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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 15, 2000

MEMORANDUM AND ORDER

By a December 13, 2000 motion, the Petitioner, Joette Lorion, seeks an extension of time in which to file a supplement to her initial intervention petition containing her final proffered contentions in this reactor license renewal proceeding for Florida Power and Light Company's Turkey Point Units 3 and 4. For the reasons set forth below, the Petitioner's motion for an extension of time is denied. In order to be timely filed, any supplements to intervention petitions containing final contentions must be filed by December 22, 2000.

On November 6, 2000, the Commission extended Ms. Lorion's time for filing an intervention petition from November 13 to November 27, 2000. Thereafter, on November 22, Ms. Lorion filed a request for hearing and a petition to intervene. Along with a number of legal issues, Ms. Lorion's intervention petition sets out five other issues that the petition states should be raised in a hearing. In a November 27, 2000 order that also contains detailed directives for conducting the proceeding, the Commission referred the requests for hearing and intervention

petitions to the Atomic Safety and Licensing Board Panel (see CLI-00-23, 52 NRC \_\_\_ ) and, on November 29, the Licensing Board was established to preside over the proceeding.

On December 1, 2000, the Licensing Board issued a scheduling order requiring the filing of, inter alia, answers to Ms. Lorion's intervention petition by December 8, amendments to all intervention petitions and supplements to all petitions setting forth final contentions by December 22, and replies to any amended petitions and answers addressing all contentions by January 9, 2001. The Board's scheduling order also identified the period between January 17 and 31, 2001, as the window of time in which it would seek to hold a prehearing conference in the general vicinity of the Applicant's facility for the purpose of hearing oral argument on the standing of the Petitioners and the admissibility of all proffered contentions. At the end of its December 1 order, the Board stated: "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 . . . setting forth detailed and explicit scheduling directives and other guidance for the conduct of this proceeding." Among the directives in the Commission's November 27 order is one stating that "the Licensing Board should not grant requests for extensions of time absent unavoidable and extreme circumstances." CLI-00-23, 52 NRC at \_\_\_ (slip op. at 7).

In support of her motion, Ms. Lorion asserts that she is unduly prejudiced by the Board ordered December 22, 2000 filing deadline for contentions and she requests an extension of time in which to file her final contentions until 15 days prior to the first prehearing conference as contemplated by 10 CFR §2.714(b)(1). She states that "she has work and family commitments that she must meet prior to leaving town for the holiday." Motion at 1. Ms. Lorion's extension motion then recites that her father died this past July and that she has plans to visit her mother, brother and other family members for Christmas and that the Board's December 22 filing date

places “an undue burden on the Petitioner this holiday season.” Id. Additionally, Ms. Lorion’s motions seek a two-week extension of all remaining deadlines in the Board’s December 1 order and requests that any prehearing conference be moved to February. Ms. Lorion’s motion also states that she contacted counsel for the applicant and that he would not agree to any extension of time. Id. at 2. By a filing dated December 14, 2000, the Applicant opposes Ms. Lorion’s request for an extension of time.

Although the Licensing Board sympathizes with Ms. Lorion’s circumstances, it nevertheless must deny her extension request in its entirety. In referring the proceeding to the Licensing Board, the Commission directed that extensions of time should be granted only for “unavoidable and extreme circumstances.” CLI-00-23, 52 NRC at \_\_\_\_ (slip op. at 7). Although regrettable, the circumstances recited by Ms. Lorion simply do not rise to the level of unavoidable and extreme circumstances contemplated by the Commission.

It should be noted that the Commission’s notice of receipt of the license renewal application involved in this proceeding was published in the Federal Register on September 26, 2000, 65 Fed. Reg. 57,847 (2000), and the notice of opportunity for hearing on the application was published in the Federal Register on October 12, 2000. 65 Fed. Reg. 60,693 (2000). Thereafter, Ms. Lorion received an extension of time to file her initial intervention petition and, upon filing her petition, she included a list of issues that she states should be considered in any hearing. It is thus apparent that Ms. Lorion already has had a significant opportunity to plan for the filing of final contentions and, as demonstrated by the issues set forth in her initial petition, she already has done considerable work in this regard. In setting the filing deadlines in its December 1, 2000 order, the Licensing Board took into account these circumstances along with the milestones set out in the Commission’s November 27 order and the inevitable difficulties for all parties posed by the holiday season. In the situation presented, the schedule allows ample

time for the preparation of contentions and also permits the other participants time to prepare answers to the contentions. Additionally, the schedule provides the Licensing Board time to review the filings before hearing arguments on the admissibility of contentions. If, on the other hand, Ms. Lorion's motion were granted and her contentions were due 15 days prior to the prehearing conference as she requests, either the participants opposing her contentions would have insufficient time to prepare their answers or the Licensing Board would have insufficient time to review and study the contentions and answers before the prehearing conference. Accordingly, Ms. Lorion's motion for an extension of time in which to file her contentions is denied. Similarly, the Petitioner's unsupported request to extend the entire schedule by two weeks is also denied.

By separate order on December 14, 2000, the Licensing Board directed that the prehearing conference will be held beginning at 9:30 a.m. on January 18, 2001 in Homestead, Florida. The Board has arranged for the prehearing conference to be held in the Homestead City Council Chambers, City Hall, 790 N. Homestead Blvd.

It is so ORDERED.

For the Atomic Safety and Licensing Board

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Thomas S. Moore  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
December 15, 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 12/15/00, DENYING PETITIONER'S MOTION FOR AN EXTENSION OF TIME 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 12/15/00, DENYING  
PETITIONER'S MOTION  
FOR AN EXTENSION OF TIME

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[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 15<sup>th</sup> day of December 2000