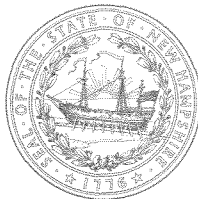


**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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September 9, 2010

Honorable Gregory B. Jaczko  
Chairman of the Commission  
United States Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Nextera Energy Seabrook Station License Renewal Application –Docket  
No. 50-443

Dear Mr. Chairman:

This office represents the State of New Hampshire with respect to the pending License Renewal Application of Nextera Seabrook. I write pursuant to 10 C.F.R. § 2.307 to request a ninety (90) day extension of the time in which the State of New Hampshire may request a hearing and file a petition to intervene pursuant to 10 C.F.R. § 2.309. Alternatively, we would ask for an extension to a date that is the later of ninety days from September 19, 2010, or ninety days from the date a decision is made on the pending rule-making petition that seeks to amend 10 C.F.R. § 54.17. The reasons for this request are set forth below.

The State of New Hampshire is the location for the Seabrook Station. As you may be aware, there has historically been a great deal of public interest in the facility due both to its nature and location on the State's relatively short, yet economically important and scenic coastline, and because of the lengthy and contentious bankruptcy proceeding it went through with its former owner, PSNH. The facility is also an important power generator and supplier for the State, providing 1,245 MW of baseload capacity for us and other neighboring states. At the same time, a large proportion of New Hampshire's citizens live within the 50-mile radius of the facility, which includes the cities of Portsmouth, Manchester and Concord, as well as numerous towns.

The State of New Hampshire is a governmental body with standing conferred by 10 C.F.R. § 2.309(d)(2). We have an important role to play owing to our governmental interest, the fact that should we participate we would bring an unbiased public interest perspective to the proceeding which would help to develop a sound record, and because there is no other party that can participate and stand for the rights of all New Hampshire citizens in this proceeding.

The State of New Hampshire has not determined its position with respect to the License Renewal Application at this time but requires additional time to evaluate the voluminous application of tremendous technical complexity in areas of both safety and environmental impacts. The State expects that a proper evaluation will require weeks of study and a large commitment of financial and human resources. We must identify and retain experts on nuclear engineering and environmental impacts. Those experts will need time to review the Application, and make recommendations to responsible State officials. State officials will need some time to assess the recommendations and determine whether to make contentions and seek a hearing. The State may then need to retain additional consulting assistance to draft a request for hearing. The State may also determine that no further action is warranted. In either event, it does not serve the public interest for us immediately to determine a position and hastily commit the resources necessary to assess and present it. We have had State officials from several departments reviewing the application and considering it, and we have begun to map out a strategy for a careful and in-depth analysis of the Application. More than sixty days, however, is required to complete this analysis in a responsible manner.

In addition, the Seabrook License Renewal Application comes twenty years before its expiration. As such, time does not appear to be of the essence. We have been informed by Commission staff that, with a hearing, the process will only take thirty-two months. Observing the process for Vermont Yankee, a longer period may be a more conservative estimate. But even if the process takes forty-eight months and an additional three months is added to enable the State meaningfully to evaluate the Application, this is still well over fifteen years before the license expiration. Thus, there is no prejudice to the Applicant or the public interest in a brief delay. Instead, the public interest will be furthered by allowing a key stakeholder to be prepared and appropriately assess the impacts of license renewal on the citizens and State of New Hampshire.

In addition, there is a pending Petition for Rule Making, Pursuant to Section 2.802, dated August 18, 2010, seeking to amend 10 C.F.R. § 54.17 to shorten the period before expiration that a renewal application could be brought from twenty years to ten years. If this Petition is granted and the period is shortened to ten years, it would be a significant waste of New Hampshire's public resources to hire expert consultants at great expense to analyze the Application and make recommendations to the State because a new Application brought ten years from now is almost certain to be a much different document and a new and complete analysis will be required. For this reason, we ask that you extend the Section 2.309 deadline to be ninety days after the rule-making petition is finally decided.

The State of New Hampshire may ultimately decide against making a hearing request after the extended period of time. But the present deadline puts us in an awkward position and could force us to seek a hearing hastily to ensure that we have taken action to protect the public interest in the absence of having done the careful analysis necessary to evaluate the Application and determine whether a hearing is necessary. As noted, if

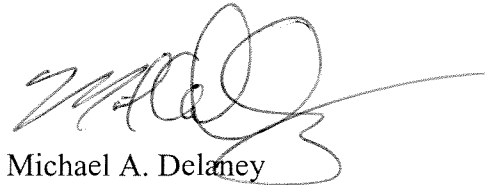
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the rule-making is granted it would be a waste of scarce public financial resources to require the State to make a supportable contention if the Application will ultimately be deferred for ten more years.

Finally, I would note that limited research of the Commission's dockets has demonstrated that there is recent precedent for granting such an extension as we seek for similar reasons. I respectfully refer you to orders you entered in the matters of *PSEG Nuclear LLC* for (*Salem Nuclear Generating Station, Units 1 and 2*) and (*Hope Creek Power Plant generating Station, Unit 1*), docket numbers 50-272-LR, 50-311-LR and 50-354-LR, as well as in the matter of *Nuclear Fuel Services, Inc. (Erwin, Tennessee)*, docket number 70-143-LR.

For these reasons, we respectfully request that the Commission grant us an extension of the time to request a hearing, from the later of ninety days from September 19, 2010, or ninety days from the date on which a decision on the Section 2.802 rulemaking petition becomes final.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Delaney", with a long horizontal flourish extending to the right.

Michael A. Delaney  
Attorney General  
State of New Hampshire