

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

In the Matter of)

Florida Power and Light Company)

Turkey Point Units 3 and 4)

Docket Nos. 50-250/251-SLR

**UNOPPOSED MOTION BY SOUTHERN ALLIANCE FOR CLEAN ENERGY,
FRIENDS OF THE EARTH, NATURAL RESOURCES DEFENSE COUNCIL, AND
MIAMI WATERKEEPER FOR EXTENSION OF REPLY DEADLINE**

I. INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.307 and 2.323, 69 Fed. Reg. 2,182 2,203 (Jan. 18, 2004), and the U.S. Nuclear Regulatory Commission's ("NRC's") *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC 18 (1998), Southern Alliance for Clean Energy, Friends of the Earth, Natural Resources Defense Council, and Miami Waterkeeper (hereinafter "Petitioners") hereby request an extension of the deadline for replying to the oppositions to Petitioners' hearing requests that were filed by Florida Power and Light Co. ("FPL") and the NRC Staff on August 27, 2018.¹ Petitioners respectfully submit that "special" and "unavoidable" circumstances warrant a "short extension" of six days to the time period established by 10 C.F.R. § 2.309(i)(2). 69 Fed. Reg. at 2,203, 48 NRC at 21. Therefore, Petitioners have "good cause" for requesting an extension as required by 10 C.F.R. § 2.307.

This motion is unopposed: FPL takes no position on it and the Staff does not oppose it.

¹ Applicant's Answer Opposing Southern Alliance for Clean Energy's Request for Hearing and Petition to Intervene ("FPL Answer to SACE"); Applicant's Answer Opposing Request for Hearing and Petition to Intervene Submitted by Friends of the Earth and Natural Resources Defense Council ("FPL Answer to FOE et al."); NRC Staff's Corrected Response to Petitions to Intervene and Requests for Hearing Filed by (1) Friends of the Earth, Natural Resources Defense Council, and Miami Waterkeeper, and (2) Southern Alliance for Clean Energy ("NRC Staff Answer").

II. GROUNDS FOR EXTENSION REQUEST

The special and unavoidable circumstances establishing good cause for a brief extension of the reply deadline are as follows:

1. Both FPL and the Staff have filed lengthy responses to Petitioners' hearing requests, making both legal and factual arguments. FPL's and the Staff's combined responses to SACE comprise 59 pages; and their combined responses to FOE, NRDC, and Miami Waterkeeper comprise 89 pages.
2. The legal issues presented by FPL's and the Staff's responses are both significant and unusual, such that formulating an adequately researched and briefed reply will require more time than allotted by the regulations. It will also assist the Atomic Safety and Licensing Board ("ASLB") in its consideration of the admissibility of the contentions.

For instance, FPL argues that the NRC lacks jurisdiction to consider the Petitioners' demand for consideration of mechanical cooling towers as a means to reduce the environmental impacts of the Component Cooling Water ("CCW") system used to cool the Turkey Point Units 3 and 4 reactors. Responding to FPL's arguments will require Petitioners to address a complex and lengthy history of federal, state and local regulation of Turkey Point water emissions, including gaps, overlap, and inconsistencies.

In addition, the NRC Staff defends the Environmental Report's reliance on 10 C.F.R. § 51.53(c)(3), despite the plain language of § 51.53(c)(3) stating that it applies

only to “initial” license renewal applicants. NRC Staff Response to SACE at 18-28.²

Replying to the Staff will require SACE’s counsel to review an array of internal NRC memoranda and other documents cited by the Staff. Finally, both FPL and the Staff make a significant number of factual arguments disputing the accuracy or completeness of Petitioners’ citations to the Environmental Report and other documents. These claims must be painstakingly reviewed and replied to, thus demanding more time than allotted by the regulations.

3. The time for replying to FPL and the NRC Staff falls over the Labor Day holiday, when all of Petitioners’ counsel have family obligations. This will make it difficult for counsel to work through the weekend to meet the current deadline of Tuesday September 4, as would be needed.
4. SACE’s counsel is also representing a petitioner in the licensing proceeding for the Holtec Centralized Interim Storage (“CIS”) facility, for which the filing deadline for hearing requests is September 14, 2018. *See* 83 Fed. Reg. 32,919 (July 16, 2018). SACE’s counsel seeks additional time for this reply in order to allow her to more adequately balance the simultaneous demands of this case with the demands of preparing a hearing request in the Holtec CIS case.
5. A brief extension of the deadline for replying to FPL and the Staff will not have any effect on the overall schedule for reviewing FPL’s SLR application, given that the NRC’s decision on FPL’s SLR application is not expected until late 2019.

<https://www.nrc.gov/reactors/operating/licensing/renewal/applications/turkey-point->

² FPL, for its part, relies on § 51.53(c)(3) to oppose the admission of SACE’s contentions without discussing the applicability of the regulation. FPL Answer to SACE, *passim*.

[subsequent.html#schedule](#).

III. CONCLUSION

For the foregoing reasons, good cause exists to extend the deadline for replies to Petitioners' hearing requests in this proceeding until September 10, 2018.

Respectfully submitted,

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/signed electronically by/
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August 28, 2018

CERTIFICATE OF COUNSEL

Pursuant to 10 C.F.R. § 2.323(b), I certify that on August 28, 2018, I consulted counsel for FPL and the NRC Staff in a sincere effort to resolve the issues raised by this motion. Counsel for FPL stated that FPL takes no position on the motion. Counsel for the NRC Staff stated that the Staff does not oppose the motion.

/signed electronically by/
Diane Curran

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CERTIFICATE OF SERVICE

I certify that on August 28, 2018, I posted copies of the foregoing UNOPPOSED MOTION BY SOUTHERN ALLIANCE FOR CLEAN ENERGY, FRIENDS OF THE EARTH, NATURAL RESOURCES DEFENSE COUNCIL, AND MIAMI WATERKEEPER FOR EXTENSION OF REPLY DEADLINE on the NRC's Electronic Information Exchange System.

 /signed electronically by/
Diane Curran