

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF SECRETARY
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In the Matter of)	
)	
FLORIDA POWER & LIGHT COMPANY)	Docket Nos. 50-250 OLA-2
)	50-251 OLA-2
(Turkey Point Nuclear Generating)	(Spent Fuel Pool Expansion)
Units 3 & 4))	

LICENSEE'S RESPONSE TO INTERVENORS'
MOTION FOR EXTENSION OF TIME AND
AMENDMENT OF PROPOSED SCHEDULE FOR HEARING

On February 13, 1986, Intervenors served a "Motion For Extension Of Time To File Intervenors' Response To Licensees' [sic] Motions For Summary Disposition And Motion To Amend The Proposed Schedule For Hearing" (Intervenors' Motion). Intervenors' Motion requested that Intervenors be granted a 30 day extension of time to respond to "Licensee's Motion For Summary Disposition of Contention 3" (January 23, 1986). Intervenors' Motion also requested that each of the deadlines in the "Motion To Establish Schedule For Hearings" (October 15, 1985), which was agreed to by all parties, be extended by 30 days. Licensee hereby submits its response to Intervenors' Motion.

Intervenors assert that good cause exists for an extension of time to respond to Licensee's motions for summary disposition

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because delays in the Turkey Point Vessel Flux Reduction Proceeding^{1/} in which the Intervenors are participating "have caused Ms. Lorion to be unable to concentrate her attention on the Spent Fuel proceeding." (Intervenors' Motion, p. 1). In turn, Intervenors' claim that the delays in the Vessel Flux Reduction proceeding were caused by Ms. Lorion's illness and hospitalization for an unspecified period of time in January. (Id.).

The Intervenors' Motion does not provide sufficient support for the extension of time requested. Nevertheless, the Licensee does not object to an extension of time for the Intervenors to respond to Licensee's motions for summary disposition and a commensurate delay in the commencement of any hearings, provided that Intervenors are held strictly to the time limits requested. The 30 day extension requested provides ample time for Intervenors to respond to Licensee's

1/ Florida Power & Light Co. (Turkey Point Nuclear Generating Units 3 and 4), Docket Nos. 50-250, OLA-1 and 50-251, OLA-1 (Vessel Flux Reduction). Since the Intervenors agreed to the proposed schedule for this proceeding, including a date for the filing of motions for summary disposition, more than four months ago, the Licensee does not believe that delay in the Vessel Flux Reduction Proceeding should be used to extend Intervenors time for responding to Licensee's motions for summary disposition. As a general rule, when a party intervenes in more than one concurrent NRC proceeding, it bears the burden "from time to time to expend extra effort to meet the prescribed schedules in each case." Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-566, 10 NRC 527, 530 (1979). Thus, for example, the Appeal Board in Pennsylvania Power and Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), ALAE-613, 12 NRC 317, 338-340 (1980), did not excuse an intervenor from complying with discovery requests on the ground that the intervenor was involved in several other NRC proceedings.

motions. Accordingly, the "Motion for an Extension of Time to File Intervenor's Response to Licensee's Motion for Summary Disposition and Motion to Amend the Proposed Schedule for Hearing" should be granted with the admonition that Intervenor's will be held to strict compliance with the new schedule.

Respectfully submitted,

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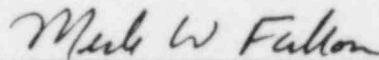
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY) Docket Nos. 50-250-OLA-2
) 50-250-OLA-2
(Turkey Point Nuclear)
Generating Units 3 and 4) (Spent Fuel Pool Expansion)

NOTICE OF APPEARANCE OF COUNSEL

Notice is hereby given that Merle W. Fallon enters an appearance as counsel for Florida Power & Light Company in the above-captioned proceeding.

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Date: February , 1986

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In the Matter of)
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FLORIDA POWER & LIGHT COMPANY) Docket Nos. 50-250 OLA-2
) 50-251 OLA-2
(Turkey Point Plant,)
Units 3 and 4) (Spent Fuel Pool Expansion)
)
_____)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response to Intervenors' Motion for Extension of Time and Amendment of Proposed Schedule for Hearing" in the above captioned proceeding together with a Notice of Appearance of Counsel were served on the following by deposit in the United States mail, first class, properly stamped and addressed, on the date shown below.

Dr. Robert M. Lazo, Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Office of Secretary
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Attention: Chief, Docketing and Service Section
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Dated: February 20, 1986