

RAS 2453

**DOCKETED 12/01/00
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Thomas S. Moore, Presiding Officer
Dr. Richard F. Cole
Dr. Charles N. Kelber

In the Matter of

Florida Power and Light Company
(Turkey Point, Units 3 and 4)

Docket No. 50-250/251-LR

ASLBP No. 01-786-03-LR

December 1, 2000

MEMORANDUM AND ORDER

The Applicant, Florida Power and Light Company, has applied pursuant to 10 CFR Part 54 for a twenty-year extension of the operating licenses DPR-31 and DPR-41 for its Turkey Point Units 3 and 4 located in Miami-Dade County, Florida. On October 12, 2000, the NRC Staff issued a notice of opportunity for hearing. See 65 Fed Reg. 60693 (2000). By a filing dated October 24, 2000, Mr. Mark P. Oncavage filed a petition to intervene and a request for a hearing. After the Commission granted her an extension of time, Ms. Joette Lorion filed an intervention petition and hearing request dated November 22, 2000.

On November 27, 2000, the Commission issued an order referring the hearing requests and intervention petitions to the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel for assignment of a Licensing Board to rule on the petitions and conduct any necessary adjudication. The Commission's order also set forth detailed and explicit scheduling directions and other guidance for the conduct of any proceeding. See CLI-00-23, 52 NRC____

(Nov. 27, 2000). On November 29, 2000, this Licensing Board was appointed to preside over the reactor license extension proceeding.

Pursuant to its authority under 10 CFR 2.718, the Licensing Board sets forth the following directives regarding the conduct of this proceeding:

1. Appearance and Address Notices

All attorneys appearing in this proceeding shall file by Friday, December 8, 2000, a notice of appearance in conformity with 10 CFR 2.713(b). The Petitioners, Mr. Oncavage and Ms. Lorion, appearing pro se shall file by the same date a notice setting forth their name, full mailing address and telephone number. In addition, all notices shall include a facsimile number and an Internet e-mail address, if available.

2. Answers to Ms. Lorion's Intervention Petition

It appears that the Applicant and the NRC Staff have already filed answers to Mr. Oncavage's intervention petition. The answers of the Applicant and the NRC Staff to the intervention petition of Ms. Lorion shall be filed by Friday, December 8, 2000. The answers need not address the proffered contentions set forth in Ms. Lorion's petition.

3. Amendments to Intervention Petitions

Pursuant to 10 CFR 2.714 (a)(3), the Petitioners have the right to amend their intervention petitions any time up to 15 days prior to the holding of the first prehearing conference. In order to provide a more orderly process for dealing with any amendments to intervention petitions, the Petitioners may amend their intervention petitions to address any standing shortcomings, or other matters, in their initial intervention petitions by filing amended petitions no later than December 22, 2000. The Licensing Board will not entertain any proffered amendments to the Petitioners' intervention petitions after that date.

4. Supplements to Intervention Petitions

It appears that Petitioners Oncavage and Lorion both proffered contentions as part of their initial intervention petitions. Pursuant to 10 CFR 2.714 (b)(1), however, the Petitioners have the right to file a supplement to their intervention petitions containing their contentions any time up to 15 days prior to the holding of the first prehearing conference. In order to provide a more orderly process for dealing with any changes to the already filed contentions or any additional contentions, the Petitioners also shall file supplements to their intervention petitions containing all their proffered contentions by December 22, 2000. If they wish, the Petitioners may file the supplements to their petitions containing their proffered contentions as part of any filings amending their initial petitions. In any event, the Petitioners shall separately identify and number each of their proffered contentions. Directly following each separately identified and numbered contention, the Petitioners shall set forth the basis or bases for that contention. Any contentions filed after December 22, 2000 will be considered late-filed and must meet the requirements for admission set forth in 10 CFR 714(a)(1)(i)-(v).

Further, the Petitioners should take care to ensure that each of their proffered contentions complies fully with all the requirements of 10 CFR 2.714(b)(2). Finally, as the Commission indicated in its November 27, 2000 order, each contention must be within the limited scope of this proceeding. See CLI-00-23, 52 NRC at ____ (slip op. at 2-3).

5. Applicant and Staff Replies to Amended Intervention Petitions and Answers to Petition Supplements Containing Contentions

The Applicant and the Staff shall file replies to any amended intervention petitions further addressing the Petitioners' standing and answers addressing the Petitioners' contentions by January 9, 2001.

6. Prehearing Conference

At a location and time to be announced later, the Licensing Board currently intends to hold a prehearing conference in the general vicinity of the Applicant's facility sometime between January 17 and January 31, 2001. During this prehearing conference, the Board will hear oral arguments concerning the Petitioners' standing and the admissibility of their contentions.

7. Further Order

After receiving the appearance notices of the participants, the Board will issue another order setting forth directives for the conduct of the proceeding regarding such matters as service of filings, motions for extensions of time, and page limitation of filings. Finally, so that all participants are aware of the rigor of the schedule for this proceeding and may plan accordingly, the Board wishes to once again call to their attention the Commission's November 27, 2000 order, 52 NRC at ____, setting forth detailed and explicit scheduling directives and other guidance for the conduct of this proceeding. Subsequent to the prehearing conference, the Board will issue a complete scheduling order incorporating the Commission's scheduling directives.

It is so ORDERED.

For the Atomic Safety and Licensing Board

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 1, 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
FLORIDA POWER AND LIGHT COMPANY)	Docket Nos. 50-250/251-LR
)	
(Turkey Point Nuclear Plant,)	
Units 3 and 4))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER, DATED 12/01/00 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket Nos. 50-250/251-LR
LB MEMORANDUM AND ORDER,
DATED 12/01/00

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 1ST day of December 2000