

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
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

(Turkey Point Units 6 and 7)

Docket Nos. 52-040-COL
and 52-041-COL

ASLBP No. 10-903-02-COL-BD01

March 5, 2014

Order

(Directing NRC Staff to Provide Information Related to
Expected Schedule for Issuance of Final Review Documents)

In its Initial Scheduling Order on March 30, 2011, the Board in this proceeding instructed the NRC Staff (“Staff”) to file monthly reports that include any updates to the expected issuance dates of the Final Safety Evaluation Report (“FSER”) and Final Environmental Impact Statement (“FEIS”) for this application.¹ At that time, the Staff expected to issue those documents in December and October 2012, respectively.² In its November 2011 report, the Staff changed these expected issuance dates to November 2013 for the FSER and February 2014 for the FEIS.³ In its May 2012 report, the Staff indicated that this schedule was no longer viable.⁴ But

¹ Initial Scheduling Order and Administrative Directives (Prehearing Conference Call Summary, Grant of Joint Motion Regarding Mandatory Disclosures, Initial Scheduling Order, and Administrative Directives) (Mar. 30, 2011) at 6 (unpublished).

² Id.

³ Letter from Robert M. Weisman, Counsel, U.S. Nuclear Regulatory Commission, to the Atomic Safety and Licensing Board Panel (Nov. 9, 2011) at 2.

it could not submit an updated schedule, stated the Staff, until Florida Power & Light Company (“Applicant”) provides information that the Staff requested in a letter dated May 4, 2012.⁵ In subsequent reports since May 2012, the Staff has continued to inform the Board that it would set a new schedule upon receipt from the Applicant of the requested information.⁶

Nearly two years have passed since the Staff last provided an expected date of issuance for either the FSER or the FEIS. The Board recognizes that the Staff’s ability to predict these dates is linked to when the Applicant provides the Staff with the information requested in its May 4, 2012 letter. Nevertheless, like nature, the Board abhors a vacuum -- especially one that frustrates our ability to schedule adjudicative events. We therefore instruct the Staff, in consultation with the Applicant, to provide a “best estimate” for the expected issuance dates of the FSER and the FEIS, which will, in turn, be based on a “best estimate” of when the Applicant anticipates providing the Staff with the requested information. The Staff may provide this estimate as a part of its April monthly report or, if determined earlier, as a separate filing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 5, 2014

⁴ Letter from Emily Monteith, Counsel, U.S. Nuclear Regulatory Commission, to the Atomic Safety and Licensing Board Panel (May 10, 2012) at 2.

⁵ Id. (citing Letter from David B. Matthews, Director, Division of New Reactor Licensing, Office of New Reactors, U.S. Nuclear Regulatory Commission, to Mano K. Nazar, Senior Vice President and Chief Nuclear Officer, Florida Power & Light Company (May 4, 2012)).

⁶ See, e.g., Letter from Robert M. Weisman, Counsel, U.S. Nuclear Regulatory Commission, to the Atomic Safety and Licensing Board Panel (Feb. 14, 2014) at 2.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Florida Power & Light Company) Docket Nos. 52-040 and 52-041-COL
(Juno Beach, Florida))
)
(Turkey Point, Units 6 & 7))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Directing NRC Staff to Provide Information Related to Expected Schedule for Issuance of Final Review Documents)** have been served upon the following persons by Electronic Information Exchange.

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**DOCKET NO. 52-040 and 52-041-COL
ORDER (Directing NRC Staff to Provide Information Related to Expected Schedule for
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[Original signed by Clara I. Sola]
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Dated at Rockville, Maryland,
this 5th day of March 2014