

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

E. Roy Hawken, Chairman
Dr. Michael F. Kennedy
Dr. William C. Burnett

In the Matter of)	
)	
Florida Power & Light Company)	Docket No. 52-040 and 52-041
(Turkey Point Units 6 & 7))	ASLBP No. 10-903-02-COL
(Combined License))	
_____)	

**JOINT PETITIONERS' MOTION FOR EXTENSION OF TIME TO REPLY TO
RESPONSES TO PETITION TO INTERVENE**

Petitioners to intervene in the above-captioned Combined License ("COL") proceeding, Mark Oncavage, Dan Kipnis, Southern Alliance for Clean Energy, and National Parks Conservation Association (collectively, "Joint Petitioners"), hereby move for an extension of time to file replies to the Florida Power & Light Company ("FPL") Answer Opposing Joint Petitioners' Petition to Intervene (the "FPL Answer") and the Nuclear Regulatory Commission ("NRC") Staff Answer to Joint Petitioners' Petition For Intervention (the "NRC Staff Answer"). Joint Petitioners request leave to file their replies on October 4, 2010, instead of the current due date of September 20, 2010.

(1) As required by the NRC Rules of Practice, 10 C.F.R. § 2.323, Joint Petitioners have sought consent of counsel for FPL, NRC Staff, and the other petitioners regarding this motion. Counsel for FPL opposes any extension. Counsel for the NRC Staff consents to an extension of one week, but opposes the two-weeks requested by Joint Petitioners. The non-attorney representative of petitioner, Citizens Allied for Safe Energy, Inc., does not oppose the requested extension. Likewise, the counsel for petitioner, Village of Pinecrest, does not oppose the requested extension.

(2) Joint Petitioners submit the following “good cause” in support of their motion for an extension of time. See Statement of Policy on Conduct of Adjudicatory Proceedings, CLI-81-8, 13 N.R.C. 452 (1981). First, the FPL Answer and the NRC Staff Answer are each voluminous, together totaling 291 pages of text, making a complete review and adequate reply within seven days impossible. Second, the issues raised by Joint Petitioners and answered by FPL and the NRC Staff are novel, complex, and wide-ranging, requiring extensive additional factual and legal research enquiry to draft an appropriate response. Third, Joint Petitioners’ *pro bono* counsel have limited resources at their disposal, as well as teaching responsibilities and obligations in other matters, which severely limits their ability to reply to the FPL and NRC Staff answers within the seven-day time period allotted in 10 C.F.R. § 2.309(h)(2). Fourth, NRC’s and the Board’s interest in efficiency is better served by granting an extension because it permits Joint Petitioners to submit a single cogent reply to both answers, thereby permitting the Board and the parties to identify and focus on genuine material issues of fact and law in dispute.

Ultimately, Joint Petitioners request additional time to file their reply to the FPL and NRC Staff answers because preparing a meaningful reply will consume a significant

amount of time. Joint Petitioners do not believe the NRC contemplated such extreme circumstances in establishing the seven-day time period for replies in 10 C.F.R. § 2.309(h)(2). Accordingly, Joint Petitioners request that the Board grant an additional fourteen days to file replies to the FPL Answer and the NRC Staff Answer.

Additionally, Petitioners respectfully submit that the requested extension will not adversely affect FPL, the NRC Staff, or this Atomic Safety and Licensing Board (the “Board”). The Board has not yet provided the general schedule for this COL proceeding, nor has it scheduled any initial prehearing conferences. Accordingly, this extension will not affect a scheduled conference, hearing date, or any other scheduled filing deadline. Moreover, this extension will not impact the 45-day period for the Board to render a decision on the petition to intervene, which runs from the filing of the reply. 10 C.F.R. § 2.309(i). While granting this motion will extend the period for Joint Petitioners to file their reply, it will have negligible impact on the overall hearing schedule.

Respectfully submitted this 14th day of September, 2010.

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Combined License Application for)
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_____)

Docket No. 52-040 and 52-041

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO REPLY TO RESPONSES TO PETITION TO INTERVENE** was served upon the following persons by Electronic Information Exchange and/or electronic mail:

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Dated: 9/14/2010

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