

September 14, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Secretary

In the Matter of)
)
NextEra Energy Seabrook, LLC)
)
[Seabrook Station])
)
[Operating License Renewal])

Docket No. 50-443-LR

**Beyond Nuclear Reply in Support of the New Hampshire Office of Attorney General
Request for a Ninety (90) Day Extension of Time to File Petition For Leave to Intervene**

Beyond Nuclear is providing its reply in support of the New Hampshire Office of Attorney General Request for an extension of the filing deadline in the above captioned matter as currently set for Monday, September 20, 2010 by ninety (90) days or alternately by ninety (90) days from a NRC decision on the Petition for Rulemaking (PRM) submitted on August 18, 2010 which regards a proposed rule change of 10 CFR 51.17(c) as currently written that a submittal of a nuclear power plant relicensing application can be no more than twenty (20) years prior to the expiration date of the current license to no more than ten (10) years.

Beyond Nuclear, as one of the named petitioners in the above referenced PRM, requested as part of the PRM that the Nuclear Regulatory Commission (NRC) suspend its review of the NextEra Energy Seabrook LLC relicensing application until the agency formally addressed the PRM as provided under 10 CFR 2.802(d). Although no licensing proceeding has yet been convened and Beyond Nuclear is not yet a party to any proceeding in this matter, we have urged the

Commission to find that PRM submittal is analogous to that described in 10 CFR 2.802(d) and to exercise its discretion for the benefit of the NRC and all parties, including the State of New Hampshire by suspending review of all license renewal applications submitted more than ten years in advance of current license expiration until resolution of this petition which would include Seabrook. We therefore find that the New Hampshire Attorney General's request for the Seabrook nuclear power plant to be reasonable and consistent with the requested action contained within the PRM submitted on August 18, 2010.

Furthermore, on September 10, 2010 NextEra provided its reply to the Attorney General's request and presented no argument as to how granting the State's request might be harmful to the Applicant. Because this relicensing application is being made within 20 years of the expiration date of the current operating license, the requested extension in fact causes no harm to the Applicant.

In fact, by providing the State of New Hampshire the requested extension, the NRC has the opportunity to enhance public confidence in the review process by providing an unbiased and resourced party representative of a large affected population, namely the people of New Hampshire living within fifty (50) miles and beyond, an opportunity to further ensure the quality of independent review of the relicensing application without any harm to the Applicant.

The NRC Staff states in ““NRC Staff Answer to New Hampshire Attorney General's Request for Ninety-Day Extension” of September 14, 2010 that in “recognizing New Hampshire's unique position as the representative of the State of New Hampshire and its residents, and thus its need to thoughtfully consider the interests of all New Hampshire residents, the Staff does not oppose granting New Hampshire an extension until October 13, 2010 to file a request for hearing.” The

Staff therefore recognizes the fundamental importance and basis for New Hampshire Attorney General's request for extension as reasonable though citing its objections to grant the state a full ninety (90) days as requested. Due to the complex natures and extensive volume of the Seabrook license renewal application, Beyond Nuclear submits that the requested ninety (90) days is not an overreach. The staff goes on to state that it believes that should an extension be granted it should not be equally and uniformly applied to other parties who instead should be held to the original filing deadline of September 20, 2010. The staff offers no argument for unequal treatment.

For the above stated reasons, Beyond Nuclear supports the State of New Hampshire request to extend the filing of a Request for Public Hearing and Petition for Leave to Intervene in the above captioned matter by ninety (90) days or alternately by ninety (90) days from a NRC decision on the August 18, 2010 PRM where Beyond Nuclear is named.

However, Beyond Nuclear objects to the staff position that an extension of any length only be granted to the State of New Hampshire. Beyond Nuclear submits that should the NRC extension be granted to the State of New Hampshire the same extension period should be equally and uniformly afforded to all parties wishing to participate for many of the same reasons and hardships as raised by the State. The complex nature and extensive volume of the material is the same for both State and public interest even though the State has more resources at its disposal. Similarly, the arduous task of conferring, interviewing and retaining potential experts to formulate, present and defend contentions is the same for both State and public interest. Beyond Nuclear has many of the same interests of its members a number of whom are at the same time citizens of the State of New Hampshire, as well, but whose unique interests and concerns may not be served or protected by any particular contention(s) submitted by the State.

The NRC Staff did not choose to address the State of New Hampshire's alternate proposal to grant a ninety (90) day extension following the date of the NRC decision on the PRM of August 18, 2010 to which Beyond Nuclear is named as a Petitioner.

Additionally, the NRC Staff's proposal to separately and differently grant the State of New Hampshire an extension for filing a request for hearing and petition to intervene while holding all other parties to the September 20, 2010 is ill advised for the reason of the judicial economy of the Atomic Safety and Licensing Board (ASLB) by having to referee over two different timetables for petition filings, answers and replies to answers and other motions. Thus, simply for the sake of the considerations of judicial economy, conserving the ASLB's time and board attention, Beyond Nuclear contends that the filing deadline should uniformly be moved back for all potential parties. Furthermore, economic litigation of the potential issues might be enhanced by a single, unified deadline which would allow potential communications between parties and the State of New Hampshire and the coordination of petitions as between the petitioners and the State of New Hampshire.

If an extension is granted, the NRC should properly post a notice in the Federal Register of the prescribed extension so that all potential parties may be properly informed.

Sincerely,

/Signed by Paul Gunter & Submitted by Digital Certificate/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing “Beyond Nuclear Reply in Support of the New Hampshire Office of Attorney General Request for a Ninety (90) Day Extension of Time to File Petition For Leave to Intervene” has been provided to the Electronic Information Exchange for service to the listed individuals and all others on the service list in this proceeding on this 14th day of September, 2010.

Secretary
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