

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Friends of the Earth, et al.)	
Petitioners,)	
)	
v.)	
)	
U.S. Nuclear Regulatory Commission, et al.)	Case No. 20-1026
Respondents,)	
)	
and)	
)	
Florida Power & Light Company,)	
Applicant for)	
Intervention.)	
_____)	

Unopposed Motion for Intervention as of Right of
Florida Power & Light Company

Pursuant to 28 U.S.C. § 2348 and F.R.A.P. 15(d), Florida Power & Light Company (“FPL”) hereby files this Unopposed Motion for Intervention in the above-captioned case as a respondent in support of the agency orders identified in the Petition for Review. In support of this Motion, FPL states as follows:

1. In this proceeding and in the U.S. Nuclear Regulatory Commission (“NRC”) licensing proceeding on review, FPL acts as the NRC-licensed owner and operator of Turkey Point Nuclear Generating Units 3 and 4 (“Turkey Point”), a dual-unit nuclear power plant near Homestead, Florida pursuant to NRC Operating Licenses DPR-31 and DPR-41, respectively.

2. FPL is entitled to intervene as a matter of right in this action because it was a party in interest in the matter before the NRC that is the subject of the Petition for Review. On January 30, 2018, FPL applied to the NRC to renew the operating license for Turkey Point for a second twenty-year renewal period. 83 Fed. Reg. 17,196. The NRC provided an opportunity for a hearing on the license renewal application for Turkey Point. 83 Fed. Reg. 19,304. The NRC received two separate requests for a hearing on the license renewal application, including one submitted by the petitioners in this matter, Friends of the Earth, Natural Resources Defense Council, and Miami Waterkeeper (“Petitioners”). FPL has fully participated in the ongoing NRC licensing proceeding, which resulted in the NRC’s issuance of subsequent renewed operating licenses for Turkey Point on December 4, 2019. 84 Fed. Reg. 67,482.

3. As part of its review of FPL’s application, the NRC prepared site-specific draft and final environmental impact statements to supplement its Generic Environment Impact Statement for Reactor License Renewal (NUREG-1437). The NRC’s December 4, 2019 Record of Decision for the Subsequent License Renewal Application for Turkey Point and its December 4, 2019 Subsequent Renewed Facility Operating Licenses for Units 3 and 4 are the subject of the instant petition for review before this Court.

4. FPL has a direct and substantial interest in the outcome of this proceeding. A renewed NRC operating license is required for FPL to continue to operate Turkey Point Units 3 and 4 beyond their previous operating license expiration dates, which were July 19, 2032 and April 10, 2033, respectively. *See* 83 Fed. Reg. 19,304. The financial interests of FPL would be adversely affected if the NRC's issuance of the renewed licenses for Turkey Point were enjoined, set aside, or suspended. 28 U.S.C. § 2348 (“[A]ny party in interest in the proceeding before the agency whose interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended, may appear as parties thereto of their own motion and as of right”). Thus, FPL has a substantial direct interest in this Court's review of the NRC order challenged in the Petition. As a party to the agency proceeding now on review whose interest will be affected if the NRC order is enjoined, set aside, or suspended, FPL respectfully submits that it is entitled to intervene in this action as a matter of right. *See* 28 U.S.C. § 2348.

5. Counsel for FPL consulted with counsel for the United States, counsel for the NRC, and counsel for Petitioners and has been authorized by all three parties to represent to the Court that those parties do not object to FPL's intervention in this proceeding.

WHEREFORE, based upon the foregoing, FPL respectfully requests that its Motion for Intervention as of Right be granted.

Dated: February 11, 2020

Respectfully Submitted,

FLORIDA POWER & LIGHT
COMPANY

/s/ Steven C. Hamrick

Steven C. Hamrick

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Application for Admission Pending

*Counsel for Florida Power & Light
Company*

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ADDENDUM--CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and District of Columbia Circuit Rules 15(c)(6) and 26.1, Florida Power & Light Company (“FPL”) submits this Corporate Disclosure Statement:

1. NextEra Energy, Inc., a publicly held company, is the parent company and owns all the stock of FPL. FPL owns 100 percent of and is the licensed operator of Turkey Point Nuclear Generating Units 3 and 4, a dual-unit nuclear reactor located near Homestead, Florida. No company owns 10% or more of the stock of NextEra Energy, Inc.

2. FPL is a rate-regulated electric utility engaged primarily in the generation, transmission, distribution and sale of electric energy in Florida. FPL provides service to its electric customers through an integrated transmission and distribution system that links its generation facilities to its customers. Turkey Point Nuclear Generating Units 3 and 4 are FPL electric generation facilities.

Respectfully Submitted,

/s/ Steven C. Hamrick

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25(d) and D.C. Circuit Rule 25(f), I hereby certify that on this 11th day of February, 2020, I electronically filed the foregoing “Unopposed Motion for Intervention as of Right of Florida Power & Light Company” and “Corporate Disclosure” with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate ECF system.

Dated at Washington, D.C. this 11th day of February, 2020.

Respectfully Submitted,

/s/ Steven C. Hamrick

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Senior Attorney

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