

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

April 16, 2014

Order

(Granting CASE's Motion to Receive Service by Email)

On March 25, 2014, Citizens Allied for Safe Energy, Inc. (CASE) filed a motion requesting exemption from 10 C.F.R. § 2.302(g)'s requirement that filings be made electronically through the NRC's Electronic Information Exchange (EIE) system.¹ Recent upgrades to the EIE system have created incompatibilities with Apple computers that have prevented CASE from receiving EIE filings as it once did.² Until this incompatibility is fixed, counsel for CASE has requested that the Board allow CASE to receive filings by email³ -- an exemption that requires a showing of good cause.⁴

¹ CASE Motion Requesting Email Copies of EIE Filings in the Subject Matter (Mar. 25, 2014) [hereinafter Motion].

² Id.

³ Id.

⁴ 10 C.F.R. § 2.302(g)(2).

Having been dismissed on March 29, 2012, CASE is no longer an active party to this proceeding.⁵ On July 9, 2012, however, CASE submitted a motion for leave to file a new contention related to storage and disposal of nuclear waste.⁶ This newly proffered contention, among others, was subsequently held in abeyance pending further action by the Commission.⁷ Accordingly, although not a party, CASE is a participant to this proceeding with an ongoing interest in receiving filings.

The EIE system's lack of compatibility provides good cause to deviate from the normal electronic filing requirements. The Board therefore directs all parties to this proceeding to serve filings through the EIE system and by email to CASE, with a certificate of service reflecting both methods of service. Should CASE seek to submit additional filings, it shall do so by emailing all parties, the Board, its law clerk, and SECY, with a certificate of service that reflects the use of email. This Order will remain in effect until the Board is advised that the EIE system is compatible with CASE's computer.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 16, 2014

⁵ LBP-12-7, 75 NRC 503, 505 (2012). In its motion, CASE erroneously refers to itself as "a party in the subject matter," acknowledging, however, that it "has no open contentions." Motion at 1.

⁶ Citizens Allied for Safe Energy, Inc. Motion For Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Turkey Point Nuclear Power Plant (July 9, 2012).

⁷ CLI-12-16, 76 NRC 63, 68-69 (2012).

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 **LB Order (Granting CASE'S Motion to Receive Service by Email)** have been served upon the following persons by Electronic Information Exchange.

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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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**DOCKET NO. 52-040 and 52-041-COL
LB Order (Granting CASE'S Motion to Receive Service by Email)**

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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of April, 2014