

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

E. Roy Hawkens, Chair
Dr. Michael F. Kennedy
Dr. William C. Burnett

In the Matter of)	
)	
Florida Power & Light Company)	Docket Nos. 52-040 and 52-041
)	
Turkey Point,)	ASLBP No. 10-903-02-COL-BD01
Units 6 and 7)	
_____)	

**REVISED JOINT INTERVENORS' UNOPPOSED MOTION FOR EXTENSION
OF TIME TO ANSWER FLORIDA POWER & LIGHT COMPANY'S
MOTION TO DISMISS
JOINT INTERVENORS' CONTENTION 2.1 AS MOOT**

Pursuant to 10 C.F.R. § 2.307(a) and the Atomic and Safety Licensing Board's (the "Board") March 30, 2011 Initial Scheduling Order and Administrative Directives, Southern Alliance for Clean Energy, National Parks Conservation Association, Dan Kipnis, and Mark Oncavage (collectively, "Joint Intervenors") hereby move for an extension of time to file an answer in opposition to Florida Power & Light Company's ("FPL") Motion to Dismiss Joint Intervenors' Contention 2.1 as Moot (the "FPL Motion"), filed January 3, 2012. Joint Intervenors request leave to file their answer on January 23, 2012, instead of the current due date of January 13, 2012.

(1) As required by 10 C.F.R. § 2.323(b) and the Initial Scheduling Order and Administrative Directives, Joint Intervenors have sought consent of counsel for FPL and the Nuclear Regulatory Commission (“NRC”) staff regarding this motion for an extension of time. Neither party opposes the motion.¹

(2) Joint Intervenors submit the following “good cause” in support of their motion for an extension of time. *See* Initial Scheduling Order at 10; 10 C.F.R. § 2.307(a).

First, Joint Intervenors and their counsel did not receive a copy of the revisions made to FPL’s Combined Operating License Application (“COLA”) until January 3, 2012. According to an email from FPL counsel, the revised COLA was mailed to Joint Intervenors on December 27, 2011. Because of the New Year’s Day federal holiday, Joint Intervenors’ offices were closed on December 30, 2011 and January 2, 2012. Thus, Joint Intervenors did not have an opportunity to review the revisions until they were delivered on January 3, 2012.

Second, Joint Intervenors were not aware of any revisions made to the COLA until FPL’s counsel informed Joint Intervenors’ counsel of such revisions in an email communication dated December 19, 2011. These revisions, and any new studies or expert analyses relating to these revisions, were not disclosed to Joint Intervenors through the mandatory disclosure process. Moreover, the revised COLA was not made available through the Agencywide Documents Access and Management System (“ADAMS”) until the afternoon of January 3, 2012. To the best of Joint Intervenors’ knowledge, as of January 3, 2012, any accompanying studies or analyses have not been made available on the NRC website or through ADAMS.

¹ The NRC staff does not object to a 10 day extension of time for Joint Intervenors to file their answer to the FPL Motion, provided that the NRC staff is also afforded the same extension to file its answer.

Third, and as a result of the unavailability of the revised COLA, Joint Intervenors could not retain an expert until January 3, 2012 to review the revisions and studies.

Fourth, a complete review of the FPL Motion, its attachments, and the materials it relies upon (including sections of the revised COLA) by Joint Intervenors and their expert within ten (10) days will be extremely difficult. Joint Intervenors' expert must conduct a review of the scientific analyses in the revised COLA in order to provide Joint Intervenors' counsel an informed opinion. Joint Intervenors' counsel, in turn, must then prepare an appropriate answer. All of this will consume a significant amount of time. NRC's interest in efficiency will be better served by granting an extension, so as to receive higher quality briefing as opposed to a rushed answer.

Additionally, Joint Intervenors respectfully submit that the requested extension will not adversely affect FPL, NRC staff, or the Board. The Draft Environmental Impact Statement is not expected until at least 2013 and this extension will not affect a scheduled conference, hearing date, or any other scheduled filing deadline. Furthermore, this extension will not reduce the amount of time the Board will have to review Joint Intervenors' answer.

Accordingly, Joint Intervenors request that the Board grant an additional ten (10) days to Joint Intervenors to prepare an answer in opposition to FPL's Motion.

Respectfully submitted this 4th day of January, 2012.

/signed electronically by/

Mindy Goldstein
Tuner Environmental Law Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322
Phone: (404) 727-3432
Fax: (404) 727-7851
Email: magolds@emory.edu

/signed electronically by/

Jason Totoiu
Everglades Law Center
P.O. Box 2693
Winter Haven, FL 33883
Phone: (561) 568-6740
Email: Jason@evergladeslaw.org

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

FLORIDA POWER & LIGHT COMPANY

(Turkey Point Units 6 and 7)

Docket Nos. 52-040-COL and 52-041-COL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **REVISED JOINT INTERVENORS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER FLORIDA POWER & LIGHT COMPANY'S MOTION TO DISMISS JOINT INTERVENORS' CONTENTION 2.1 AS MOOT** were served upon the following persons by Electronic Information Exchange and/or electronic mail.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
Washington, DC 20555-0001
Joshua Kirstein, Law Clerk, ALSB
Email: josh.kirstein@nrc.gov

E. Roy Hawkens
Administrative Judge, Chair
Email: roy.hawkens@nrc.gov

Dr. Michael F. Kennedy
Administrative Judge
Email: michael.kennedy@nrc.gov

Dr. William C. Burnett
Administrative Judge
Email: william.burnett2@nrc.gov

OGC Mail Center: Members of this office have received a copy of this filing by EIE service.

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: 0-15 D21
Washington, DC 20555-0001
Marian Zabler, Esq.; Sara Kirkwood, Esq.
Patrick Moulding, Esq.; Sara Price, Esq.
Joseph Gilman, Paralegal; Karin Francis, Paralegal
Email: marian.zabler@nrc.gov;
sara.kirkwood@nrc.gov;
patrick.moulding@nrc.gov;
sara.price@nrc.gov;
joseph.gilman@nrc.gov;
karin.francis@nrc.gov

Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408
Mitchell S. Ross
Vice President & General Counsel – Nuclear
Email: mitch.ross@fpl.com

Florida Power & Light Company
801 Pennsylvania Ave. NW Suite 220
Washington, DC 20004
Steven C. Hamrick, Esq.
Mitchell S. Ross
Email: steven.hamrick@fpl.com;
mitchell.ross@fpl.com

Counsel for the Applicant
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, N.W.
Washington, DC 20037-1122
Alison M. Crane, Esq.
Stefanie Nelson George, Esq.
John H. O'Neill, Esq.
Matias F. Travieso-Diaz, Esq.
Maria Webb, Paralegal
Email: alison.crane@pillsburylaw.com;
stephanie.george@pillsburylaw.com;
john.oneill@pillsburylaw.com;
matias.travieso-diaz@pillsburylaw.com;
maria.webb@pillsburylaw.com

Counsel for Mark Oncavage, Dan Kipnis,
Southern Alliance for Clean Energy and
National Parks Conservation Association
Turner Environmental Law Clinic
Emory University School of Law
1301 Clifton Rd. SE
Atlanta, GA 30322
Lawrence D. Sanders, Esq.
Mindy Goldstein, Esq.
Email: lsande3@emory.edu;
magolds@emory.edu

Counsel for Mark Oncavage, Dan Kipnis,
Southern Alliance for Clean Energy and
National Parks Conservation Association
Everglades Law Center, Inc.
3305 College Avenue
Ft. Lauderdale, Florida 33314
Richard Grosso, Esq.
Email: richard@evergladeslaw.org

Counsel for the Village of Pinecrest
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
William C. Garner, Esq.
Gregory T. Stewart, Esq.
Email: bgarner@ngnlaw.com;
gstewart@ngnlaw.com

Citizens Allied for Safe Energy, Inc.
10001 SW 129 Terrace
Miami, FL 33176
Barry J. White
Email: bwtamia@bellsouth.net

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
Email: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate
Adjudication
Mail Stop: 0-7H4M
Washington, DC 20555-0001
Email: ocaamail@nrc.gov

