

IN THE MATTER:

DOCKET ID # NRC-2018-0074

TURKEY POINT NUCLEAR POWER PLANT, UNIT 3, AND UNIT 4

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION,

PETITION TO INTERVENE ON RENEWED FACILITY OPERATING LICENSE NOS.

DPR-31, DPR-41 - DOCKET ID # NRC-2018-0074

PROPOSED PETITION TO INTERVENE AND FOR HEARING UNDER 10 C.F.R. § 2.206,  
FOR DOCKET ID # NRC-2018-0074

I. Introduction of Petitioner

Albert Gomez

Miami, FL. 33133

II. Nature of the Petitioner right under U.S. Nuclear Regulatory Commission (NRC):  
U.S. Citizen and resident of the City of Miami, Florida

III. Nature of the Petitioner interest under U.S. Nuclear Regulatory Commission  
(NRC): Citizen of the U.S., Home owner, business owner, resident of Miami, FL  
USA, sitting City of Miami Sea Level Rise Committee member, manufacturing and  
technology expert supporting many industries including the power industry,  
ecological activist and conservationist, resilience leader and advisor in South Florida

IV. PETITIONERS CONTENTIONS:

In the matter of Turkey Point Nuclear Power Plant (TPNPP) Unit 3, and Unit 4,  
Docket No. # NRC-2018-0074, Albert Gomez re request for hearing under 10 CFR  
52.103(b). The following contentions will demonstrate that one or more of the  
acceptance criteria in the combined license have not been, or will not be met, and that  
the specific operational consequences of nonconformance would be contrary to  
providing reasonable assurance of adequate protection of the public health and safety.

1-The application in question has only been available to the public since March  
21st, 2018. Closing the public comments period within 93 days of the first public  
posting does not reasonably accommodate the public with adequate review of the  
license renewal application and accompanying EIS & SEIS. The NRC has now  
instituted a 30 day extension via Order Granting Partia Extension of Time -  
ML18180A185.pdf.

1a. Based on Petitioners contention Section IV. No. 1, The Petitioner request that an extension of another 60 days beyond August 1st to allow petitions for hearing, submissions of contention and limited appearance statements in order to reasonably accommodate public comment.

2- The application in question has only been available to the public since March 21st, 2018. There are current municipal board & committee motions in process within City of Miami in support of an extension to the public comment period and to enable a formal response by the City of Miami Commission. These motions are scheduled to be docketed into City of Miami Commission agenda after the public comment period closes. The compressed and shortened public comment period does not reasonably accommodate the City of Miami with a formal response to the Turkey Point Nuclear Reactor Power Plant Unit 3, and Unit 4 Initial License Renewal Application. This compressed time frame also applied undue hardship to the city, as the City of Miami Office of the City Attorney and City Managers office cannot comment on Turkey Point matters due to an earlier settlement with FPL. After consultation with the City of Miami's City Attorney, the only form for the City of Miami to comment is via Commission resolution or personal commissioner submission. Since a resolution is currently being brought forward to a future City of Miami Commission Agenda, the contention is to reasonably accommodate the City of Miami Commission to vote on the resolution and prepare formal statement(s).

2a- Based on Petitioners contention Section IV. No. 2, The Petitioner request that an extension to public comments be allowed in order to reasonably accommodate the City of Miami Commission with an opportunity to review the active motion related to Turkey Point Nuclear Plant, Units 3 & 4 – Initial License Renewal Application, and comment if its rules in favor of entering said comment.

3- Under 10 CFR 52.103 and related safety analysis reporting specific to potential metallurgical failure, and the subsequent relationship of potential metallurgical failure with the applicant submitted environmental report or other supporting document filed by an FPL, the applicant or licensee, Albert Gomez, under Docket No. # NRC-2018-0074 and Docket No. # NRC-2018-0101, requests an extension in order to have sufficient opportunity to submit formal environmental scoping comments on issues arising under the National Environmental Policy Act and how the lack of reporting could pose significant hazardous risk to the environment and to health and human security, the petitioner has included concerns related to metallurgical safety review within public comments. Within the metallurgical analysis section 10 CFR 54.21, it states

*(c), such that there is reasonable assurance - fatigue flaw growth analyses that are based on cyclical loading assumptions; and (e) fracture mechanics analyses that are based on cycle-based loading assumptions.*

If the current application renewal process is advance prior to qualification of said assumptions and critical metallurgical analysis, such analysis will be incomplete, nor validated as certain. This will leave in question any Quality Assurance

standards required by the NRC's own total quality management protocol for Nuclear Reactor management and leave in question any certainty that metallurgical embrittlement will not exceed acceptable levels within the legal safety standards; it will also leave in question the Structural integrity of critical operating members such as the reactor vessel, the license review process and any potential approvals on unfulfilled assumptions. If the vessel were to fracture based on metallurgical failure, it would result in catastrophic failure of reactor 3 or 4 and expose the public, the environment, two national parks and its water supply to severe harm, extreme radiological contamination and force localized evacuation, retreat and abandonment of a 50 mile radius around the facility. By putting the license renewal process ahead of a formal and completed metallurgical aging study, FPL could expose the public to undue hardship and high uncertainty, which in itself does not meet the acceptance criteria in the combined license and that the specific operational consequences of nonconformance would be contrary to providing reasonable assurance of adequate protection of the public health and safety. Therefore, this contention exposes more than one nonconformance and in so, does not meet prima facie.

3a- Based on Petitioners contention Section IV. No. 3, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn until said metallurgical analysis is completed by FPL and reviewed by a third party certified metallurgical analysis firm.

4- The cooling canals were originally constructed for Turkey Point Reactor retired 404 megawatt fuel oil/natural gas/used oil propane- fired generation units (Units 1 and 2) and mandated expanded by the federal government, based on the adverse ecological effects direct release of heated cooling water had on Biscayne bay, the mass sea grass die off and damaged to associated federally protected ecosystems. More recently, FPL has currently entered into a environmental clean up agreement with Miami-Dade County via the Department of Environmental Resource Management for clean up of the permeating and leaking cooling canals. These unlined cooling canals are leaking a host of caustic poisonous chemicals and highly saline waste water into our water supply, already affecting wells and contaminating our aquifer. FPL within the agreement has put forward a clean up regime which has not been qualified. Said clean up regime has already been reviewed by several outside scientific bodies and institutions and has shown to be unsatisfactory and non-efficacious for the desired results. To date, there is no qualified clean up methodology, nor has the cleaning commenced.

4a- Based on Petitioners contentions Section IV. No. 4 and pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and part 54 of title 10 of the *Code of Federal Regulations* (10 CFR) The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn until the current clean up of the poisonous and high salinity plume is completed and all relevant information related to the clean up be submitted prior to any future relicensing applications be submitted for Turkey Point Nuclear Lant, Unit 3 and Unit 4. Furthermore, the Petitioner request that a pre-determined non-pollution probationary time frame be set before any existing

or future renewal applications be accepted similar to other federal regulatory agencies such as the FDA and EPA.

4b. Based on Petitioners contentions Section IV. No. 4 and based on the poisonous and high salinity plume and clean-up methodologies in question that do not meet the criteria set forth within the Atomic Energy Act of 1954, as amended (the Act), and part 54, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn until any law suits related to potential clean water act violations stated within ongoing FPL law suits related to said plume and pollution violation be settled prior to acceptance of any existing or future renewal applications.

5- Related to both the NRC-2018-0074, provide opportunity for hearing and NRC-2018-0101, request environmental scoping comments, FPL within the Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Application states that the reason for fast tracking the current License Renewal Application within the SEIS appendix states that, they are submitting said application and requesting a fast tracking based on assumptions that the planning process for replacing the current power production at Turkey Point Nuclear Plant, Units 3 & 4 would require 10 years; and since the current license ends in 2032 and 2033 respectively, they need to start planning now for replacement power solutions for Turkey Point Nuclear Plant, Units 3 & 4. Within FPL's 8.2 Alternative Energy Sources review they do not include solar nor wind power in their analysis. Also as a function of holding a sole utility power supplier status within South Florida and following standard best business practices, business continuity and business risk planning, a common business practice and an ongoing business continuity process requires said sole utility power supplier to not cease these practices until the end of life of critical reactor operations. This statement exposes an inconsistent business practice, unqualified assumption and fails to contain the necessary information required by § 52.99(c).

5a- Based on Petitioners contentions Section IV. No. 5, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn, until a complete Alternative Energy Sources analysis is completed and included within any existing or future license renewal application.

6- During the public comment meeting at Homestead related to Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Application revelations were identified that FPL may renew a request for uprating of Turkey Point Nuclear Plant, Units 3 & 4. During the last uprating, FPL was required to submit an emergency use authorization to operate the plant in excess of the safe maximum operating temperature. There are no assurances that this temperature exceedance past the safe operating temperature will not occur again, if any current or future Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Application(s) is approved and an uprating accepted.

6a- Based on Petitioners contentions Section IV. No. 6, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn based on the risk of further expanding the poisonous and

high salinity plume and potential putting the public in danger by operating Turkey Point Nuclear Plant, Units 3 & 4 beyond safe operating temperatures stated in the operating Manuals and operating guidelines for the Westinghouse reactors found at Turkey Point Nuclear Plant, Units 3 & 4. Within § 52.99(c), FPL's intention to uprate reactor 3 & 4, was determined nor included in their application, therefore incomplete and does not meet prima facie based on lacking reasonable assurance of adequate protection of the public health and safety.

7- Within the current EIS, GEIS and SEIS and related supplements and appendixes, the NRC states that:

*I can't say we have a lot of experience that we can draw on in terms of issues that were triggered by the content of the application. - our inspection activities are derived from plant operating experience. It also states that the GEIS conclusion is that the impact is of SMALL<sup>(a)</sup> significance (except for collective offsite radiological impacts from the fuel cycle and high-level waste and spent fuel, which were not assigned a single significance level).*

These statements highlight and expose the a gap in certainty within the NRC related to operating a reactor beyond its original design life. It also highlights that the NRC may not be incorporating the latest government authorized sea level rise projections and how that impacts its high level waste and spent fuel onsite storage.

7a- Based on Petitioners contentions Section IV. No. 7, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn based on the egregious misrepresentation and sheer lack of local governing sea level rise projections within FPL's current Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Application.

8- Within the current EIS, GEIS and SEIS and related supplements and appendixes, the NRC states that:<sup>(a)</sup> Environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. This is stated while a federal law suit is in play related to potential EPA violations, an increasing plume migrates and expands both easterly and westerly from the current position threatening both our water supply and our federally protected bay.

8a- Based on Petitioners contentions Section IV. No. 8, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn based on the above NRC statement being in contradiction with current environmental facts and pollution performance at Turkey Point Nuclear Plant, Units 3 & 4; and said contradictions must be reconciled within a new supplemental EIS related to new resource and environmentally threats and conditions related to the operations of Turkey Point Nuclear Plant, Units 3 & 4.

9- Turkey Point is currently in negotiation with Miami-Dade related to water required to recharge the current cooling canals to a low enough temperature to maintain the cooling function. This process is still under negotiation and the waste water option has already been put in question based on the fears that the waste water discharge may negatively impact Miami-Dade's Consent Order placed on them by the EPA to reduce phosphorus and other caustic compounds into the bay and our water supply. FPL is also required to take any excess ground water to cool the canals. This conflict based on the open nature of the cooling canals systems creates a critical unknown to continued safe operations of the plant.

9a- Based on Petitioners contentions Section IV. No. 9, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld and withdrawn until the water demand issue is resolved between Miami-Dade and FPL for safe operation of the plant without further threatening our bay or drinking and agricultural water supply.

10- FPL within the Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Application states utilizes a 1" sea level rise projection through 2100, similar to their stated projection within their COLA submission for Turkey Point Nuclear Plant, unit 6 & unit 7. Their stated conservatism on sea level rise projections of 1 foot through 2100 directly contradict the UN's IPCC-Intergovernmental Panel on Climate Change, the USACE- US Army Corp. of Engineers and NOAA- National Oceanic and Atmospheric Administration's sea level rise yr. 2100 projections of 31", 61" and 81" respectfully. FPL's stated projection also contradict the Southeast Florida Regional Climate Change Compact's standard projections, which Miami-Dade is a current consignee. FPL fails to meet federal standards based on their renewal application's stated projections, which use 10 year old tidal gauges and do not include the most recent tidal gauge data. Therefore, FPL does not follow the POANHI - Process for Ongoing Assessment of Natural Hazard Information - SECY-15-0137 part of the Post - Fukushima Near- Term Task Force Recommendations 2.2(R2.2). Whereas, this mandated framework known as POAHNI- Process for Ongoing Assessment of Natural Hazard Information requires any such operator of a Westinghouse reactor, such as the ones found at both Fukushima and Turkey Point, must ensure that staff proactively and routinely aggregates and assesses new natural hazard information.

10a- Based on Petitioners contentions Section IV. No. 10, The Petitioner request that any Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Applications be withheld, withdrawn and contested due to the contradictions with stated federal and local guidelines, sea level rise projections and nuclear safety recommendations within the POANHI - Process for Ongoing Assessment of Natural Hazard Information - SECY-15-0137 part of the Post - Fukushima Near-Term Task Force Recommendations 2.2(R2.2). Based on 10 CFR 52.103(b), the information provided by FPL is not sufficient, and include misleading supporting information, failing to show prima facie. This highlights that various acceptance criteria in the combined license have not been, or will not be met, and that the specific operational consequences of nonconformance would be contrary to

providing reasonable assurance of adequate protection of the public health and safety.

In closing, if the above stated comments to reach to the measure of withholding, withdrawing, rejecting or contestation of the current Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Application, please consider extension of the current public comments period for further illumination by the public and municipal authorities related to FPL's continued operation and relicensing of Turkey Point Nuclear Plant, Units 3 & 4.

Thank you for your thoughtful consideration of time to ensure the safe use of radioactive **materials** for beneficial civilian purposes while protecting people and the environment.

\*Supplemental page included below - It is an excerpt of the NRC approval notice for Turkey Point Reactor, unit 6 & unit 7 COLA, in support of clarifying FPL's current stance on sea level rise projection related to Turkey Point Nuclear Power Plant operations. These assumptions were also included in the current Turkey Point Nuclear Plant, Units 3 & 4 – License Renewal Application.

[End Comments]

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elevation of 28.0 feet NAVD 83 provides a margin of 1.2 feet above the design mean flood elevation of 26.8 feet NAVD 83 resulting from the water surge calculation. FPL used 1.0 foot over the design life of the plant, which is 0.22 feet higher than the rise estimated from local tide gauges.<sup>109</sup>

Miami Beach is the nearest tide gauge station to the Turkey Point site that has a period of record long enough to span multiple multi-decadal tidal cycles.<sup>110</sup> The National Oceanic and Atmospheric Administration's (NOAA) data analysis shows that sea level at the Miami Beach station is rising at a rate of 0.78 feet per century.<sup>111</sup> Using the observed data and NRC guidance, FPL estimated a sea level rise of 1.0 foot over the life of Turkey Point Units 6 and 7.<sup>112</sup> Although recent scientific reports discuss the potential for more than one foot of sea level rise by 2100, the multiple conservatism in other aspects of the storm surge calculation provide a significant safety margin in the event that sea level rise at the site exceeds one foot.<sup>113</sup>

<sup>109</sup> *Id.* Ex. FPL-014, FPL Staff Hearing Responses, at 75.

<sup>110</sup> *Id.* NRC-012, Staff Post-Hearing Responses, Attach. at 7.

<sup>111</sup> *Id.* at 98 (Ms. Smith).

<sup>112</sup> *Id.* (Ms. Smith). The Miami Beach station was removed from service in 1991, but trends at Miami Beach are well correlated with trends at the Key West station, where NOAA tide records are available from 1913 to 2016. *Id.* at 99 (Ms. Smith).

<sup>113</sup> *Id.* (Ms. Smith). The Staff followed applicable guidance and used data from nearby tide gauges to estimate sea level rise. *Id.* NRC-086 R. Staff Pre-Hearing Responses, Attach. at 17; see "Predicted Maximum Surge and Briche Flooding," NUREG-0900, Standard Review Plan § 2.4.5, rev. 3 (Mar. 2007) (ML070739425), "Guidance for Performing a Tsunami, Surge, or Seiche Hazard Assessment" (Interim Staff Guidance), NRC-1512-08, rev. 0 (Jan. 2013) (ML13146412).

<sup>114</sup> See, e.g., City of South Miami, Statement in the Evidentiary Session of the Uncontested Portion of the Proceeding on the Application of Florida Power and Light Co. (FPL) Application for Issuance of Combined Licenses for Turkey Point Units 6 and 7 (Aug. 30, 2017) (ML170424185). FPL also noted that, if sea level rise overtook the one foot estimate accounted

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Moreover, "the Staff will proactively, routinely and systematically seek, evaluate, and respond to new information on related hazards," including flooding due to sea level rise pursuant to the framework that we approved last year for ongoing assessment of natural hazard information.<sup>115</sup>

#### B. Use of Deep Well Injection for Liquid Radioactive Waste Disposal

FPL has proposed to use a nontraditional disposal method: deep well injection, for NRC-licensed radioactive material or liquid effluent.<sup>116</sup> This proposed disposal approach would be

showdown from the cooling towers and other plant discharge effluents would be collected in a sump and injected via underground injection wells into the Boulder Zone of the Lower Floridan Aquifer, which is approximately 2,800 feet below ground.<sup>117</sup> The Floridan Aquifer is one of two aquifers underlying the Turkey Point



**Docket, Hearing**

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**From:** James, Lois  
**Sent:** Thursday, August 02, 2018 12:36 PM  
**To:** Docket, Hearing  
**Cc:** albert@icassemblies.com  
**Subject:** FW: [External\_Sender] Re: Please Resubmit your Petition to Intervene in the Subsequent License Renewal of Turkey Point Nuclear Generating Units 3 and 4  
**Attachments:** [External\_Sender] Re: Please Resubmit your Petition to Intervene in the Subsequent License Renewal of Turkey Point Nuclear Generating Units 3 and 4

To Whom It May Concern:

I received the attached message from Mr. Albert Gomez, and am forwarding it to you for such action as you deem appropriate.

Respectfully,

Lois M. James, Senior Project Manager  
Division of Materials and License Renewal (DMLR)  
Office of Nuclear Reactor Regulation (NRR)

[Lois.James@nrc.gov](mailto:Lois.James@nrc.gov)

**Docket, Hearing**

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**From:** Albert Gomez <albert@icassemblies.com>  
**Sent:** Thursday, August 02, 2018 12:00 AM  
**To:** James, Lois  
**Subject:** [External\_Sender] Re: Please Resubmit your Petition to Intervene in the Subsequent License Renewal of Turkey Point Nuclear Generating Units 3 and 4  
**Attachments:** PETITION TO INTERVENE ON RENEWED FACILITY OPERATING LICENSE NOS. DPR-31, DPR-41 - DOCKET ID # NRC-2018-0074 \_ Albert Gomez.pdf

Ms. James,

Attached please find my PROPOSED PETITION TO INTERVENE AND FOR HEARING UNDER 10 C.F.R. § 2.206, FOR DOCKET ID # NRC-2018-0074.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Albert Gomez  
 305-321-3214

On Jul 6, 2018, at 3:46 PM, James, Lois <Lois.James@nrc.gov> wrote:

Mr. Gomez,

On June 21, 2018, you submitted a document to [www.regulations.gov](http://www.regulations.gov), docket # NRC-2018-0101:

Comment (24) of Albert Gomez on Florida Power & Light Company; Turkey Point Nuclear Plant Units 3 and 4.(ML18177A193)

In that document you petitioned to intervene on the subsequent license renewal for Turkey Point Nuclear Generating Units 3 and 4 under docket # NRC-2018-0074. You may note that I referenced two docket #s:

NRC-2018-0074	provide opportunity for hearing
NRC-2018-0101	request environmental scoping comments

The petition for hearing needs to be submitted under docket NRC-2018-0074 (See Turkey Point SLRA opportunity for hearing.pdf attached). In addition, the Office of Secretary (SECY) has extended the opportunity for hearing through August 1, 2018 (See Order Granting Partial Extension of Time - ML18180A185.pdf). Can you resubmit your petition under docket # NRC-2018-0074. The FRN notice is attached as well as SECY's extension.

If you have any questions, please feel free to contact me.

Lois M. James, Senior Project Manager  
 Division of Materials and License Renewal (DMLR)

Office of Nuclear Reactor Regulation (NRR)  
[Lois.James@nrc.gov](mailto:Lois.James@nrc.gov)

<Turkey Point SLRA opportunity for hearing.pdf><Order Granting Partia Extension of Time -  
ML18180A185.pdf>