

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Stephen G. Burns, Chairman
Kristine L. Svinicki
Jeff Baran

In the Matter of

FLORIDA POWER & LIGHT CO.

(Turkey Point Nuclear Generating Units 6 and 7)

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

CLI-17-01

MEMORANDUM AND ORDER

Florida Power & Light Company (FPL) has applied for combined licenses to construct and operate two additional units at the Turkey Point site in Miami-Dade County, Florida.¹ On December 13, 2016, we issued a notice of hearing for an evidentiary session to receive testimony and exhibits in the uncontested, or mandatory, portion of this proceeding on FPL's application.² This mandatory hearing will address whether the NRC Staff's review of the application has been adequate to support the findings in 10 C.F.R. §§ 52.97 and 51.107 that

¹ Florida Power & Light Company; Acceptance for Docketing of an Application for Combined License for Turkey Point Units 6 & 7 Nuclear Power Plants, 74 Fed. Reg. 51,621 (Oct. 7, 2009).

² Florida Power and Light Company; Turkey Point, Units 6 and 7; Combined License Application; Hearing, 81 Fed. Reg. 89,995 (Dec. 13, 2016).

must be made for each combined license.³ The notice of hearing set the mandatory hearing for February 9, 2017.⁴

In support of the mandatory hearing, the Staff has submitted its information paper, which serves as the Staff's primary pre-filed testimony.⁵ In this paper, the Staff stated that its required consultations pursuant to section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (FWS) and with the National Marine Fisheries Service (NMFS) have not yet concluded.⁶ In view of those ongoing consultations, we have decided to postpone the mandatory hearing until such time as the Staff completes its consultations with FWS and NMFS and we have in hand the results of these consultations. To that end, we direct the Staff to inform us within ten days of the date of this order of its best estimate of the time frame for concluding consultations, including the issuance of any biological opinions. Based on the Staff's estimate, we will reset the hearing date and publish a revised notice of hearing in the *Federal Register* in the near term.

We likewise direct the Staff to promptly notify us once consultations are concluded. And finally, the Staff should supplement its information paper within fourteen days after the conclusion of consultations. We expect that the supplement will address any material developments resulting from the consultations, such as any measures recommended by FWS

³ This mandatory hearing is separate and distinct from the ongoing contested hearing in this matter. *Id.* at 89,997.

⁴ *Id.* at 89,996.

⁵ "Staff Statement in Support of the Uncontested Hearing for Issuance of Combined Licenses for Turkey Point Units 6 and 7 (Docket Nos. 52-040 and 52-041)," Commission Paper SECY-16-0136 (Dec. 2, 2016) (ML16237A433).

⁶ *Id.* at 5-6, 26; see Endangered Species Act § 7(a)(2), 16 U.S.C. § 1536(a)(2).

and/or NMFS for the protection of listed species and any conditions that the Staff recommends be included in the combined licenses, if issued.

IT IS SO ORDERED.

For the Commission

NRC Seal

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of January, 2017.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
FLORIDA POWER & LIGHT COMPANY) Docket Nos. M-52-040 and 52-041-COL
(Juno Beach, Florida))
)
(Turkey Point, Units 6 & 7))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **COMMISSION MEMORANDUM AND ORDER (CLI-17-01)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Clara Sola _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of January, 2017.