

## PMTurkeyCOLPEm Resource

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**From:** Maher, William <William.Maher@fpl.com>  
**Sent:** Thursday, May 19, 2016 8:14 AM  
**To:** Burkhart, Lawrence  
**Cc:** Franzone, Steve; Hamrick, Steven; Comar, Manny; Williamson, Alicia; McKirgan, John; Dixon-Herrity, Jennifer; Inverso, Tara; Kim, Grace; Rossi, Anthony; Akstulewicz, Frank  
**Subject:** [External\_Sender] RE: FAST-41 COVERED PROJECT MESSAGE - TURKEY POINT COLA

FPL does not believe any of this information represents proprietary or confidential business information.

If you should have any other questions, please feel free to contact me at any time.

Bill

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**From:** Burkhart, Lawrence [mailto:Lawrence.Burkhart@nrc.gov]  
**Sent:** Wednesday, May 18, 2016 10:44 AM  
**To:** Maher, William  
**Cc:** Franzone, Steve; Hamrick, Steven; Comar, Manny; Williamson, Alicia; McKirgan, John; Dixon-Herrity, Jennifer; Inverso, Tara; Kim, Grace; Rossi, Anthony; Akstulewicz, Frank  
**Subject:** FAST-41 COVERED PROJECT MESSAGE - TURKEY POINT COLA

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.

Dear Mr. Maher,

On December 4, 2015, the President signed into law the Fixing America's Surface Transportation (FAST) Act. Title 41 of the FAST Act (hereafter FAST-41) created a new governance structure, set of procedures, and funding mechanisms with a goal to improve the timeliness, predictability, and transparency of the Federal permitting and environmental review process for major infrastructure projects (i.e., "covered projects") across a broad range of sectors and project types (the full text of Title 41 can be viewed here: <https://goo.gl/ts1mCt>). The Nuclear Regulatory Commission is specifically identified in the statute as one of the Federal Agencies that must participate in the newly-established Federal Permitting Improvement Steering Council.

FAST-41 defines "covered projects" as those that require authorization or environmental review by a Federal agency involving construction of infrastructure for a covered sector (in this case nuclear power generation infrastructure), are subject to the National Environmental Policy Act of 1969 (NEPA), are likely to require a total investment of more than \$200,000,000, and do not qualify for abbreviated authorizations or environmental review processes. They may also include construction projects in covered sectors that are subject to NEPA for which, due to their size and complexity, the applicable Federal agencies determine the FAST-41 coordination process and oversight would be beneficial.

One of the first actions that FAST-41 requires agencies on the Federal Permitting Improvement Steering Council (hereafter Council) to take is to establish an inventory of all existing "covered projects" that have pending Federal environmental reviews or authorizations by June 1, 2016. Agencies must then create "a specific and searchable entry" for each project on the Federal Infrastructure Permitting Dashboard ([www.permits.performance.gov](http://www.permits.performance.gov)) by June 15, 2016.

The Turkey Point Units 6 and 7 combined license application (COLA) project has been identified as a potential "covered project" because (1) it is subject to NEPA and (2) requires a total investment of more than \$200,000,000 and does not qualify for an abbreviated authorization or environmental review process.

The following information, which we have generated from previously-provided project documentation, will be publicly reported for "covered projects":

- Project Information

- o Title: Turkey Point Units 6 and 7
- o Sector (e.g., Renewable Energy Generation): Conventional (nuclear) energy production
- o Type (e.g., Solar, Wind, Geothermal, etc.): Nuclear
- o Description: Florida Power and Light (FPL) seeks approval for constructing and operating two new AP1000 reactor units at the Turkey Point site to provide additional electricity for the use in the Southern Florida service areas. The two new units would be capable of providing an additional 2200 megawatts of electricity as a constant source.
- o Status (In Progress/Delayed/Paused): In progress
- o Website (if available): <http://www.nrc.gov/reactors/new-reactors/col/turkey-point.html>
- o Is Total Estimated Project Cost More than \$200 Million? Yes
- o Location: Miami-Dade County, Florida

- Schedule Information

- o Date Application Received by Lead Agency: June 30, 2009
- o Date Application Accepted for Review by Lead Agency: September 4, 2009
- o Draft Environmental Assessment (EA) Complete (If applicable): NA
- o Final EA Complete: NA
- o Date of FONSI: NA
- o Draft Environmental Impact Statement (EIS) Published: February 27, 2015
- o Final EIS Published: October 31, 2016
- o Final FSER Issuance: November 30 2016
- o Date of ROD \*
- o Date of Final Permitting Action: \*
  - \* As documented in the publicly available Internal Commission Procedures, the Commission intends to issue adjudicatory decisions in mandatory hearings (i.e., uncontested hearings involving only the applicant and the NRC staff) no later than 4 months after the FSER and FEIS are both publicly issued. Additionally, the timing of a licensing decision may be affected by the need for the NRC to decide matters that are adjudicated in any contested hearing (i.e., a hearing to resolve contentions raised by the public). There are contested issues for this application. The need and schedule for a contested hearing is fact dependent, but in accordance with publicly available model milestones, the goal for issuing contested hearing decisions is 10 to 11 months after the FSER and FEIS are issued (as applicable); complex contested hearings can take longer. Also new proposed contentions may be submitted and admitted in the future. Shortly after all required hearing decisions have been issued, the ROD and final permitting action will be taken.

- Lead Agency Information

- o Agency/Department: U.S. Nuclear Regulatory Commission
- o Bureau/Mode: Office of New Reactors
- o POC Name: Lawrence Burkhardt
- o POC Title: Branch Chief
- o POC Email: [Lawrence.Burkhart@nrc.gov](mailto:Lawrence.Burkhart@nrc.gov)

- Project Sponsor Information

- o Project Sponsor: FPL

o Sponsor POC: Bill Maher

If you believe any of this information represents proprietary or confidential business information, please notify me before May 27, 2016, with your rationale, and we will make all reasonable efforts to ensure such information is not made public. Otherwise, all of the above project information for existing "covered projects" will be posted on the Dashboard no later than June 15, 2016.

Although not the case for your particular project, for any project for which a Draft EA (if applicable), final EA, or draft EIS has not yet been released, the agencies involved in the review of these projects will be required to develop a detailed Coordinated Project Plan, including a detailed review schedule for public involvement and completion of all required Federal environmental reviews and authorizations, and to publicly post these documents and related project information within sixty days after the initial project information listed above is posted to the Dashboard. Project sponsors are expected to cooperate throughout the Federal environmental review and authorization process.

These early-stage projects would receive the following benefits:

- Use of clear procedures to agree upon, modify, and resolve issues with project timelines
- Greater transparency into the Federal permitting process and schedule through tracking on the public Federal Permitting Dashboard
- Enhanced oversight from the new Council
- Potential for adoption of State environmental reviews
- Limitation of lawsuits on authorizations and environmental reviews to those filed not later than 2 years after the date of a Federal Register notification of the final approval and,
- Special consideration for the judicial review of actions seeking temporary restraining orders or preliminary injunction against the "covered project"

If you have any questions or would like to talk further, please let me know. Additionally, OMB and CEQ will be hosting two Q&A conference calls at the following times:

- May 20, 9:30 – 10:30 AM EST (register at <http://ems6.intellor.com?do=register&t=2&p=601271>)
- May 20, 2:00 – 3:00 PM EST (register at <http://ems6.intellor.com?do=register&t=2&p=601272>)

Lastly, note that Section 41009 of the FAST Act allows agencies to issue new regulations to establish a "fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects." OMB is currently developing the guidance that will inform these regulations, and there will be no fees assessed on "existing" "covered projects" at this time.

Thank you for cooperation, and we look forward to working with you in this new process.

Sent on behalf of

Frank Akstulewicz,  
FAST-41 Chief Environmental Review Permitting Officer  
Director, Division of New Reactor Licensing  
Office of New Reactors  
U.S. NRC

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POINT COLA  
**Sent Date:** 5/19/2016 8:14:02 AM  
**Received Date:** 5/19/2016 8:14:09 AM  
**From:** Maher, William

**Created By:** William.Maher@fpl.com

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