

March 23, 2015

E. Roy Hawkens, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Michael F. Kennedy
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. William C. Burnett
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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

Dear Administrative Judges:

The "NRC Staff Response To [CASE] Refiled Motion Requesting Additional Time to File a Petition to Intervene and Request for a Hearing Regarding the [DEIS] In the Subject COLS" dated March 20, 2015, inadvertently omits a fact that may be material to the Board's consideration of the CASE Motion. Specifically, on March 4, 2015, the NRC Staff by routine e-mail distributed the ADAMS accession numbers for the Turkey Point DEIS and other information to persons on the Staff distribution list for the Turkey Point Units 6 & 7 COL application, including CASE's representative, Mr. Barry White. It appears Mr. White received the Staff e-mail, as he replied to it in an e-mail the same day, March 4, 2015. The undersigned Staff Counsel engaged in further e-mail correspondence with CASE on March 4, 2015, and, without realizing that CASE had received the ADAMS numbers for the Turkey Point DEIS through routine distribution, informed Mr. White that the time for filing new contentions would run from the date of the NRC *Federal Register* notice announcing availability of the DEIS, *i.e.*, March 5, 2015.

In view of the above, CASE appears to have received actual notice of the availability of the DEIS on March 4, 2015, which may be material to the Board's consideration of the CASE Motion for extension of time. Assuming CASE received actual notice of the availability of the Turkey Point DEIS on March 4, 2015, the Staff calculates that contentions based on new information in the DEIS would be due under the Board's Initial Scheduling Order on Friday, April 3, 2015. A one week extension to that schedule would make contentions based on new

information in the DEIS due on Friday, April 10, 2015. Given Staff Counsel's representation of the due date to CASE as described above, however, this fact may not be material to the Board's decision regarding the CASE Motion. The Staff is not changing its position stated in the Staff March 20, 2015, response to the CASE Motion.

Staff Counsel apologizes for the error and any inconvenience it may have caused the Board and parties.

Respectfully submitted,

/Signed (electronically) by/

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY) Docket Nos. 52-040 & 52-041
)
(Turkey Point Units 6 and 7))

CERTIFICATE OF SERVICE

I hereby certify that the NRC Staff Letter dated March 23, 2015, to the Administrative Judges on the Atomic Safety and Licensing Board presiding over this proceeding has been filed through the E-Filing system and has been served upon the following person by e-mail this 23rd day of March, 2015:

Barry White
Citizens Allied for Safe Energy
10001 S.W. 129th Terrace
Miami, FL 33176
Email: bwtamia@bellsouth.net

/Signed (electronically) by/
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