

**From:** [Zogby, Matthew](#)  
**To:** [Barry White](#)  
**Cc:** [Docket, Hearing](#); [Harris, Brian](#); [Roth\(OGC\), David](#); [Williamson, Edward](#); [Straus, Daniel](#); [Tibbetts, John](#); ["william.blair@fpl.com"](#); ["steven.hamrick@fpl.com"](#); [OCAAMAIL Resource](#); [Gibson, Michael](#); [Kennedy, Michael](#); [Sager, William](#); [Pepperl, Nicole](#)  
**Subject:** RE: Irregularity  
**Date:** Tuesday, August 18, 2015 4:00:33 PM

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Mr. White,

As you know, the Board and its law clerks cannot provide you with legal assistance or advice of any kind. As such, if there is something that you would like to bring to the attention of the Board, please submit a motion explaining the issue you wish to raise and requesting that the Board consider the issue. Any motions should be sent to [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov) and the service list for appropriate filing. I am copying my response to the rest of the service list to ensure that they are aware of your recent communication.

Sincerely,  
Matt Zogby

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**From:** Barry White [mailto:bwtamia@bellsouth.net]  
**Sent:** Tuesday, August 18, 2015 3:01 PM  
**To:** Zogby, Matthew <Matthew.Zogby@nrc.gov>  
**Subject:** Irregularity

Mr. Zogby, not sure what to do with this. As NUREG-1748 states, at 1-3/4, it is the responsibility of the licensing PM to prepare the EA and is also the licensing PM's responsibility to prepare the *Federal Register* notice of the EA finding and the basis for those findings. (see below).

This was done for the 2012 EA, which not on the table, for the uprate but **not** for the 2014 EA, which is on the table, where the Acting Chief Plant Licensing Branch II-2 signed off on it.

NUREG-1748

Environmental Review  
Guidance for Licensing  
Actions Associated with  
NMSS Programs

Final Report

Manuscript Completed: July 2003

Date Published: August 2003

Division of

*Preparation of an EA for a licensing action for which a CATX does not apply is the responsibility of the licensing PM either at NRC Headquarters or in a Regional Office.*

*All EAs prepared for NMSS actions must be reviewed by EPAB3. EPAB staff can also assist with the various consultations among other Federal and State Agencies, as discussed in Sections 1.4, 3.3, and 3.4.9.*

*If the EA results in a FONSI, it is also the licensing PM's responsibility to prepare the Federal Register notice of the EA finding and the basis for those findings.*

*Dated at Rockville, Maryland, this 28th day of July 2014.*

**EA SIGNED BY FOR THE NUCLEAR REGULATORY COMMISSION**

**/RA/ Lisa M. Regner, Acting Chief Plant Licensing Branch II-2**

*Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation*

The actual PM is:

Audrey L. Klett, Project Manager

Plant Licensing Branch 11-2

Division of Operating Reactor Licensing Office of Nuclear  
Reactor Regulation

Dated at Rockville, Maryland, this 27th day of **March**  
**2012.**

FOR THE NUCLEAR REGULATORY COMMISSION  
/RA/

Jason C. Paige, **Project Manager**

Plant Licensing Branch 2-2

Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation