

UNITED STATES OF AMERICA
U.S. NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
E. Roy Hawkens, Chairman
Dr. Michael F. Kennedy
Dr. William C. Burnett

In the Matter of)	
)	
FLORIDA POWER & LIGHT COMPANY)	
)	Docket Nos. 52-040-COL
)	and 52-041-COL
Turkey Point Units 6 and 7)	
)	
Combined License Application)	

September 2, 2011

Citizens Allied for Safe Energy, Inc. Motion Withdrawing A
Portion of CASE Response To Florida Power & Light Company's
Response Opposing CASE's Motion For Reconsideration and
CASE'S Proffered New Contentions

INTRODUCTION

On August 29, 2011 Citizens Allied for Safe Energy, Inc., (CASE) filed a document entitled "CASE Response To Florida Power & Light Company's Response Opposing CASE's Motion For Reconsideration and CASE'S Proffered New Contentions before the ASLB.

BACKGROUND

On August 31, 2011 CASE received the following email from FPL:

FPL is considering filing a motion to strike portions CASE's August 29 Response to FPL's August 20 Response to the CASE Motion for Reconsideration and New Contentions. Because litigants are not allowed to file replies to answers to motions without Board permission, FPL believes that CASE's response to FPL's response to the CASE Motion for Reconsideration was impermissible. FPL has no objection to the portion of CASE's Response that addresses its two new contentions.

FPL then asked if CASE would consider voluntarily withdrawing Contention 1,2 and 5 from the August 29, 2011 CASE response motion. CASE replied that it would do so.

CASE apparently misunderstood the ASLB Initial Scheduling Order And Administrative Directives of March 30, 2011, at 8, last paragraph. as providing, in this case, FPL 25 days to respond and CASE 7 days to reply without further leave to do so from the Board.

PARTIAL WITH DRAWAL OF MOTION

CASE is now requesting that the portion of the motion filed on August 29, 2011 which refers to Contentions 1,2 and 5 be withdrawn only from that motion; new contentions 9 and 10 are not being withdrawn. Further, CASE is not, in any way, modifying its filing of August 12, 2011, dated August 11, 2011 entitled: Citizens Allied for Safe Energy, Inc. Motion For Reconsideration of Amended Contentions 1,2 and 5 And New Contentions Following Fukushima Near-Term Task Force Recommendations.

Respectfully submitted,

/signed electronically by/
Barry J. White
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September 2, 2011

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.

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OGC Mail Center: Members of this office have received a copy of this filing by EIE service.

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Dated: September 2, 2011

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