuring that the aging plant can withstand foreseeable accidents, natural disasters and climate change impacts poses a significant risk to my personal health and safety, the health and safety of

my family, the market value of my home, and my interest in using and protecting the environment around Turkey Point.

13. I authorize FoE to petition to intervene in this proceeding on my behalf. I authorize FoE to represent my interests in any hearing on the license renewal request.
14. I strongly support the petition to intervene filed by FoE with the Nuclear Regulatory Commission regarding Turkey Point.

I declare, under penalty of perjury, that the foregoing information is true, accurate, and correct.
Executed on July 30, in 2018.


Laura Bauman

Attachment H

**BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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)
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)
(Turkey Point Nuclear Power Plant, Units 3 and 4)

Docket No. 50-250
Docket No. 50-251

(Subsequent License Renewal Application)

DECLARATION OF VICKI MCGEE-ABSTEN

I, Vicki McGee-Absten, declare as follows:

1. I am a resident of Key Largo, Florida. I rent a house from my father at 980 Oleander Rd and have resided at this house with my two sons since 2013.
2. I am currently a member of Friends of the Earth (“FoE”). As a resident of Florida’s Monroe County, I am particularly interested in and support FoE’s work related to Florida Power and Light Company (FPL) and their Turkey Point Power Plant (“Turkey Point”) reactors.
3. Among its missions, FoE seeks to ensure that the public has an opportunity to influence the outcome of governmental and corporate decisions that affect the lives of many people, including myself.
4. My home is about 35 miles from Turkey Point. I am a marine biologist that works in the Florida Bay. As a biologist I rely on the health and vitality of our local waters for employment.
5. An accident at Turkey Point would mean that my family could not live and work in Key Largo, temporarily or permanently depending on the severity of the contamination. My children could not attend school. We would be forced to evacuate.
6. I am concerned that the continued operation of Turkey Point for an additional 20 years beyond the term of its original license and the additional 20 year relicense renewal period

will jeopardize the health and safety of my family and myself and the value of our property. I am also concerned that the operation of Turkey Point will have an adverse effect on the health of the environment in which I live.

7. My personal health and safety and my family's personal health and safety will be seriously affected in the event that Turkey Point is damaged by sea level rise, storm surge, hurricanes or other accidents, causing a radiation leak from the plant.
8. Turkey Point's operation without adequate assurance that its essential structures will continue to operate and that the plant can be safely shut down in the event of flooding or storm related power outages and damage poses a significant risk to my personal health and safety. I am particularly worried about the consequences that an accident at Turkey Point would cause for my daughter, as young, developing children are at greater risk for radiation-related health problems than adults.
9. The value of my home - a three-bedroom, two-bath house with surrounding green space - will be adversely affected in the event of an earthquake and subsequent release or threatened release of radioactivity at Turkey Point.
10. I am a native Floridian and have enjoyed the local waters my entire life (50 years) and have watched the reef deteriorate over my life time due to climate change, global warming coral bleaching and pollution run off. I am concerned about reports of heightened tritium from Turkey Point in our local waters, including our fragile drinking water that comes from the Biscayne aquifer. Continued operation of the Turkey Point reactors will only increase these contamination problems and threaten my use and enjoyment of the environment. An accident at Turkey Point would destroy my ability to continue recreational activities in this area, as well as threaten my drinking water supply.
11. Monroe County has a very real threat to be financially ruined following any disaster at the plant, not to mention that the health and safety of my family and neighbors would be in jeopardy. Tourism is the economic backbone of Monroe County and would be severely impacted if not completely destroyed in the event of an accident at Turkey Point.
12. The continued operation of Turkey Point for an additional 20 years without ensuring that the aging plant can withstand foreseeable accidents, natural disasters and climate change impacts poses a significant risk to my personal health and safety, the health and safety of my family, the market value of my home, and my interest in using and protecting the

environment around Turkey Point. South Florida needs to be at the fore front of global warming and sea level rise. Alternative energy sources especially in such environmentally sensitive areas are a must.

13. I authorize FoE to petition to intervene in this proceeding on my behalf. I authorize FoE to represent my interests in any hearing on the license renewal request.
14. I strongly support the petition to intervene filed by FoE with the Nuclear Regulatory Commission regarding Turkey Point.

I declare, under penalty of perjury, that the foregoing information is true, accurate, and correct.
Executed on July 30, in 2018.



Vicki McGee-Absten

Attachment I

**BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
)
)
)
(Turkey Point Nuclear Power Plant, Units 3 and 4)

Docket No. 50-250
Docket No. 50-251

(Subsequent License Renewal Application)

DECLARATION

I, Patricia J. Wynn, declare as follows:

1. I am a resident of Miami, Florida. I own a house at 11781 SW 91st Terrace and have resided at this house with my husband since 1982. Currently only my husband I reside at this address.
2. I am currently a member of Friends of the Earth (“FoE”), and have been a member since 2018. As a resident of Florida’s Miami-Dade county, I am particularly interested in and support FoE’s work related to Florida Power and Light Company (FPL) and their Turkey Point Power Plant (“Turkey Point”) reactors.
3. Among its missions, FoE seeks to ensure that the public has an opportunity to influence the outcome of governmental and corporate decisions that affect the lives of many people, including myself.
4. My home is about 20 miles from Turkey Point. I am a real estate broker specializing in commercial property leasing and management. My husband is a web-site designer and musician.
5. I am concerned that the continued operation of Turkey Point for an additional 20 years beyond the term of its original license and the additional 20 year relicense renewal period will jeopardize the health and safety of ourselves as well as our neighbors, which would ultimately impact the value of our property. I am also concerned that the operation of

Turkey Point will have an adverse effect on the health of the environment in which we live.

6. My personal health and safety and that of my husband's will be seriously affected in the event that Turkey Point is damaged by sea level rise, storm surge, hurricanes or other accidents, causing a radiation leak from the plant.
7. Turkey Point's operation without adequate assurance that its essential structures will continue to operate and that the plant can be safely shut down in the event of flooding or storm related power outages and damage poses a significant risk to my personal health and safety. I am particularly worried about the consequences that an accident at Turkey Point would cause for young developing children, which are at greater risk for radiation-related health problems than adults.
8. The value of my home - a three-bedroom, three-bath townhome with surrounding green space, gardens and a shed - will be adversely affected in the event of an earthquake and subsequent release or threatened release of radioactivity at Turkey Point. The value of my business and my husband's will be adversely affected in the event of a flood or accident or threatened release of radioactivity from Turkey Point because the local market will have changed for the commercial real estate industry.
9. I have been an avid windsurfer since 1978 and have regularly windsurfed waters near Turkey Point since 1993, over 20 years. I am concerned about reports of heightened tritium from Turkey Point in our local waters. Continued operation of the Turkey Point reactors will only increase these contamination problems and threaten my use and enjoyment of the environment near the reactors and an accident at Turkey Point would destroy my ability to continue recreational activities in this area.
10. The whole of Miami-Dade County surrounding Turkey Point would be financially ruined following any disaster at the plant, not to mention that the health and safety of my family and neighbors would be in jeopardy. Tourism is the economic backbone of Miami-Dade County and would be severely impacted if not completely destroyed in the event of an accident at Turkey Point. Agriculture is another leading economic force in our county. The integrity of agricultural land would certainly be spoiled by an accident at Turkey Point.

11. The continued operation of Turkey Point for an additional 20 years without ensuring that the aging plant can withstand foreseeable accidents, natural disasters and climate change impacts poses a significant risk to my personal health and safety, the health and safety of my family, the market value of my home and business, and my interest in using and protecting the environment around Turkey Point.
12. I authorize FoE to petition to intervene in this proceeding on my behalf. I authorize FoE to represent my interests in any hearing on the license renewal request.
13. I strongly support the petition to intervene filed by FoE with the Nuclear Regulatory Commission regarding Turkey Point.

I declare, under penalty of perjury, that the foregoing information is true, accurate, and correct.

Executed on July 31, 2018, in Miami-Dade County.



Patricia J. Wynn
11781 SW 91st Terrace, Miami, FL 33186

Attachment J

**BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
)	Docket No.
)	Docket No.
(Turkey Point Nuclear Power Plant, Units 3 and 4)	

(Subsequent License Renewal Application)

DECLARATION OF JONATHAN LESTER FRIED

I, Jonathan Lester Fried, declare as follows:

1. I am a resident of Homestead, Florida. I own a house at 715 NW 9th Court and have resided at this house since 2002.
2. I am currently a member of Friends of the Earth (“FoE”), and have been a member since 2018. As a resident of Florida’s Miami-Dade county, I am particularly interested in and support FoE’s work related to Florida Power and Light Company (FPL) and their Turkey Point Power Plant (“Turkey Point”) reactors.
3. Among its missions, FoE seeks to ensure that the public has an opportunity to influence the outcome of governmental and corporate decisions that affect the lives of many people, including myself.
4. My home is about 12 miles from Turkey Point. I am the executive director of WeCount!, Inc., a non-profit organization in Homestead. My workplace is about 11 miles from Turkey Point.
5. I am concerned that an accident at Turkey Point would mean the community where I reside and work would longer be able a viable place to live for myself and my friends and neighbors.
6. I am concerned that the continued operation of Turkey Point for an additional 20 years beyond the term of its original license and the additional 20 year relicense renewal period will jeopardize my health and safety, and that of my friends and neighbors. I am also

concerned that the operation of Turkey Point will have an adverse effect on the health of the environment in which I live.

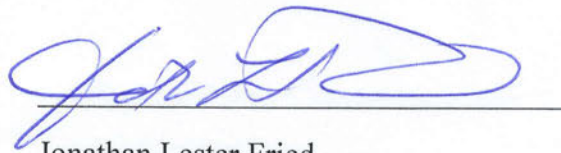
7. My personal health and safety and that of my neighbors and friends will be seriously affected in the event that Turkey Point is damaged by sea level rise, storm surge, hurricanes or other accidents, causing a radiation leak from the plant.
8. Turkey Point's operation without adequate assurance that its essential structures will continue to operate and that the plant can be safely shut down in the event of flooding or storm related power outages and damage poses a significant risk to my personal health and safety.
9. The value of my home - a three-bedroom, two-bath house with surrounding green space, garden, and shed - will be adversely affected in the event of an earthquake and subsequent release or threatened release of radioactivity at Turkey Point.
10. One of the joys of living in South Miami-Dade County is the enjoyment of the beautiful natural environment. I am concerned about reports of heightened tritium from Turkey Point in our local waters. Continued operation of the Turkey Point reactors will only increase these contamination problems and threaten my use and enjoyment of the environment near the reactors and an accident at Turkey Point would destroy my ability to continue recreational activities in this area.
11. The whole of Miami-Dade County surrounding Turkey Point would be financially ruined following any disaster at the plant, not to mention that my health and safety, and that of my friends and neighbors would be in jeopardy. Tourism is the economic backbone of Miami-Dade County and would be severely impacted if not completely destroyed in the event of an accident at Turkey Point.
12. Agriculture is another leading economic force in our county. The integrity of agricultural land would certainly be spoiled by an accident at Turkey Point. Many of the members of the organization where I work are farm and plant nursery workers. Their livelihood would disappear in the event of an accident at Turkey Point.
13. The continued operation of Turkey Point for an additional 20 years without ensuring that the aging plant can withstand foreseeable accidents, natural disasters and climate change impacts poses a significant risk to my personal health and safety, the market value of my

home, my livelihood, and my interest in using and protecting the environment around Turkey Point.

14. I authorize FoE to petition to intervene in this proceeding on my behalf. I authorize FoE to represent my interests in any hearing on the license renewal request.
15. I strongly support the petition to intervene filed by FoE with the Nuclear Regulatory Commission regarding Turkey Point.

I declare, under penalty of perjury, that the foregoing information is true, accurate, and correct.

Executed on July 31, 2018, in Homestead, Florida.



Jonathan Lester Fried