

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

November 22, 2016

ORDER

(Amending Final Scheduling Order)

The Board hereby amends the final scheduling order so that the parties are no longer required to update their mandatory disclosures by December 23, 2016 if no new or amended contentions are filed.¹ Rather, if no new or amended contentions are filed, the parties are to update their mandatory disclosures in accordance with the Board's previous scheduling orders. Specifically, the parties must disclose new information or documents within 30 days and continue to "update their disclosures and the Hearing File on the second Friday of every month."²

¹ If new or amended contentions are filed, then the parties are still required to update their mandatory disclosures within 14 days of a Board decision on the new or amended contentions, in accordance with the Model Milestones for 10 C.F.R. Part 2, Subpart L proceedings. See 10 C.F.R. Pt. 2, App. B.

² See Initial Scheduling Order and Administrative Directives (Prehearing Conference Call Summary, Grant of Joint Motion Regarding Mandatory Disclosures, Initial Scheduling Order, and Administrative Directives) at §§ II.I–J (Mar. 30, 2011) (unpublished), amended by Notice (Granting Joint Motion to Modify Initial Scheduling Order) (Sept. 12, 2012) (unpublished).

Furthermore, the Board emphasizes that the duty to disclose is “continuing” and only “ends when the [Board] issues a decision resolving the contention, or at such other time as may be specified by the [Board] or the Commission.” 10 C.F.R. § 2.336(d). The following table reflects the Board’s amendment to the filing schedule:

| EVENT | DATE |
|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New/amended contentions | Petition: within 25 days of review document (Tuesday, November 22, 2016 for FEIS; Friday, December 9, 2016 for FSER) Answer: within 20 days of petition Reply: within 5 days of answer |
| Parties complete update of mandatory disclosure for contention | If Petition is filed, within 14 days of Board decision granting new/amended contentions |
| Initial written statements of position and direct testimony [10 C.F.R. § 2.1207(a)(1)] | By Monday, February 27, 2017 Opportunity to object within 7 days Answer within 4 days of objection |
| Written response and rebuttal testimony [10 C.F.R. § 2.1207(a)(2)] | By Tuesday, March 21, 2017 Opportunity to object within 7 days Answer within 4 days of objection |
| Proposed questions for the Board to propound [10 C.F.R. § 2.1207(a)(3)(i)] ³ | By Monday, April 10, 2017 |
| Evidentiary hearing | During the week of May 1, 2017 |
| Joint motion for transcript corrections | Within 14 days of final day of evidentiary hearing |
| Proposed findings of fact & conclusions of law [10 C.F.R. § 2.1209] | Within 24 days of final day of evidentiary hearing |

³ Parties should file proposed questions in camera via the Electronic Information Exchange Portal’s “In-Camera Submission” feature.

Any objection to this order must be filed within five days after service of this order. See
10 C.F.R. § 2.329(e).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 22, 2016

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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| 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 **ORDER (Amending Final Scheduling Order)** have been served upon the following persons by Electronic Information Exchange.

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Turkey Point, Units 6 and 7, Docket Nos. 52-040 and 52-041-COL
ORDER (Amending Final Scheduling Order)

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

Dated at Rockville, Maryland,
this 22nd day of November 2016