

September 20, 2010

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Secretary

In the Matter of)	
)	
NextEra Energy Seabrook, LLC)	Docket No. 50-443-LR
)	
(Seabrook Station))	
)	
(Operating License Renewal))	

**NextEra Energy Seabrook, LLC’s Opposition to
The Requests for Extension of Time of the New Hampshire
Sierra Club and the Seacoast Anti-Pollution League**

For the reasons set forth below, NextEra Energy Seabrook, LLC (“NextEra”) opposes the requests filed by the New Hampshire Sierra Club (“Sierra Club”) and the Seacoast Anti-Pollution League (“SAPL”), each of which seeks a 30-day extension of the Commission’s deadline for requests for hearing and petitions to intervene in the above-captioned proceeding. The deadline for filing hearing requests and intervention petitions in the Seabrook license renewal proceeding is today, September 20, 2010.¹

NextEra opposes any extension of time for the Sierra Club and SAPL. As explained in our prior pleadings filed in this proceeding, which are herein incorporated by reference, the Commission’s standard for granting an extension of time is very high. Sierra Club and SAPL have not provided any meaningful reason why such a late request for an extension meets the Commission’s exacting standard. Therefore, the requests should be denied. The Sierra Club’s petition, for instance, does not state any reason why

¹ See Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing Regarding Renewal of Facility Operating License No. NPF-86 for an Additional 20-Year Period; Nextera Energy Seabrook, LLC; Seabrook Station, Unit 1, 75 Fed. Reg. 42,462 (July 21, 2010) (“Hearing Notice”).

the time for requesting a hearing and petitioning for leave to intervene should be extended.

Further, neither party conferred with NextEra prior to filing its motion. This is a clear violation of NRC rules and requires the rejection of each of their requests. Motions that do not contain a consultation certification “must be rejected.” 10 C.F.R. § 2.323(b). Because neither the Sierra Club nor SAPL included this certification, or consulted with NextEra, their requests “must be rejected.”

Moreover, both requests were served by e-mail on the counsel for NextEra, the NRC Staff, and the hearing docket. This is a violation of 10 C.F.R. § 2.302(a), which *requires* filing via the E-Filing system unless an exemption is granted. Neither the Sierra Club nor SAPL sought an exemption from the requirement to submit via the E-Filing system. The fact that neither petitioner had requested and received a digital certificate by 4 pm on the last business day prior to the intervention deadline demonstrates their complete failure to comply with the Hearing Notice, which states:

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counselor representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counselor representative, already holds an NRC-issued digital ID certificate).

75 Fed. Reg. at 42,463.

Pro se intervenors are subject to the same requirements in terms of abiding by the Commission rules as any other participant. The Commission “generally extend[s] some

latitude to *pro se* litigants, but they still are expected to comply with [its] procedural rules, including contention pleading requirements.” *South Carolina Electric and Gas Co.* (Virgil C. Summer Nuclear Station, Units 2 and 3), CLI-10-01, 71 NRC ___, slip op. at 5 (Jan. 7, 2010) (citing *USEC, Inc. (America Centrifuge Plant)*, CLI-06-10, 63 NRC 451, 456-57 (2006)).

For the foregoing reasons, the requests of the Sierra Club and SAPL for an extension of time to file requests for hearing in this proceeding should be denied in their entirety. In the event that the Commission’s earlier decision to extend the time for filing intervention petitions for certain parties results in a situation where NextEra’s answers to petitions filed today are due before the intervention deadline for other petitioners, NextEra respectfully requests the Commission allow NextEra to submit answers to all petitions on the same date. Requiring NextEra to answer petitions filed today within 25 days would prejudice NextEra by providing the other potential petitioners with a 5-day window to review NextEra’s answers prior to filing their intervention petitions. Because these most recent requests were received late on Friday afternoon, NextEra has not had an opportunity to consult all the other participants on this matter. However, if the Commission does not provide for contemporaneous answers in the Order deciding these requests, NextEra will file a motion to that effect, if necessary, after having an opportunity to consult with the other participants in this proceeding.

Respectfully Submitted,

/Signed electronically by Steven Hamrick/

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “NextEra Energy Seabrook, LLC’s Response to The Requests for Extension of Time of the New Hampshire Sierra Club and the Seacoast Anti-Pollution League,” were provided to the Electronic Information Exchange for service to those individuals listed below and others on the service list in this proceeding, this 20th day of September, 2010.

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/Signed electronically by Steven Hamrick/

Steven Hamrick

* To NextEra's knowledge, Messrs. Shadis, Ehrenberg, and Bogen have not yet signed up for the EIE, so NextEra will submit a copy of this pleading to them via e-mail as a courtesy.