

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

August 9, 2012

ORDER

(Suspending Deadlines for Submission of Reply Briefs
Related to Proposed Waste Confidence Contention)

Before this Board are motions to admit substantially the same new contention filed by Joint Intervenors and Citizens Allied for Safe Energy, Inc. (CASE)¹ on July 9, 2012, and July 10, 2012 respectively.² The contention is largely based on the June 8, 2012 decision of the United States Court of Appeals for the District of Columbia Circuit in State of New York v. NRC, 681 F.3d 471 (D.C. Cir. 2012). Florida Power & Light Company (FPL) and the NRC Staff filed Answers to the motions on August 2, 2012 and August 3, 2012 respectively.³ Joint Intervenors'

¹ CASE has been dismissed from and is no longer a party to this proceeding. See LBP-12-07, 75 NRC __, __ (slip op. at 22).

² See Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Turkey Point Nuclear Power Plant (July 9, 2012); Citizens Allied for Safe Energy, Inc. Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Turkey Point Nuclear Power Plant (July 10, 2012).

³ See [FPL's] Answer Opposing Joint Intervenors' Motion for Leave to File a New Contention (Aug. 2, 2012); [FPL's] Answer Opposing CASE's Motion for Leave to File a New Contention (Aug. 2, 2012); NRC Staff Answer to Joint Intervenors' Motion for Leave to File a New Contention (Aug. 3, 2012); NRC Staff Answer to CASE Motion for Leave to File a New Contention (Aug. 3, 2012).

and CASE's replies to FPL's answers and the NRC Staff's answers are currently due on August 9, 2012 and August 10, 2012 respectively.

On August 7, 2012, however, the Commission issued CLI-12-16, which addressed the D.C. Circuit's June 8 decision and the issues raised by the newly proffered contentions filed by Joint Intervenors and CASE.⁴ The Commission, citing the instant proceeding⁵ and numerous other proceedings where similar contentions were filed, exercised its inherent supervisory authority over adjudications and "direct[ed] that these contentions -- and any related contentions that may be filed in the near term -- be held in abeyance pending our further order."⁶

Consistent with the Commission's direction in CLI-12-16, the contentions proffered by Joint Intervenors and CASE will be held in abeyance, and the August 9, 2012 and August 10, 2012 deadlines for replies are suspended pending further order from the Board.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 9, 2012

NRC Staff's Response to Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Levy Nuclear Power Plant (Aug. 2, 2012); Progress Energy Florida's Answer Opposing Motion to Admit Waste Confidence Contention (Aug. 3, 2012).

⁴ See Calvert Cliffs Nuclear Project, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3), CLI-12-16, 76 NRC __ (slip op.) (Aug. 7, 2012).

⁵ See id. at 5 n.10.

⁶ Id. at 6.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Florida Power & Light Company)	Docket Nos. 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 **ORDER (Suspending Deadlines for Submission of Reply Briefs Related to Proposed Waste Confidence Contention)** have been served upon the following persons by Electronic Information Exchange and by electronic mail as indicated by an asterisk*.

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ORDER (Suspending Deadlines for Submission of Reply Briefs Related to Proposed Waste Confidence Contention)

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[Original signed by Christine M. Pierpoint]
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Dated at Rockville, Maryland
this 9^h day of August 2011