

February 28, 2013

Mr. Mano K. Nazar, Senior Vice President  
and Chief Nuclear Officer  
Florida Power and Light Company  
Mail Stop NNP/JB  
700 Universe Blvd  
Juno Beach, FL 33408-0420

SUBJECT: TURKEY POINT UNITS 6 AND 7 COMBINED LICENSE APPLICATION  
REVIEW OF ALTERNATIVE SITES

Dear Mr. Nazar:

In a letter dated May 4, 2012, the U.S. Nuclear Regulatory Commission (NRC) staff identified significant environmental issues affecting the staff's ability to complete its environmental review of Florida Power and Light Company's (FPL's) application for combined licenses (COLs) for new Units 6 & 7 at the Turkey Point site. The letter discussed technical deficiencies related to the inland alternative sites (Glades, Martin, Okeechobee 2) identified by FPL and the process used to select them as outlined in Section 9.3 of the environmental report (ER) and technical information reviewed to date. The staff also indicated in the letter that the issues regarding alternative sites would have to be resolved before progress could be made in this review area. Subsequently, FPL committed to work with the NRC staff to resolve these issues by letters dated May 11, 2012 and February 25, 2013.

Since July 2010, the NRC and FPL have had an ongoing dialogue regarding the staff's concerns associated with the availability of water for these sites. Most recently, the staff requested FPL provide more detailed information on how the water would be obtained in order to evaluate the associated environmental impacts. In response to this request, FPL provided additional information on water use impacts to assist the staff's evaluation. The information, however, was not sufficient to resolve the NRC concerns related to water availability at three inland alternative sites.

In addition, the staff requested that FPL resolve an apparent discrepancy between the information provided for the NRC's National Environmental Policy Act (NEPA) evaluation regarding water availability at the three inland sites and the information provided to the United States Army Corps of Engineers (USACE) for its least environmentally damaging practicable alternative (LEDPA) evaluation regarding the availability of water for the same three sites listed above. In submittals to the NRC to address the discrepancy, FPL indicated that the three inland sites could obtain an adequate water supply. However, in its October 2011 analysis submitted to USACE, FPL states that all three of the inland sites are impracticable. One of the key reasons used to support its conclusion is that it would not be practicable to obtain a reliable continuous supply of cooling water for any of the three sites. Further, in a public meeting with NRC and USACE on December 7, 2012, FPL indicated that while it was possible to obtain a sufficient quantity of water for these sites, doing so would be prohibitively expensive.

The NRC staff has completed its review of all the information provided by FPL regarding the viability of the inland sites and determined that FPL's position is inconsistent with NRC guidance and with related case law.

In order for an alternative (including alternative sites) to be considered under NEPA, it must be a reasonable alternative. Federal Courts have said that reasonable alternative sites under NEPA do not include sites that are impractical or infeasible. While there is a slight difference between practical and practicable, the Federal Courts recognize that a site that is prohibitively expensive is not a reasonable alternative site under NEPA. See e.g. Airport Neighbors Alliance v. United States, 90 F.3d 426 (10<sup>th</sup> Cir. 1996).

As the lead agency developing the Environmental Impact Statement (EIS) for Turkey Point Units 6 & 7 combined license application, NRC cannot complete its environmental review until the discrepancy between the information provided to NRC and USACE is resolved and until NRC receives sufficient information on the impacts of water use at the inland sites to resolve the previously identified issues. As such, the NRC review of alternative sites is suspended until the NRC staff and USACE are satisfied that the proposed alternative sites meet all applicable requirements. After FPL has developed what it considers to be a viable approach to resolving the issues discussed in this letter, a public meeting between FPL, NRC, and USACE can be held to discuss FPL's approach. When both the NRC staff and USACE are satisfied that the proposed resolution meets all applicable requirements, FPL should then submit the final RAI response in writing to both NRC and USACE.

The USACE is separately reviewing FPL's Clean Water Act Section 404(b)(1) Alternatives Analysis and may require additional or separate technical information regarding the alternative sites for that review. The NRC staff expects that USACE will request this information directly from FPL. The NRC staff is requesting that FPL provide to NRC copies of any correspondence FPL submits to USACE on this issue.

If you have any questions concerning the environmental review, please contact Ms. Alicia Williamson at 301-415-1878 or [Alicia.Williamson@nrc.gov](mailto:Alicia.Williamson@nrc.gov) or Mr. John Nguyen at 301-415-1177 or [John-Chau.Nguyen@nrc.gov](mailto:John-Chau.Nguyen@nrc.gov).

Sincerely,

/RA/

David B. Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos.: 52-040 and 52-041

cc w/encl: See next page

The NRC staff has completed its review of all the information provided by FPL regarding the viability of the inland sites and determined that FPL's position is inconsistent with NRC guidance and with related case law.

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Sincerely,

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David B. Matthews, Director  
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NRO-002

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