

October 12, 2010

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
Florida Power & Light Company	)	Docket Nos. 52-040-COL
	)	52-041-COL
(Turkey Point Units 6 and 7)	)	
	)	ASLBP No. 10-903-02-COL
(Combined License)	)	

**Florida Power & Light Company’s Motion to Strike Portions of Citizens Allied for Safe Energy’s Reply to Florida Power & Light Company’s Answer Opposing Revised Petition to Intervene and Request for Hearing**

**I. INTRODUCTION**

Pursuant to 10 C.F.R. § 2.323(a), Florida Power & Light Company (“FPL”) hereby moves to strike portions of the “Reply to Florida Power & Light Company’s Answer Opposing Citizens Allied for Safe Energy, Inc.’s Revised Petition to Intervene and Request for Hearing in Turkey Point Units 6 and 7 Combined Construction and Operating License Application” (“CASE’s Reply”) filed by Petitioner Citizens Allied for Safe Energy, Inc. (“CASE”) in this proceeding on September 30, 2010.<sup>1</sup>

CASE’s Reply raises entirely new issues and makes factual claims not found in CASE’s August 20, 2010 “Petition to Intervene and Request for Hearing” (“CASE’s Revised Petition”). CASE’s Reply provides no basis for accepting such late-filed amendments to CASE’s contentions, as required by 10 C.F.R. §§ 2.309(c) and (f)(2).

---

<sup>1</sup> Although dated September 29, 2010, the CASE Reply was actually filed electronically in the early morning of September 30, 2010.

Accordingly, the portions of CASE's Reply containing new, late-filed issues and claims must be stricken, together with the materials offered by CASE in support of them.

## II. BACKGROUND

FPL submitted an application to the NRC for a combined license for Turkey Point Units 6 & 7 ("Application") on June 30, 2009. The NRC Staff conducted a sufficiency review and, finding the Application acceptable for docketing, docketed the Application on September 4, 2009. On June 18, 2010, the NRC published in the Federal Register a "Notice of Hearing and Opportunity to Petition for Leave to Intervene and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation on a Combined License for Turkey Point Units 6 & 7," 75 Fed. Reg. 34,777 ("Hearing Notice"). The Hearing Notice stated that petitions to intervene were to be filed by August 17, 2010. The Revised Petition was filed on August 20, 2010, three days late.

The Hearing Notice states:

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a combined license in response to the application. The petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application 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.

75 Fed. Reg. at 34,778.

CASE filed a Petition to Intervene and Request for Hearing at various times on August 18, 2010 ("Original Petition") and again, in revised form, on August 20, 2010 ("Revised Petition").<sup>2</sup> On September 13, 2010 FPL filed its "Answer Opposing Citizens Allied for Safe Energy, Inc.'s Revised Petition to Intervene and Request for Hearing" ("FPL Answer") opposing CASE's Revised Petition on the grounds that CASE had failed to plead an admissible contention. On the same day, the NRC Staff filed its "NRC Staff Answer to Citizens Allied for Safe Energy, Inc. Petition to Intervene and Request for a Hearing" ("Staff's Answer") in which the Staff stated that it did not object to the admission of limited versions of CASE's Contentions 6 and 7 but opposed the admission of the remaining six contentions.

On September 30, 2010, CASE filed its Reply.<sup>3</sup> In it, CASE does not limit itself to defending the adequacy of its contentions as pled in its Revised Petition. Rather, CASE makes new allegations to bolster its contentions and attaches four new exhibits, all raising issues and making claims nowhere to be found in the Revised Petition. As discussed below, CASE's addition of new claims and arguments beyond those in its Revised Petition is clearly impermissible under the Commission's rules of practice and controlling NRC

---

<sup>2</sup> CASE's Original Petition set forth seven contentions. CASE's Revised Petition added an eighth contention, challenging the Limited Work Authorization application filed with the Application (and since withdrawn). FPL has filed a motion to strike CASE's added Contention 8 on the grounds of untimeliness. Florida Power & Light Company's Motion to Strike Proposed Contention 8 in Citizens for Safe Energy, Inc.'s Revised Petition to Intervene in Turkey Point Units 6 and 7 Combined Construction and Operating License Application (September 13, 2010). That motion is pending.

<sup>3</sup> Although replies to the answers to petitions to intervene were due on September 20, 2010, the Board extended the deadline to October 1, 2010. Order (Granting, in Part, Joint Petitioners' and CASE's Motions for Extension of Time) (September 17, 2010) ("Extension of Time Order").

case law, and seeks to gain CASE an unfair advantage over FPL and the NRC Staff, who have not had an opportunity to address these new issues and claims.

### III. ARGUMENT

#### A. CONTROLLING AUTHORITY

Under the NRC's rules at 10 C.F.R. § 2.309(h)(2), a petitioner may file a reply to any answer within seven days after service of the answer. While the Commission's rules do not specify the content of such a reply, the Statement of Considerations published with the final rule and Commission precedent make clear that the reply is to "be narrowly focused on the legal or logical arguments presented" in the answers of the applicant and NRC Staff. Final Rule: Changes to Adjudicatory Process, 69 Fed. Reg. 2,182, 2,203 (Jan. 14, 2004). In this case, CASE has gone far beyond any reasonable interpretation of an allowable reply by raising numerous new factual claims and arguments in its Reply. The portions of CASE's Reply where this is done and the extraneous new evidentiary materials provided in support of the Reply must be stricken, and may not be considered by the Board in determining the admissibility of CASE's contentions.

The Commission has ruled that a reply to an answer may *not* be used as a vehicle to raise new arguments or claims not found in the original contention, nor be used to cure an otherwise deficient contention. *Louisiana Energy Services, L.P.* (National Enrichment Facility), CLI-04-25, 60 NRC 223, 224-25 (2004), *reconsideration denied* CLI-04-35, 60 NRC 619 (2004) ("*LES*"); *Nuclear Management Company, LLC* (Palisades Nuclear Plant), CLI-06-17, 63 NRC 727, 732 (2006); *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant), CLI-08-19, 68 NRC 251, 262 n.32 (2008); *PPL Susquehanna LLC* (Susquehanna Steam Electric Station, Units 1 and 2), CLI-07-25, 66 NRC 101, 106 n.26 (2007). In the

*LES* case, the licensing board rejected four contentions filed by the State of New Mexico Environment Department (“Environment Department”) and the New Mexico Attorney General (“Attorney General”) and “declined to consider new ‘purportedly material’ information in support of the contentions that was first submitted as part of a reply pleading.” *LES*, CLI-04-25, 60 NRC at 224. On appeal of the board’s decision, the Commission agreed that “the reply briefs constituted a late attempt to reinvigorate thinly supported contentions by presenting entirely new arguments in the reply briefs.” *Id.* The Commission went on to state that such a course of action was impermissible under its rules of practice:

[O]ur contention admissibility and timeliness requirements “demand a level of discipline and preparedness on part of petitioners,” who must examine the publicly available material and set forth their claims and the support for their claims at the outset. *The Petitioners’ reply brief should be “narrowly focused on the legal or logical arguments presented in the applicant/licensee or NRC staff answer,”* a point the Board itself emphasized in this proceeding. As we face an increasing adjudicatory docket, the need for parties to adhere to our pleading standards and for the Board to enforce those standards are paramount. There simply would be “no end to NRC licensing proceedings if petitioners could disregard our timeliness requirements” and add new bases or new issues that “simply did not occur to [them] at the outset.”

*Id.* at 224-25 (footnotes omitted) (emphasis added).

In denying requests for reconsideration from the Attorney General and the Environment Department and reaffirming its holding in CLI-04-25, the Commission reiterated the explanations in CLI-04-25 as to why allowing a reply to raise new arguments or claims not found in the original contention would eviscerate its requirements for the pleading of contentions:

“Allowing contentions to be added, amended, or supplemented at any time would defeat the purpose of the specific contention requirements” . . . “by permitting the intervenor to initially file vague, unsupported, and generalized

allegations and simply recast, support, or cure them later.” The Commission has made numerous efforts over the years to avoid unnecessary delays and increase the efficiency of NRC adjudication and our contention standards are a cornerstone of that effort. We believe that the 60-day period provided under 10 C.F.R. § 2.309(b)(3) for filing hearing requests, petitions, and contentions is “more than ample time for a potential requestor/intervenor to review the application, prepare a filing on standing, and develop proposed contentions and references to materials in support of the contentions.” Under our contention rule, Intervenor’s are not being asked to prove their case, or to provide an exhaustive list of possible bases, but simply to provide sufficient alleged factual or legal bases to support the contention, and to do so at the outset. We agree with the Licensing Board that on these four particular contentions, the Attorney General and the Environment Department failed to do so.

CLI-04-35, 60 NRC at 622-23 (footnotes omitted).

The Commission went on to reaffirm its holding that a reply to an answer may *not* be used as a vehicle to raise new arguments or claims not found in the original contention or be used to cure an otherwise deficient contention:

*What our rules do not allow is using reply briefs to provide, for the first time, the necessary threshold support for contentions; such a practice would effectively bypass and eviscerate our rules governing timely filing, contention amendment, and submission of late-filed contentions.*

*Id.* at 623 (emphasis added).

The Commission later expanded upon the appropriate content of reply briefs in an adjudicatory proceeding in the *Palisades* license renewal proceeding, where the licensing board had held that it would not “consider anything in the [Petitioners’] Reply that [did] not focus on the matters raised in the [applicant’s and Staff’s] Answers.” *Nuclear Management Company, LLC* (Palisades Nuclear Plant), LBP-06-10, 63 NRC 314, 329 (2006). For example, regarding a contention on reactor pressure vessel embrittlement, the licensing board declined to consider new information submitted in the petitioners’ reply, finding that petitioners had provided no good cause for failing to provide that information with the original petition to intervene. *Id.* at 351 (noting that the reply included an exhibit

from a 1970 report, references to documents produced in the 1990s, and a letter from March 2005, which preceded by five months the August 2005 deadline for submission of intervention petitions). Thus, the licensing board limited its admissibility review of the embrittlement contention to that information submitted with the original petition in support of the contention. *Id.*

The Commission affirmed the licensing board, ruling that the petitioners' reply "constituted an untimely attempt to supplement" the contention. *Palisades*, CLI-06-17, 63 NRC at 730. The Commission noted that the proposed one sentence contention and paragraph-long basis stood in "stark contrast" to the 22 pages of material relating to the contention submitted in the reply brief and found that the additional arguments contained in the reply were "not even suggested" by the petitioners' proposed embrittlement contention as initially pled. *Id.* at 730-31.

The Commission then held that "[n]ew bases for a contention cannot be introduced in a reply brief, or any other time after the date the original contentions are due, unless the petitioner meets the late-filing criteria set forth in 10 C.F.R. §§ 2.309(c), (f)(2)." *Id.* at 732. *See also AmerGen Energy Company, LLC* (Oyster Creek Nuclear Generating Station), CLI-09-7, 69 NRC 235, 261 & 276 (2009) (holding that neither new bases nor new arguments may be raised in a reply brief unless the standards for late-filed contentions are met); *Crow Butte Resources, Inc.* (North Trend Expansion Project), CLI-09-12, 69 NRC 535, 568 (2009). Further, a petitioner cannot remediate a deficient contention "by introducing in the reply documents that were available to it during the time frame for initially filing contentions." *Palisades*, CLI-06-17, 63 NRC at 732. The Commission reiterated its holding in the *LES* decision: allowing new content in reply briefs "would

defeat the contention-filing deadline.” *Id.* In addition, the Commission held that allowing new claims in a reply “would unfairly deprive other participants of an opportunity to rebut the new claims.” *Id.*

Thus, the Commission has warned that a reply to an answer may not be used to cure or supplement an otherwise deficient contention. As made clear by the Commission, a contrary ruling would eviscerate the rules of practice governing timely filing of properly pled contentions, contention amendments, and submission of late-filed contentions, and would unfairly limit the other proceeding participants’ ability to rebut new information.

The NRC rules provide that “amended or new contentions filed after the initial filing” may be submitted “*only with leave of the presiding officer upon a showing that –*

(i) The information upon which the amended or new contention is based was not previously available;

(ii) The information upon which the amended or new contention is based is materially different than information previously available;

and

(iii) The amended or new contention has been submitted in a timely fashion based on the availability of the subsequent information.”

10 C.F.R. § 2.309(f)(2) (emphasis added). As held by the Commission in *LES* and *Palisades*, allowing a reply to introduce unauthorized new or amended claims or arguments would eviscerate these provisions of the rule, rendering them meaningless.

In applying these standards, licensing boards have struck, or declined to consider, new information or argument offered in a reply pleading. *See, e.g., Luminant Generation Company, LLC* (Comanche Peak Nuclear Power Plant, Units 3 and 4), LBP-09-17, 70 NRC \_\_\_, slip op. at 9-10 (Aug. 6, 2009); *PPL Susquehanna LLC* (Susquehanna Steam

Electric Station, Units 1 and 2), LBP-07-10, 66 NRC 1, 32 (2007); *PPL Susquehanna LLC* (Susquehanna Steam Electric Station, Units 1 and 2), LBP-07-4, 65 NRC 281 301-02 (2007).

When it granted the extension of time to file a reply sought by CASE, this Board warned – consistent with the Commission authority described above – that: “We emphasize that the granting of additional time to prepare a reply should not be viewed by petitioners as license to raise new arguments, to add new bases to their contentions, or to inject new issues into this proceeding. *See Louisiana Energy Serv., L.P.* (National Enrichment Facility), CLI-04-25, 60 NRC 223, 225 (2004).” Extension of Time Order at 4, n. 10.

CASE’s Reply runs afoul of the Commission’s rules of practice and its decisions in *LES* and *Palisades*, as well as the Board’s directive. Rather than responding to legal or logical arguments raised in FPL’s or the NRC Staff’s answers, the Reply raises, without seeking leave of the Board, new arguments and claims nowhere to be found within the Revised Petition. These claims are based on new documents and other information, neither referenced in, nor supplied with, the Revised Petition. Permitting introduction of these new claims and supporting information would “bypass and eviscerate” the NRC’s hearing rules,<sup>4</sup> and “unfairly deprive other participants of an opportunity to rebut the new claims.” *Palisades*, CLI-06-17, 63 NRC at 732.

---

<sup>4</sup> *See LES*, CLI-04-35, 60 NRC at 623.

**B. MANY PORTIONS OF CASE'S REPLY MUST BE STRICKEN**

Significant portions of CASE's Reply violate the Commission rulings that a reply to an answer may not raise new arguments or claims not found in the original contention or be used to cure an otherwise deficient contention. Accordingly, those portions of CASE's Reply must be stricken.<sup>5</sup>

1. CASE Has Totally Rewritten Contention 1 in the Reply, Raising a Host of New Arguments and Claims

CASE Contention 1 reads:

The emergency plan on file with Miami-Dade County does [sic] adequately protect public health of people in the Turkey Point Plume Exposure Zone following an accidental radiation release from FPL's nuclear reactor facilities at Turkey Point.

Revised Petition at 11.

As presented in the Revised Petition, the focus of Contention 1 is an unspecified "emergency plan on file with Miami-Dade County" (Revised Petition at 11), which CASE claims contains certain deficiencies. Contention 1, as submitted, does not challenge any aspect of the Turkey Point Plant Radiological Emergency Plan For Turkey Point Units 6 & 7, included in Part 5 of the Application, nor does it challenge the State of Florida Radiological Emergency Management Plan nor its Annex A, Appendix II, Turkey Point Nuclear Power Plant Site Plan. The contention also does not even mention, let alone challenge, the Evacuation Time Estimates ("ETE") Report prepared in support of the Application.

---

<sup>5</sup> Attachment 1 to this Motion describes where the impermissible new facts, claims, and arguments are located in CASE's Reply and accompanying materials.

In its Reply, CASE presents an entirely new analysis, apparently prepared by Dr. Philip Stoddard, professor of biology at Florida International University. CASE's Reply at 16. In this analysis, CASE adds *nearly thirty* new claims, including among others challenges to the ETE, impacts of the timing of containment failure and wind speed, shelter capacity, KI issues, alleged threats to the health of pregnant women, unborn babies and children, and efficacy of sheltering. See Attachment 1.

CASE's new factual claims enlarge on the original contention to the point that it barely resembles the original. These new claims are asserted at the last minute, in CASE's Reply, leaving FPL and the NRC Staff without the opportunity to address them. Fairness and Commission precedent require that all the offending portions of CASE's Reply regarding Contention 1 be stricken.

2. Portions of the Reply on Contention 2 Contain new Claims

Contention 2 is a subset of Contention 1, since it repeats the allegation made in Contention 1 that the evacuation times in the event of a radiological emergency at Turkey Point 6 and 7 are "too long to protect the health and safety of the public." Revised Petition at 16. In its Reply on Contention 2, CASE makes new factual assertions not found in the Revised Petition, including claims relating to wind speed impacts on the spread of the radioactive plume and evacuation effectiveness. See Attachment 1.

FPL could not have addressed these claims because they were not asserted by CASE in its Revised Petition. They should be stricken.

3. CASE's Reply on Contention 3 Includes new Factual Claims and Three Exhibits that were not part of the Revised Petition

Contention 3 claims that FPL's Application is deficient because it fails to address the effects of particulate matter which will allegedly be deposited on areas surrounding the Turkey Point Units 6 and 7 site due to cooling tower drift. CASE describes such particulates as including hormones, pharmaceuticals, antibiotics, and other compounds that are "typically" found in modern wastewater facilities. Revised Petition at 26-27.

CASE's Reply on Contention 3 includes half a dozen paragraphs that contain new factual assertions and three exhibits (Exhibits 1, 3 and 4) that were not part of the Revised Petition. CASE now alleges a host of health impacts from radiation exposure, from living in South Florida, and from proximity to transmission lines. See Attachment 1.

All of those paragraphs and the three exhibits they cite and attach represent new arguments in support of original Contention 3 and must be stricken.

4. CASE's Reply on Contention 4 adds Several new Claims and an Exhibit that were not part of the Revised Petition

CASE Contention 4 reads: "The COL fails to completely address the radiation exposure that would be caused by a radiological accident. Specifically, there is no radiation dosage given for persons a) fishing and/or b) consuming marine-based food." This is a contention of omission. In replying to FPL's answer opposing the admission of Contention 4, which specifies where in the Application the allegedly omitted information can be found, CASE impermissibly changes the contention to one that now challenges the validity of the analyses of radiological doses that CASE Contention 4 originally alleged were omitted. See Attachment 1. This is a challenge to the Application raised for the first time in the Reply.

These newly-minted challenges to the methodology used in the Application's evaluation of severe accident mitigation alternatives must be stricken, as well as Exhibit 2 to CASE's Reply, which purportedly supports them.

5. CASE's Reply on Contention 5 Includes new Legal and Factual Claims that Should be Stricken

In Contention 5, CASE argues that FPL's FSAR and ER must be considered invalid because neither considers nor incorporates any scientifically valid projection for sea level rise through this century and beyond.

In its Reply, CASE seeks to bolster its contention by, for the first time, citing the Atomic Energy Act as requiring a sea level rise analysis. CASE's Reply at 32. CASE also alleges, for the first time, that a rise in the sea level will adversely affect the plant's equipment, facilities, and support structures. *Id.* These new legal and factual allegations should be stricken.

#### **IV. CONCLUSION**

As demonstrated above, the referenced portions of CASE's Reply are in violation of the Commission regulations and controlling precedent. Those portions, and the four exhibits that CASE offers in support of them, must be stricken.

## CERTIFICATION

In accordance with 10 C.F.R. §2.323(b), counsel for FPL has discussed this motion with counsel for the other interested parties in this proceeding in an attempt to resolve this issue but has not been successful in resolving it.

Respectfully Submitted,

/Signed electronically by Matias F. Travieso-Diaz/

---

Mitchell S. Ross  
Antonio Fernandez  
FLORIDA POWER & LIGHT COMPANY  
700 Universe Blvd.  
Juno Beach, Florida 33408  
Telephone: 561-691-7126  
Facsimile: 561-691-7135  
E-mail: [mitch.ross@fpl.com](mailto:mitch.ross@fpl.com)  
[Antonio.fernandez@fpl.com](mailto:Antonio.fernandez@fpl.com)

Steven Hamrick  
FLORIDA POWER & LIGHT COMPANY  
801 Pennsylvania Avenue, N.W. Suite 220  
Washington, DC 20004  
Telephone: 202-349-3496  
Facsimile: 202-347-7076  
E-mail: [steven.hamrick@fpl.com](mailto:steven.hamrick@fpl.com)

John H. O'Neill, Jr.  
Matias F. Travieso-Diaz  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
2300 N Street, NW  
Washington, DC 20037-1128  
Telephone: (202) 663-8148  
Facsimile: 202-663-8007  
E-mail: [john.o'neill@pillsburylaw.com](mailto:john.o'neill@pillsburylaw.com)  
[matias.travieso-diaz@pillsburylaw.com](mailto:matias.travieso-diaz@pillsburylaw.com)

Counsel for FLORIDA POWER & LIGHT  
COMPANY

October 12, 2010

## Attachment 1

Location of the new facts, claims, and arguments to be stricken from CASE's Reply:

### Contention 1: Emergency Plan Inadequacy

- Page 7, second full paragraph (all)
- Page 8, last paragraph, continuing on the first six lines of page 9
- Page 9, second full paragraph (all)
- Page 9, last paragraph (all)
- Page 10, first, second and third full paragraphs (all)
- Page 10, last paragraph, last sentence
- Page 11, second full paragraph (all)
- Page 11, last paragraph, continuing on the first two lines of page 12
- Page 12, first full paragraph (all)
- Page 12, last paragraph, second sentence, continuing on the first three lines of page 13 and the following indented quotation
- Page 13, first full paragraph (all)
- Page 14, entire page, including graph, continuing on the first eight lines of page 15
- Page 16, second full paragraph continuing to the end of the page

### Contention 2: Evacuation times too long

- Page 19, second full paragraph (all)
- Page 19, third full paragraph except first sentence

### Contention 3: Particulate emissions from cooling towers

- Page 25, second full paragraph, middle of fourth line to end of paragraph, and Exhibit 1
- Page 25, third full paragraph (all) and Exhibit 3
- Page 26, middle of second line to end of paragraph
- Page 26, first full paragraph (all) and Exhibit 4
- Page 26, third full paragraph (all)
- Page 28, first full paragraph (all)

### Contention 4: Omitted radioactive doses

- Page 30, paragraphs numbered 1 - 3, continuing on first full paragraph of page 31
- Page 31, second full paragraph (all) and Exhibit 2

### Contention 5: Effects of sea level rise

- Page 32, fifth through beginning of ninth line from top of page
- Page 32, first full paragraph, fifth line to end of page

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
Florida Power & Light Company	)	Docket Nos. 52-040-COL
	)	52-041-COL
(Turkey Point Units 6 and 7)	)	
	)	ASLBP No. 10-903-02-COL
(Combined License)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “Florida Power & Light Company’s Motion to Strike Portions of Citizens Allied for Safe Energy’s Reply to Florida Power & Light Company’s Answer Opposing Revised Petition to Intervene and Request for Hearing,” were provided to the Electronic Information Exchange for service to those individuals listed below and others on the service list in this proceeding, this 12th day of October, 2010.

Administrative Judge  
E. Roy Hawkens, Esq., Chair  
Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Email: erh@nrc.gov

Administrative Judge  
Dr. Michael Kennedy  
Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Email: michael.kennedy@nrc.gov

Administrative Judge  
Dr. William Burnett  
Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Email: wxb2@nrc.gov

Secretary  
Att’n: Rulemakings and Adjudications Staff  
Mail Stop O-16 C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
hearingdocket@nrc.gov

Office of Commission Appellate Adjudication  
Mail Stop O-16 C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: OCAAMAIL@nrc.gov

Lawrence D. Sanders  
Turner Environmental Law Clinic  
Emory University School of Law  
1301 Clifton Road  
Atlanta, GA 30322  
Email: Lawrence.Sanders@emory.edu

Patrick D. Moulding, Esq.  
Office of the General Counsel  
Mail Stop O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: Patrick.Moulding@nrc.gov

Gregory T. Stewart  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, Florida 32308  
E-mail: gstewart@ngnlaw.com

Barry J. White  
Authorized Representative  
CASE/Citizens Allied for Safe Energy, Inc.  
10001 SW 129 Terrace  
Miami, Florida 33176  
Email: bwtamia@bellsouth.net

/Signed electronically by Matias F. Travieso-Diaz/

---

Matias F. Travieso-Diaz