

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

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Michael F. Kennedy
Dr. William W. Sager

In the Matter of

FLORIDA POWER & LIGHT COMPANY

(Turkey Point Nuclear Generating, Units 3 and 4)

Docket Nos. 50-250-LA and 50-251-LA

ASLBP No. 15-935-02-LA-BD01

November 4, 2015

ORDER

(Clarifying Witness List Deadline and Requiring Service by EIE)

On October 19, 2015, the Board granted the NRC Staff's unopposed motion for an eleven day extension of time to file its written testimony, exhibits, and statement of position.¹ Pursuant to that order, all subsequent filing deadlines were shifted forward by eleven days.²

At the request of Citizens Allied for Safe Energy, Inc. (CASE), the Board now clarifies that this eleven day extension also applies to the deadline for each party to file its final list of the witnesses on whose testimony it intends to rely at the hearing, in accordance with 10 C.F.R. § 2.336(a)(1). These final witness lists are due no later than December 15, 2015. The Board notes that the witnesses identified in each party's final witness list are required to submit pre-filed written testimony either as part of that party's initial submission of evidence or as part of that party's rebuttal submission of evidence.³

¹ Licensing Board Order (Granting Request for Extension of Time) (Oct. 19, 2015) (unpublished).

² Id.; see also Licensing Board Order (Initial Scheduling Order) (May 8, 2015) (unpublished).

³ See 10 C.F.R. § 2.1207 ("Unless otherwise limited by this subpart or by the presiding officer, participants in an oral hearing may submit . . . [i]nitial written statements of position and written testimony with supporting affidavits on the admitted contentions. These materials must be filed on the dates set by the presiding officer."); Licensing Board Order (Initial Scheduling Order)

The Board previously granted CASE's motion to receive service by email because the NRC's Electronic Information Exchange (EIE) system was incompatible with Apple computers, which prevented CASE from receiving EIE filings.⁴ However, since that time, the EIE system apparently has been rendered compatible with Apple computers, and CASE has confirmed that it now can access the EIE system. Accordingly, the Board hereby rescinds its previous order and directs CASE to submit all future filings through the EIE system as required by 10 C.F.R. § 2.302(g).⁵ Moreover, the other parties to this proceeding no longer need to serve CASE via email. Should CASE have difficulty accessing the EIE system in the future, it should promptly notify the Board. If any such difficulties arise, the Board will consider permitting CASE to return to receiving service by email.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 4, 2015

(May 8, 2015) at 8-9 (unpublished); see also 10 C.F.R. § 2.711 ("The parties shall submit direct testimony of witnesses in written form, unless otherwise ordered by the presiding officer on the basis of objections presented.").

⁴ Licensing Board Order (Granting CASE's Motion to Receive Service by Email) (Oct. 28, 2014) (unpublished).

⁵ Id. at 2 ("This Order will remain in effect until the Board is advised that the EIE system is compatible with CASE's computer.").

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Clarifying Witness List Deadline and Requiring Service by EIE)** have been served upon the following persons by Electronic Information Exchange or via electronic mail as indicated by an asterisk.

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Turkey Point, Units 3 & 4, Docket Nos. 50-250 and 50-251-LA
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[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of November, 2015