

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket Nos. 50-250-SLR & 50-251-SLR
FLORIDA POWER & LIGHT COMPANY)	
)	ASLBP No. 18-957-01-SLR-BD01
(Turkey Point Nuclear Generating Units 3 and 4))	
)	March 19, 2019

**JOINT MOTION REGARDING HEARING SCHEDULE,
MANDATORY DISCLOSURES, AND HEARING FILE OBLIGATIONS**

Pursuant to 10 C.F.R. § 2.323, and the Atomic Safety and Licensing Board’s (“Board”) recent decision in LBP-19-3,¹ Florida Power & Light Company (“FPL”), Southern Alliance for Clean Energy (“SACE”), Friends of the Earth, Inc., Natural Resources Defense Council, Inc., and Miami Waterkeeper, Inc. (collectively, “Joint Petitioners”), and the U.S. Nuclear Regulatory Commission Staff (“NRC Staff”) (collectively, “the Parties”)² request that the Board grant this joint motion regarding the hearing schedule, general discovery under 10 C.F.R. § 2.336 (*i.e.*, mandatory disclosures), and the hearing file required under 10 C.F.R. § 2.1203.

In lieu of the default disclosure protocol in 10 C.F.R. Part 2, the Parties have unanimously agreed to, and request Board approval of, the following disclosure protocol for this proceeding:

¹ *Fla. Power & Light Co.* (Turkey Point Nuclear Generating Units 3 & 4), LBP-19-3, 89 NRC __ (slip op.) (Mar. 7, 2019).

² This description of the NRC Staff as a party does not formally indicate that it intends to participate as a Party. The NRC Staff will provide a notice regarding whether it intends to participate as a Party in accordance with 10 C.F.R. § 2.1202(b).

1. The Parties are not required to identify or produce privileged documents (*e.g.*, attorney-client communications, attorney work product, deliberative process). However, the Parties will identify proprietary documents;³
2. The Parties are not required to identify or produce any document that has been served on all other Parties to this proceeding;
3. The Parties are not required to identify or produce press clippings;
4. The Parties are not required to identify or produce draft documents (including comments on drafts, resolutions of comments, draft transmittals, or similar documents). However, the Parties will identify (and produce, if requested) any relevant final revisions of documents, *i.e.*, Rev. 1, Rev. 2.
5. The NRC Staff will combine its mandatory disclosures and hearing file disclosures, and will identify the location where all non-privileged documents that it is required to disclose are available via the NRC's website or the NRC's Agencywide Documents Access and Management System ("ADAMS"), as required by 10 C.F.R. §§ 2.336(b) and 2.1203. The Parties are not otherwise required to identify or produce documents available via the NRC's website or ADAMS.
6. The Parties are not required to produce documents that are publicly available. However, the Parties will identify such documents (other than documents available via the NRC's website or ADAMS, which are covered in item 5, above), along with information regarding the location of such documents (*e.g.*, web address).
7. If an identical document is found in multiple locations or in multiple formats (*e.g.*, hardcopy and electronic), the Parties are only required to identify or produce one instance of the document; and
8. All required productions shall be provided in a text-searchable electronic format, to the extent practicable.

Additionally, the Parties have unanimously agreed to, and request Board approval of, the following alternative schedules (one in which new or amended contentions are filed, and one in

³ Any request for production of proprietary documents would be governed by the terms of an appropriate protective order to be issued by the Board. Within 14 days of the initial disclosures, the Parties will submit joint or separate proposals for the Board's consideration regarding the issuance of a protective order.

which they are not) with deadlines based on the date the Staff's Draft and Final Supplemental Environmental Impact Statement ("DSEIS" and "FSEIS") become available for public review.

*		Issuance of DSEIS (D) (*expected March 2019)
5/10/2019		Initial Disclosures Due (I) ⁴ (Disclosures shall be supplemented by each party on the last working day of each month thereafter.)
[Later of D or I] +45		Deadline for new (N) or amended contentions based on DSEIS ⁵
N+25		Answers to new or amended contentions based on DSEIS
N+32		Replies to answers to new or amended contentions based on DSEIS
N+77		Board Order on admission of new or amended contentions based on DSEIS
**		Issuance of FSEIS (F) (**expected August 2019)
YES	NO	[NEW OR AMENDED CONTENTIONS ON FSEIS]
F+30	---	Deadline for new or amended contentions based on FSEIS ⁵
F+55	---	Answers to new or amended contentions based on FSEIS
F+62	---	Replies to answers to new or amended contentions based on FSEIS
F+107	---	Board Order (O) on admission of new or amended contentions based on FSEIS
O+14	F+44	Complete Mandatory Disclosures
O+30	F+60	Motions for Summary Disposition
O+60	F+90	Petitioner written direct testimony, statement of position, and exhibits
O+105	F+135	NRC Staff & FPL written direct testimony, statement of position, and exhibits
O+135	F+165	Petitioner written rebuttal testimony, statement of position, and exhibits
O+150	F+180	Evidentiary Hearing (Hrg)
Hrg+90		Initial Decision

⁴ The Parties jointly request this date for several reasons, including the large volume of historical documents that must be reviewed for relevance to support the initial disclosures. Given the current schedule for issuance of the Final Supplemental Environmental Impact Statement in August 2019, *see* Letter from E. Oesterle, NRC, to M. Nazar, FPL, "Schedule Revision for the Review of the Turkey Point Nuclear Generating Unit Nos. 3 and 4 Subsequent License Renewal Application (EPID No. L-2018-LNE-0001)," Encl. at 1 (Jan. 30, 2019) (ML19028A417), the *earliest* a hearing reasonably can be expected to occur is approximately one year from now. Thus, the reasonable and practical extension envisioned by the Parties is not expected to delay resolution of this proceeding.

⁵ SACE and Joint Petitioners requested to note that they do not waive their ability to seek an additional extension of these deadlines for new or amended contentions. FPL and NRC Staff believe these deadlines already reflect the good faith negotiations of the parties (and represent a generous extension of the standard deadline as to the DSEIS), and that they reserve the right to respond to any such request for further extensions.

The Parties respectfully request the Board approve the above schedule and disclosure protocol, upon which the Parties have unanimously agreed, for this proceeding.

Respectfully submitted,⁶

Executed in Accord with 10 C.F.R. § 2.304(d)

Steven Hamrick, Esq.
Florida Power & Light Company
801 Pennsylvania Ave., NW Suite 220
Washington, D.C. 20004
Phone: (202) 349-3496
Fax: (202) 347-7076
E-mail: steven.hamrick@fpl.com

Executed in Accord with 10 C.F.R. § 2.304(d)

Paul M. Bessette, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: (202) 739-5796
Fax: (202) 739-3001
E-mail: paul.bessette@morganlewis.com

Signed (electronically) by Ryan K. Lighty

Ryan K. Lighty, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: (202) 739-5274
Fax: (202) 739-3001
E-mail: ryan.lighty@morganlewis.com

Counsel for Florida Power & Light Company

Dated in Washington, DC
this 19th day of March 2019

⁶ SACE, Joint Petitioners, and the NRC Staff have authorized FPL to file this joint motion on their behalf.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket Nos. 50-250-SLR & 50-251-SLR
FLORIDA POWER & LIGHT COMPANY)	
)	ASLBP No. 18-957-01-SLR-BD01
(Turkey Point Nuclear Generating Units 3 and 4))	
)	March 19, 2019

CONSULTATION CERTIFICATION

Pursuant to 10 C.F.R. § 2.323(b), I certify that Florida Power & Light Company made a sincere effort to contact the other participants in this proceeding and resolve the issues raised in the above motion. All participants have joined this motion.

Executed in Accord with 10 C.F.R. § 2.304(d)

Paul M. Bessette, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: (202) 739-5796
Fax: (202) 739-3001
E-mail: paul.bessette@morganlewis.com

Counsel for Florida Power & Light Company

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

) Docket Nos. 50-250-SLR & 50-251-SLR
)
) ASLBP No. 18-957-01-SLR-BD01
)
) March 19, 2019
)

DB1/ 102783540