



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 16, 2018

E. Roy Hawken, Chairman
Chief Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Dr. Michael F. Kennedy
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In the Matter of
FLORIDA POWER & LIGHT COMPANY
(Turkey Point Nuclear Generating Unit Nos. 3 and 4)
Docket Nos. 50-250-SLR/50-251-SLR

Dear Administrative Judges:

The NRC Staff ("Staff") has received the Atomic Safety and Licensing Board's ("Board") Order (Providing Oral Argument Topics) (Nov. 14, 2018). In light of that Order, the Staff requests your consideration of a proposed change in the sequence of arguments to be presented at the oral argument on December 4, 2018, in Homestead, FL.

Specifically, the Board previously directed that oral argument be presented as follows:

The Board will first hear argument from counsel for SACE, who will be allotted a total of one hour and thirty minutes (to include rebuttal, if any), followed by counsel for the NRC Staff and then Florida Power & Light (FPL), each of whom will be allotted forty-five minutes of argument time. The Board will then hear argument from counsel for the Joint Petitioners, who will be allotted a total of one hour (to include rebuttal, if any), followed by counsel for the NRC Staff and then FPL, each of whom will be allotted a total of thirty minutes of argument time. . . .¹

¹ Order (Scheduling Oral Argument) (Oct. 9, 2018), at 2 (emphasis added; footnote omitted).


The Staff requests that this sequence of arguments be modified so that for each set of contentions, arguments be presented first by the Petitioner, second by FPL, and third by the NRC Staff. This modification would have significant advantages, in that the Board's Order of November 14, 2018 presents numerous factual questions regarding the Turkey Point site, the cooling canals, the cooling towers for Units 6 and 7, State of Florida permits and the Miami-Dade County Consent Agreement, and various statements and approaches in FPL's Environmental Report. The Staff believes that those questions could best be answered in the first instance by FPL, who is in possession of the best information concerning those matters. Further, as the proponent of the requested license renewal, the Staff considers it appropriate for FPL to present its argument prior to presentation of the Staff's argument. The Staff, of course, will address all questions posed by the Board, to the best of its ability, without regard to whether it speaks second or third in the sequence of argument.

Finally, for issues of broad NRC programmatic importance (e.g., the applicability of 10 C.F.R. § 51.53(c)(3) to subsequent license renewal), the Staff believes that arguments should proceed as envisioned by the Board, i.e., those arguments be presented first by the Petitioners, second by the Staff, and third by FPL. Those questions could be addressed either before or after arguments on specific contentions.

The Staff has contacted counsel for FPL, SACE, and the Joint Petitioners, and informed them of this request. In response, FPL stated that it has no objection to this proposed modification. The Staff has not yet heard from the Petitioners' counsel.

Thank you for your consideration.

Respectfully,



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
FLORIDA POWER & LIGHT COMPANY)	
)	Docket Nos. 50-250-SLR/50-251-SLR
(Turkey Point Nuclear Generating)	
Unit Nos. 3 and 4))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (as revised), I hereby certify that copies of the foregoing letter from Sherwin E. Turk to the Atomic Safety and Licensing Board, dated November 16, 2018, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding, this 16th day of November, 2018.

Copies of the foregoing have also been sent by E-mail to Mr. Albert Gomez at albert@icassemblies.com, and to Richard E. Ayres, Esq. (for Friends of the Earth) at ayresr@ayreslawgroup.com, this 16th day of November, 2018.



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