

September 15, 2008

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket No. 50-266-LA
FPL Energy Point Beach, LLC	)	
	)	ASLBP No. 08-870-01-LA-BD01
(Point Beach Nuclear Plant, Unit 1)	)	

NRC STAFF'S ANSWER TO SAPORITO ENERGY  
CONSULTANTS' PETITION TO INTERVENE AND REQUEST FOR HEARING

INTRODUCTION

Pursuant to 10 C.F.R. § 2.309(h)(1), the Staff of the Nuclear Regulatory Commission ("Staff") hereby answers the "Request for Hearing and Leave to Intervene" ("Petition") submitted by and through Thomas Saporito as President of Saporito Energy Consultants ("Petitioners" or "SEC"). For the reasons stated below, the Petition should be denied for failure to demonstrate standing and to submit an admissible contention.

BACKGROUND

By letter dated May 28, 2008, FPL Energy, Point Beach, LLC ("FPL Energy" or "Applicant") submitted a request to amend operating license DPR-24 for the Point Beach Nuclear Plant ("PBNP"), Unit 1.<sup>1</sup> The requested amendment proposes a one cycle revision to two PBNP Technical Specifications ("TS") to incorporate an interim alternate repair criterion

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<sup>1</sup> See Letter from James H. McCarthy, FPL Energy Point Beach, LLC, to the NRC Document Control Desk, "License Amendment Request 257, Technical Specifications 5.5.8 and 5.6.8, Steam Generator Program & Steam Generator Tube Inspection Report Interim Alternate Repair Criteria (IARC) for Steam Generator Tube Repair," dated May 28, 2008 ("Amendment Request" or "LAR").

(IARC) into the provisions for SG tube repair criteria.<sup>2</sup> LAR, Enclosure 1 at 2. The proposed IARC, which will be used during the PBNP 2008 fall refueling outage and the subsequent operating cycle, requires “full-length inspection of the tubes within the tubesheet,” but does not require the tubes to be plugged as long as “any circumferential cracking observed in the region greater than 17 inches from the top of the tubesheet is less than a value sufficient to permit the remaining circumferential ligament to transmit the limiting axial loads.” *Id.* On August 5, 2008, the Staff published in the *Federal Register* a notice of consideration of issuance of the proposed amendment, proposed no significant hazards consideration determination, and opportunity for a hearing.<sup>3</sup> In response to this notice, SEC, through Mr. Saporito, timely filed its Petition on August 20, 2008.

## DISCUSSION

### I. Legal Standards

#### A. Legal Standards Governing Standing

Any person who requests a hearing or seeks to intervene in a Commission proceeding must demonstrate that he or she has standing to do so. Section 189a of the Atomic Energy Act of 1954, as amended (“AEA”), 42 U.S.C. § 2239(a), instructs the Commission to grant a hearing upon the request of “any person whose interest may be affected by the proceeding.”

Commission regulations require that a petitioner demonstrate standing under the provisions of 10 C.F.R. § 2.309(d) and proffer at least one admissible contention. 10 C.F.R. § 2.309(a).

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<sup>2</sup> The technical specifications to be revised are TS 5.58, “Steam Generator (SG) Program,” and TS 5.6.8, “Steam Generator Tube Inspection Report.”

<sup>3</sup> FPL Energy, Point Beach, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing, 73 Fed. Reg. 45,481 (August 5, 2008).

Section 2.309(d) requires that a petition or request to intervene state the following:

- (i) the name, address and telephone number of the requester or petitioner;
- (ii) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding;
- (iii) the nature and extent of the requestor's/petitioner's property, financial or other interest in the proceeding; and
- (iv) the possible effect of any decision or order that may be issued in the proceeding on the requestor's/petitioner's interest.

The Commission traditionally looks to judicial concepts of standing when determining whether a petitioner has established the necessary "interest," as required under § 2.309(d)(iv). See, e.g., *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 322-23 (1999); *Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), CLI-98-21, 48 NRC 185, 195 (1998) ("Yankee Rowe"). Federal jurisprudence requires a petitioner to demonstrate that (1) he has suffered a distinct and palpable harm that constitutes injury-in-fact within the zone of interests arguably protected by the governing statute<sup>4</sup> (2) the injury is fairly traceable to the challenged action; and (3) the injury is likely to be redressed by a favorable decision. See, e.g., *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 103-04 (1998); *Kelley v. Selin*, 42 F.3d 1501, 1508 (6th Cir. 1995).

The injury-in-fact must also be "concrete and particularized" and "actual or imminent, not conjectural or hypothetical." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). A petitioner must have a "real stake" in the outcome of the proceeding, and while this stake need not be "substantial," it must be "actual," "direct," or "genuine." *Houston Lighting & Power Co.*

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<sup>4</sup> In Commission proceedings, the injury must fall within the zone of interests sought to be protected by the AEA or the National Environmental Policy Act ("NEPA"). *Quivira Mining Co.* (Ambrosia Lake Facility), CLI-98-11, 48 NRC 1, 6 (1998).

(South Texas Project, Units 1 & 2), LBP-79-10, 9 NRC 439, 447-48 (1979), *aff'd* ALAB-549, 9 NRC 644 (1979). Furthermore, a petitioner “must himself fulfill the requirement for standing;” therefore, “he may not derive standing from the interests of another person or organization,” nor may he represent the interests of another person or organization without express authorization. *Florida Power and Light Co.* (St. Lucie, Units 1 and 2), CLI-89-21, 30 NRC 325, 329 (1989) (citations omitted).

An organization may base its standing either upon the interest of at least one of its members who has authorized the organization to represent him or her (i.e., representational standing) or upon the licensing action's effect upon the interest of the petitioning organization itself (i.e., organizational standing). See *Yankee Rowe*, CLI-98-21, 48 NRC at 195. An organization seeking to intervene in its own right (i.e., based on organizational standing) must demonstrate a palpable injury in fact to its organizational interests that is within the zone of interests protected by the AEA or NEPA. See *Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), CLI-94-3, 39 NRC 95, 102 n.10 (1994); *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 & 4), ALAB-952, 33 NRC 521, 528-30 (1991).

When an organization asserts a right to represent the interests of its members, judicial concepts of standing require a showing that: (1) its member(s) would otherwise have standing to sue in their own right; (2) the interests that the organization seeks to protect are germane to its purpose; and (3) neither the claim asserted nor the relief requested requires an individual member to participate in the organization's lawsuit. See *Private Fuel Storage*, CLI-99-10, 49 NRC at 323, *citing Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 343 (1977). In addition, the organization “[m]ust demonstrate how at least one member may be affected by the licensing action, must identify that member by name/address, and must show that the organization is authorized to request a hearing on that member’s behalf.” *N. States Power Co.* (Monticello; Prairie Island, Units 1 & 2; Prairie Island ISFSI), CLI-00-14, 52 NRC 37,

47 (2000).

In certain situations, the Commission has also recognized standing based on a petitioner's proximity to the facility at issue. See *Tenn. Valley Auth.* (Sequoyah Nuclear Plant, Units 1 & 2; Watts Bar Nuclear Plant, Unit 1), LBP-02-14, 56 NRC 15, 23 (2002). This recognition "presumes a petitioner has standing to intervene without the need specifically to plead injury, causation, and redressability if the petitioner lives within, or otherwise has frequent contacts with, the zone of possible harm from the nuclear reactor or other source of radioactivity." *Id.*, citing *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 & 4), LBP-01-6, 53 NRC 138, 146 (2001), *aff'd on other grounds*, CLI-01-17, 54 NRC 3 (2001). In construction permit and operating license proceedings, the "proximity presumption" generally applies to petitioners residing within fifty miles of a reactor. See *Sequoyah Fuels Corp. & Gen. Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 75 n.22 (1994). In an operating license amendment proceeding, however, a petitioner cannot base his or her standing on proximity unless the proposed action "quite obvious[ly] entails an increased potential for offsite consequences." *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 & 2), CLI-99-4, 49 NRC 185, 191 (1999), *pet. for rev. denied sub nom. Dienethal v. NRC*, 203 F.3d 52 (D.C. Cir. 2000). Absent such "obvious potential for offsite consequences, a petition must allege some specific 'injury-in-fact' that will result from the action taken . . . ." *Florida Power and Light Co.* (St. Lucie Nuclear Power Plant, Units 1 & 2), CLI-89-21, 30 NRC 325, 329-30 (1989).

To determine whether a petitioner is within the potential zone of harm of the proposed action, the nature of the proposed action and the significance of the radioactive source must be examined. See *Sequoyah/Watts Bar*, LBP-02-14, 56 NRC at 23. This determination is made on a case-by-case basis by examining the significance of the radioactive source in relation to the distance involved and the type of action proposed. See *Georgia Inst. of Tech.* (Georgia Tech Research Reactor, Atlanta, Georgia), CLI-95-12, 42 NRC 111, 116-17, *citing Sequoyah*

*Fuels*, CLI-94-12, 40 NRC at 75 n.22.

B. Legal Standards Governing the Admission of Contentions

To gain admission to a proceeding as a party, a petitioner must submit at least one admissible contention that meets the requirements of 10 C.F.R. § 2.309(f). 10 C.F.R. § 2.309(a).

This regulation requires a petitioner to:

- (i) provide a specific statement of the issue of law or fact to be raised or controverted;
- (ii) provide a brief explanation of the basis for the contention;
- (iii) demonstrate that the issue raised in the contention is within the scope of the proceeding;
- (iv) demonstrate that the issue raised in the contention is material to the findings the NRC must make to support the action that is involved in the proceeding;
- (v) provide a concise statement of the alleged facts or expert opinions which support the requestor's/petitioner's position on the issue and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue; and
- (vi) provide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief.

10 C.F.R. § 2.309(f)(1).

The Commission has emphasized that its rules on contention admissibility establish an evidentiary threshold more demanding than a mere pleading requirement and is "strict by design." *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-01-24, 54 NRC 349, 358 (2001), *reconsideration denied*, CLI-02-1, 55 NRC 1 (2002). Failure to comply with any of these requirements is grounds for dismissing a contention. See

*Private Fuel Storage*, CLI-99-10, 49 NRC at 325. The contentions should refer to the specific documents or other sources for which the petitioner is aware and upon which he or she intends to rely in establishing the validity of the contentions. *Millstone*, CLI-01-24, 54 NRC at 358, *citing Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2 & 3), CLI-99-11, 49 NRC 328, 333 (1999). The petitioner must submit more than “bald or conclusory allegation[s]” of a dispute with the applicant. *Id.* A contention will not be admitted “if the petitioner has offered no tangible information, no experts, no substantive affidavits, but instead only bare assertions and speculation.” *Fansteel, Inc.* (Muskogee, Oklahoma Site), CLI-03-13, 58 NRC 195, 203 (2003) (internal quotations omitted).

## II. SEC's Standing

To obtain standing in this proceeding, SEC must show “either an immediate or threatened injury to its organizational interests or to the interests of identified members.” *Georgia Tech*, CLI-95-12, 42 NRC at 115. In support of SEC’s standing, the Petition lists Thomas Saporito, the president of SEC, with a street address in Jupiter, Florida, and a mailing address at a post office box in Jupiter, Florida. Petition at 1. Petitioners claim that Mr. Saporito, as a U.S. citizen, has “an inherent right under the [AEA] to be made a party to the proceeding,” and therefore, based on Mr. Saporito’s citizenship and his status as president of SEC, SEC has a right to be made a party as well. *Id.* at 1-2. Petitioners also state that Mr. Saporito and SEC have “real property and personal property and financial interests *through their prospective business partners and clients* of which can be adversely affected” if operations at PBNP “cause a release of radioactive particles into the environment.” *Id.* at 2 (emphasis added). Specifically, Petitioners claim that such a release “could render the Petitioners’ prospective business partners and clients’ home and property unavailable for human contact or use for many years or forever,” and “could forever compromise the environment where the Petitioners’ prospective business partners and clients reside, live and do business and therefore economically harm

Petitioners.” *Id.*

Neither Mr. Saporito, as an individual, nor SEC, as an organization, has made the required showing to support standing.<sup>5</sup> First, contrary to Petitioners’ assertion, there is no “inherent right” under the AEA, based on U.S. citizenship or otherwise, to participate as a party in a proceeding. See *BPI v. Atomic Energy Commission*, 502 F.2d 424, 428 (D.C. Cir. 1974) (stating that the AEA “does not confer the automatic right of intervention on anyone”).

Second, Petitioners’ vague assertion of possible economic harm resulting from injury to unidentified “prospective business partners and clients” do not amount to a showing of “concrete and particularized” injury to Mr. Saporito’s interests or SEC’s interests that is “actual or imminent, not conjectural or hypothetical.” *Sequoyah Fuels Corp. and General Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 72 (1994). Petitioners have not identified any actual business partners or clients who would be affected; therefore, Petitioners’ assertion is merely speculative, hypothetical and insufficient to support standing. Moreover, Petitioners cannot gain standing in this proceeding by asserting injuries to others, nor can they represent the interests of others without express authorization. *St. Lucie*, CLI-89-21, 30 NRC at 329.<sup>6</sup>

Third, Petitioners vaguely assert that the alleged harm could result from “operations at . . . Point Beach,” Petition at 2, and fail to demonstrate that such injury would result *from the challenged license amendment*. *PPL Susquehanna LLC* (Susquehanna Steam Electric Station,

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<sup>5</sup> The Staff notes that in July, 2008, the same Petitioners requested a hearing seeking to challenge an NRC Confirmatory Order. *Florida Power & Light Co* (St. Lucie Nuclear Plant, Units 1 & 2), LBP-08-14, 68 NRC \_\_\_\_, slip op. at 11-12 (Aug. 15, 2008). The Board in that case ruled that the Petitioners had failed to establish standing based on assertions similar to those provided by the Petitioners here. *Id.*, slip op. at 8.

<sup>6</sup> The 1989 *St. Lucie* case also involved Mr. Saporito, where he attempted to demonstrate his own standing by asserting injury to others. *St. Lucie*, CLI-89-21, 30 NRC at 328. The Commission found that the petition “fail[ed] to meet the threshold standards for instituting a proceeding under the Commission’s regulations.” *Id.* at 330.

Units 1 & 2), LBP-07-10, 66 NRC 1, 15 (2007), *citing Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 & 2), CLI-99-4, 49 NRC 185, 188 (1999). Petitioners fail to indicate how the challenged license amendment would increase the risk of an offsite release of radioactive material. Because Petitioners have stated merely a vague “general objection to the facility,” they have not demonstrated injury-in-fact in this license amendment proceeding. *Id.*

Finally, Petitioners cannot rely on the proximity presumption to support their standing. The addresses provided in Jupiter, Florida are over 1200 miles from Point Beach, far beyond the 50-mile radius that would grant them proximity standing in a construction permit or operating license proceeding.<sup>7</sup> In this license amendment proceeding, where the 50-mile presumption does not apply, Petitioners have made no showing of an “obvious potential for offsite consequences” from the requested action that would justify recognizing any proximity presumption, much less one extending over 1200 miles from the plant site. *See St. Lucie*, CLI-89-21, 30 NRC at 329-30. Nor have Petitioners shown “a plausible chain of events that would result in offsite radiological consequences posing a distinct new harm or threat” from this purely administrative license amendment. *Zion*, CLI-99-4, 49 NRC at 192. Rather, Petitioners have provided only conclusory allegations about possible property, environmental and economic harm from the Point Beach facility. Therefore, because the proximity presumption does not apply, and because Mr. Saporito and SEC have failed to demonstrate injury-in-fact, Petitioners do not have standing in this proceeding.

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<sup>7</sup> Jupiter, Florida is approximately 1266 miles from Town of Two Creeks, Wisconsin, where Point Beach is located. This distance was determined using the distance calculator available at <http://www.infoplease.com/atlas/calculate-distance.html>, which calculates the straight-line air distance (“as the crow flies”) between two points.

III. SEC's Contentions

As explained below, the Petitioners' four contentions are inadmissible because they challenge the Staff's no significant hazards consideration ("NSHC") determination. The contentions are also inadmissible because they fail to satisfy, or even address, the Commission's contention pleading requirements as set forth in 10 C.F.R. § 2.309(f)(1).<sup>8</sup> A contention must be rejected if it fails to meet any one of those requirements. *Arizona Public Service Co.* (Palo Verde Nuclear Generating Station, Units 1, 2 & 3), CLI-91-12, 34 NRC 149, 155 (1991).

Petitioners' four contentions read as follows:

- (1) Petitioners contend here that the proposed amendment involving the steam generator tube rupture (SGTR) event evaluation and the postulated steam line break (SLB), locked rotor, and control rod ejection accident evaluations depicting a loss-of-coolant (LOCA) could eject one or more steam generator tubes resulting in a LOCA event. Petitioners contend that the proposed amendment request therefore increases the probability or consequences of an accident previously evaluated.
- (2) Petitioners contend here that the proposed amendment may result in an operational variance outside the parameters considered in a safe shutdown earthquake (SSE) because the Model F steam generators may experience an unacceptable amount of loading on the tubes and result in their failure and/or pullout. Moreover, the margin of burst pullout could possibly fail during normal and postulated accident conditions. Thus, the proposed amendment may result in a significant increase in the probability or consequence of a SGTR and therefore a possible significant increase in the probability or consequences of an accident previously evaluated.
- (3) Petitioners contend here that the proposed amendment creates the possibility of a new or different accident from any accident previously

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<sup>8</sup> Other than stating their contentions, Petitioners provide no other discussion of the contentions in their petition. Petitioners have provided no discussion or explanation of the bases for their contentions, no facts, expert opinions, or documents that support their contentions, and no supporting reasons for the alleged deficiencies in the licensee's analysis of no significant hazards consideration. See Petition at 2. On its face, therefore, the Petition is deficient because it fails to address the requirements of 10 C.F.R. § 2.309(f)(1).

evaluated because the proposed change may result in a tube ejection which from a loss of tube bundle integrity.

- (4) Petitioners contend here that the proposed amendment involves a significant reduction in a margin of safety with respect to the required structural margins of the steam generator tubes for both normal and accident conditions through one or more failures of the tubesheet (i.e., Cracking, burst, pullout).

Petition at 2-3.

At the outset, the Staff notes that each of these contentions challenges the Staff's proposed NSHC determination for this proposed amendment. Specifically, each contention proposes that one of the three criteria of 10 C.F.R. § 50.92(c) has not been met. A licensing board may not entertain such a challenge. *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), LBP-91-7, 33 NRC 179, 183 (1991); *see also* 10 C.F.R. § 50.58(b)(6) (only the Commission, at its discretion, may review such a determination).

The contentions are also inadmissible under the Commission's pleading requirements because the Petitioners fail to provide an adequate basis, fail to provide supporting facts or expert opinion, and fail to raise a genuine dispute of material fact or law with the applicant. 10 C.F.R. § 2.309(f)(1)(ii), (v), (vi). A petitioner must provide "a specific statement of the issue of law or fact to be raised or controverted." 10 C.F.R. § 2.309(f)(1)(i) (emphasis added). The filing of "vague, unparticularized contentions" is prohibited. *Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2, and 3), CLI-99-11, 49 NRC 328, 338 (1999). A petitioner must also "provide some sort of minimal basis indicating the potential validity of the contention." Rules of Practice for Domestic Licensing Proceedings—Procedural Changes in the Hearing Process, 54 Fed. Reg. 33,168, 33,170 (Aug. 11, 1989). It is the petitioner's responsibility to formulate its contentions and provide the information necessary to satisfy the basis requirement. *USEC, Inc.* (American Centrifuge Plant), CLI-06-10, 63 NRC 451, 457 (2006), *quoting Public Service Co. of New Hampshire* (Seabrook Station, Units 1 & 2), ALAB-942, 32 NRC 395, 416-17 (1990).

The Petitioners have failed to provide an adequate basis for any of their contentions. Each contention consists of a vague, speculative assertion that one of the NSHC criteria has not been met. For example, Contention 1 asserts that certain event or accident evaluations “depicting a loss-of-coolant (LOCA) could eject one or more steam generator tubes resulting in a LOCA event.” Contention 2 asserts that “the Model F steam generators may experience an unacceptable amount of loading on the tubes and result in their failure and/or pullout,” and that “the margin of burst pullout could possibly fail during normal and postulated accident conditions.” Contention 3 asserts that the “the proposed change may result in a tube ejection which from a loss of tube bundle integrity.” Contention 4 asserts that the required structural margins of the steam generator tubes will be significantly reduced “through one or more failures of the tubesheet (i.e., Cracking, burst, pullout).” Other than these speculative, conclusory statements, the Petitioners provide no factual basis or any explanation for all the contentions. Because Petitioners fail to state even a minimal basis for their contentions, they have not met the requirement of 10 C.F.R. § 2.309(f)(1)(ii), and the contentions should be rejected.

A petitioner must also provide a “concise statement of the alleged facts or expert opinions which support the [petitioner’s] position on the issue . . . together with references to specific sources and documents on which [the petitioner] intends to rely to support its position.” 10 C.F.R. § 2.309(f)(1)(v). Petitioners have failed to provide any statement of facts, any expert opinions, or any references to sources or documents supporting their position on any of the proposed contentions; therefore, their contentions amount to nothing more than “bare assertions and speculation” which must be rejected. *Fansteel*, CLI-03-13, 58 NRC at 203.

Finally, the Petitioners must “show that a genuine dispute exists” with regard to the license amendment application. 10 C.F.R. § 2.309(f)(1)(vi). To do so, the petition must “identify the disputed portion of the application, and provide ‘supporting reasons’ for the challenge to the application,” or, if the petitioner alleges that information has been omitted from the application,

“identify each [omission] and the supporting reasons for the petitioner’s belief.”

USEC, CLI-06-10, 63 NRC at 456 (internal citations omitted). Here, the Petitioners have not identified specific portions of the LAR that they dispute, or specific omissions, in any of their contentions. Nor have they supplied supporting reasons for such challenges or omissions. Therefore, the Petitioners have failed to raise a genuine dispute with the Applicant and their contentions must be rejected.

CONCLUSION

For the foregoing reasons, the Petition filed by Thomas Saporito as President of SEC fails to comply with the standing requirements of 10 C.F.R. § 2.309(d) and the contention admissibility requirements of 10 C.F.R. § 2.309(f)(1). Therefore, the petition to intervene and request for hearing should be denied.

Respectfully submitted,

**/Signed (electronically) by/**

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**/Executed in Accord with 10 CFR § 2.304(d)/**

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Dated at Rockville, Maryland  
this 15th day of September, 2008

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket Nos. 50-266-LA
FPL Energy, Point Beach, LLC	)	
	)	ASLBP No. 08-870-01-LA-BD01
(Point Beach Nuclear Plant, Unit 1)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER TO SAPORITO ENERGY CONSULTANTS' PETITION TO INTERVENE AND REQUEST FOR HEARING" in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 15<sup>th</sup> day of September, 2008.

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