

August 20, 2011

**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 OBJECTION TO INTERVENORS’
SUBMISSION OF RULEMAKING PETITION AND REQUEST FOR STAY OF
LICENSING PROCEEDING TO ATOMIC SAFETY AND LICENSING BOARD

Intervenors Mark Oncavage, Dan Kipnis, Southern Alliance for Clean Energy, and National Parks Conservation Association (“Joint Intervenors”) and Citizens Allied for Safe Energy, Inc. (“CASE”) (collectively, “Intervenors”) have filed identical petitions (“Petition”) in the rulemaking docket and in the docket for the Turkey Point Units 6 and 7 combined license (“COL”) proceeding, asking for the rescission of regulations in 10 C.F.R. Part 51 that make generic conclusions about the environmental impacts of severe reactor and spent fuel pool accidents and that preclude consideration of those issues in individual licensing proceedings. Petition at 1. The Petition also seeks the suspension of the Turkey Point Units 6 and 7 COL proceeding pending consideration of the Petition and of the environmental issues raised in a proposed new contention alleging a requirement to address the implications of the Fukushima Task Force Report. *Id.*

The Joint Intervenors have filed their Petition with the Secretary and the Atomic Safety and Licensing Board herein (“Board”). CASE has filed its Petition only with the Board. To the extent that either of the Intervenors’ Petitions seeks action by the Board on the Petition or the Stay Request, Applicant Florida Power & Light Company (“FPL”) hereby objects to placing the Petition and the Stay Request before the Board, because the Board has no authority to grant either. 10 C.F.R. § 2.802(a) provides that a petitioner may request the *Commission* (not the presiding officer) to institute a rulemaking proceeding, and 10 C.F.R. § 2.802(d) provides that a petitioner may ask the *Commission* to suspend a proceeding to which the petitioner is a party pending disposition of the rulemaking petition. Consequently, the Intervenors’ Petition and Stay Request are not properly before the Board. FPL will address its opposition to the Stay Request to the Commission.

Respectfully Submitted,

/Signed electronically by Matias F. Travieso-Diaz/

Mitchell S. Ross
James M. Petro, Jr.
FLORIDA POWER & LIGHT COMPANY
700 Universe Blvd.
Juno Beach, FL 33408
Telephone: 561-691-7126
Facsimile: 561-691-7135
E-mail: mitch.ross@fpl.com
James.petro@fpl.com

Steven Hamrick
FLORIDA POWER & LIGHT COMPANY
801 Pennsylvania Avenue, NW Suite 220
Washington, DC 20004
Telephone: 202-349-3496
Facsimile: 202-347-7076
E-mail: 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: 202-663-8142
Facsimile: 202-663-8007
E-mail: john.o'neill@pillsburylaw.com
matias.travieso-diaz@pillsburylaw.com

August 20, 2011

Counsel for FLORIDA POWER & LIGHT COMPANY

**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 Objection to Intervenors’ Submission of Rulemaking Petition and Request for Stay of Licensing Proceeding to Atomic Safety And Licensing Board” were provided to the Electronic Information Exchange for service to those individuals listed below and others on the service list in this proceeding, this 20th day of August, 2011.

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

Robert M. Weisman, Esq.
Sarah Price, Esq.
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: Robert.Weisman@nrc.gov
Sarah.Price@nrc.gov
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