

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
E. Roy Hawkens, Chairman
Dr. Michael F. Kennedy
Dr. William C. Burnett

In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY)
) Docket Nos. 52-040-COL
) and 52-041-COL
)
Turkey Point Units 6 and 7)
)
Combined License Application)

April 18, 2011

MOTION TO AMEND CONTENTIONS 1,2, AND 5 OF THE CASE
REVISED PETITION TO INTERVENE , (AUGUST 20, 2010)

INTRODUCTION

On August 20, 2010 Citizens Allied for Safe Energy, Inc., (CASE) filed pro se a Revised Petition to Intervene and Request for a Hearing before the Atomic Safety Licensing Board. On February 28, 2011 the ASLB Panel issued MEMORANDUM AND ORDER (Ruling on Petitions to Intervene) ASLBP No. 10-903-02-COL-BD01. The Ruling addressed CASE's eight contentions and the contentions of other petitioners. CASE is only concerned with its own Contentions 1,2 and 5 in this motion, and comes now to offer timely amended versions of these contentions, based on events in the past month.

BACKGROUND

On March 30, 2011 the ASLB issued INITIAL SCHEDULING ORDER AND ADMINISTRATIVE DIRECTIVES in relation to the MEMORANDUM AND

ORDER referenced above. At 8 the Scheduling Order states:

B. Additional Contentions

A party seeking to file a motion or request for leave to file a new or amended contention shall file such motion and the substance of the proposed contention simultaneously. The pleading shall include a motion for leave to file a timely new or amended contention under 10 C.F.R. § 2.309(f)(2), or a motion for leave to file a nontimely new or amended contention under 10 C.F.R. § 2.309(c)(1) (or both), and the explanation for the proposed new or amended contention showing that it satisfies 10 C.F.R. § 2.309(f)(1). A motion and proposed new or amended contention as specified above shall be deemed timely under 10 C.F.R. § 2.309(f)(2)(iii) if it is filed within thirty (30) days of the date when the new and material information on which it is based first becomes available.

This document is the pleading. Attached at 1, 2 and 3 are the newly amended contention. Additional attachments (x, y, z) provide supporting documents relevant to CASE offering these amendments.

LIST OF CONTENTIONS

CONTENTION 1 -- FAILURE AND OMISSION OF THE FPL COL FOR THE PROPOSED TURKEY POINT NUCLEAR REACTORS 6&7 TO PROVIDE FOR AN ADEQUATE PUBLIC SAFETY PLAN

CONTENTION 2 -- FAILURE AND OMISSION OF THE FPL COL FOR THE PROPOSED TURKEY POINT NUCLEAR REACTORS 6&7 TO PROVIDE FOR THE SAFE AND ORDERLY EVACUATION OF THE POPULATION DURING OR FOLLOWING A NUCLEAR EVENT (UNUSUAL NUCLEAR OCCURANCE)

CONTENTION 5 – FAILURE AND OMISSION OF THE FPL COL FOR THE PROPOSED TURKEY POINT NUCLEAR REACTORS 6&7 ANALYSIS TO CONSIDER OR INCORPORATE ANY SCIENTIFICALLY VALID PROJECTION FOR SEA LEVEL RISE AND CLIMATE CHANGE THROUGH THE END OF THIS CENTURY AND BEYOND.

BASIS FOR AMENDING CONTENTIONS 1, 2 and 5:

On March 11, 2011 an earthquake off of the coast of Japan caused a catastrophic tsunami which impacted the Fukushima Dai-ichi nuclear power plant in Japan. Japan's Meteorological Agency said the magnitude earthquake that hit northeastern Japan measured about 9 Richter scale. Similarly, Japan's Kyodo News Agency quoted this level on Sunday (03/13/2011). Earlier, Japan's Meteorological Agency said the strength of the earthquake that followed the tsunami was 8.9 Richter scale. This earthquake, as reported by Kyodo News Agency, is one of the largest earthquakes in Japan. Over 14,000 people are confirmed dead.

In the weeks and month following this tragic event, there have been reports almost daily of new information and insights holding important lessons for all concerned with the safe operation of nuclear facilities everywhere. CASE finds and brings to this proceeding specific issues that are germane to the substance of the emergency planning and sea-level contentions we brought when the Petition to Intervene was filed.

Since key documents upon which CASE bases its amendments were dated March 18, or after, CASE views this motion to amend Contentions 1, 2 and 5 as timely.

CASE remains committed to the health, safety and security of the XX (insert number) CASE members who it represents in this proceeding. Interveners view it as a moral obligation to seek consideration of the new and additional information that is offered here.

SUBSTANCE OF THE PROPOSED RECONSIDERATION

An attachment, Substance Of The Proposed Reconsideration, is provided separately.

SUMMARY STATEMENT

Unusual circumstances merit unusual actions. CASE contends that the occurrence and experience of Fukushima require the amendment and reconsideration of the matters raised in Contentions 1,2 and 5. We respectfully request the ASL Panel to review information offered here, including a reframing of some of the information offered in the CASE Petition in the light of the events of the past month. We resubmit original attachments that are relevant and also offer additional items here. Please address this material with a fresh point of view, informed as it is for all us by the events in Fukushima Prefecture. In addition to the CASE members represented here, the residents, workers and visitors in the Turkey Point area deserve no less.

Respectfully submitted,

/signed electronically by/
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:
E. Roy Hawkens, Chair
Dr. Michael F. Kennedy
Dr. William C. Burnett

| In the Matter of _____)
| Florida Power & Light Company _____) Docket No. 52-040 and 52-041
| Combined License Application for _____)
| Turkey Point Units 6 & 7 _____)
| _____)

CERTIFICATE OF SERVICE

I, BARRY J. WHITE, hereby certify that copies of the foregoing was served upon the following persons by Electronic Information Exchange and/or electronic mail.

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| Dated: April 18, 2011

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