

January 23, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

NRC STAFF MOTION TO REOPEN THE RECORD
TO FILE CORRECTED EXHIBIT NRC-005-R

On December 5, 2017, NRC Staff filed its Exhibit List and noted in footnote 1 of that document two corrections to Exhibit NRC-005, “NRC Staff Responses to Commission Prehearing Questions.” In order to establish a clear and complete record, the NRC Staff requests that the Commission reopen the record in this proceeding for the sole purpose of admitting into evidence the “NRC Staff Responses to Commission Prehearing Questions,” as revised to incorporate the corrections stated in footnote 1 of the Staff Exhibit List. To avoid confusion, the Staff has labeled the corrected responses as Exhibit “NRC-005-R.” The Staff has also revised the Staff Exhibit List as of today to list corrected Exhibit NRC-005-R. The Staff Exhibit List as revised today identifies the Staff exhibits in the same manner the December 5, 2017, Staff Exhibit List identifies them (*i.e.*, by the portions of individual documents divided into smaller files for submission via the NRC E-filing system). Exhibit NRC-005-R (Attachment 1) and the revised Staff Exhibit List (Attachment 2) are attached to this Motion.

The traditional standards for a Motion to Reopen, as set forth in 10 C.F.R. § 2.326, apply to a “motion to reopen a closed record to consider additional evidence.” 10 C.F.R. § 2.326(a). In one proceeding, the Commission directed the parties “to apply the traditional standards for reopening only on new information.” *Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit 1), CLI-85-2, 21 NRC 282, 285 n.3 (1985). Inasmuch as the NRC Staff is not

seeking Commission consideration of additional evidence but only seeks correction of a potential inconsistency in the record, the staff submits that the traditional standards in 10 C.F.R. § 2.326 should not be applied to this Motion. *Cf. Id.* (Commission agreed that traditional standards did not apply where the Atomic Safety and Licensing Appeal Board reopened a proceeding because of an inadequate record).

Pursuant to 10 C.F.R. § 2.323(b), the NRC Staff has consulted with the applicant, Florida Power & Light Company (FPL), and FPL has no objection to this motion.

/Signed (electronically) by/
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Dated at Rockville, Maryland
this 23rd day of January, 2018

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CERTIFICATE OF SERVICE

I hereby certify that the "NRC STAFF MOTION TO REOPEN THE RECORD TO FILE CORRECTED EXHIBIT NRC-005-R," dated January 23, 2018, "NRC STAFF EXHIBIT NRC 005-R," and the "STAFF EXHIBIT LIST" (Revised January 23, 2018), have been filed through the E-Filing system this 23rd day of January, 2018.

Respectfully submitted,

/Signed (electronically) by/
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