

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	Docket Nos. 52-040-COL
Florida Power & Light Company)	52-041-COL
)	
Turkey Point Units 6 and 7)	ASLBP No. 10-903-02-COL
(Combined License Application))	

**FLORIDA POWER & LIGHT COMPANY’S RESPONSE TO JOINT
INTERVENORS’ MOTION FOR EXTENSION OF TIME TO ANSWER
FLORIDA POWER & LIGHT COMPANY’S MOTION FOR SUMMARY DISPOSITION
OF JOINT INTERVENORS’ AMENDED CONTENTION 2.1**

Florida Power & Light Company (“FPL”) hereby opposes, in part, Joint Intervenor’s Motion for Extension of Time to Answer Florida Power & Light Company’s Motion for Summary Disposition of Joint Intervenor’s Amended Contention 2.1 (“Joint Intervenor’s Motion”). On December 18, 2015, Joint Intervenor filed their motion seeking a 30-day extension to file an answer to FPL’s Motion for Summary Disposition of Joint Intervenor’s Amended Contention 2.1 (“Summary Judgment Motion”) filed in this proceeding on December 15, 2015. While FPL supports a reasonable extension, FPL requests that the Board deny Joint Intervenor’s Motion seeking a 30-day extension and instead grant Joint Intervenor a two week extension.

FPL agrees that a reasonable extension is warranted in light of the holidays and pre-planned vacations. However, FPL does not agree that more than doubling the time allotted for a response is reasonable, and Joint Intervenor have not demonstrated good cause for such a lengthy delay. The documents upon which FPL’s Summary Judgment Motion is based have been available, and indeed in Joint Intervenor’s possession, for some time. The sampling reports

included as Exhibits 1-6 to FPL's Summary Judgment Motion were disclosed, and copies provided, to Joint Intervenors in September 2015. The Report on the Construction and Testing of Class V Exploratory Well EW-1 at the Florida Power & Light Company Turkey Point Units 6 & 7, Exhibit 8 to FPL's Summary Judgment Motion, has been available to Joint Intervenors for even longer. FPL submitted that report to the NRC in October 2012, and submitted a revised version in February 2013.¹ In its March 7, 2013 hearing file update, the NRC disclosed to Joint Intervenors the availability of the revised version.² Finally, as recognized by Joint Intervenors, the Draft Environmental Impact Statement also has been available for months.

For these reasons, FPL respectfully submits that Joint Intervenors have had ample time to review these documents in sufficient detail to provide a timely response to the Summary Judgment Motion. As stated above, however, FPL agrees that Joint Intervenors should be granted a two week extension to account for the holidays. FPL does not object to providing the NRC Staff with the same extension.

Joint Intervenors argue that the Joint Intervenors' Motion would not harm FPL because the Final Environmental Impact Statement is not expected until at least October of 2016. But any undue extension of the NRC hearing process would by definition be prejudicial to the expeditious processing of FPL's Application.

¹ Letter from W. Maher, Senior Licensing Director, FPL to U.S.NRC re: Submittal of the Revised Report on the Construction and Testing of Class V Exploratory Well EW-1 at Turkey Point Units 6 & 7, dated Feb. 20, 2013 (ADAMS Accession No. ML13064A148).

² Letter from R. Harper to Administrative Law Judges, re: Hearing File Update, dated March 7, 2013, at Attachment 1, p. 3 (ADAMS Accession No. ML13066A887).

Respectfully submitted,
/Signed electronically by Michael Lepre/

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December 21, 2015

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Florida Power & Light Company's Response to Joint Intervenor's Motion For Extension of Time to Answer Florida Power & Light Company's Motion for Summary Disposition of Joint Intervenors' Amended Contention 2.1 has been served through the E-Filing system on the participants in the above-captioned proceeding, this 21st day of December, 2015.

/Signed electronically by Kimberly A Harshaw/

Kimberly A Harshaw