

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Thomas S. Moore, Presiding Officer
Dr. Richard F. Cole
Dr. Charles N. Kelber

In the Matter of

Florida Power and Light Company
(Turkey Point, Units 3 and 4)

Docket No. 50-250/251-LR

ASLBP No. 01-786-03-LR

December 14, 2000

MEMORANDUM AND ORDER

I. Prehearing Conference

In a December 1, 2000 order, the Licensing Board set a schedule for the filing of, inter alia, amendments and supplements to the intervention petitions and the corresponding replies and answers to those filings. Additionally, the Board announced a two-week window between January 17 and January 31, 2001 in which it would hold a prehearing conference to hear oral arguments on the standing of the Petitioners and the admissibility of proffered contentions. The Board has now secured space in the general vicinity of the Turkey Point facility and will hold the prehearing conference beginning at 9:30 a.m. on January 18, 2001 in the Homestead City Council Chambers, City Hall, 790 N. Homestead Blvd, Homestead, Florida, 33030. After the Board receives and reviews the participants' various filings, it will set the time limits for the oral arguments.

II. Administrative Matters

In its earlier scheduling order, the Board indicated it would issue a second order dealing with a number of matters such as service of filings and motions for extensions of time. Unless otherwise ordered by the Licensing Board, the following directives apply to the conduct of this proceeding:

A. Service on the Licensing Board Members

For each pleading or other submission filed before the Licensing Board or the Commission in this proceeding, in addition to submitting an original and two conforming copies to the Office of the Secretary as required by 10 C.F.R. § 2.708(d) and serving a copy on every other participant in accordance with 10 C.F.R. § 2.701 (b), a participant should serve conforming copies on the members of the Licensing Board by one of the following methods:

1. Regular Mail. To complete service on the members of the Licensing Board via United States Postal Service first-class mail, a participant should send conforming copies to each of the Licensing Board members at the following address:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

For regular mail service, the NRC Staff may use the NRC internal mail system (Mail Stop T3 F23) in lieu of first-class mail.

2. Overnight or Hand Delivery. To complete service on the members of the Licensing Board via overnight (e.g., express mail) or hand delivery, a participant should send conforming copies to each of the Licensing Board members at the following address:

Atomic Safety and Licensing Board Panel
Third Floor, Two White Flint North
11545 Rockville Pike
Rockville, Md 20852-2738

3. Facsimile Transmission. To complete service on the members of the Licensing Board by facsimile transmission, a participant should (i) send one copy by rapidfax to the attention of the members of the Licensing Board at (301) 415-5599 (verification (301) 415-7409); and (ii) that same date, send conforming copies to each of the Licensing Board members by regular mail at the address given in paragraph A.1. above.

4. E-Mail. To complete service on the members of the Licensing Board by e-mail transmission, a participant should (i) send the filing (which should include the certificate of service) as a file (preferably in WordPerfect 5.1 or 6.1 format) attached to an e-mail message directed to each of the Licensing Board members (Internet IDs: tsm2@nrc.gov, rfc1@nrc.gov, cnk@nrc.gov; NRC Agency Upgrade of Technology for Office Systems (Autos) Wide Area Network (WAN) System IDs: TSM2, RFC1, CNK); (II) for any attachments or exhibits to a pleading that cannot be transmitted by e-mail, send those documents to the Licensing Board members by separate facsimile transmission or other means that will ensure receipt by the due date; and (iii) send paper conforming copies that same date to each of the Licensing Board members by regular mail at the address given in paragraph A.1. above.

5. Timely Service by Hand Delivery, Facsimile Transmission, or E-Mail. To be timely, any pleading or other submission served on the Licensing Board members by hand delivery, facsimile transmission, or e-mail must be received by the Licensing Board no later than 4:30 p.m. Eastern time on the date due.

6. Service on Other Participants. If the Licensing Board directs that service of a pleading should be made on it by one or more of the methods outlined above (e.g., facsimile or e-mail with conforming paper copies to follow by mail), the participant serving the pleading

should make service on all other participants and the Office of the Secretary by the same or a comparable method.

7. Service of All Filings. In accordance with the Commission's November 27, 2000 order, see CLI-00-23, 52 NRC ____ (slip op. at 7), all filings in this case directed to the Board shall be served on the Board and the other participants so as to ensure receipt on the day of filing. Absent some other directive from the Board, the participants may use any of the methods outlined above so long as the filing is timely received by the Board and the other participants.

B. Motions for Extension of Time

A motion for extension of time filed with the Board in this proceeding shall be submitted in writing at least three business days before the due date of the pleading or other submission for which an extension is sought. A motion for extension of time must (1) indicate whether the request is opposed or supported by the other participants to the proceeding; and (2) demonstrate, in accordance with the Commission's November 27, 2000 order, CLI-00-23, 52 NRC ____ (slip op. at 7), "unavoidable and extreme circumstances" that support permitting the extension.

C. Exhibits/Attachments to Filings

If a participant files a pleading or other submission with the Licencing Board that has additional documents appended to it as exhibits or attachments, a separate alpha or numeric designation for each appended document (e.g., Exhibit 1; Attachment A) should be given to

each appended document, either on the first page of the appended document or on a cover/divider sheet in front of the appended document.

It is so ORDERED.

For the Atomic Safety and Licensing Board

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 14, 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
FLORIDA POWER AND LIGHT COMPANY	)	Docket Nos. 50-250/251-LR
	)	
(Turkey Point Nuclear Plant,	)	
Units 3 and 4)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER DATED 12/14/00 have been served upon the following persons by Electronic mail. Each party will also receive a paper copy of this document.

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Docket Nos. 50-250/251-LR
LB MEMORANDUM AND ORDER
DATED 12/14/00

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of December 2000