

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

Before Administrative Judges:

E.Roy Hawkens, Chairman  
Dr. Michael F. Kennedy  
Dr. William C. Burnett

In the Matter of

FLORIDA POWER LIGHT COMPANY

Docket Nos. 52-040-COL  
and 52-041-COL

(Turkey Point Units 6 and 7)

ASLBP No. 10-903-02-COL-BD01

April 13, 2015

CITIZENS ALLIED FOR SAFE ENERGY PETITION TO  
INTERVENE AND REQUEST FOR HEARING REGARDING  
THE DRAFT EIS FOR TURKEY POINT 6 & 7 COL

This is a Petition to Intervene and Request For a Hearing filed under 10 C.F.R. § 2.309 concerning the Draft Environmental Impact Statement Volumes 1 and 2 (DEIS) for Florida Power and Light's (FPL's) combined license application (COL) for Turkey Point Nuclear Power Station Units 6 and 7 at Homestead, Florida published by the Nuclear Regulatory Commission ("NRC" or "Commission") on March 5, 2015 in the Federal Register (Vol 10, No. 43).

Citizens Allied for Safe Energy, Inc., (CASE), a Florida Non-profit Corporation, hereby files a Petition To Intervene and a Request For a Hearing regarding the DEIS on behalf of its members most of whom live within 50 miles of Turkey Point.

This is a pro se Petition; CASE has no counsel. CASE is a Florida Not-For-Profit corporation. it is an all volunteer organization with no paid staff or administrators. Coordination of the Petition and subsequent communications will be provided by Authorized Representative Barry J. White. This petition includes the details (with particularity) of the Contentions that the petitioners find to be substantive and vital to the NRC's consideration of the matters addressed.

## CONSULTATION

On March 12, 2015 CASE sent, by electronic mail, a Memo of Consultation to all parties to this action indicating its intention to file a Petition to Intervene and Request for a Hearing in this matter. On March 13, 2015 FPL replied by email stating it "will oppose your new hearing request." On March 20, 2015 the NRC Staff responded stating " The Staff does not oppose the Motion."

## ADDITIONAL TIME TO FILE

On March 19, 2015, Citizens Allied for Safe Energy, Inc. (CASE) moved for an extension of time to file a Petition to Intervene and a

request for a hearing in the subject matter. On March 25, 2015 this Board issued an ORDER (Granting Motion for Additional Time). The ORDER, at 3, states:

“ ... pursuant to CASE’s request, and consistent with the Staff’s recommendation, this Board directs that (1) all petitions for admission of contentions based on new information in the DEIS are due on Monday, April 13, 2015; and (2) answers to any such petitions will be due 25 days later on Friday, May 8, 2015”.

#### PREVIOUS GRANTING OF STANDING OF THE PETITIONER

CASE has previously established standing in two petitions to intervene before the ASLB:

August 17, 2010 Citizens Allied for Safe Energy, Inc Petition to Intervene  
and Request for a Hearing.

LBP-11-06  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:  
E. Roy Hawken, Chairman  
Dr. Michael F. Kennedy  
Dr. William C. Burnett  
In the Matter of  
FLORIDA POWER & LIGHT COMPANY  
(Turkey Point Units 6 and 7)  
Docket Nos. 52-040-COL and 52-041-  
COL  
ASLBP No. 10-903-02-COL-BD01  
February 28, 2011

## MEMORANDUM AND ORDER

The Order states, at 85,

“CASE ESTABLISHES STANDING, AND IT PROFFERS TWO CONTENTIONS, CONTENTIONS 6 AND 7, THAT ARE ADMISSIBLE IN PART”

October 14, 2014 - Citizens Allied for Safe Energy, Inc. Petition to Intervene and Request for a Hearing:

LBP-15-13

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

March 23, 2015

MEMORANDUM AND ORDER

(Granting CASE's Petition to Intervene)

The Order states, at 2,

“ ... the Board concludes that CASE satisfies the requirements for standing to intervene in this proceeding and has submitted one admissible contention.”

## STANDING OF THE PETITIONER

CASE is a Florida non-profit corporation. CASE has approximately 125 members, of which several have signed the attached declaration in support of this intervention. The CASE business address is 10001 SW 129 Terrace, Miami, FL 33176. CASE is representing the interests of its members who live within 50 miles of Turkey Point, Florida, most of them live within 10 to 15 miles of the facility. and whose declarations are attached. As argued below CASE has representational standing through its members to make this request. Given our members proximity to Turkey Point the impact and consequences of the operation of the facility on the land, water, ecology and economics of the area are of prime concern to CASE members and their families.

CASE members live, work, travel, recreate, use and enjoy the abundant natural resources in the vicinity of the proposed nuclear facility. They breathe the air, drink and use the water, eat food grown in the vicinity of the proposed project. Residents of South Florida accept and endure hurricanes and permanent water restrictions and are fastidious in their homes and businesses to not despoil the land and water as part of the price of living here. Those who do not live here might not be aware of

deep felt protective connection with our rare and fragile home.

Pursuant to 10 C.F.R. § 2.309, a request for hearing or petition to intervene is required to address (1) the nature of the petitioner's right under the Atomic Energy Act ("AEA") to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest.

Other standing requirements are found in NRC case law.<sup>1</sup> In Diablo Canyon, the Atomic Safety and Licensing Board noted that petitioners who live within 50 miles of a proposed nuclear power plant are presumed to have standing in reactor construction permit and operating license cases because there is an "obvious potential for offsite consequences" within that distance. Further record, as summarized by the Atomic Safety and Licensing Board ("ASLB"), on standing requirements are as follows:

In determining whether a petitioner has sufficient interest to intervene in a proceeding, the Commission has traditionally applied judicial concepts of standing.

See Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), CLI8325, 18 NRC 327, 332 (1983) (citing Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 and 2), CLI7627, 4 NRC 610 (1976)). Contemporaneous judicial standards for standing require a petitioner to demonstrate that (1) it has suffered or will suffer a distinct and palpable harm that constitutes injury in fact within the zone of interests arguably protected by the governing statutes (e.g., the Atomic Energy Act of 1954 (AEA), the National Environmental Policy Act of 1969

6

---

<sup>1</sup> *Pacific Gas & Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), LBP0223, 56 NRC 413, 426 (2002).

(NEPA)); (2) the injury can be fairly traced to the challenged action; and (3) the injury is likely to be redressed by a favorable decision. See *Carolina Power & Light Co. (Shearon Harris Nuclear Power Plants)*, LBP9925, 50 NRC 25, 29 (1999). An organization that wishes to intervene in a proceeding may do so either in its own right by demonstrating harm to its organizational interests, or in a representational capacity by demonstrating harm to its members. See *Hydro Resources, Inc. (2929 Coors Road, Suite 101, Albuquerque, NM 87120)*, LBP989, 47 NRC 261, 271 (1998). To intervene in a representational capacity, an organization must show not only that at least one of its members would fulfill the standing requirements, but also that he or she has authorized the organization to represent his or her interests. See *Private Fuel Storage, L.L.C. (Independent Fuel Storage Installation)*, LBP987, 47 NRC 142, 168, *aff'd on other grounds*, CLI9813, 48 NRC 26 (1998).

Standing to participate in this proceeding is demonstrated by the attached Declarations of members of CASE, people who live in Florida within 50 miles of the proposed site and who have authorized the petitioners to represent their interests in this proceeding.

The attached Declarations declare that people who live near (within 50 miles, though some live much closer) the Turkey Point site, declare further that they are members of CASE and that they support this petition. Thus, they have presumptive standing in this intervention by virtue of their support for the action and their proximity to the proposed nuclear plants that may be constructed on the site.<sup>2</sup>

In the case at hand the impact on the environment as a consequence of the construction and operation of Turkey Point 6 & 7, as perceived by the petitioners members, will be subtle and will be seen mainly in the long 7

---

<sup>2</sup> *Diablo Canyon, supra*, 56 NRC at 426427, citing *Florida Power & Light Co. (Turkey Point Nuclear Generating Plant, Units 3 and 4)*, LBP016, 53 NRC 138, 146, *aff'd*, CLI0117, 54 NRC 3

term. As will be developed below, the cumulative impact of the daily injection of scores of millions gallons of contaminated water into the Lower Floridan Aquifer and the disbursement of hundreds of millions of gallons of chemical laden aerosol in the area cannot be perfunctorily considered or cavalierly dismissed. Workers in the area, the direct impact on the Cooling Canal System (CCS) at Turkey Point and the eventual impact on the Biscayne Aquifer and, therefore, the freshwater supply and on saltwater intrusion, are of major concern. The possibility that twenty, forty or sixty years from the construction of Turkey Point 6 & 7 chemicals injected into the Boulder Zone could, as will show, migrate into the South Florida freshwater supply is alarming and unacceptable to CASE members.

CASE members are also concerned that does not seem to be any provision in the DEIS for monitoring the impact of the operation of the new reactors on the surrounding area. The petitioner's seek to protect their lives, health and safety and economic interests as well as the protection of the land and wildlife which they treasure by demanding that very rigid and exhaustive standards and methods be used to evaluate the environmental impact of the construction, operation of the proposed new reactors and the consideration of alternative technologies; CASE will hold that the process has been markedly less than that. *"The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions."* (epa.gov, Page 1). However, within the DEIS there is no reference to NEPA standards nor is there a stated commitment to an

8



environmental imperative. The only strong statement in this regard is on the EPA website opening page:

*Water is the lifeblood of healthy people and healthy economies. We have a duty to protect it. That's why EPA and the U.S. Army Corps of Engineers are finalizing a Clean Water Rule later this spring to protect critical streams and wetlands that are currently vulnerable to pollution and destruction. On April 3 we sent the draft rule to the Office of Management and Budget for interagency review. Since it's not final yet, we can't speak to every detail. But the spirit of this rule boils down to three facts:*

*First, people depend on clean water: one in three Americans get their drinking water from streams currently lacking clear protection. Second, our economy depends on clean water: manufacturing, farming, ranching, tourism, recreation, and other major economic sectors need clean water to function and flourish. Third, our cherished way of life depends on clean water: healthy ecosystems support precious wildlife*

*Authors: Gina McCarthy, U.S. EPA Administrator and Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works).*

As the foregoing citation states, for South Floridians, it's all about clean, freshwater. Any governmental or private action that threatens it must be held to account. In South Florida, our fresh water travels over 1000 miles and is filtered through the aquifer for months. Interests to the north have diverted and polluted it almost to the point of crisis and tragedy; we treasure every drop. The construction and operation of Turkey Point 6 & 7, as designed, could lead to an irreversible degradation of the freshwater supply for all of South Miami-Dade County and all of the Florida Keys. 9

Further, determination of standing is based on three requirements: injury, causation and redressability. CASE hereby requests to be made a party to the proceeding because: (1) the extraordinary use and proposed movement of water and the aerosol related to Turkey Point 6 & 7 would occur on unique, fragile and threatened wetlands above a complex aquifer with a hydrological network of multilevel structures (2) the potential danger and insult to the aquifer and the thousands of acres of wetland, farmland, national park land (Turkey Point is cheek by jowl with Biscayne National Park and Everglades National Park), presents possible tangible and particular harm to the physical and economic wellbeing of the petitioners' living within 50 miles of the site; (3) the \$7.6 billion commercial and tourist fishing industry and the \$2.6 billion agriculture industry are based on the land and water surrounding and beneath Turkey Point and (4) the Commission is the sole agency with the power to approve, to deny or to modify a license to construct and operate a commercial nuclear power plant at a specific site. There is also a moral concern as to whether we have the right to inject contaminated water for the next sixty years and beyond into the Lower Floridan Aquifer, a.k.a. The Boulder Zone, which has no real understanding of where it will go and what harm it might do. The Boulder Zone was once pristine but following many years of the South Florida Water Management District pumping its waste water into it, the plume of fouled water is moving from their South Dade Treatment plant toward Turkey Point. This project, as CASE will show, will add to that pollution and threat at 3,000 below ground. CASE members are looking for protection from these threats to health and safety.

Case respectfully requests that, on behalf of its members, it be granted standing in this matter.

## **CONTENTIONS**

### **ABSTRACT**

CASE contends that incomplete and not exhaustive consideration was the case and the procedural policy in several aspects of the DEIS including the cumulative long term impact of chemical laden aerosol descending daily on FPL on-site workers, on local protected habitat and on the Turkey Point Cooling Canal System and in the failure to consider the most commonly used method of cooling nuclear reactor in the world. CASE also contends that vested political and economic interests in Florida have usurped regulation of energy in violation of the Act. Within these contentions CASE will emphasize that the DEIS does not present safe levels for humans for *every* chemical and substance in the aerosol and that the DEIS does not fully explore the impact of aerosol salinity on the existing cooling canals *in an already hyper-saline situation*. Generally, CASE found, that the DEIS was cursory, perfunctory and biased in favor of the licensee. CASE contends that the search for and evaluation of reasonable alternatives, as required by the EPA, was not genuine and exhaustive which should have been the case in such a serious and massive project.

### **Contention One**

**The cumulative long term environmental impact of up to 70 million gallons a day of chemical laden aerosol, as described in the DEIS, from six cooling towers is a threat to FPL workers and to the nearby protected habitat and will increase salinity and saltwater intrusion in the Biscayne Aquifer**

## WORKERS

On DEIS page 5-93 under 5.8.5 Occupational Health, we read:

*“Possible key pathways of concern for worker exposure etiological agents are, ... cooling-tower drift... . These locations would be located within the Turkey Point site, which would preclude access by members of the public. Furthermore, site personnel access would be strictly controlled by administrative controls and security patrols. Personnel protective measures (i.e., personal protective equipment, personnel monitoring) related to work activities requiring personnel contact with reservoir and flume systems would be controlled by the facility’s worker protection plan ...”*

Reading this, one could assume that, although there will be danger to the health of FPL workers, and not, according to this statement, the general public, there really is no problem and that the workers are expendable, collateral damage. The DEIS indicates that there is danger from aerosol drift but only to FPL workers DEIS Figure 5.3 at 5-33 *Predicted Monthly Salt Deposition from Cooling-Tower Operation Using Makeup Water Only Supplied by the Radial Collector*, shows a pattern of nearby dispersion of chemical laden water from the cooling towers, which will descend on FPL workers in the immediate area as well as on to Biscayne National Park, Homestead Bay Front Park and on FPL’s own wetlands and the Cooling Canals.

The DEIS states at 5-9:

#### Effect of Drift Deposition

While using treated reclaimed water as the source for makeup water, FPL would operate the cooling system to achieve four cycles of concentration (FPL 2014-TN4058). While using the RCWs (Biscayne Bay saltwater) as the source for makeup water, the system would operate at 1.5 cycles of concentration. Any residual contaminants in the treated reclaimed water and the chemical constituents of saltwater could be concentrated in the cooling-water system due to evaporative losses during cooling, although any individual contaminant could also have losses due to volatilization and environmental decay, thereby decreasing the concentration.

And what will be in the of aerosol from the cooling towers?

Every chemical of daily life in this nation from pharmaceuticals to pesticides to chemicals so new and exotic that the EPA has not even defined safe limits for humans for them or banned them yet from our water and toilets. It will also include descaling and other chemicals used by FPL in the operation of the cooling towers.

While the reported levels of chemicals which will remain in the reclaimed water after leaving the Reclaimed Water Treatment Facility (RWTF) plant will not be at dangerous levels, the DEIS does not state what the safe levels are and the source of that safe level information. The DEIS should state specific safe levels for every chemical and substance in the aerosol..

The UHS for Turkey Point 6 & 7 will be the atmosphere so, by definition, 80 % of the reclaimed water used for cooling will wind up

there. While the DEIS might even be conservative in its estimate of aerosol content CASE contends that the vast volume of reclaimed water used and evaporated day in/day out, over time will present an accumulative health and ecological threat. And having such a chemical morass settle continually on Biscayne National Park Underground Aquatic Preserve next door to Turkey Point, which is the breeding ground for most of the sea life in the Florida Keys, is frightening to all who understand the potential negative environmental impact of these chemicals, not to mention the potential negative economic impact. The Act does state a commitment to **improve the general welfare, increase the standard of living.** Looking at the DEIS Figure 2-26. Turkey Point Site Location with Respect to Protected Areas (Page 2-116) we see that four sensitive areas are identified: Biscayne Bay Aquatic Preserve, Florida Keys National Marine Sanctuary, Biscayne National Park and Everglades National Park. The map shows that all of these areas are included the drift zone.

## **SALINITY**

On August 14, 2014 The NRC published a notice in the Federal Register regarding the NRC issued amendments to Renewed Facility Operating License Nos. DPR-31 and DPR-41, issued to Florida Power & Light Company, for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Miami-Dade County, Florida. On October 14, 2014 CASE filed a Petition to Intervene and Request for a Hearing in that matter (full reference above at xx). On March 23, 2015 the ASLB issued a

MEMORANDUM AND ORDER (Granting CASE's Petition to Intervene),  
Docket Nos. 50-250-LA and 50-251-LA, full reference above at XX. The  
Order states in part:

*"In the summer of 2014, temperatures in the CCS "approached and exceeded the 100 °F TS limit on several occasions."12 As a result, on July 10, 2014, FPL sought another license amendment to increase the TS limit from 100 to 104°F.13 On July 17, 2014, FPL asked that the NRC Staff respond to its amendment request on an emergency basis "to avoid a dual unit shutdown that could affect grid reliability."14 On July 30, 2014, the NRC Staff published its findings that (1) exigent circumstances existed such that the Commission could not allow 30 days for public comment prior to acting on FPL's application; and (2) the amendment involved no significant hazards considerations. ...*

*The Board views this statement as a basic summation of CASE's contention, but has narrowed the contention to eliminate those areas where CASE alleges the omission of information that is, in fact, discussed in the NRC Staff's EA.120 As such, the Board admits Contention 1, narrowed and reformulated to read as follows:*

*The NRC's environmental assessment, in support of its finding of no significant impact related to the 2014 Turkey Point Units 3 and 4 license amendments, **does not adequately address the impact of increased temperature and salinity in the CCS on saltwater intrusion** arising from (1) migration out of the CCS; and (2) the withdrawal of fresh water from surrounding aquifers to mitigate conditions within the CCS. (emphasis added)*

*Of course, the question whether the EA is, in fact, sufficient to satisfy the NRC Staff's NEP requirements is not the focus of our inquiry here but must await consideration at a full evidentiary hearing."*

Clearly the ASLB Order recognized the deteriorated conditions in the CCS holding that it requires further examination especially as related to salinity and salt water intrusion. CASE contends that salinity in the Cooling Canal System (CCS) for Turkey Point 3 & 4 is, as the Order recognizes, is already at alarming levels and that *any additional deposits of salt from the cooling towers will only add to the problem*. As DEIS Figure 5.3 at 5-33 *Predicted Monthly Salt Deposition from Cooling-Tower Operation Using Makeup Water Only Supplied by the Radial Collector*, shows, the aerosol from the cooling towers will be deposited directly on the CCS in significant quantities and over a major part of the CCS as well as settling on FPL workers in the area and on the protected waters of adjacent marine sanctuaries and the breeding ground for most of the sea life in the Florida Keys.

The DEIS states”

The primary source would be reclaimed water from the MDWASD, and the alternative source would be **saltwater** supplied from horizontal radial collector wells installed in the Biscayne aquifer between 25 and 40 ft beneath the bed of Biscayne Bay and adjacent to Biscayne National Park ([FPL 2014-TN4058](#)). The reclaimed water, prior to being used in the circulating-water system (CWS), would receive further treatment at the FPL RWTF. The alternative source supplied by the radial collector wells would only be used when needed to supplement makeup water demand when reclaimed water is not available in sufficient quantity or quality, and would be limited to **a maximum of 60 days per year** by the Florida State 15



Conditions of Certification ([State of Florida 2014-TN3637](#)).”

The DEIS, 5-58:

USGS modeling results suggest that although episodic **increases in salinity are possible under continuous RCW operation, the effects would be localized and of short duration**. Further, the continuous pumping scenario is the least likely to occur, **based on FPL statements that the RCW is to be used as a backup system only and no more than 60 days per year**.

In the DEIS, at 5-9 it states:

Small droplets of water (drift) and **salt particles** would be emitted from the cooling towers during operation. For the Turkey Point Units 6 and 7 combined drift rate from the circulating-water system and service water system towers the expected maximum drift rate would be approximately 8 gpm (Table 3-6). As a result, **salt along with any potential contaminants in the cooling water could be deposited on the area surrounding the cooling towers. When using treated reclaimed water for makeup water, priority pollutants and contaminants of emerging concern (CECs) could be contained in the drift. When using the RCWs, priority pollutants contained in seawater could occur in drift**. Section 2.3.3.1 lists concentrations of contaminants that were detected in Biscayne Bay.

The statements cited above and the highlighted information speak to the crux of CASE’s members’ concern and the concern of the ASLB Board in the referenced and quoted Order: Salinity is killing the Biscayne Aquifer and saltwater intrusion, due to loss of freshwater which holds it in check, is threatening the entire water supply for South Miami-Dade County. Yet the DEIS does not mention, and indeed 16

minimizes the actual environmental impact of the salt water the cooling towers will deposit in the area. Freshwater has a microcurie ( $\mu\text{Ci}$ ) value of under  $5\mu\text{Ci}$  by Miami-Dade County standards,  $1225\mu\text{Ci}$  by State of Florida standards. Saltwater has a value of  $35,000 \mu\text{Ci}$  so depositing 70 MGD such high salinity water for even for 60 days per year on the already dysfunctional CCS could be catastrophic and force Turkey Point Reactors 3 & 4 to shut down or reduce their operation. FPL is, according to Miami-Dade County (MDC), already in violation of salinity standards and has filed a motion before the Florida Department of Environmental Protection (Exhibit 1) contending

- 1. MDC OBJECTS TO INAPPROPRIATE AND DAMAGING WATER MANAGEMENT PRACTICES AUTHORIZED BY DEP THAT EXACERBATE CONTINUED MIGRATION OF FPL'S CONTAMINANT PLUME MILES BEYOND ITS POWER PLANT PROPERTY**
- 2. MDC OBJECTS TO DEP APPROVAL THAT ALLOWS AND PERPETUATES CONTINUING VIOLATIONS OF WATER QUALITY STANDARDS AND ADDITIONAL POLLUTION**
- 3. MDC OBJECTS TO DEP ACQUIESCING TO INADEQUATE MONITORING AND DEP'S APPROVAL OF PROPOSED ACTIONS THAT ARE INCONSISTENT WITH THE CONDITIONS OF CERTIFICATION**

The contamination plume referred to in MDC Contention 1 may be seen in Figure 1 below. CASE contends, and Miami-Dade county asserts in its contentions, that FPL has created problems on and in the ground by the operation of Turkey Point 3 & 4 and CASE further contends that the operation of Turkey Point 6 & 7 would do the same, absolutely and, would be compounded due to the proximity to Turkey Point 3 & 4 cooling canals and the Biscayne Aquifer. In 1960 when the first power unit was built at 17

Turkey Point is was Everglades, the salinity in the area was the same as the entire Everglades, about 4µCi. Today, Turkey Point salinity is at or above seawater which is 35,000µCi. Last summer the salinity reached 95µCi. (Figure 1 below and Exhibit 2) at which time FPL declared the emergency referenced above.

## Salinity for CCS Surface Water Station TPSWCCS-1B Showing Increasing Trend

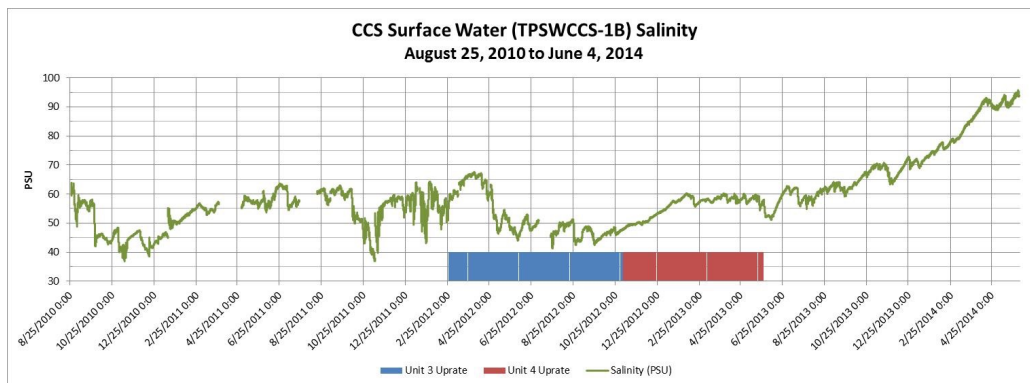


Figure 1 - Turkey Point Units 3 & 4 - Miami-Dade County Department of  
Regulatory and Economic Resources

CASE would also point out that the NRC staff seems to defer to FPL on these matters, witness the statement above “based on FPL statements.” One must question how exhaustively the NRC itself field tested, considered and evaluated all aspects of this monumental project.

The DEIS, at many points, as quoted above, states “(seawater from the) radial collector wells would only be used when needed to supplement makeup water demand when reclaimed water is not available in sufficient quantity or quality, and would be limited to **a maximum of 60 days** per year.” CASE, its members and anyone who has lived in Florida for while has learned to take these FPL assertions with a grain of salt. Again, as related above, frequently, when there has been a problem, FPL went to the DEP seeking relief, as they did on August 14, 2014; the DEP authorized the use of 100 MGD of precious freshwater from the L31E canal for two weeks. The situation, as of this writing, is so dire that on April 8, 2015 FPL requested, and was immediately granted by the South Florida Water Management District (SFWMD), <http://www.nola.com/environment/index.ssf/2015/02/florida-coral-reefs-competing-with-nuclear-plant-for-scarce-everglades-freshwater-newspaper-says.html> the right to draw up to 100 MGD from the freshwater L31E canal which runs along the east side of the CCS for two years to mitigate salinity and algae bloom conditions, using freshwater which the area cannot afford to the consternation and disbelief of CASE members, and most South Florida residents and confirming the ALJ’s concern as to the gravity of the situation. So, we are very skeptical that, over time, the sixty day limit will not be modified. But even 60 days a year of saltwater on the CCS is intolerable

Cooling Tower aerosol will eventually cause further saltwater intrusion beyond what the DEIS shows in Figure ...2-20. at 2-67, *USGS Estimated Extent of Saltwater Intrusion from 1951 to 2008*, an apparent distance of over five miles. Exhibit 1 2011 South Miami-Dade Salt Intrusion (Miami-Dade County Regulatory and Economic Resources) map indicates that saltwater is moving westward toward the source of the water for the entire Florida Keys, the Keys Aqueduct Authority Wells ( large circle) and further into the growing and population areas. Figure 2 below shows the plume of high salinity water around the CCS. The operation of Turkey Point 3 and 4 for over forty years has raised the salinity level in the area from freshwater to that of seawater. Turkey Point 6 & 7 cooling tower aerosol will raise it even higher, and, CASE believes, promote unchecked high salinity and algae bloom in the CCS threatening the continued operation of Turkey Point 3 & 4 at current levels.

CASE respectfully requests that Contention Two be admitted.



## Contours Based On Deep Well Tritium Results From the March 2013 Quarterly Sampling

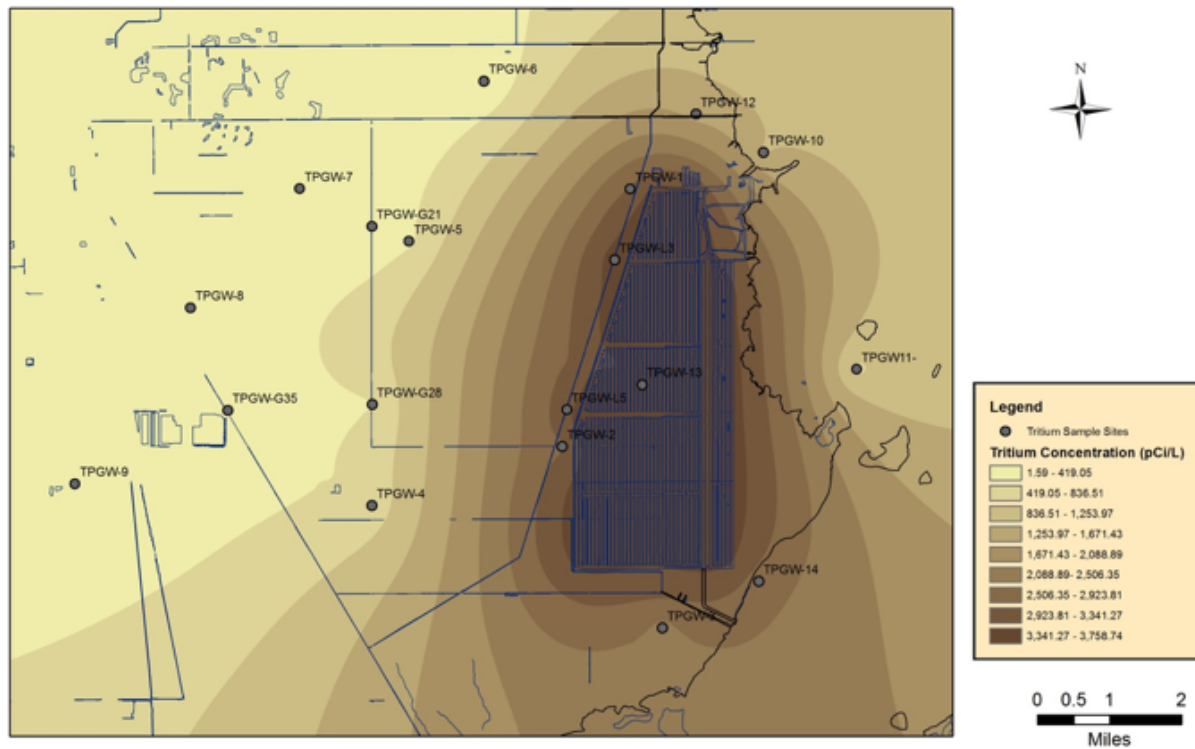


Figure 2 - Figure 1 - Turkey Point Units 3 & 4 - Miami-Dade County Department of Regulatory and Economic Resources

## Contention Two

**Exhaustive consideration of alternative technologies would have included, among other findings, the fact that forty percent of nuclear reactors throughout the world and twenty percent of the reactors in the U.S. use once-through seawater for cooling; so should Turkey Point 6 & 7.**

*“The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions **and reasonable alternatives** to those actions.”* (epa.gov, Page 1).

CASE contends that incomplete and not exhaustive consideration was the case and the procedural policy in several aspects of the DEIS including the possible ways the reactor might be cooled, the impact of the loss of billions of gallons of freshwater from the cooling towers in a freshwater starved area, the long term impact of aerosol descending daily on FPL on-site workers, site evaluation and selection, the criteria for safe levels of chemicals in cooling water and the failure to define that, and the impact of aerosol salinity on the existing cooling canals regarding increasing salinity in an already hyper-saline situation. Generally, CASE found, that the DEIS was cursory, perfunctory and biased in favor of approving the project; they found what they want to find. CASE contends that the search for and evaluation of reasonable alternative was not genuine and exhaustive which should have been the case in such a serious and massive project. But CASE, in Contention Two, will only address the selection of the method of cooling the two AP1000 reactors.

## WORLDWIDE USE OF ONCE-THROUGH SEAWATER

Only 3% of the water on the planet is freshwater and only 1% of that freshwater is available to us. So when we learn that Turkey Point 6 & 7 will consume up to 90 MGD of freshwater which could, alternatively, be fully treated with new technologies and become potable, we must pause and ask what are we doing? Using precious and limited freshwater to make electricity. Is this the best technology we can find?. Clearly not when we learn that using seawater once-through would eliminate most of the problems we have described in this petition and save over 18 Trillion gallons of contaminated water per year from being injected or dispersed.

The link below leads to abstracts from three studies. One reports that 12 of 13 reactors in China use once-through seawater as do all of the reactors in Japan (48), Korea (21), the UK (19) and Taiwan (6). Clearly, the analysis of possible alternative technologies by FPL and the NRC was not exhaustive. Several advanced technologies using seawater in various ways to cool reactors are described in the studies including one that describes the recovery of millions of dollars worth of minerals as a by product of the process.

<https://books.google.com/books?id=uYByY-iTy-sC&pg=PA429&lpg=PA429&dq=nuclear+reactors+using+seawater+for+cooling+many&source=bl&ots=XeFQaYaEFz&sig=iv-YqByRV53l83rRVIC8i7u4LVE&hl=en&sa=X&ei=dIcnVc6uCouCsAXzolDwCw&ved=0CBMQ6AEwAg>

Two main concerns in using once-through seawater technology are entrainment and disturbance to the sea bed. The technology exists to 23



reduce entrainment and, by digging a tunnel under BNP as far as necessary, the straightest line to the Gulf Stream could be taken. Some ask why do this; why not just inject the contaminated water into the Boulder Zone. As held above, we are better than that, better than kicking the environmental can down the road as a problem for our grandchildren, unless South Florida becomes Atlantis.

If 179 reactors world wide and 20 in the U.S. can find a way to use sea water to cool their reactors, what forces are keeping FPL from doing the same. Could it be economics? FPL earns 10.5 % on invested capital. So the current estimate, probably low, of \$24 billion to build Turkey Point 6 & 7, at the rate payers' expense, would give FPL/NextEra a nice return on our invested capital plus more than double their market cap. What would really happen, if a 15 to 20 mile double pipeline was built for once through water, is that the cost will not be minor, would still be paid for by the rate payers and would still wind up on the FPL balance sheet and would still yield a guaranteed 10.5% return. But FPL is slow to change business models, if ever. And the economic imperative always trumps the environmental imperative for FPL.

Also, going to once-through seawater system would also save SFWMD \$90,000,000 by not having to build a 9 mile pipeline for FPL for moving reclaimed water to Turkey Point which will not do what they want anyway since the District and the Miami-Dade County are under the gun now to start cleaning their water so it can be used for outfall and Turkey Point 6 & 7 is too far into the future to resolve this current obligation.

They will have to bite the bullet and build a \$1 Billion treatment plant for outfall unless they go all the way and build a potable water plant, not cheap, but it would give us more freshwater. As CASE holds, not all alternatives have been completely evaluated.

The story referenced in the link above presents information on advanced technologies using seawater in various ways to cool reactors including the recovery of millions of dollars worth of minerals:

## CONCLUSION FOR CONTENTION TWO

So, what would be in the best interest of CASE members? Given all of the factors described above regarding the potential negative environmental impact related to Turkey Point 6 & 7, and the EPA requirement to “consider...reasonable alternatives, cited above, CASE respectfully suggests that all parties use the ten to fifteen years before Turkey Point would possible be built to actually consider all possible alternatives for cooling especially once-through seawater. And they might also re-consider another under-considered alternative, doing nothing.

CASE respectfully requests that Contention Three be admitted.

## Contention Three

**Current political and economic influence over regulatory agencies and giving two power companies energy monopolies in Florida might put the State in violation of the Atomic Energy Act of 1954, as Amended in NUREG-0980**

**From The NRC Website:**

<http://www.nrc.gov/about-nrc/governing-laws.html>

**Public Law 83–703**

**68 Stat. 919**

**August 30, 1954**

**Title I–Atomic Energy**

**Chapter 1–Declaration, Findings, and Purpose**

**Sec. 1. Declaration**

### **Atomic Energy Act of 1954, as Amended in NUREG-0980**

This Act is the fundamental U.S. law on both the civilian and the military uses of nuclear materials. On the civilian side, it provides for both the development and the regulation of the uses of nuclear materials and facilities in the United States, declaring the policy that "the development, use, and control of atomic energy shall be directed so as to promote world peace, **improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.**" The Act requires that civilian uses of nuclear materials and facilities be licensed, and it empowers the NRC to establish by rule or order, and to enforce, such standards to govern these uses as "the Commission may deem

necessary or desirable **in order to protect health and safety and minimize danger to life or property.**" Commission action under the Act must conform to the Act's procedural requirements, which provide an opportunity for hearings and Federal judicial review in many instances.

"Under section 274 of the Act, the NRC may enter into an agreement with a State for discontinuance of the NRC's regulatory authority over some materials licensees within the State. **The State must first show that its regulatory program is compatible with the NRC's and adequate to protect public health and safety.** *The NRC retains authority over, among other things, nuclear power plants within the State and exports from the State.* Sec. 3. Purpose d. A program to encourage **widespread participation** in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the **health and safety of the public;**"

#### POLITICAL AND ECONOMIC INFLUENCE OVER REGULATORY AGENCIES IN FLORIDA

While CASE does not believe this contention will gain traction, CASE does hold that the NRC should be aware of conditions in the State which could cloud decisions made by those to whom the NRC has delegated local regulatory authority and possible violations of the portion of the Act cited above which regulate that relationship. It would seem that the NRC, under the Act, cannot just delegate authority without monitoring its use or misuse; the ultimate responsibility still remains with the NRC. To the extent that decisions regarding the production and distribution of all energy in the State is still a concern of the NRC, it does seem not being fairly and objectively administered. The NRC, CASE holds, should be concerned.

CASE contends that the Governor of the State of Florida, the Legislature and lobbyists have taken control of the bodies which regulate electricity in the state resulting in regulations contrary to the best

interests of the NRC in violation of the cited Act. The April 9, 2015 Miami Herald published the follow story:

### ***Florida PSC called corrupt by former chair***

Mike Deeson, WTSP 11:47 p.m. EST December 4, 2014

*Tallahassee, Florida -- It's an agency impacting almost every Floridian's life, but odds are you know very little about the Florida Public Service Commission. The PSC is the agency that approves the rates utilities charge you. 10 Investigates has found a major link between utility campaign contributions and how the PSC votes. "I've never seen anything so corrupt as the PSC." That's the take of Nancy Argenziano who served on the PSC and at one time was the chair. Argenziano talks about corruption at the commission and criticizes the five commissioners, who set your utility rates almost every opportunity she gets. She told a recent group of Duke Energy customers who were complaining about high rates that the fault lies with the PSC, reiterating her familiar mantra: "It's the most corrupt place I have ever seen in my life, and that is someone coming from the House and Senate." According to Argenziano, the pressure to cave to the utilities' demands came almost immediately after she joined the agency. "After the third month," she said, "I was at the PSC, the threats came in from the legislature to do as they say." However, Argenziano refused to stand for the threats telling 10 Investigates, "I'm not going to sit there as a puppet head for some legislator." However, serving on a board nominated through the legislature, Argenziano and two other commissioners who took a stand against utility companies, were not re-appointed. In her 2010 resignation letter she said: "[...]a corruptible legislature is at the heart of the Public Service Commission."*

*Argenziano sighs and says, "So we just got booted out and the utilities won that battle."*

*Mike Fasano, the Pasco tax collector and a former state representative and senator, is also a critic of the PSC saying, "Unfortunately, the Public Service Commission and the Florida Legislature are bought and paid for by the utilities of Florida."*

*In 2009, Fasano called for a Senate investigation of the PSC because he says back then, as now, legislators who control the PSC nominating commission are in the pocket of the utilities because of campaign contributions.*

*According to a study by the nonpartisan watchdog group, Integrity Florida [see below], electric utilities contributed more than \$18 million to state-level candidates and party organizations between 2004 and 2012, and spent more than \$12 million on lobbying between 2007 and 2013.*

*That leads critics to say the Public Service Commission doesn't serve the public.*

*We told Gov. Rick Scott that's how many ratepayers feel, and asked if he is going to do anything in his new term to make the PSC more consumer-friendly.*

*Scott told 10 Investigates, "What I want to make sure is we keep utility rates as low as possible, but that we have reliable energy."*

*And while we know Scott received millions from utilities for his re-election, it is hard to track exactly how much money the governor and other elected officials received from the industry.*

*10 Investigates found the bulk of their contributions goes to political parties and political action committees, which don't have to disclose what campaigns they support.*

*Critics say this process allows utilities like Duke Energy, Tampa Electric and Florida Power & Light to get almost anything they want from the PSC commissioners who are appointed by the governor and the legislators.* 29

*Fasano adds, "They can get away with it because they have paid for, they've bought and paid for the Florida Public Service Commission and the Florida Legislature and unfortunately the present governor."*

*PSC commissioners declined multiple interview requests, but 10 Investigates plans to go to Tallahassee and ask the tough questions.*

*Critics like Fasano and Argenziano say the only way to change the PSC is to take the nominating process out of the legislators' hands. Some are suggesting going back to electing the PSC commissioners as was the case until 1979.*

On April 8, 2015 Miami Herald columnist Fred Grimm wrote:

Lately, the state's fledgling solar power industry has discovered that it's not enough to offer a great innovation, not in Florida.

Because in the Sunshine State, the electric utilities have the money and the political clout to blot out the sun.

The utility companies [invested](#) some \$12 million in state political campaigns since 2010, most of it going to political action committees, according to the Florida Center for Investigative Reporting. Big money talks in Tallahassee. And if legislators can't grasp the lingo, then utility lobbyists are there to make it plain what the electrical power monopolies want — or rather what they don't want — which would be legislation that loosens up restrictions on rooftop solar.

<http://www.miamiherald.com/news/local/news-columns-blogs/fred-grimm/article17890814.html>

Contrast the foregoing report with the fact that in the State of New York, there are thirty companies which offer energy just from renewable sources:

**[Green Power Network - EERE - U.S. Department of Energy](#)**

*apps3.eere.energ...*

United States Department of Energy Office of Energy..

The following story was published on March 8, 2015:

**[Florida Officials Ban The Term 'Climate Change'](#)**

Florida's Department of Environmental Protection is tasked with protecting the state's "[air, water and land](#)." But there's one environmental threat you won't hear DEP officials talking about. Officials at Florida's DEP have banned the words "climate change" and "global warming" from all official communications, including reports and emails, according to an [investigation](#) published Sunday by the Florida Center for Investigative Reporting (FCIR).

Four former DEP employees told FCIR that they had been instructed not to use the terms during their time at the state's DEP.

"We were told not to use the terms 'climate change,' 'global warming' or 'sustainability,'" Christopher Byrd, who served as an attorney with the DEP's Office of General Counsel from 2008 to 2013, told FCIR. "That message was communicated to me and my colleagues by our superiors in the Office of General Counsel."

The DEP's press secretary Tiffany Cowie disagreed with these reports, however, saying that her department "does not have a policy on this." But according to the former employees' accounts, the unofficial policy went into place after Gov. Rick Scott (R) took office in 2011 and appointed a new DEP director. Over the last year, Scott has [skirted](#)



answering questions on his views on climate change. He [said in 2010](#) that he had “not been convinced” that climate change was real, but during last year’s gubernatorial race, he refused to take a stand on the issue. In August, five Florida climate scientists [sat down](#) with Scott in an attempt to explain the science behind climate change and the effects it’s having in Florida, but the scientists left the meeting feeling unsure that the governor had gotten the message.

The ban on using “climate change” and “global warming at the DEP manifested in a variety of ways, FCIR writes. One writer wanted to include climate change in a series of fact sheets he was writing on coral reefs for the state’s [Coral Reef Conservation Program](#), but he said he was instructed not to by DEP employees. In addition, when volunteers attended a 2014 meeting the Coral Reef Conservation Program held to train volunteers to conduct presentations on coral reef health in Florida, two volunteers said they were told not to address climate change when talking about threats facing coral reefs.

“I told them the biggest problem I have was that there was absolutely no mention of climate change and the affect of climate change on coral reefs,” Doug Young, president of the South Florida Audubon Society and a member of the Broward County Climate Change Task Force who attended the meeting, told FCIR. “The two young women, really good people, said, ‘We are not allowed to show the words, or show any slides that depicted anything related to climate change.’”

An unwritten ban on mentioning “climate change” is concerning for an environmental agency in any state, but Florida in particular faces major threats from climate change and its impacts. The state has been called “[ground zero](#)” for sea level rise, an impact that’s [already causing problems](#) in parts of South Florida. The FCIR notes that the state doesn’t have any ban on talking about sea level rise, but it’s hard to address sea level rise without also addressing the broader problem of

---

climate change. And on a federal level, Florida hasn't been great at doing either: Scott [announced](#) last month that \$106 million of his proposed budget would go towards ways to mitigate the impacts of sea level rise in Florida, but his re-election environmental plan published last year [didn't mention](#) climate change.

This information would seem to indicate that there is reason to believe that the interests and responsibility of the NRC, as defined by the ACT and delegated to the State of Florida, are not being well and objectively administered. Decisions regarding the operation of nuclear reactors and their environmental impact might be made in favor of the State's political leaders' personal bias or the operator when they should be made in favor of the environment and the citizens of Florida. Choosing one type of reactor technology over another based on authorizing siting of reactors operations or water usage on economic rather than pure science or environmental reasons are a subtle differences and influences with major consequences which might be missed or overlooked from a thousand miles away. Recently the Florida Department Of Environmental Protection removed the South Florida Water Management District from the regulatory role calling the agency redundant.

## ELECTRICITY MONOPOLIES IN FLORIDA

Further, the direction of the Act, (to) "**strengthen free competition in private enterprise.**" is hardly the case in Florida. While state like New York has dozens of power companies offering all types of energy sources, Florida has given a monopoly to two major companies which work tirelessly to maintain those monopolies and to limit access of others to power production and distribution. The reports above are the tip of the iceberg 33

as to how many insidious ways the power companies work in their own financial interest. One major example is the Franchise Agreement and a CASE which paper on the subject is attached. CASE contends that it is not a contract since there is no consideration of the part of FPL but the municipalities give up a lot and get hooked on the revenue. It is an onerous arrangement for the municipalities and a subtle way FPL retains and protects its monopoly.

### CONCLUSION FOR CONTENTION THREE

If, indeed, the NRC is regulation driven, it would seem that the reposts above indicate that the regulations in the Act requiring “*The State must first show that its regulatory program is **compatible with the NRC's and adequate to protect public health and safety... and improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise***” is more honor'd in the breach than the observance. Many people in Florida are feeling disenfranchise, that we have lost control over the matters which impact of quality of life. One could sat that that is not Washington's problem except in looks like the framers of the Atomic Energy Act of 1954 had us in mind when they talked about “improving the general welfare” and “increasing the standard of living.” That goes beyond just producing electricity; it speaks to a higher level of responsibility, to make sure it all works and that there is a level playing field. Right now in Florida, regarding the production and distribution of energy, there is not.

CASE respectfully requests that Contention Three be admitted.

## FINAL CONCLUSION

CASE, on behalf of its members, has attempted to present an argument leading to the conclusion that authorizing the construction of Reactors 6 & 7 at Turkey Point, Florida is an intolerable insult to the land, the water and the people who live and work there. It either should not be built, should be built with a different technology or energy source, or it should be built somewhere else. The enormity, scope and implications of such a vast and intrusive project on fragile and once pristine land, CASE contends, has not been fully taken into account or respected, witness the frequently cursory, perfunctory, cavalier and biased nature of the Draft Environmental Impact Statement. The website banner of the Nuclear Regulatory Commission states: “*Protecting people and the environment.*” CASE would ask that this motto be fully applied in these proceedings.

When one considers the ultimate consequences of depositing trillions of gallons of noxious chemically laden water into the pristine Boulder Zone and dispersing it as aerosol over workers, crops and protected aquatic preserves and wetlands while increasing salinity and saltwater intrusion in a freshwater starved aquifer already befouled by a nuclear energy operation, one can only ask, “Is this the best way and place to produce electricity. Is this *protecting the people and the environment*? What would be the environmental impact of accepting the subject DEIS? Devastating.

CASE suggests that all parties pause to reflect on what is at stake if the DEiS is accepted as written. By admitting CASE's contentions additional objective and considered analysis and discussion can occur which, hopefully, would lead to a more informed course of action. With authority comes responsibility and this responsibility would require listening and responding appropriately to the true ultimate stakeholders, those living on the land and the land itself, which has no voice, and not just to those in authority with no physical stake in the outcome but, as described above, only political and financial interests. Historically, the public has had little or no influence in siting deliberations. This is an opportunity to change that record; so much is at stake.

CASE respectfully requests that all of its contentions be admitted.

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

Respectfully submitted,

/S/ Barry J. White  
Authorized Representative  
Citizens Allied for Safe Energy, Inc.  
10001 SW 129 Terrace  
Miami, Florida 33176

Dated at Miami, Florida  
this 13th day of April, 201

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF:  
FPL Turkey Point Units 3-5  
Modification to Conditions of Certification

DEP Case No. PA 03-45E  
OGC No. 14-0510

**MIAMI-DADE COUNTY'S RESPONSE AND OBJECTIONS  
TO NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION**

Pursuant to § 403.516, Fla. Stat., and Fla. Admin. Code Rule 62-17.211, Miami-Dade County hereby submits its objections to the proposed modifications to the Conditions of Certification, as set forth in the Notice of Intent to Modify Conditions of Certification dated December 23, 2014.

**OVERVIEW**

Miami-Dade County notes that authorization of the proposed actions would not be consistent with applicable local ordinances, regulations, standards, and criteria, including local environmental regulations. The monitoring data for the Uprate of Units 3 and 4 indicate harm or potential harm to waters of the state and county, including ecological resources, and document exceedances of county water quality standards contained within Section 24-42 of the Miami-Dade County Code. The proposed project will increase the loading of pollutants to waters of the county and state as noted in FPL's graph entitled "Predicted Salt Seepage through CCS Bottom" (MDC-4 response in the November 14, 2014 FPL Completeness response for the proposed Modification E to Turkey Point Plant license PA 03-45D), further increasing loading of contaminants such as chlorides and ammonia in violation of county water quality standards and inconsistent with Condition X.D of the above-referenced license. FPL should continue to be held responsible for operation of the cooling canal system in a manner that does not exacerbate salt intrusion beyond that allowed under the Fifth Supplemental Agreement, does not violate

state or county water quality standards, and does not cause harm or potential harm to the water resources of the state and county, including ecological resources. In addition, FPL should be required to not just abate, but in addition, to remediate and mitigate water quality impacts and to perform adequate monitoring (as determined by the FDEP, SFWMD and Miami-Dade County) necessary for evaluating the effects of the CCS operation on water resources including surface and groundwater.

**1. MDC OBJECTS TO INAPPROPRIATE AND DAMAGING WATER MANAGEMENT PRACTICES AUTHORIZED BY DEP THAT EXACERBATE CONTINUED MIGRATION OF FPL'S CONTAMINANT PLUME MILES BEYOND ITS POWER PLANT PROPERTY**

DEP has authorized FPL's damaging water management actions and has granted FPL the discretion to establish control elevations for culverts installed in L-31E pursuant to DEP permit #0193232-001 that result in lowered stages in the L-31E canal and upgradient wetlands, thereby reducing wetland stages and hydroperiods in the Model Lands basin. Setting the control elevation of the Model Lands wetlands through the operation of culverts with adjustable weirs in the L-31E Levee at elevations significantly lower than what the natural hydroperiods of these wetlands demand not only exacerbates the migration of FPL's plume of contaminated water to the west by lowering the hydraulic head necessary to prevent the upgradient migration of the contaminants, but is also inconsistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands Project. For example, the DEP-issued permit authorizes the annual drainage of 7000 acre feet of water from the L-31E canal and the wetlands on its west side where the stage is already inadequate to prevent migration of FPL's chloride contaminated water westward. This is in an area where stage increases are proposed by CERP and where all agencies, DEP included, have agreed that stage increases are needed to restore these wetlands. The following data were provided by FPL's Everglades Mitigation Bank in a submittal to DEP dated December 11, 2012

documenting annual flow volumes drained from the Model Lands basin via FPL's 40 culverts as follows:

- Total volume from 9/1/2009 to 8/31/2010 – 13,737 Acre/ft
- Total volume from 9/1/2010 to 8/31/2011 – 18,636 Acre/ft
- Total volume from 9/1/2011 to 8/31/2012 – 19,577 Acre/ft

Although these volumes significantly exceed the DEP allocation under the permit and had to have resulted in significant overdrainage of the Model Lands basin, DEP has not taken any actions of which MDC is aware to correct this or reduce the massive amount of overdrainage conveyed by these culverts based on the data reported above.

In addition, DEP has allowed FPL to further reduce stages through water management operations associated with FPL's Interceptor Ditch (ID). The ID is not functioning to restrict movement of saline water from the cooling water system westward of Levee 31 E adjacent to the cooling canal system to those amounts which would occur without the existence of the cooling canal system as required by the Fifth Supplemental Agreement. It is however, serving to impact hydrology to the west by consuming portions of the freshwater lens and lowering stage and hydroperiod of the wetlands in the Model Lands. Despite these impacts, DEP is not requiring FPL to modify the ID or its operations to limit salt water intrusion from the CCS, nor has DEP sought to improve water management operations of FPL's L-31E culverts through modification of the DEP permit, including but not limited to eliminating the discretion given to FPL to set the control elevations of the FPL EMB culverts in the L-31E and/or raising these control elevations to reduce overdrainage of the Model Lands and improve hydrology. Furthermore, DEP proposes to authorize Floridan wells for a remedy that will increase the stage of the CCS and result in additional contaminants being conveyed from the CCS to adjacent ground and surface waters, resulting in impacts to lands not owned by FPL and also publicly owned lands within sensitive



areas such as Biscayne National Park.

## **2. MDC OBJECTS TO DEP APPROVAL THAT ALLOWS AND PERPETUATES CONTINUING VIOLATIONS OF WATER QUALITY STANDARDS AND ADDITIONAL POLLUTION**

Although the PPSA regulatory review and approval process is intended to incorporate applicable county and state regulations into a consolidated review and single authorization, the proposed review and approval of this modification does not incorporate applicable county regulations and would result in the continued violation of water quality standards, including the standards contained within the Fifth Supplemental Turkey Point Agreement as well as Miami-Dade County water quality standards referenced in condition X.B of the Conditions of Certification. It should be noted that the Conditions of Certification do not authorize violations of applicable MDC regulations such as MDC water quality standards contained within Section 24-42 of the Miami-Dade County Code. It should also be noted that such authorizations would not be legally or procedurally appropriate.

## **3. MDC OBJECTS TO DEP ACQUIESCING TO INADEQUATE MONITORING AND DEP'S APPROVAL OF PROPOSED ACTIONS THAT ARE INCONSISTENT WITH THE CONDITIONS OF CERTIFICATION**

Pursuant to condition X.B. of the existing Conditions of Certification, a revised water quality monitoring plan is required to be designed and implemented that is sufficient to:

1. delineate the vertical and horizontal extent of the hyper-saline plume that originates from the cooling canal system and to characterize the water quality including salinity and temperature impacts of this plume for the baseline condition;
2. determine the extent and effect of the groundwater plume on surface water quality as a baseline condition; and
3. detect changes in the quantity and quality of surface and ground water over time due to the cooling canal system associated with the Uprate project.

To date, the monitoring under the plan has failed to provide sufficient data to delineate

the horizontal extent of the plume to the north or south of the cooling canal system. The data are also inadequate to delineate the horizontal extent of the plume within Biscayne National Park, the Florida Keys National Marine Sanctuary, the Biscayne Bay Aquatic Preserve and the Turkey Point Wilderness Area.

The monitoring data are also not sufficient to determine whether applicable state or county water quality standards are being met in many areas, including along much of the FPL Turkey Point property boundaries. The data are, however, sufficient to show violations of MDC water quality standards, e.g. for chlorides in some off-site areas such as L3, L5 and TPGW-1. Groundwater monitoring data also indicate violations of the County's ammonia groundwater quality standard at several sites including L3, L5, TPGW-1, TPGW-3, TPGW-4, TPGW-5, TPGW-6, TPGW-10, TPGW-12 and TPGW-14. Monitoring well TPGW-13, located in the middle of the CCS, has elevated levels of ammonia, thus the CCS is suspected of being at least one of the sources of the ammonia contamination for the aforementioned wells. MDC has recommended conditions to DEP that could address at least some of these monitoring issues but DEP has not agreed to incorporate any of these conditions into its proposed approval.

Pursuant to condition X.D of the existing Conditions of Certification, if the DEP in consultation with SFWMD and DERM determines that the pre- and post-Uprate monitoring data: is insufficient to evaluate changes as a result of this project; indicates harm or potential harm to the waters of the State including ecological resources; exceeds State or County water quality standards; or is inconsistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands Project, then additional measures, including enhanced monitoring and/or modeling, shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

1. the development and application of a 3-dimensional coupled surface and groundwater model (density dependent) to further assess impacts of the Uprate Project on ground and surface waters; such model shall be calibrated and verified using the data collection during the monitoring period;
2. mitigation measures to offset such impacts of the Uprate Project necessary to comply with State and local water quality standards, which may include methods and features to reduce and mitigate salinity increases in groundwater including the use of highly treated reuse water for recharge of the Biscayne Aquifer or wetlands rehydration;
3. operational changes in the cooling canal system to reduce any such impacts; and/or
4. other measures to abate impacts as may be described in the Revised Plan.

Despite the aforementioned language of existing condition X.D., DEP's proposed modification would authorize actions that will not prevent violations of MDC water quality standards, will not prevent or eliminate nuisance conditions, and will not result in:

- Mitigation measures necessary to comply with state and local water quality standards
- Operational changes to reduce the impacts beyond the property boundaries
- Other measures to abate impacts sufficient to eliminate harm or potential harm to the waters of the State including ecological resources; to comply with State or County water quality standards ; or to be consistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands Project

Respectfully submitted,

R. A. CUEVAS, JR.  
Miami-Dade County Attorney  
Stephen P. Clark Center  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128

By: *s/ Dennis A. Kerbel*

---

Dennis A. Kerbel  
Abbie Schwaderer Raurell  
Assistant County Attorneys  
Florida Bar No. 610429 & 28410  
Telephone: (305) 375-5151  
Facsimile: (305) 375-5634  
E-mail: [ans1@miamidade.gov](mailto:ans1@miamidade.gov)  
[dkerbel@miamidade.gov](mailto:dkerbel@miamidade.gov)  
Attorneys for Miami-Dade County

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served this 6th day of February, 2015, to the following:

### **Florida Department of Environmental Protection**

Justin G. Wolfe  
Deputy General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 35  
Tallahassee, Florida 32399-3000  
[justin.g.wolfe@dep.state.fl.us](mailto:justin.g.wolfe@dep.state.fl.us)

### **Florida Power & Light Company**

Peter Cunningham, Esquire  
Douglas S. Roberts, Esquire  
Virginia Dailey, Esquire  
Hopping Green & Sams, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314  
[peterc@hgslaw.com](mailto:peterc@hgslaw.com)  
[vdailey@hgslaw.com](mailto:vdailey@hgslaw.com)  
[douglasr@hgslaw.com](mailto:douglasr@hgslaw.com)

Peter Cocotos, Esq.  
Florida Power & Light Company  
Suite 810  
215 South Monroe Street  
Tallahassee, FL 32312  
(850) 521-3920  
[Peter.Cocotos@fpl.com](mailto:Peter.Cocotos@fpl.com)

### **Florida Public Service Commission**

Adam Teitzman  
2450 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)

### **Department of Economic Opportunity**

Scott Rogers  
[f/k/a Department of Community Affairs]  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100  
[Scott.Rogers@deo.myflorida.com](mailto:Scott.Rogers@deo.myflorida.com)

### **Fish and Wildlife Conservation Comm.**

Anthony Pinzino, Asst. Gen. Cnsl.  
620 S. Meridian Street  
Tallahassee, FL 32399-1600  
[Anthony.pinzino@myfwc.com](mailto:Anthony.pinzino@myfwc.com)

### **Department of Transportation**

Kimberly Menchion, Asst. Gen. Cnsl.  
Jasmine Raffington  
605 Suwannee Street, MS 58  
Tallahassee, FL 32399-0450  
[Kimberly.Menchion@dot.state.fl.us](mailto:Kimberly.Menchion@dot.state.fl.us)  
[Jasmine.raffington@dot.state.fl.us](mailto:Jasmine.raffington@dot.state.fl.us)

### **South Florida Water Mgt. District**

Jeffery Collier  
3301 Gun Club Road  
West Palm Beach, FL 33406  
[jacollier@sfwmd.gov](mailto:jacollier@sfwmd.gov)

### **South Florida Reg. Planning Council**

Sam Goren, Esquire  
Goren, Cherof, Doody, Ezrol  
3099 E. Commercial Blvd., Suite 200  
Ft. Lauderdale, FL 33309  
[sgoren@cityatty.com](mailto:sgoren@cityatty.com)

### **City of Miami**

Victoria Mendez, City Attorney  
Matthew S. Haber, Asst. City Attorney  
444 SW 2<sup>nd</sup> Ave., Suite 945  
Miami, Florida 33130  
[vmendez@miamigov.com](mailto:vmendez@miamigov.com)  
[mshaber@miamigov.com](mailto:mshaber@miamigov.com)

### **Tropical Audobon**

James M. Porter, Esq.  
James M. Porter, P.A.  
9350 South Dixie Highway  
10<sup>th</sup> Floor  
Miami, FL 33156  
[Jim@JamesMPorterPA.com](mailto:Jim@JamesMPorterPA.com)

*s/ Dennis A. Kerbel*

Assistant County Attorney

C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] C. J. McKeon  
declare as follows:

1. I [NAME] C. J. McKeon  
reside at [ ADDRESS ] 9820 SW 152nd TERRACE

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
15 MILES from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that the Draft Environmental Impact Statement insufficiently addresses,  
considers and evaluates potential irreparable harm to the aquifer, the ecology and the local  
economy which the construction and operation of proposed nuclear reactors Turkey Point 6 &  
7 for which FPL is seeking a Combined Operation License would cause. Our geological  
infrastructure in South Florida is very fragile and challenging it in drastic, radical invasive  
ways which are untested is an existential threat to the water supply on which we and the local  
flora and fauna depend for life. Agriculture and tourism based on fishing, the economic  
backbones of South Florida, could be physically and economically destroyed by the over use  
of the aquifer and introduction of vast volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power  
reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for  
Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making  
proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at  
Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions  
that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted  
fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could  
affect my safety and the health of my environment.

5. I have 0 children and 0 grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of  
opinion are based on my best judgment.

[SIGNATURE] CJ McKeon DATE: 4/8/15

C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] Norman W. Schwartz  
declare as follows:

1. I [NAME] Norman W. Schwartz  
reside at [ ADDRESS] 10005 SW 131 TER MIAMI 33176

My residence, which I (UNDERLINE ONE) OWN OR RENT lies approximately [DISTANCE]  
15 MILES from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers and evaluates potential irreparable harm to the aquifer, the ecology and the local economy which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is seeking a Combined Operation License would cause. Our geological infrastructure in South Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is an existential to the water supply on which we and the local flora and fauna depend for life. Agriculture and tourism based on fishing, the economic backbones of South Florida, could be physically and economically destroyed by the over use of the aquifer and introduction of vast volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could affect my safety and the health of my environment.

5. I have 2 children and 0 grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of opinion are based on my best judgment.

[SIGNATURE] Norman W. Schwartz 4/09/2015



C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) [bwtamia@bellsouth.net](mailto:bwtamia@bellsouth.net)

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] Anna Bystrik  
declare as follows:

1. I [NAME] Anna Bystrik  
reside at [ADDRESS] 1114 SW 79 Path Miami FL 33156

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
20 from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

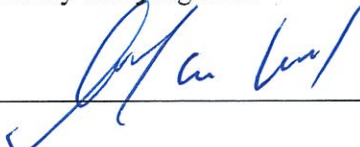
2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers and evaluates potential irreparable harm to the aquifer, the ecology and the local economy which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is seeking a Combined Operation License would cause. Our geological infrastructure in South Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is an existential to the water supply on which we and the local flora and fauna depend for life. Agriculture and tourism based on fishing, the economic backbones of South Florida, could be physically and economically destroyed by the over use of the aquifer and introduction of vast volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could affect my safety and the health of my environment.

5. I have 1 children and \_\_\_\_\_ grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of opinion are based on my best judgment.

[SIGNATURE]  4/12/2015



Please sign tonight & return to Anna  
(must be faxed by Monday) or fax yourself to  
we're within 20 miles of Turkey Point

C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) [bwtamia@bellsouth.net](mailto:bwtamia@bellsouth.net)

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME]  
declare as follows:

1. I [NAME] Victoria Belogolovkin  
reside at [ ADDRESS ] 7464 SW 111st Miami, FL  
33156

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
20 miles from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers  
and evaluates potential irreparable harm to the aquifer, the ecology and the local economy  
which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is  
seeking a Combined Operation License would cause. Our geological infrastructure in South  
Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is  
an existential to the water supply on which we and the local flora and fauna depend for life.  
Agriculture and tourism based on fishing, the economic backbones of South Florida, could be  
physically and economically destroyed by the over use of the aquifer and introduction of vast  
volumes of water from the reactors into it.

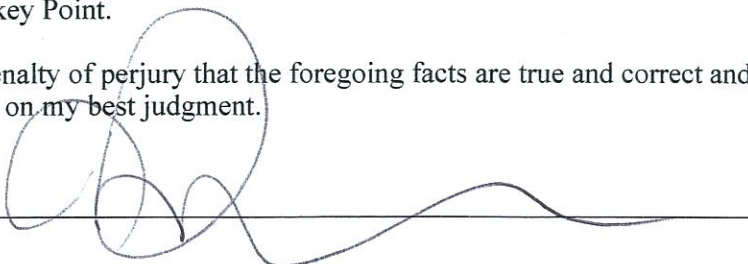
~~3. I am a member of Citizens Allied For Safe Energy, Inc./CASE~~

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power  
reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for  
Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making  
proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at  
Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions  
that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted  
fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could  
affect my safety and the health of my environment.

5. I have 2 children and \_\_\_\_\_ grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of  
opinion are based on my best judgment.

[SIGNATURE]





C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) [bwtamia@bellsouth.net](mailto:bwtamia@bellsouth.net)

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] \_\_\_\_\_  
declare as follows:

1. I [NAME] Jack Selts  
reside at [ ADDRESS ] 11044 SW 72nd Ave Miami, FL 33156

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
20 miles from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers and evaluates potential irreparable harm to the aquifer, the ecology and the local economy which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is seeking a Combined Operation License would cause. Our geological infrastructure in South Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is an existential to the water supply on which we and the local flora and fauna depend for life. Agriculture and tourism based on fishing, the economic backbones of South Florida, could be physically and economically destroyed by the over use of the aquifer and introduction of vast volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could affect my safety and the health of my environment.

5. I have \_\_\_\_\_ children and \_\_\_\_\_ grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of opinion are based on my best judgment.

[SIGNATURE] JRS 4-12-15



C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] Maribel V. Arsomanz  
declare as follows:

1. I [NAME] Maribel V. Arsomanz  
reside at [ADDRESS] 7921 S.W. 110 Terr.

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
20 miles from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers and evaluates potential irreparable harm to the aquifer, the ecology and the local economy which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is seeking a Combined Operation License would cause. Our geological infrastructure in South Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is an existential to the water supply on which we and the local flora and fauna depend for life. Agriculture and tourism based on fishing, the economic backbones of South Florida, could be physically and economically destroyed by the over use of the aquifer and introduction of vast volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could affect my safety and the health of my environment.

5. I have 0 children and 0 grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of opinion are based on my best judgment.

[SIGNATURE] Maribel V. Arsomanz 04/12/15



C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) [bwtamia@bellsouth.net](mailto:bwtamia@bellsouth.net)

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] George Riera  
declare as follows:

1. I [NAME] George Riera  
reside at [ ADDRESS] 7231 SW 110 Ter  
Miami, FL 33155

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
20 miles from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers  
and evaluates potential irreparable harm to the aquifer, the ecology and the local economy  
which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is  
seeking a Combined Operation License would cause. Our geological infrastructure in South  
Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is  
an existential to the water supply on which we and the local flora and fauna depend for life.  
Agriculture and tourism based on fishing, the economic backbones of South Florida, could be  
physically and economically destroyed by the over use of the aquifer and introduction of vast  
volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power  
reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for  
Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making  
proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at  
Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions  
that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted  
fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could  
affect my safety and the health of my environment.

5. I have 3 children and — grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of  
opinion are based on my best judgment.

[SIGNATURE]  9/12/15



C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] OLGA M. MICHEL  
declare as follows:

1. I [NAME] OLGA M. MICHEL  
reside at [ ADDRESS] 3125 SW 96th AVE.  
MIAMI, FL 33165

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
40 MILES from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers  
and evaluates potential irreparable harm to the aquifer, the ecology and the local economy  
which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is  
seeking a Combined Operation License would cause. Our geological infrastructure in South  
Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is  
an existential to the water supply on which we and the local flora and fauna depend for life.  
Agriculture and tourism based on fishing, the economic backbones of South Florida, could be  
physically and economically destroyed by the over use of the aquifer and introduction of vast  
volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power  
reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for  
Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making  
proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at  
Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions  
that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted  
fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could  
affect my safety and the health of my environment.

5. I have 0 children and 0 grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of  
opinion are based on my best judgment.

[SIGNATURE] Olga M. Michel

DATE: April 9<sup>th</sup>, 2015

**C.A.S.E./ Citizens Allied For Safe Energy, Inc.**  
**10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676**  
**[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net**

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] Veronic Aghayan  
declare as follows:

1. I [NAME] Veronic Aghayan  
reside at [ ADDRESS] 2801 Florida Ave, Miami, FL

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
34.7 miles from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers  
and evaluates potential irreparable harm to the aquifer, the ecology and the local economy  
which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is  
seeking a Combined Operation License would cause. Our geological infrastructure in South  
Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is  
an existential to the water supply on which we and the local flora and fauna depend for life.  
Agriculture and tourism based on fishing, the economic backbones of South Florida, could be  
physically and economically destroyed by the over use of the aquifer and introduction of vast  
volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power  
reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for  
Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making  
proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at  
Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions  
that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted  
fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could  
affect my safety and the health of my environment.

5. I have 0 children and 0 grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of  
opinion are based on my best judgment.

[SIGNATURE] Veronic Aghayan

4-10-2015

[DATE] \_\_\_\_\_



C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] Philip K. Stoddard  
declare as follows:

1. I [NAME] Philip K. Stoddard  
reside at [ADDRESS] 6820 SW 64th Court, South Miami, Florida

My residence, which I (UNDERLINE ONE: ) OWN OR RENT lies approximately [DISTANCE]  
19 miles from Turkey Point, Florida for which Florida Power and Light (FPL) has  
been authorized to take

2. I am concerned that Draft Environmental Impact Statement insufficiently addresses, considers and evaluates potential irreparable harm to the aquifer, the ecology and the local economy which the construction and operation of proposed nuclear reactors Turkey Point 6 & 7 FPL is seeking a Combined Operation License would cause. Our geological infrastructure in South Florida is very fragile and challenging it in drastic, radical invasive ways which are untested is an existential to the water supply on which we and the local flora and fauna depend for life. Agriculture and tourism based on fishing, the economic backbones of South Florida, could be physically and economically destroyed by the over use of the aquifer and introduction of vast volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could affect my safety and the health of my environment.

5. I have 1 children and no grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of opinion are based on my best judgment.

[SIGNATURE] Philip K. Stoddard

9 April 2015

C.A.S.E./ Citizens Allied For Safe Energy, Inc.  
10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676  
[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE IN THE COMBINED OPERATING LICENSE APPLICATION TO  
THE US NUCLEAR REGULATORY COMMISSION BY FLORIDA POWER AND LIGHT  
DOCKET 52-40 and 52-41**

Under penalty of perjury, I, [NAME] \_\_\_\_\_ Ronnie L White \_\_\_\_\_  
declare as follows:

1. I [NAME] \_\_\_\_\_ Ronnie L White \_\_\_\_\_  
reside at [ ADDRESS] \_\_\_\_\_ 10001 SW 129 Terrace, Miami, FL 33176 \_\_\_\_\_  
\_\_\_\_\_

My residence, which I (UNDERLINE ONE: ) **OWN** lies approximately [DISTANCE] \_\_\_\_\_  
\_\_\_\_\_ 15 miles \_\_\_\_\_ from the proposed site of two new nuclear reactor units, Turkey Point  
Units 6 & 7, for which Florida Power and Light (FPL) has submitted a combined construction permit and  
operating license application ("COLA") to the U.S. Nuclear Regulatory Commission ("NRC" or  
"Commission").

2. I am concerned that if the NRC grants FPL's COLA, the construction and operation of the  
proposed nuclear power plant could adversely affect my health and safety and the integrity of the  
environment where I live. I am particularly concerned about the risk of accidental releases of  
radioactive material to the environment, and the potential harm to groundwater supplies and local  
surface waters. I am further concerned about the impact that an accident could have on my  
family, my property and my economic well being.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power  
reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for  
Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rulemaking  
proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at  
Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions  
that are necessary to ensure that the licensing proceeding and the rulemaking proceeding are conducted  
fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could  
affect my safety and the health of my environment.

5. I have \_\_\_\_\_ 0 \_\_\_\_\_ children and \_\_\_\_\_ 0 \_\_\_\_\_ grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of  
opinion are based on my best judgment.

[SIGNATURE] \_\_\_\_\_ /s/ Ronnie L White \_\_\_\_\_  
[DATE] \_\_\_\_\_ April 13, 2015 \_\_\_\_\_



**C.A.S.E./ Citizens Allied For Safe Energy, Inc.**  
**10001 SW 129 Terrace, Miami, FL 33176 305-251-1960 fax: 305-252-1676**  
**[www.case-fl.org](http://www.case-fl.org) bwtamia@bellsouth.net**

**DECLARATION IN SUPPORT OF CITIZENS ALLIED FOR SAFE ENERGY, INC./CASE  
PETITION TO INTERVENE AND REQUEST FOR HEARING IN THE COMBINED  
OPERATING LICENSE APPLICATION TO THE U.S. NUCLEAR REGULATORY  
COMMISSION BY FLORIDA POWER AND LIGHT DOCKET NOS. 52-40 and 52-41 DRAFT  
ENVIRONMENTAL IMPACT STATEMENT OF MARCH 5, 2015**

Under penalty of perjury, I, [NAME] \_\_\_\_\_ Barry J White \_\_\_\_\_  
declare as follows:

1. I [NAME] \_\_\_\_\_ Barry J White \_\_\_\_\_  
reside at [ ADDRESS] \_\_\_\_\_ 10001 SW 129 Terrace Miami, FL 33176 \_\_\_\_\_

My residence, which I (UNDERLINE ONE: ) **OWN** lies approximately [DISTANCE] \_\_\_\_\_  
\_\_\_\_\_ 15 miles \_\_\_\_\_ from Turkey Point, Florida for which Florida Power and Light (FPL)  
has  
been authorized to take

2. I am concerned that the Draft Environmental Impact Statement insufficiently addresses,  
considers and evaluates potential irreparable harm to the aquifer, the ecology and the local  
economy which the construction and operation of proposed nuclear reactors Turkey Point 6 &  
7 for which FPL is seeking a Combined Operation License would cause. Our geological  
infrastructure in South Florida is very fragile and challenging it in drastic, radical invasive  
ways which are untested is an existential threat to the water supply on which we and the local  
flora and fauna depend for life. Agriculture and tourism based on fishing, the economic  
backbones of South Florida, could be physically and economically destroyed by the over use  
of the aquifer and introduction of vast volumes of water from the reactors into it.

3. I am a member of Citizens Allied For Safe Energy, Inc./CASE

4. In order to ensure that the licensing decision for the proposed Turkey Point Units 6 & 7 nuclear power  
reactors protects my interests in a safe and healthful environment, I have authorized Citizens Allied for  
Safe Energy, Inc./CASE to represent me in any licensing proceeding and/or related rule making  
proceeding that concerns the safety and environmental impacts of the proposed nuclear power reactors at  
Turkey Point. I have also authorized Citizens Allied For Safe Energy, Inc./CASE to take any legal actions  
that are necessary to ensure that the licensing proceeding and the rule making proceeding are conducted  
fairly, efficiently, and in a manner that provides for the full consideration of all licensing issues that could  
affect my safety and the health of my environment.

5. I have \_\_\_\_ 0 \_\_\_\_\_ children and \_\_\_\_ 0 \_\_\_\_\_ grandchildren who live within  
fifty miles of Turkey Point.

I declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of  
opinion are based on my best judgment.

[SIGNATURE] /s/ Barry J White

[DATE] April 13, 2015 \_\_\_\_\_

In the Matter of	)	
	)	
FLORIDA POWER & LIGHT COMPANY	)	Docket Nos. 52-040 and 52-041-COL
(Juno Beach, Florida)	)	
	)	
	)	ASLBP No.
(Turkey Point, Units 6 & 7)	)	10-903-02-COL-BD01
	)	
April 13, 2015	)	

I hereby certify that copies of the foregoing CITIZENS ALLIED FOR SAFE ENERGY PETITION TO INTERVENE AND REQUEST FOR HEARING REGARDING THE DRAFT EIS FOR TURKEY POINT 6 & 7 COL have been served upon all of the following persons by a electronic mail.:

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop: O-16C1  
Washington, DC 20555-0001  
[hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O-15 D21  
Washington, DC 20555-0001

Sara Kirkwood, Esq.  
[sara.kirkwood@nrc.gov](mailto:sara.kirkwood@nrc.gov)  
Patrick Moulding, Esq.  
[patrick.moulding@nrc.gov](mailto:patrick.moulding@nrc.gov)  
Sara Price, Esq.

[sara.price@nrc.gov](mailto:sara.price@nrc.gov)  
Michael Spencer, Esq.  
[michael.spencer@nrc.gov](mailto:michael.spencer@nrc.gov)

Robert Weisman, Esq.  
[robert.weisman@nrc.gov](mailto:robert.weisman@nrc.gov)  
Christina England, Esq.

[christina.england@nrc.gov](mailto:christina.england@nrc.gov)  
Nicholas Koontz, Paralegal  
[nicholas.koontz@nrc.gov](mailto:nicholas.koontz@nrc.gov)

OGC Mail Center: Members of this office have received a copy of this filing by EIE service.

Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, Florida 33408  
Nextera Energy Resources  
William Blair, Esq.  
[william.blair@fpl.com](mailto:william.blair@fpl.com)

Florida Power & Light Company  
801 Pennsylvania Ave. NW Suite 220  
Washington, DC 20004  
Steven C. Hamrick, Esq.  
[steven.hamrick@fpl.com](mailto:steven.hamrick@fpl.com)

Pillsbury, Winthrop, Shaw, Pittman, LLP  
2300 N Street, N.W.  
Washington, DC 20037-1122  
Kimberly Harshaw, Esq.  
[kimberly.harshaw@pillsburylaw.com](mailto:kimberly.harshaw@pillsburylaw.com)  
Michael G. Lepre, Esq.  
[michael.lepre@pillsburylaw.com](mailto:michael.lepre@pillsburylaw.com)  
Stephen Marcus, Esq.  
[stephen.marcus@pillsburylaw.com](mailto:stephen.marcus@pillsburylaw.com)  
John H. O'Neill, Esq.  
[john.oneill@pillsburylaw.com](mailto:john.oneill@pillsburylaw.com)  
Maria Webb, Paralegal  
[maria.webb@pillsburylaw.com](mailto:maria.webb@pillsburylaw.com)

Counsel for Mark Oncavage, Dan Kipnis,  
Southern Alliance for Clean Energy (SACE),  
and National Parks Conservation Association  
Everglades Law Center, Inc.  
3305 College Avenue  
Ft. Lauderdale, Florida 33314  
Jason Totoiu, Esq.  
[jason@evergladeslaw.org](mailto:jason@evergladeslaw.org)

Counsel for Mark Oncavage, Dan Kipnis,  
Southern Alliance for Clean Energy (SACE),  
and National Parks Conservation Association  
Turner Environmental Law Clinic  
Emory University School of Law  
1301 Clifton Rd. SE  
Atlanta, GA 30322  
Mindy Goldstein, Esq.  
[magolds@emory.edu](mailto:magolds@emory.edu)

Counsel for the Village of Pinecrest  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, FL 32308  
William C. Garner, Esq.  
[bgarner@ngn-tally.com](mailto:bgarner@ngn-tally.com)  
Gregory T. Stewart, Esq.  
[gstewart@ngnlaw.com](mailto:gstewart@ngnlaw.com)

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

Respectfully submitted,

/S/ Barry J. White  
Authorized Representative  
Citizens Allied for Safe Energy, Inc.  
10001 SW 129 Terrace  
Miami, Florida 33176

Dated at Miami, Florida  
this 13th day of April, 201