

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

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In the Matter of

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Docket Nos. 52-040 and 52-041

Florida Power & Light Company

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ASLBP No. 10-903-02-COL-BD01

Turkey Point,

)

Units 6 and 7

)

)

January 9, 2012

CITIZENS ALLIED FOR SAFE ENERGY MOTION FOR EXTENSION  
OF TIME TO ANSWER FLORIDA POWER & LIGHT COMPANY'S  
MOTIONS TO DISMISS CASES'S CONTENTIONS 6 and 7 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, Citiizens Allied For Safe Energy, Inc. (CASE) hereby moves for an extension of time to file answers to FLORIDA POWER & LIGHT COMPANY'S MOTION TO DISMISS CASE CONTENTION 6 AS MOOT and FLORIDA POWER & LIGHT COMPANY'S MOTION FOR SUMMARY DISPOSITION OF

CASE CONTENTION 7 both filed January 3, 2012. CASE requests leave to file an answer on January 23, 2012, instead of the current due date of January 13, 2012.

#### CONSULATATION

As required by 10 C.F.R. § 2.323(b) and the Initial Scheduling Order and Administrative Directives, CASE sent a email memo “Turkey Point 6 & 7 Consulation” on January 6 , 2012 to counsel for FPL and to the Nuclear Regulatory Commission (“NRC”) staff regarding this motion for an extension of time. On January 6, 2012 FPL responded saying they would not take a position on the request at that time. As of this writing CASE has not received a response from the NRC staff.

#### BACKGROUND

On January 3, 2012 FPL filed a similar motion “MOTION TO DISMISS JOINT INTERVENORS’ CONTENTION 2.1 AS MOOT”. On January 4, 2012 the Joint Intervenors filed 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. On January 5, 2012 the ASLB issued ORDER (Granting Unopposed Motion for Extension of Time) in which the Joint Intervenors as well as the NRC staff were granted the requested extension of time to respond to January 23, 2012.

#### DISCUSSION

CASE contends that all of the reasons cited by the Joint Intervenors in its motion of January 4, 2012 obtain for CASE. These are their reasons:

(First) 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.

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.

At first, when CASE received the FPL motions on January 3, 2012, CASE believed that it could file a considered response to the FPL motions within ten days. But, since CASE has no paid staff and all work is done by volunteer members, advisors and consultants, it became apparent in the following days that this would be very difficult. Many of the volunteers were unavailable due to

other obligations and several were traveling. Some live in other cities adding some communication problems.

#### CONCLUSION

For the reasons reference and provided, CASE requests a ten day time extension to January 23, 2012 to reply to the referenced FPL motions.

Respectfully submitted,

Dated: January 9, 2012

/signed electronically by/

Barry J. White

Authorized Representative

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Combined License Application for )  
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**CERTIFICATE OF SERVICE**

I, Barry J. White, hereby certify that copies of the document above and all documents related to this motion were served upon the following persons by Electronic Information Exchange and/or electronic mail.

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Dated: January 9, 2012

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