

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

December 23, 2015

ORDER

(Granting Joint Intervenors' Motion for Extension of Time)

Southern Alliance for Clean Energy, National Parks Conservation Association, Dan Kipnis, and Mark Oncavage (hereinafter referred to collectively as Joint Intervenors) filed a motion seeking a 30-day extension of time – from January 4, 2016, to and including February 3, 2016 – to answer Florida Power & Light Company's (FPL's) December 15, 2015 motion for summary disposition of Joint Intervenors' amended contention 2.1.<sup>1</sup> Joint Intervenors state that this extension is necessary given the length and complexity of FPL's submitted materials<sup>2</sup> coupled with the fact that their "expert will be on a long-scheduled vacation with family until January 3, 2016."<sup>3</sup>

Both the NRC Staff and FPL orally informed Joint Intervenors that they would challenge

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<sup>1</sup> See Joint Intervenors' Motion for Extension of Time to Answer [FPL's] Motion for Summary Disposition of Joint Intervenors' Amended Contention 2.1 (Dec. 18, 2015) [hereinafter Joint Intervenors' Motion].

<sup>2</sup> Id. at 2 (observing that FPL's motion includes "scientific analyses contained in the 3,049 pages of exhibits and attachments . . . including declarations from three experts").

<sup>3</sup> Id.

a 30-day extension request as unreasonably lengthy.<sup>4</sup> On December 18, 2015, the Board directed FPL and the NRC Staff to respond to Joint Intervenors' motion on or before December 22, 2015.<sup>5</sup> FPL and the NRC Staff then filed their responses objecting to the requested 30-day extension, and suggesting that the Board grant a lesser extension of either two or three weeks.<sup>6</sup>

This Board concludes that Joint Intervenors' 30-day extension request is reasonable in light of (1) the length and complexity of FPL's submissions, see supra note 2; (2) the fact that FPL filed its motion at the onset of the holiday season when it might reasonably be expected that essential members of Joint Intervenors' litigation team would be on travel or otherwise unavailable; and (3) the fact that Joint Intervenors' expert is, in fact, on a long-scheduled family vacation until January 3, 2016.<sup>7</sup> Importantly, granting Joint Intervenors' request will promote adjudicative efficiency, because it will enable them – with the benefit of their expert's input – to provide this Board with a higher quality answer that fully considers and addresses the issues. Moreover, granting the request will not delay this proceeding, because the Final Environment Impact Statement is not expected to be issued until October 2016<sup>8</sup> and, accordingly, a hearing date has not been set.<sup>9</sup>

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<sup>4</sup> See id. at 3-4.

<sup>5</sup> Order (Establishing Deadline for FPL and the NRC Staff to Respond to Joint Intervenors' Motion for Extension of Time) (Dec. 18, 2015) (unpublished).

<sup>6</sup> [FPL's] Response to [Joint Intervenors' Motion] at 1 (Dec. 21, 2015) (urging the Board to deny the 30-day extension, and instead grant a two-week extension); NRC Staff Response to [Joint Intervenors' Motion] at 1 (Dec. 22, 2015) (urging the Board to deny the 30-day extension, and instead grant a three-week extension).

<sup>7</sup> Joint Intervenors' Motion at 2.

<sup>8</sup> See Letter from Francis M. Akstulewicz, Director, Division of New Reactor Licensing, NRC Office of New Reactors, to Mano K. Nazar, President and Chief Nuclear Officer, FPL (Oct. 27, 2015) at 1 (ADAMS Accession No. ML15286A109) (explaining that issuance of the Final Environmental Impact Statement would be delayed from February 2016 to October 2016).

<sup>9</sup> See 10 C.F.R. § 2.332(d) ("Where an environmental impact statement (EIS) is involved, hearings on environmental issues addressed in the EIS may not commence before the issuance of the final EIS.").

For good cause shown, we grant Joint Intervenors' motion. Answers by Joint Intervenors and the NRC Staff are to be filed no later than February 3, 2016.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

***/RA/***

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E. Roy Hawkens, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
December 23, 2015

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the **ORDER (Granting Joint Intervenors' Motion for Extension of Time)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate Adjudication  
Mail Stop: O-7H4  
Washington, DC 20555-0001  
[ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop: O-16C1  
Washington, DC 20555-0001  
[hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O-15 D21  
Washington, DC 20555-0001

E. Roy Hawkens  
Administrative Judge, Chair  
[roy.hawkens@nrc.gov](mailto:roy.hawkens@nrc.gov)

Sara Kirkwood, Esq.  
[sara.kirkwood@nrc.gov](mailto:sara.kirkwood@nrc.gov)  
Patrick Moulding, Esq.  
[patrick.moulding@nrc.gov](mailto:patrick.moulding@nrc.gov)  
Sarah Price, Esq.

Dr. Michael F. Kennedy  
Administrative Judge  
[michael.kennedy@nrc.gov](mailto:michael.kennedy@nrc.gov)

[sarah.price@nrc.gov](mailto:sarah.price@nrc.gov)  
Michael Spencer, Esq.  
[michael.spencer@nrc.gov](mailto:michael.spencer@nrc.gov)  
Robert Weisman, Esq.  
[robert.weisman@nrc.gov](mailto:robert.weisman@nrc.gov)

Dr. William C. Burnett  
Administrative Judge  
[william.burnett2@nrc.gov](mailto:william.burnett2@nrc.gov)

Christina England, Esq.  
[christina.england@nrc.gov](mailto:christina.england@nrc.gov)  
Anthony Wilson, Esq.  
[anthony.wilson@nrc.gov](mailto:anthony.wilson@nrc.gov)

Nicole Pepperl, Law Clerk, ASLBP  
[Nicole.Pepperl@nrc.gov](mailto:Nicole.Pepperl@nrc.gov)

Jennifer Scro, Law Clerk, ASLBP  
[Jennifer.Scro@nrc.gov](mailto:Jennifer.Scro@nrc.gov)

OGC Mail Center: Members of this office have received a copy of this filing by EIE service.

Turkey Point, Units 6 and 7, Docket Nos. 52-040 and 52-041-COL  
**ORDER (Granting Joint Intervenors' Motion for Extension of Time)**

Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, Florida 33408  
Nextera Energy Resources  
William Blair, Esq.  
[william.blair@fpl.com](mailto:william.blair@fpl.com)

Florida Power & Light Company  
801 Pennsylvania Ave. NW Suite 220  
Washington, DC 20004  
Steven C. Hamrick, Esq.  
[steven.hamrick@fpl.com](mailto:steven.hamrick@fpl.com)

Pillsbury, Winthrop, Shaw, Pittman, LLP  
1200 Seventeenth Street, N.W.  
Washington, DC 20036-3006  
Kimberly Harshaw, Esq.  
[kimberly.harshaw@pillsburylaw.com](mailto:kimberly.harshaw@pillsburylaw.com)  
Michael G. Lepre, Esq.  
[michael.lepre@pillsburylaw.com](mailto:michael.lepre@pillsburylaw.com)  
John H. O'Neill, Esq.  
[john.oneill@pillsburylaw.com](mailto:john.oneill@pillsburylaw.com)  
David R. Lewis, Esq.  
[david.lewis@pillsburylaw.com](mailto:david.lewis@pillsburylaw.com)  
Timothy J. V. Walsh

Counsel for Mark Oncavage, Dan Kipnis,  
Southern Alliance for Clean Energy (SACE),  
and National Parks Conservation Association  
Everglades Law Center, Inc.  
3305 College Avenue  
Ft. Lauderdale, Florida 33314  
Jason Totoiu, Esq.  
[jason@evergladeslaw.org](mailto:jason@evergladeslaw.org)

Counsel for Mark Oncavage, Dan Kipnis,  
Southern Alliance for Clean Energy (SACE),  
and National Parks Conservation  
Association  
Turner Environmental Law Clinic  
Emory University School of Law  
1301 Clifton Rd. SE  
Atlanta, GA 30322  
Mindy Goldstein, Esq.  
[magolds@emory.edu](mailto:magolds@emory.edu)

Counsel for the Village of Pinecrest  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, FL 32308  
William C. Garner, Esq.  
[bgarner@ngn-tally.com](mailto:bgarner@ngn-tally.com)  
Gregory T. Stewart, Esq.  
[gstewart@ngnlaw.com](mailto:gstewart@ngnlaw.com)

Matthew Haber  
Assistant City Attorney  
The City of Miami  
444 SW 2<sup>nd</sup> Avenue  
Miami, FL 33130  
[mshaber@miamigov.com](mailto:mshaber@miamigov.com)

[Original signed by Herald M. Speiser \_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 23<sup>rd</sup> day of December, 2015