

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:

Florida Power & Light Co
Turkey Point Units 6 & 7,

Lower Docket Nos. M-52-040 &
52-041

Combined Construction and License
Applications

**AN APPEAL FROM AN ORDER OF THE
ATOMIC SAFETY LICENSING BOARD**

MOTION FOR AN EXTENSION OF TIME TO FILE BRIEF

Thomas F. Pepe, Esquire
City Attorney
Counsel for City of South Miami
1450 Madruga Avenue, Suite 202
Coral Gables, Florida 33146
T: 305-667-2564
F: 305-341-0584
E: thomaspepe@pepenemire.com

Appellant, the City of South Miami, hereby respectfully requests an extension of time nunc pro tunc August 25, 2017 for the filing of the City's Initial Brief and in support thereof states:

1. The undersigned attorney had never filed any adjudicatory submission with the Nuclear Regulatory Commission prior to the filing of the Appeal in the instant case. The undersigned had gone through the steps of obtaining a digital certificate and believed that he had access to file an adjudicatory submission on July 26, 2017. On August 25, 2017, while working on the Initial Brief, he attempted access to the Electronic Information Exchange ("EIE") System and discovered that he did not have a digital certificate. The undersigned attorney then went through the process of contacting the NRC Help Desk and, after approximately one and one half hours, obtained his digital certificate.

2. The undersigned attorney, upon completing his Notice of Appeal, Initial Brief and Appendix, proceeded to file those documents. However, in the process of saving a revised version of his Notice of Appeal and converting it from a Word formatted to PDF, he was in a hurry and didn't realized that the computer had automatically given his Notice of Appeal the PDF file name of his Initial Brief. Thus, when filing the Notice of Appeal, Initial Brief and the Appendix, he, in fact, filed two copies of the Notice of Appeal and Appendix. Since the EIE system does not have the capability of reviewing the documents that have been uploaded to the

system before submitting the filing, he hit the “submit” button thinking that he was filing the Notice of Appeal, Initial Brief and the Appendix. It was not until the following Monday when he was advised by the NRC Clerk that he had filed twice and both times he had filed two copies of the Notice of Appeal and one copy of the Appendix and that the Initial Brief had not been included. The NRC Clerk advised the undersigned merely to file the Initial Brief as soon as possible on Monday, August 28, 2017. A copy of the emails between the undersigned attorney, the NRC Help Desk and the NRC Clerk are attached.

WHEREFORE, the City of South Miami respectfully requests that this Motion be granted and the Initial Brief be accepted nunc pro tunc August 25, 2017.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Extension of Time to File the Brief of the City of South Miami appealing the denial of the City of South Miami's Petition to Intervene and Request for Hearing Regarding the Combined Construction and Operating License Application for Turkey Point Units 6 & 7 and the order striking the affidavit of Mark Crisp have been filed and served through the EIE Adjudicatory Submission system on the participants in the above-captioned proceeding this 20th day of September, 2017.

By: /s/ Thomas F. Pepe
Florida Bar No. 183230
Thomas F. Pepe

City Attorney for
City of South Miami
1450 Madruga Avenue, Suite 202
Coral Gables, Florida 33146
T: 305-667-2564
F: 305-341-0584
E: tpepe@southmiamifl.gov

Dated at South Miami, Florida
this 20th day of September, 2017

Your Request for a NRC Credential was Submitted Successfully

NRC ICAM Services [icam.service@nrc.gov]

Sent: Wednesday, July 26, 2017 11:43 AM

To: Pepe, Thomas F.

Dear Thomas Pepe,

Your request for a NRC *Software Digital Certificate* credential was successfully submitted. This request has been forwarded for additional processing and you will be notified via email of its progress.

If you have any questions, please contact the Support Center for your NRC application:

EIE - Adjudicatory Forms

Email - Meta_System_Help_Desk.Resource@nrc.gov

Telephone - 1-866-672-7640

Note: This is an auto-generated email from the NRC External Credentialing Service. Please do not reply to this email.

Thank you,

NRC Identity, Credential, and Access Management Services

Credential Request Approval Notification - Thomas Pepe

NRC ICAM Services [icam.service@nrc.gov]

Sent: Wednesday, July 26, 2017 12:34 PM

To: Pepe, Thomas F.

Dear Thomas Pepe,
Congratulations!

Your request for a NRC Software Digital Certificate digital credential has been completely approved by the NRC and requires additional action for completion.

Your Approval Code is NRCI2017B4F27392BA. Please have this with you as you will need this when in the process of activating your credential.

For Software Digital Certificates:

- Please visit our website [NRC External Credential Service](https://pki.nrc.gov/Rudimentary) (https://pki.nrc.gov/Rudimentary) to collect your certificate.
- Once your credential has been collected you will be able to access the NRC application to which you requested access.

For One Time Password Credentials:

- If you opted for a hardware OTP credential, you should have received the credential with this mailer.
- If you opted for a mobile OTP credential, please visit [VIP Access](https://vipmobile.verisign.com/home.v) (https://vipmobile.verisign.com/home.v) to download your mobile OTP credential.
- Please visit our website [NRC External Credential Service](https://pki.nrc.gov/ExternalCredentialingService) (https://pki.nrc.gov/ExternalCredentialingService) to activate your OTP credential.
- Once your credential has been registered you will be able to access the NRC application to which you requested access.

Please note that your login for the NRC External Credential Service is **tfp0001**. Please use the password you chose during the initial request submission.

If you have any questions, please contact the Support Center for your NRC application:

EIE - Adjudicatory Forms

Email - Meta_System_Help_Desk.Resource@nrc.gov

Telephone - 1-866-672-7640

Note: This is an auto-generated email from the NRC External Credentialing Service. Please do not reply to this email.

Thank you,

NRC Identity, Credential, and Access Management Services

Your Request for a NRC Credential was Submitted Successfully

NRC ICAM Services [icam.service@nrc.gov]

Sent: Friday, August 25, 2017 2:56 PM

To: Pepe, Thomas F.

Dear Thomas Pepe,

Your request for a NRC *One Time Password - Security Token* credential was successfully submitted. This request has been forwarded for additional processing and you will be notified via email of its progress.

If you have any questions, please contact the Support Center for your NRC application:

External Credential Service Level 3

Email - icodmpki.support@nrc.gov

Telephone - 202-345-1234

Note: This is an auto-generated email from the NRC External Credentialing Service. Please do not reply to this email.

Thank you,

NRC Identity, Credential, and Access Management Services

Adjudicatory Submissions - Link/Page Error

Pepe, Thomas F.

Sent:Friday, August 25, 2017 3:00 PM**To:** pdr.resource@nrc.gov

Good afternoon,

We are having a problem getting to the adjudicatory submissions page. When we go to the following page and click on "Submit Adjudicatory documents", it says: "403 - Forbidden: Access is denied."

<https://www.nrc.gov/site-help/e-submittals/adjudicatory-sub.html>

The deadline for our filing is today so your urgent attention to this matter is very much appreciated.

Thank you.

Very truly yours,

*Linda Nite**Assistant to Thomas F. Pepe*

City Attorney, Board Certified by the Fla. Bar
in City, County and Local Government Law.

City of South Miami

1450 Madruga Avenue, Ste 202,

Coral Gables, Florida 33146

Tel: (305) 667-2564

Fax: (305) 341-0584

E-mail: tpepe@southmiamifl.gov

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Your Request for a NRC Credential was Submitted Successfully

NRC ICAM Services [icam.service@nrc.gov]

Sent: Friday, August 25, 2017 3:24 PM

To: Pepe, Thomas F.

Dear Thomas Pepe,

Your request for a NRC *Software Digital Certificate* credential was successfully submitted. This request has been forwarded for additional processing and you will be notified via email of its progress.

If you have any questions, please contact the Support Center for your NRC application:

EIE - Adjudicatory Forms

Email - Meta_System_Help_Desk.Resource@nrc.gov

Telephone - 1-866-672-7640

Note: This is an auto-generated email from the NRC External Credentialing Service. Please do not reply to this email.

Thank you,

NRC Identity, Credential, and Access Management Services

Credential Request Approval Notification - Thomas Pepe

NRC ICAM Services [icam.service@nrc.gov]

Sent: Friday, August 25, 2017 3:32 PM

To: Pepe, Thomas F.

Dear Thomas Pepe,
Congratulations!

Your request for a NRC Software Digital Certificate digital credential has been completely approved by the NRC and requires additional action for completion.

Your Approval Code is NRCI2017926F0D3461. Please have this with you as you will need this when in the process of activating your credential.

For Software Digital Certificates:

- Please visit our website [NRC External Credential Service](https://pki.nrc.gov/Rudimentary) (https://pki.nrc.gov/Rudimentary) to collect your certificate.
- Once your credential has been collected you will be able to access the NRC application to which you requested access.

For One Time Password Credentials:

- If you opted for a hardware OTP credential, you should have received the credential with this mailer.
- If you opted for a mobile OTP credential, please visit [VIP Access](https://vipmobile.verisign.com/home.v) (https://vipmobile.verisign.com/home.v) to download your mobile OTP credential.
- Please visit our website [NRC External Credential Service](https://pki.nrc.gov/ExternalCredentialingService) (https://pki.nrc.gov/ExternalCredentialingService) to activate your OTP credential.
- Once your credential has been registered you will be able to access the NRC application to which you requested access.

Please note that your login for the NRC External Credential Service is **tfp0003**. Please use the password you chose during the initial request submission.

If you have any questions, please contact the Support Center for your NRC application:

EIE - Adjudicatory Forms

Email - Meta_System_Help_Desk.Resource@nrc.gov

Telephone - 1-866-672-7640

Note: This is an auto-generated email from the NRC External Credentialing Service. Please do not reply to this email.

Thank you,

NRC Identity, Credential, and Access Management Services

Access Granted to the Electronic Information Exchange (EIE) Adjudicatory Service List

Hearingdocket@nrc.gov

Sent: Friday, August 25, 2017 4:51 PM

To: Pepe, Thomas F.

MESSAGE FROM THE OFFICE OF THE SECRETARY, NUCLEAR REGULATORY COMMISSION

Thomas Frank Pepe request for access to Electronic Information Exchange (EIE) Service List for the following proceeding(s) is granted for Public Adjudicatory submissions only.

Turkey Point 52-040 and 52-041-COL

Email secured by Check Point

RE: Turkey Point - Brief received

Pepe, Thomas F.

Sent: Monday, August 28, 2017 3:12 PM

To: Speiser, Herald [Herald.Speiser@nrc.gov]

Cc: Docket, Hearing [Hearing.Docket@nrc.gov]

Thank you.

Very truly yours,

Thomas F. Pepe

City Attorney, Board Certified by the Fla. Bar
in City, County and Local Government Law.

City of South Miami

1450 Madruga Avenue, Ste 202,

Coral Gables, Florida 33146

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From: Speiser, Herald [Herald.Speiser@nrc.gov]

Sent: Monday, August 28, 2017 2:34 PM

To: Pepe, Thomas F.

Cc: Docket, Hearing

Subject: Turkey Point - Brief received

Mr. Pepe,

Wanted to confirm that the brief was received.

Thank you.

Herald Speiser

Herald M. Speiser

Rulemakings and Adjudications Staff

Office of the Secretary

U. S. Nuclear Regulatory Commission

(301) 415-1358

Email secured by Check Point

RE: RE: Turkey Point adjudicatory submissions

Speiser, Herald [Herald.Speiser@nrc.gov]

Sent: Monday, August 28, 2017 9:23 AM**To:** Pepe, Thomas F.; Docket, Hearing [Hearing.Docket@nrc.gov]**Cc:** Newell, Brian [Brian.Newell@nrc.gov]; Sola, Clara [Clara.Sola@nrc.gov]**Attachments:** Notice of Appeal.pdf (121 KB) ; Initial Brief.pdf (121 KB) ; Appendix.pdf (36 MB)

For your convenience I have attached Adobe copies of each. Will wait to hear back from you.

Thank you.

Herald

Herald M. Speiser

Rulemakings and Adjudications Staff

Office of the Secretary

U. S. Nuclear Regulatory Commission

(301) 415-1358

From: Pepe, Thomas F. [mailto:TPepe@southmiamifl.gov]

Sent: Monday, August 28, 2017 9:16 AM

To: Docket, Hearing <Hearing.Docket@nrc.gov>

Cc: Newell, Brian <Brian.Newell@nrc.gov>; Sola, Clara <Clara.Sola@nrc.gov>; Speiser, Herald <Herald.Speiser@nrc.gov>

Subject: [External_Sender] RE: Turkey Point adjudicatory submissions

I am not in the office at this moment. I thought that I submitted three documents with three separate file names, Notice of Appeal, Initial Brief and Appendix. How can I review my filings? My certified computer is in the office.

Very truly yours,

Thomas F. Pepe

City Attorney, Board Certified by the Fla. Bar

in City, County and Local Government Law.

City of South Miami

1450 Madruga Avenue, Ste 202,

Coral Gables, Florida 33146

Tel: (305) 667-2564

Fax: (305) 341-0584

E-mail: tpepe@southmiamifl.gov

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From: Docket, Hearing [Hearing.Docket@nrc.gov]

Sent: Monday, August 28, 2017 8:29 AM

To: Pepe, Thomas F.
Cc: Docket, Hearing; Newell, Brian; Sola, Clara; Speiser, Herald
Subject: Turkey Point adjudicatory submissions

Good morning,

We are in receipt of your 8/25/17 submissions on the subject docket. One set of documents was received at 9:59pm and another set at 10:00pm. They appear to be identical but we would like to ask for your confirmation of that. We will retain only the original submissions unless you indicate the second set contained revised versions. Perhaps you encountered technical difficulties that caused you to submit twice?

In addition, although the documents you submitted are titled Notice of Appeal, Initial Brief and Appendix, it appears that for each of those two submissions you filed the notice twice but did not file the brief. The document titled Initial Brief is the same as the Notice.

Please call at your earliest to discuss. I left a voicemail at your office this morning. You can reach me at 301-415-1358.

Thank you.

Herald Speiser

Herald M. Speiser
Rulemakings and Adjudications Staff
Office of the Secretary
U. S. Nuclear Regulatory Commission
(301) 415-1358

Email secured by Check Point

Your E-mail to the Office of the Secretary, NRC, Adjudications Mailbox

Docket, Hearing [Hearing.Docket@nrc.gov]

Sent: Monday, August 28, 2017 9:15 AM

To: Pepe, Thomas F.

Cc: Docket, Hearing [Hearing.Docket@nrc.gov]

THANK YOU FOR YOUR SUBMISSION. THIS IS AN ACKNOWLEDGEMENT OF RECEIPT OF YOUR SUBMISSION TO THE ADJUDICATORY DOCKET OF THE NUCLEAR REGULATORY COMMISSION, MAINTAINED BY THE OFFICE OF THE SECRETARY. YOUR SUBMISSION WILL BE CONSIDERED FOR PLACEMENT ON THE APPROPRIATE ADJUDICATORY CASE DOCKET.

RULEMAKINGS AND ADJUDICATIONS STAFF
OFFICE OF THE SECRETARY
NUCLEAR REGULATORY COMMISSION

Email secured by Check Point