

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

FLORIDA POWER & LIGHT CO.

(Turkey Point Nuclear Generating Units 6 and 7)

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

ORDER
(Transmitting Post-Hearing Questions)

The Commission held an evidentiary hearing on December 12, 2017, on the uncontested portion of the captioned proceeding. Florida Power & Light Company and the NRC Staff should file written responses to the post-hearing questions listed in the table below no later than January 9, 2018. The responses should be filed as exhibits, using the previously established numbering scheme. The parties should consult prior to filing their responses and indicate whether there are any objections to admitting the new exhibits into the record. Absent objection, the new exhibits will be admitted. This order is issued pursuant to my authority under 10 C.F.R. § 2.346(a) and (j).

No.	Category	Reference	Directed to	Question
1	Safety	<p>Pre-Hearing Question 4</p> <p>FSER § 2.1.3</p> <p>10 C.F.R. §§ 100.20, 100.21</p> <p>NRC Regulatory Guide (RG) 4.7, "General Site Suitability Criteria for Nuclear Power Stations" (rev. 3 Mar. 2014)</p> <p>NUREG-0800, NRC Standard Review Plan, § 2.1.3, "Population Distribution" (rev. 3 Mar. 2007)</p>	Staff	<p>Since there is nothing in guidance that defines "well in excess" of the Regulatory Guide 4.7 criterion for population density of 500 persons per square mile within 20 miles of the site, could you give us more detail on how you determined that the Turkey Point site did not exceed that criterion, given that the population densities for the 0-10 mile radius and the 0-20 mile radius exceed the 500 persons per square mile criterion by approximately thirty to forty percent?</p>
2	Environmental	<p>Pre-Hearing Question 19</p> <p>FEIS: Chapter 1 and Appendix E</p> <p>Letter from Stan Austin, DOI/NPS, to Frank Akstulewicz, NRC, and Col. Jason Kirk, USACE (Dec. 19, 2016) (ML17006A137) (NPS Comments on FEIS and FSER)</p>	Staff	<p>In response to Question 19b, the Staff stated that the land exchange between the National Park Service and FPL is outside of NRC's regulatory purview and therefore NRC's EIS did not include this information.</p> <p>Does NRC's FEIS address the land exchange as part of the cumulative impacts analysis? If not, why not?</p>

3	Environmental	<p>Pre-Hearing Questions 20, 47, 50</p> <p>FEIS: § 1.0 and Appendix H</p> <p>SECY-16-0136</p> <p>Letter from Roy E. Crabtree, NOAA/NMFS, to Jennifer Dixon-Herrity, NRC, and Colonel Alan Dodd, ACOE (Apr. 26, 2017), at 4-6 (ML17143A153) (NMFS Consultation Letter)</p> <p>Letter from Roxanna Hinzman, U.S. Department of the Interior/U.S. Fish and Wildlife Service (FWS), to Alicia Williamson, NRC (June 23, 2017) (ML17177A673)</p>	Staff Applicant	What is the status of the permit under Section 404 of the Clean Water Act?
4	Environmental	<p>NUREG-1555, U.S. Nuclear Regulatory Commission Environmental Standard Review Plan</p> <p>10 CFR Part 51, Subpart A</p>	Staff Applicant	<p>If Turkey Point was not an existing nuclear power plant site and the exclusionary criteria were applied to it, would the exclusionary criteria have been met?</p> <p>If not, how do you propose the Commission weigh the failure to meet the exclusionary criteria against the benefits of the proposed project, as required under Subpart A of Part 51, in determining whether the COLs should be issued?</p>
5	Environmental	NUREG-1555, U.S. Nuclear Regulatory Commission Environmental	Staff	Has the NRC previously issued a construction permit or COL when the preferred site did not meet the exclusionary criteria? Has the special case

		Standard Review Plan		exemption in NUREG-1555 for existing sites previously been used to bypass application of the exclusionary criteria?
6	Environmental	Staff Responses to Pre-Hearing Questions, Response 4e FSAR Section 2.1.3.6	Applicant	In response to the Staff's RAI relating to the rationale for selecting Turkey Point as the preferred site, the applicant discussed five site features: ability to balance generation and load in Southeast Florida, unique cooling water supply source, land availability, existing nuclear power plant infrastructure, and emergency planning infrastructure. Please provide additional detail on how these factors resulted in Turkey Point being selected as the preferred site.
7	Environmental	December 22, 2016 Letter from G. Alan Farmer of the US EPA to Cindy Bladey December 19, 2016 Letter from Colonel Jason Kirk of the National Park Service to Mr. Frank Akstulewicz	Staff	Has the NRC previously issued a COL despite the significant unresolved concerns of other federal agencies, such as the National Park Service and EPA? Has NRC previously relied on a FEIS to issue a COL where a cooperating federal agency expressed unresolved "serious concerns regarding the adequacy and accuracy of the FEIS"?
8	Safety	Pre-Hearing Questions 10, 11, 13 and 14 FSER § 2.4.5.4.1 FSER § 2.4.5.4.4 FSAR § 2.4.5.1	Staff Applicant	Please identify each conservatism in the design basis flood calculation and the associated storm surge margins they provide.

		FSAR § 2.4.5.2.2.1		
--	--	--------------------	--	--

IT IS SO ORDERED.

For the Commission

NRC Seal

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of December, 2017.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY) Docket Nos. M-52-040 and 52-041-COL
(Juno Beach, Florida))
)
(Turkey Point, Units 6 & 7))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Transmitting Post-Hearing Questions)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16B33
Washington, DC 20555-0001
ocaamail@nrc.gov

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

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
hearingdocket@nrc.gov

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

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

Pillsbury, Winthrop, Shaw, Pittman, LLP
1200 Seventeenth Street, N.W.
Washington, DC 20036-3006

Patrick Moulding, Esq.
patrick.moulding@nrc.gov
Maxine R. Segamick, Esq.
Maxine.Segamick@nrc.gov
Robert Weisman, Esq.
robert.weisman@nrc.gov
Anthony C. Wilson, Esq.
anthony.wilson@nrc.gov
Megan Wright, Esq.
Megan.wright@nrc.gov
Susan Vrahoretis, Esq.
susan.vrahoretis@nrc.gov

Anne Leidich, Esq.
ann.leidich@pillsburylaw.com
David R. Lewis, Esq.
david.lewis@pillsburylaw.com
Michael G. Lepre, Esq.
michael.lepre@pillsburylaw.com
Timothy J. V. Walsh, Esq.
timothy.walsh@pillsburylaw.com

[Original signed by Clara /sola _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of December, 2017.