

October 28, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
NEXTERA ENERGY SEABROOK (LLC))	
[Also Known As FLORIDA POWER & LIGHT])	
)	
SEABROOK NUCLEAR POWER PLANT)	DOCKET NO. 50-443-LR
)	
Regarding the Renewal of Facility Operating License)	ASLBP No. 10-906-02-LR
No-NFP-86 for a 20-Year Period)	
)	

**MOTION FOR LEAVE TO SUPPLEMENT BASIS OF CONTENTION REGARDING
NEPA REQUIREMENT TO ADDRESS SAFETY AND ENVIRONMENTAL
IMPLICATIONS OF THE FUKUSHIMA TASK FORCE REPORT**

Pursuant to 10 C.F.R. § 2.323, Beyond Nuclear, New Hampshire Chapter of the Sierra Club and Seacoast Anti-Pollution League (“Intervenors”) hereby move for leave to supplement the basis for their contention seeking consideration of the environmental implications of the Fukushima Task Force Report in the License Renewal decision for the Seabrook Nuclear Power Plant. Intervenors request the Atomic Safety and Licensing Board (“ASLB”) to consider the recent issuance of a directive by the Commissioners of the U.S. Nuclear Regulatory Commission (“NRC”) to the NRC Staff, which requires the Staff to “strive to complete and implement the lessons learned from the Fukushima accident within five years – by 2016.” SRM/SECY-11-0124, Memorandum from R.W. Borchardt, Executive Director for Operations to Annette L. Vietti-Cook, Secretary, re: Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report (Oct. 18, 2011). SRM/SECY-11-0124 provides further

support, in addition to the language of the Task Force Report itself and the Declaration of Dr. Arjun Makhijani, for Intervenor's contention that the information set forth in the Task Force Report must be considered before issuance of a License Renewal for Seabrook Nuclear Power Plant. By ordering the Staff to adopt and implement numerous Task Force recommendations, including redefining what level of protection of public health and safety should be regarded as adequate, the Commission makes clear that it believes the lessons learned from the Fukushima accident have safety and environmental significance. See SRM/SECY-11-0124 at 2.

Intervenor's note that the issuance of SRM/SECY-11-0124 also undermines the basis for a recent licensing board decision finding that contentions similar to Intervenor's contention were premature because the Commission itself had not yet accepted or implemented the Task Force Report's conclusions and recommendations. *PPL Bell Bend, L.L.C.* (Bell Bend Nuclear Power Plant); *Luminant Generation Co., L.L.C.* (Comanche Peak Nuclear Power Plant, Units 3 and 4); *Energy Northwest* (Columbia Generating Station); *Southern Nuclear Operating Co.* (Vogtle Electric Generating Plants, Units 3 and 4); *Duke Energy Carolinas, L.L.C.* (William States Lee Nuclear Station, Units 1 and 2), LBP-11-27, ___ NRC ___, slip op. at 16 (Oct. 18, 2011) (citing *Union Electric Co. d/b/a Ameren Missouri* (Callaway Plant, Unit 2), et al., CLI-11-05, ___ NRC __ (Sept. 9, 2011)).¹

¹ Intervenor's have been informed that the Petitioners in those cases plan to request reinstatement of their contentions and a ruling that the contentions are admissible in light of SRM/SECY-11-0124.

CONSULTATION CERTIFICATE PURSUANT TO 10 C.F.R. § 2.323(b)

Intervenors certify that on October 26, 2011, we contacted counsel for the applicant and the NRC Staff in an attempt to obtain their consent to this Motion. On October 26, 2011, counsel for the NextEra opposed the Motion. On October 27, 2011, NRC Staff responded that while staff does not object to the filing of the Motion on procedural grounds, it reserved judgment on the Motion and will respond in due course.

Respectfully submitted,

-----/s/-----

Paul Gunter
Beyond Nuclear
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Tel. 301.270.2209 ext.3
Email: paul@beyondnuclear.org

-----/s/-----

Doug Bogen
Executive Director
Seacoast Anti-Pollution League
PO Box 1136
Portsmouth, NH 03802
E-mail: bogen@metrocast.net
Tel: 603.431.5089

-----/s/-----

Kurt Ehrenberg
Sierra Club of New Hampshire
40 North Main Street
Concord, NH 03301
Email: kurtehrenberg@gmail.com
Tel: 603.498.2275

October 28, 2011