

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

Before Administrative Judges:

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

In the Matter of  
FLORIDA POWER & LIGHT COMPANY  
(Turkey Point Units 6 and 7)

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

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

January 11, 2012

ORDER

(Granting CASE's Motion for Extension of Time)

Citizens Allied for Safe Energy, Inc. (CASE) has filed a motion seeking a ten-day extension of time, to and including January 23, 2012, to answer Florida Power & Light Company's (FPL's) January 3, 2012 motion to dismiss CASE's Contention 6 as moot.<sup>1</sup> The NRC Staff states that it does not object to CASE's motion provided the Staff is afforded the same extension of time for the filing of its answer.<sup>2</sup> FPL has not expressed a view on CASE's motion.

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<sup>1</sup> See [CASE] Motion for Extension of Time to Answer [FPL's] Motions to Dismiss CASE's Contentions 6 and 7 as Moot (Jan. 9, 2012) [hereinafter CASE Motion]; see also Correction to [CASE] Motion for Extension of Time to Answer [FPL's] Motions to Dismiss CASE's Contentions 6 & 7 as Moot (Jan. 10, 2012). CASE's motion also seeks a ten-day extension of time, to and including January 23, 2012, to file an answer to FPL's January 3, 2012 motion for summary disposition of CASE's Contention 7. See CASE Motion at 1. That request fails to recognize that a non-moving party to a motion for summary disposition "may serve an answer supporting or opposing the motion . . . within twenty (20) days after service of the motion" (10 C.F.R. § 2.710(a)). Because CASE's answer to FPL's motion for summary disposition is, pursuant to section 2.710(a), due by January 23, 2012, we treat that portion of CASE's motion seeking such relief as moot.

<sup>2</sup> See NRC Staff Answer to CASE Motion for Extension of Time (Jan. 10, 2012) at 1.

For good cause shown, we grant CASE's motion seeking a ten-day extension of time to answer FPL's motion to dismiss CASE's Contention 6 as moot.<sup>3</sup> Answers by CASE and the NRC Staff are to be filed no later than January 23, 2012.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD  
***/RA/***

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E. Roy Hawkens, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
January 11, 2012

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<sup>3</sup> As CASE correctly observes (CASE Motion at 2), this Licensing Board granted an identical ten-day extension of time for Joint Intervenors and the NRC Staff to answer FPL's motion to dismiss Joint Intervenors' Contention 2.1 as moot. See Licensing Board Order (Granting Unopposed Motion for Extension of Time) (Jan. 5, 2012) at 1 (unpublished).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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Florida Power & Light Company ) Docket Nos. 52-040 and 52-041-COL  
(Juno Beach, Florida) )  
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(Turkey Point, Units 6 & 7) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Granting CASE's Motion for Extension of Time) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NO. 52-040 and 52-041-COL  
ORDER (Granting CASE's Motion for Extension of Time)

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[Original signed by Christine M. Pierpoint]  
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Dated at Rockville, Maryland  
this 11<sup>th</sup> day of January 2012