

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION**

In the Matter of	)	
	)	
Florida Power & Light Co.	)	Docket Nos. 52-040-COL
Turkey Point Units 6 & 7	)	52-041-COL
	)	
Combined Construction and License	)	ASLBP No. 10-903-02-COL
Application	)	
	)	September 16, 2010
	)	
_____	)	

**THE VILLAGE OF PINECREST'S REPLY TO FP&L'S ANSWER OPPOSING  
ITS PETITION TO INTERVENE IN THE TURKEY POINT UNITS 6 & 7  
COMBINED CONSTRUCTION AND OPERATING LICENSE APPLICATION  
PROCEEDING**

On August 16, 2010, the Village of Pinecrest filed a petition for leave to intervene and request a hearing in the above-styled matter, and pled in the alternative that should it not be admitted as a party to the proceeding pursuant to 10 C.F.R. § 2.309, it should be still be allowed to participate as a non-party interested local government pursuant to 10 C.F.R. § 2.315(c). On September 9, 2010, applicant Florida Power & Light Co. (FPL) filed its answer opposing Pinecrest's petition to intervene. The Rules of Practice for Licensing Proceedings and Issuance of Orders permits a petitioner to file a reply to the answer within 7 days of service of the answer's filing. 10 C.F.R. 2.309(h)(2). The Village of Pinecrest has made timely filing pursuant to 10 C.F.R. 2.309(h)(2), and therefore offers its reply to FPL's answer opposing its petition for leave to intervene, or in the alternative, to participate as an interested non-party local government.

***FPL DOES NOT CHALLENGE THE VILLAGE OF PINECREST'S INTEREST IN THE PROCEEDING OR ITS ENTITLEMENT TO PARTICIPATE IN A HEARING AS A NON-PARTY INTERESTED LOCAL GOVERNMENT***

In its Petition for Leave to Intervene, the Village of Pinecrest asserted an alternative mode of hearing participation should the licensing board find its proposed contentions inadmissible. The Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders which govern COL proceedings of the Nuclear Regulatory Commission provide an explicit entitlement to reasonable participation by interested local governments. Pursuant to 10 C.F.R. § 2.315 (e):

The presiding officer *will* afford an interested State, local governmental body (county, municipality or other subdivision), and affected, Federally-recognized Indian Tribe, which has not been admitted as a party under § 2.309, a reasonable opportunity to participate in a hearing. Each State, local governmental body, and affected Federally-recognized Indian Tribe shall, in its request to participate in a hearing, each designate a single representative for the hearing. The representative shall be permitted to introduce evidence, interrogate witnesses where cross-examination by the parties is permitted, advise the Commission without requiring the representative to take a position with respect to the issue, file proposed findings in those proceedings where findings are permitted, and petition for review by the Commission under § 2.341 with respect to the admitted contentions. The representative shall identify those contentions on which it will participate in advance of any hearing held. (*emphasis added*)

As presented in the Village's Petition for Leave to Intervene, the Village of Pinecrest and its residents are presumed to meet the injury-in-fact requirement for standing due to their proximity to the proposed Turkey Point Units 6 & 7, being situated less than 20 miles from the proposed site. The presumption recognizes that persons within a certain distance of nuclear power plants have an obvious interest in their safe construction and operation because of the potential harmful effects of radioactive material routinely or accidentally released into the air or water. In addition to this



## **VI. CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2010, I electronically filed the foregoing petition with the electronic filing system of the U.S. Nuclear Regulatory Commission and that persons and parties of record were electronically served.