

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

Before Administrative Judges:

E. Roy Hawken, 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

April 16, 2014

Order

(Granting CASE's Motion to Receive Service by Email)

On March 25, 2014, Citizens Allied for Safe Energy, Inc. (CASE) filed a motion requesting exemption from 10 C.F.R. § 2.302(g)'s requirement that filings be made electronically through the NRC's Electronic Information Exchange (EIE) system.¹ Recent upgrades to the EIE system have created incompatibilities with Apple computers that have prevented CASE from receiving EIE filings as it once did.² Until this incompatibility is fixed, counsel for CASE has requested that the Board allow CASE to receive filings by email³ -- an exemption that requires a showing of good cause.⁴

¹ CASE Motion Requesting Email Copies of EIE Filings in the Subject Matter (Mar. 25, 2014) [hereinafter Motion].

² Id.

³ Id.

⁴ 10 C.F.R. § 2.302(g)(2).

Having been dismissed on March 29, 2012, CASE is no longer an active party to this proceeding.⁵ On July 9, 2012, however, CASE submitted a motion for leave to file a new contention related to storage and disposal of nuclear waste.⁶ This newly proffered contention, among others, was subsequently held in abeyance pending further action by the Commission.⁷ Accordingly, although not a party, CASE is a participant to this proceeding with an ongoing interest in receiving filings.

The EIE system's lack of compatibility provides good cause to deviate from the normal electronic filing requirements. The Board therefore directs all parties to this proceeding to serve filings through the EIE system and by email to CASE, with a certificate of service reflecting both methods of service. Should CASE seek to submit additional filings, it shall do so by emailing all parties, the Board, its law clerk, and SECY, with a certificate of service that reflects the use of email. This Order will remain in effect until the Board is advised that the EIE system is compatible with CASE's computer.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 16, 2014

⁵ LBP-12-7, 75 NRC 503, 505 (2012). In its motion, CASE erroneously refers to itself as "a party in the subject matter," acknowledging, however, that it "has no open contentions." Motion at 1.

⁶ 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 9, 2012).

⁷ CLI-12-16, 76 NRC 63, 68-69 (2012).

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 **LB Order (Granting CASE'S Motion to Receive Service by Email)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

Dr. Michael F. Kennedy
Administrative Judge
E-mail: michael.kennedy@nrc.gov

Dr. William C. Burnett
Administrative Judge
E-mail: william.burnett2@nrc.gov

Matthew Zogby, Law Clerk, ASLBP
E-mail: matthew.zogby@nrc.gov

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

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15 D21
Washington, DC 20555-0001
Sara Kirkwood, Esq.
Sara Price, Esq.
Jeremy Wachutka, Esq.
Robert Weisman, Esq.
Michael Spencer, Esq.
Patrick Moulding, Esq.
Richard Harper, Esq.
Catherine Scott, Esq.
Nicholas Koontz, Paralegal

E-mail:
sara.kirkwood@nrc.gov;
sara.price@nrc.gov ;
jeremy.wachutka@nrc.gov
robert.weisman@nrc.gov
michael.spencer@nrc.gov
patrick.moulding@nrc.gov
richard.harper@nrc.gov
catherine.scott@nrc.gov
nicholas.koontz@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 Secretary of the Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

DOCKET NO. 52-040 and 52-041-COL
LB Order (Granting CASE'S Motion to Receive Service by Email)

Counsel for the Applicant
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, N.W.
Washington, DC 20037-1122
Alison M. Crane, Esq.
John H. O'Neill, Esq.
Kimberly Harshaw, Esq.
Stephen Marcus, Esq.
Michael G. Lepre, Esq.
Maria Webb, Paralegal
E-mail: alison.crane@pillsburylaw.com
john.oneill@pillsburylaw.com
kimberly.harshaw@pillsburylaw.com
stephen.marcus@pillsburylaw.com
michael.lepre@pillsburylaw.com
maria.webb@pillsburylaw.com

Counsel for Mark Oncavage, Dan Kipnis,
Southern Alliance for Clean Energy (SACE),
and National Parks Conservation Association
Turner Environmental Law Clinic
Emory University School of Law
1301 Clifton Rd. SE
Atlanta, GA 30322
Mindy Goldstein, Esq.
E-mail: magolds@emory.edu

Counsel for Mark Oncavage, Dan Kipnis,
Southern Alliance for Clean Energy (SACE),
and National Parks Conservation Association
Everglades Law Center, Inc.
3305 College Avenue
Ft. Lauderdale, Florida 33314
Jason Totoiu, Esq.
E-Mail: jason@evergladeslaw.org

Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408
William Blair
Nextera Energy Resources
E-mail: william.blair@fpl.com

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

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.
E-mail: bgarner@ngnlaw.com
E-mail: gstewart@ngnlaw.com

(CASE) Citizens Allied for Safe Energy, Inc.
10001 SW 129 Terrace
Miami, FL 33176
Barry J. White
E-mail: bwtamia@bellsouth.net

Erich Pica, President
Friends of the Earth
1100 15th Street, NW
11th Floor
Washington, D.C. 20555
E-mail: mkeever@foe.org

[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of April, 2014