

December 20, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

NextEra Energy Seabrook, LLC

(Seabrook Nuclear Station, Unit 1)

Docket No. 50-443-LR

ASLBP No. 10-906-02-LR-BD01

**MOTION BY FRIENDS OF THE COAST AND NEW ENGLAND COALITION  
FOR LEAVE TO REPLY TO NRC STAFF OBJECTIONS; NEXTERA ENERGY  
SEABROOK, LLC. RESPONSE IN OPPOSITION TO THE FRIENDS OF THE  
COAST AND NEW ENGLAND COALITION SUPPLEMENT TO ITS PETITION**

Submitted by:

Raymond Shadis  
*Pro se* Representative  
Friends of the Coast  
New England Coalition

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Friends of the Coast and New England Coalition (“collectively, Friends/NEC”) hereby respectfully moves for (requests) leave to reply to the NRC Staff’s Objections To The Friends Of The Coast And New England Coalition’s Supplement and NextEra/ Seabrook, LLC’s Response In Opposition To The Friends Of The Coast And New England Coalition Supplement To Its Petition.

(I) MOTION FOR LEAVE TO REPLY IS NECESSARY This Motion for Leave to Reply is necessary because the Board’s permission (leave) to file a reply is required.

(A) The Commission’s regulations do not contemplate the filing of replies under the present circumstances, that is, in reply to objections. Even if, for the sake of argument, Friends/NEC’s Petition Supplement, the submittal of a corrected declaration and transmittal of material new information, were taken as a petition amendment, there is no provision for reply absent permission of the presiding officer, as under 10 C.F.R. § 2.323(c).

(B) The Board did not provide an opportunity for the filing of replies when scheduling resubmission of the Declaration of Paul Blanch and opportunity for objections.

(II) UNFORESEEABLE AND COMPELLING CIRCUMSTANCES - Leave to Reply should be granted because, Friends/NEC respectfully submits, this case presents the type of “unforeseeable” and “compelling circumstances” which warrant a reply. More than that, NRC Staff and NextEra strenuous objections and wide-ranging arguments jeopardize the heart of Friend/NEC’s case and with it the hearing rights of Friends/NEC members and constituents, who are rightly concerned about significant safety and environmental issues embodied in the proffered contentions. Simple fairness calls for an opportunity to reply.

(A) Friends/NEC could not have anticipated NRC Staff and NextEra’s over-the-top comparison of submitting a corrected Declaration in compliance with the board’s order as analogous to filing a Reply; and therefore is suggesting that rules and case-law for replies should provide the parameters in this instance.

(B) Friends/NEC might have anticipated objections to corrections involving clarification, but could not reasonably have anticipated that such corrections would be taken as ‘major substantive changes’ or taken as attempts to cure the contentions (which remain unchanged).

(C) Friends/NEC has had its motives and integrity questioned without basis, without requisite proffer of evidence or reason. Permitted to go unanswered, that is, condoned, this kind of litigation can only have a chilling effect on the exercise of citizen’s hearing rights.

(D) Friends/NEC could not have foreseen that NextEra and NRC Staff would cast aside their ethical responsibilities by selectively quoting the rules, precedent, and the prehearing conference transcript in order to impeach Friends/NEC's good faith efforts at performing its duty to obey the Board's directives and assist in building a good record by providing material new information as required.

(E) Friends/NEC could not have foreseen, as set forth in the Friends/NEC Reply, the deliberate, unconscionable distortions and self-serving interpretation cast by NRC Staff and NextEra on Friends/NEC statements and representations, and those of its witness, Mr. Paul Blanch. NextEra's and NRC Staff's arguments are blatantly, highly, and impermissibly colored and at the least, a reply to them should be allowed.

(F) NextEra does not limit itself to objections to the type, quality, or quantity of individual corrections, but once rolling, rolls on to attack, again, Mr. Blanche's statements and the individual contentions on both their basis and their merits!

(G) NextEra exceeds all reasonable expectation by calling for the dismissal of Mr. Blanch's declaration in its entirety; surely a compelling circumstance requiring reply.

(III) CONCLUSION – Absent striking the Objections and Opposition entirely for all of the good reasons above, then for all of the same reasons a Reply really should be allowed.

In keeping with ordinary practice, and with respect for NRC's goals of an orderly and timely proceeding, Friends/NEC has attached its proposed Reply for the Board to consider without delay if it grants the Motion, or reject if it does not.

(IV) CERTIFICATE OF COUNSEL

Pro Se Representative for Friends/NEC hereby certifies that in conformance with 10 C.F.R. §2.323, Friends/NEC made a sincere attempt to obtain the consent of NextEra and NRC Staff to the filing of the foregoing Motion for Leave to Reply and by extension the attached Reply, but consent was denied.

Respectfully submitted,  
Signed electronically,  
*Raymond Shadis*

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