

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Alex S. Karlin, Chairman  
Dr. Anthony J. Baratta  
Dr. William M. Murphy

In the Matter of  
  
PROGRESS ENERGY FLORIDA, INC.  
  
(Levy County Nuclear Power Plant, Units 1 and 2)

Docket Nos. 52-029-COL, 52-030-COL

ASLBP No. 09-879-04-COL-BD01

March 17, 2011

ORDER  
(Regarding Extension Request)

On March 11, 2011, Progress Energy Florida, Inc. (PEF) filed a joint motion requesting several delays and extensions to the schedule specified for this proceeding.<sup>1</sup> The parties propose, inter alia, that the deadline to file dispositive motions<sup>2</sup> for environmental contentions be extended from March 17, 2011, until twenty (20) days after the date that NRC issues the Final Environmental Impact Statement (FEIS).

The proposed extension is inconsistent with the prior positions of the parties.<sup>3</sup> More importantly, granting the proposed extension would cause the dispositive motions to disrupt the filings and preparation for the evidentiary hearing and would be inconsistent with efficient management of this proceeding.<sup>4</sup>

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<sup>1</sup> Joint Motion on Schedule (March 11, 2011) (Joint Motion).

<sup>2</sup> The term “dispositive motion” includes motions for summary disposition and motions to dismiss as moot. See Initial Scheduling Order, LBP-09-22, 70 NRC 640, 652 (2009) (ISO).

<sup>3</sup> See Licensing Board Order (Revising Deadline for Motions for Summary Disposition of Environmental Matters) (Apr. 7, 2010) at 2 n.4. (unpublished).

<sup>4</sup> See id.; Tr. at 483-85; ISO, LBP-09-22, 70 NRC at 652 n.28.

Accordingly, the portion of the Joint Motion seeking an extension of the ultimate deadline for filing of dispositive motions on environmental contentions is denied.<sup>5</sup> The Board will address the other extensions and schedule suggestions contained in the Joint Motion at a later time.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 17, 2011

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<sup>5</sup> This ultimate deadline applies equally to currently pending contentions (e.g. C-4 and C4A) and to any pending or subsequently proposed new contentions (e.g., C-12).

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 (Levy County Nuclear Power Plant )  
 Units 1 and 2) )  
 )  
 (Combined License) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING EXTENSION REQUEST) have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16C1  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001  
Hearing Docket  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop T-3F23  
Washington, DC 20555-0001

Pillsbury Winthrop Shaw Pittman, LLP  
2300 N. Street, N.W.  
Washington, DC 20037-1122  
Counsel for Progress Energy Florida, Inc.  
John H. O'Neill, Esq.  
Robert B. Haemer, Esq.  
Ambrea Watts, Esq.  
Alison Crane, Esq.  
Michael G. Lepre, Esq.  
Jason P. Parker, Esq.  
Stefanie Nelson George, Esq.  
Stephen Markus  
E-mail:

Alex S. Karlin, Chair  
Administrative Judge  
E-mail: [ask2@nrc.gov](mailto:ask2@nrc.gov)

[john.oneill@pillsburylaw.com](mailto:john.oneill@pillsburylaw.com)  
[robert.haemer@pillsburylaw.com](mailto:robert.haemer@pillsburylaw.com);  
[ambrea.watts@pillsburylaw.com](mailto:ambrea.watts@pillsburylaw.com)  
[alison.crane@pillsburylaw.com](mailto:alison.crane@pillsburylaw.com)  
[michael.lepre@pillsburylaw.com](mailto:michael.lepre@pillsburylaw.com)  
[jason.parker@pillsburylaw.com](mailto:jason.parker@pillsburylaw.com)  
[stefanie.george@pillsburylaw.com](mailto:stefanie.george@pillsburylaw.com)  
[stephen.markus@pillsburylaw.com](mailto:stephen.markus@pillsburylaw.com)

Anthony J. Baratta  
Administrative Judge  
E-mail: [Anthony.baratta@nrc.gov](mailto:Anthony.baratta@nrc.gov)

William M. Murphy  
Administrative Judge  
E-mail: [William.murphy@nrc.gov](mailto:William.murphy@nrc.gov)

Joshua A. Kirstein, Law Clerk  
E-mail: [josh.kirstein@nrc.gov](mailto:josh.kirstein@nrc.gov)

Ann Hove, Law Clerk  
E-mail: [ann.hove@nrc.gov](mailto:ann.hove@nrc.gov)

Docket Nos. 52-029-COL and 52-030-COL  
LB ORDER (REGARDING EXTENSION REQUEST)

Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15D21  
Washington, DC 20555-0001  
Marian Zabler, Esq.  
Sara Kirkwood, Esq.  
Jody Martin, Esq.  
Michael Spencer, Esq.  
Kevin Roach, Esq.  
Lauren Goldin, Esq.  
Joseph Gilman, Paralegal  
Karin Francis, Paralegal  
E-mail:  
[marian.zabler@nrc.gov](mailto:marian.zabler@nrc.gov)  
[sara.kirkwood@nrc.gov](mailto:sara.kirkwood@nrc.gov)  
[jody.martin@nrc.gov](mailto:jody.martin@nrc.gov)  
[michael.spencer@nrc.gov](mailto:michael.spencer@nrc.gov)  
[kevin.roach@nrc.gov](mailto:kevin.roach@nrc.gov)  
[laura.goldin@nrc.gov](mailto:laura.goldin@nrc.gov)  
[joseph.gilman@nrc.gov](mailto:joseph.gilman@nrc.gov)  
[karin.francis@nrc.gov](mailto:karin.francis@nrc.gov)

OGC Mail Center : [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

Alachua County Green Party, Green  
Party of Florida  
P.O. Box 190  
Alachua, FL  
Michael Canney, Co-Chair  
E-mail: [alachuagreen@windstream.net](mailto:alachuagreen@windstream.net)

Nuclear Information & Resource Service  
P.O. Box 7586  
Asheville, NC 28802  
Mary Olson,  
NIRS Southeast Regional Coordinator  
E-mail: [maryo@nirs.org](mailto:maryo@nirs.org)

Nuclear Information Resource Service  
6390 Carroll Avenue, #340  
Takoma Park, MD 20912  
Michael Mariotte, Executive Director  
E-mail: [nirsnet@nirs.org](mailto:nirsnet@nirs.org)

Ecology Party of Florida  
641 SW 6<sup>th</sup> Avenue  
Ft. Lauderdale, FL 33315  
Cara Campbell, Chair  
Gary Hecker  
E-mail: [levynuke@ecologyparty.org](mailto:levynuke@ecologyparty.org)

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 17<sup>th</sup> day of March 2011