

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)	
)	Docket Nos. 52-040 and 52-041
Florida Power & Light Company)	
)	ASLBP No. 10-903-02-COL-BD01
Turkey Point,)	
Units 6 and 7)	
)	

February 10, 2012

MOTION TO FILE A TIMELY CONTENTION IN
RESPONSE TO NEW INFORMATION

BACKGROUND

Citizens Allied for Safe Energy, Inc. (CASE) is an all volunteer non-profit Florida corporation with approximately 125 members most of whom live within twenty-five miles of the Turkey Point power plant near Homestead, Florida. CASE is dedicated to promoting the decentralized production and distribution of renewable energy, energy conservation and efficiency and opposition to the licensure of Turkey Point Units 6 & 7 on several grounds.

On August 20, 2010 CASE filed CITIZENS ALLIED FOR SAFE ENERGY, INC. PETITION TO INTERVENE AND REQUEST FOR A HEARING – REVISED. On February 28, 2011 the ASLB issued a MEMORANDUM AND ORDER (Ruling on Petitions to Intervene). In that document, at xxx part of Contention 6, -

FAILURE AND OMMISSION OF THE FPL COL FOR THE PROPOSED TURKEY POINT NUCLEAR REACTORS 6&7 TO CONSIDER THE ENVIRONMENTAL IMPACT OF EXTENDED STORAGE OF SO-CALLED "LOW-LEVEL" WASTE AT TURKEY POINT AS REGARD TO PUBLIC SAFETY.

On January 3, 2012 Florida Power & Light Company (FPL) filed a MOTION TO DISMISS CASE CONTENTION 6 AS MOOT. As of this writing, there has been no response from the ASLB regarding that motion.

On January 23, 2012 CASE filed a RESPONSE TO FPL MOTIONS TO DISMISS CASE CONTENTION 6 AS MOOT and FOR SUMMARY DISPOSITION OF CASE CONTENTION 7 in which CASE said it would not oppose these motions. Also, in that filing, CASE advised all parties "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.". At 1.

TIMLIENESS OF NEW CONTENTION

Pursuant to 10 C.F.R. § 2.307(a) and the Atomic and Safety Licensing Board's (the "Board") March 30, 2011 Initial Scheduling Order and Administrative Directives, CASE is proffering a new contention (attached) in a timely manner.

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. Within twenty-five (25) days after service of the motion and proposed contention, any other party may file an answer responding to all elements of the motion and contention. Within seven (7) days of service of the answer, the movant may file a reply. At 8.

On January 26, 2012 the ASLB issued MEMORANDUM AND ORDER (Granting FPL's Motions to Dismiss Joint Intervenor's 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’S new Contention 10, Attachment 1, is based on new information provided in FPL’s filing of January 3, 2012 referenced above.

CONCLUSION

CASE requests that the new contention be admitted so that these important matters can receive a full and thorough hearing and detailed analysis and consideration.

Respectfully submitted,

Dated: February 10, 2012

/signed electronically by/
Barry J. White
Authorized Representative
Citizens Allied for Safe Energy, Inc.
10001 SW 129 Terrace
Miami, Florida 33176
Email: bwtamia@bellsouth.net

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)
) Docket No. 52-040 and 52-041
Florida Power & Light Company)
)
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.

U.S. Nuclear Regulatory
Commission
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3 F23
Washington, DC 20555-0001
Joshua Kirstein, Law Clerk, ALSB
Email: josh.kirstein@nrc.gov

E. Roy Hawkens
Administrative Judge, Chair
Email: roy.hawkens@nrc.gov

Dr. Michael F. Kennedy
Administrative Judge
Email: michael.kennedy@nrc.gov

Dr. William C. Burnett
Administrative Judge
Email: william.burnett2@nrc.gov

U.S. Nuclear Regulatory
Commission
Office of the General Counsel
Mail Stop: 0-15 D21

Washington, DC 20555-0001
Robert Weisman, Esq.
Marian Zobler, Esq.
Sara Kirkwood, Esq.
Sara Price, Esq.
Joseph Gilman, Paralegal
Karin Francis, Paralegal
Email: Robert.Weisman@nrc.gov;
marian.zobler@nrc.gov;
sara.kirkwood@nrc.gov;
sara.price@nrc.gov;
joseph.gilman@nrc.gov;
karin.francis@nrc.gov

U.S. Nuclear Regulatory
Commission
Office of Commission Appellate
Adjudication
Mail Stop: 0-7H4M
Washington, DC 20555-0001
Email: ocaamail@nrc.gov
OGC Mail Center: Members of this
office have received a copy of this filing by EIE service.

Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408
Mitchell S. Ross
Vice President & General Counsel –
Nuclear
Email: mitch.ross@fpl.com

Florida Power & Light Company
801 Pennsylvania Ave. NW Suite 220
Washington, DC 20004
Steven C. Hamrick, Esq.
Mitchell S. Ross
Email: steven.hamrick@fpl.com;
mitchell.ross@fpl.com

Counsel for the Applicant
Pillsbury, Winthrop, Shaw, Pittman,
LLP
2300 N Street, N.W.
Washington, DC 20037-1122
Alison M. Crane, Esq.

Stefanie Nelson George, Esq.
John H. O'Neill, Esq.
Matias F. Travieso-Diaz, Esq.
Maria Webb, Paralegal
Email: alison.crane@pillsburylaw.com;
stephanie.george@pillsburylaw.com;
john.oneill@pillsburylaw.com;
matias.traviesodiaz@pillsburylaw.com;
maria.webb@pillsburylaw.com;

Counsel for Mark Oncavage, Dan
Kipnis, Southern Alliance for Clean
Energy and National Parks
Conservation
Association Turner Environmental Law
Clinic Emory University School of Law
1301 Clifton Rd. SE
Atlanta, GA 30322
Lawrence D. Sanders, Esq.
Mindy Goldstein, Esq.
Email: lsande3@emory.edu;
magolds@emory.edu

Counsel for Mark Oncavage, Dan
Kipnis,
Southern Alliance for Clean Energy and
National Parks Conservation
Association
Everglades Law Center, Inc.
3305 College Avenue
Ft. Lauderdale, Florida 33314
Richard Grosso, Esq.
Email: richard@evergladeslaw.org

Counsel for the Village of Pinecrest
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
William C. Garner, Esq.
Gregory T. Stewart, Esq.
Email: bgarner@ngnlaw.com;
gstewart@ngnlaw.com

Citizens Allied for Safe Energy, Inc.
10001 SW 129 Terrace

Miami, FL 33176
Barry J. White
Email: bwtamia@bellsouth.net

U.S. Nuclear Regulatory Commission
Office of the Secretary of the
Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
Email: hearingdocket@nrc.gov

Dated: February 10, 2012

/signed electronically by/
Barry J. White
Authorized Representative
Citizens Allied for Safe Energy, Inc.
10001 SW 129 Terrace
Miami, Florida 33176
Email: bwtamia@bellsouth.net