

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 Nos. 52-040 and 52-041
)
Turkey Point,) ASLBP No. 10-903-02-COL-BD01
Units 6 and 7)

March 7, 2012

CITIZENS ALLIED FOR SAFE ENERGY REPLY TO FLORIDA POWER
& LIGHT ANSWER TO CASE'S MOTION FOR LEAVE TO FILE A
NEW CONTENTION AND NEW CONTENTION 9

INTRODUCTION

Pursuant to 10 C.F.R. § 2.309(h) and the Atomic Safety and Licensing Board (Board) Scheduling Order in this proceeding, Citizens Allied For Safe Energy, Inc. (CASE) hereby replies to FLORIDA POWER & LIGHT ANSWER TO CASE'S MOTION FOR LEAVE TO FILE A NEW CONTENTION AND NEW CONTENTION 9 dated February 28, 2012.

FPL ISSUES

In the referenced FPL Answer, FPL contends that CASE's motion is not timely, at 5, that CASE does not identify a material issue to the Licensing

Decision on the COLA, at 8,12, that CASE provides no factual or expert support for its sea level rise projections, at 12, and that CASE did not consult with FPL prior to filing Contention 9 and the related motion, at 18.

CASE REPLY

Except for the consultation issue, CASE replied extensively and fully on these issues in CITIZENS ALLIED FOR SAFE ENERGY REPLY TO NRC STAFF OPPOSITION TO CONTENTION 9 filed February 29, 2012 and in CITIZENS ALLIED FOR SAFE ENERGY REPLY TO FLORIDA POWER & LIGHT COMPANY AND TO NRC STAFF OPPOSITION TO CASE CONTENTION 10 REGARDING TURKEY POINT UNITS 6 & 7 filed March 6, 2012. Any reply to FPL's Answer to CASE Contention 9 would basically be a repetition of those replies so CASE would ask FPL to let them stand as its reply to FPL regarding Contention 9.

CONSULTATION

FPL's Answer to CASE's Motion and Contention 9 states, at 18: CASE's MOTION DOES NOT INCLUDE THE REQUIRED CONSULTATION CERTIFICATION.

The last new Contention filed by CASE was last August so the consultation procedure was not recalled at the time of filing Contentions 9 and 10. CASE did note in "Citizens Allied for Safe Energy, Inc. Response to FPL Motions TO DISMISS CASE CONTENTION 6 AS MOOT and FOR SUMMARY DISPOSITION OF CASE CONTENTION 7" filed on January 23, 2012:

"CASE will review FPL's filings on January 3, 2012 and will file new contentions in a timely manner based on new information provided in those filings as warranted."

On January 26, 2012 the ASLB issued MEMORANDUM AND ORDER (Granting FPL's Motions to Dismiss Joint Intervenors' Contention 2.1

and CASE's Contention 6 as Moot). It states:

"To the extent CASE wishes to proffer a new contention challenging the adequacy of FPL's cure of Contention 6, we will allow it fifteen (15) days from the date of this Memorandum and Order to file such a motion (i.e., by February 10, 2012). FPL and the NRC Staff may file answers within fifteen (15) days after service of such motion. Within seven (7) days of service of the answers, CASE may file a reply." At 6.

CASE followed these guidelines but overlooked the need to consult with the Applicant. CASE regrets the oversight.

It should be noted that, in July, 2011, in the spirit of the Board Initial Scheduling Order at 9, CASE unsuccessfully requested a general consultation with FPL to discuss all matters of mutual concern in these procedures.

CONCLUSION

CASE requests that Contention 9 be admitted so that the important concerns presented can be addressed and considered specifically in determining if public safety requirements have been met.

Respectfully submitted,

Dated: March 7, 2012

/signed electronically by/
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) Docket No. 52-040 and 52-041
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Combined License Application for)
Turkey Point Units 6 & 7)
_____)

CERTIFICATE OF SERVICE

I, Barry J. White, hereby certify that copies of the document above and all documents related to this motion were served upon the following persons by Electronic Information Exchange and/or electronic mail.

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