

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

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Michael F. Kennedy
Dr. William W. Sager

In the Matter of

FLORIDA POWER & LIGHT COMPANY

(Turkey Point Nuclear Generating,
Units 3 and 4)

Docket Nos. 50-250-LA and 50-251-LA

ASLBP No. 15-935-02-LA-BD01

December 1, 2014

NOTICE AND ORDER
(Scheduling Oral Argument)

On October 14, 2014, petitioner Citizens Allied for Safe Energy, Inc. (CASE) filed a petition requesting a hearing on license amendments issued to the Florida Power & Light Company's (FPL) Turkey Point Nuclear Generating Units 3 and 4 that increased the ultimate heat sink water temperature limit for the plant's cooling canal system (CCS).¹ CASE's petition includes four proposed contentions, which read as follows:

Contention 1 – The uprate of Turkey Point reactors 3 & 4 has been concurrent with alarming increases in salinity, temperature, tritium and chloride in the CCS area.

Contention 2 – The exigent CCS problems started years before July, 2014 and were being addressed in 2013 and earlier.

Contention 3 – The measures being used to control the CCS conditions are extraordinarily invasive, environmentally usurious and some untested.

Contention 4 – The CCS is aging, old technology and FPL has no redundancy for Units 3 & 4 limiting corrective actions.²

¹ Citizens Allied for Safe Energy, Inc. Petition to Intervene and Request for a Hearing (Oct. 14, 2014).

² Id. at 5.

On November 10, 2014, the NRC Staff and FPL filed answers arguing that CASE fails to meet the NRC's standing and contention admissibility requirements.³ On November 17, 2014, CASE submitted a consolidated reply to the NRC Staff and FPL answers.⁴

The Board hereby schedules an oral argument on standing and contention admissibility to be held on January 14, 2015, at the Hampton Inn and Suites, 2855 NE 9th Street, Homestead, FL 33033, in the Reef Room. The argument will commence at 9:00 AM EST. The Board anticipates that the argument will be completed by 5:00 PM EST on January 14. Only authorized representatives or counsel for CASE, FPL, and the NRC Staff who have entered written notice of appearance pursuant to 10 C.F.R. § 2.314(b) will be entitled to participate.

The sole purpose of the oral argument is to enable the Board to obtain the necessary factual and legal information to determine whether CASE has standing and whether its proffered contentions are admissible. Participants should be prepared to answer the Board's questions concerning all factual and legal issues raised in the pleadings. While this oral argument will be open to the public, no witnesses, other representatives of the parties, or members of the public will be heard during the argument.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 1, 2014

³ NRC Staff's Answer to Citizens Allied for Safe Energy, Inc.'s Petition for Leave to Intervene and Request for Hearing (Nov. 10, 2014); FPL's Answer to Citizens Allied for Safe Energy, Inc.'s Petition to Intervene and Request for a Hearing (Nov. 10, 2014);

⁴ Citizens Allied for Safe Energy, Inc.'s Reply to FPL and to NRC Staff Answers to Its Petition to Intervene and Request for a Hearing (Nov. 17, 2014).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE AND ORDER (Scheduling Oral Argument)** have been served upon the following persons by Electronic Information Exchange or via electronic mail as indicated by an asterisk.

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[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 1st day of December, 2014