

July 22, 2013

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	Docket No. 50-443-LR
NextEra Energy Seabrook, LLC)	
)	ASLBP No. 10-906-02-LR
(Seabrook Station, Unit 1))	

**NEXTERA’S UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY TO ANSWERS
TO NEXTERA’S MOTION FOR SUMMARY DISPOSITION OF CONTENTION 4D**

NextEra Energy Seabrook, LLC (“NextEra”) hereby moves for leave to file the attached reply to the answers of the NRC Staff and of Friends of the Coast/New England Coalition (“FOTC/NEC”)¹ to NextEra’s motion for summary disposition of Contention 4D.² This motion is unopposed. FOTC/NEC has consented but reserves its right to respond. The NRC Staff has also consented. For purposes of judicial economy, the Staff suggests that the Board consider establishing a schedule for the parties to brief the sole remaining issue concerning consideration of uncertainty. Alternatively, the Staff respectfully requests the opportunity to respond to NextEra’s Reply.

Pursuant to 10 C.F.R. § 2.323(c), the Board may grant a party leave to file a reply based on compelling circumstances, such as where the moving party demonstrates that it could not have reasonably anticipated the arguments to which it seeks leave to reply. Here, the Staff Answer and FOTC/NEC Answer take the position that the cost-benefit determinations for severe

¹ NRC Staff Answer to NextEra’s Motion for Summary Disposition of Friends of the Coast/New England Coalition Contention 4D (SAMA Analysis Atmospheric Modeling) (July 15, 2013) (“Staff Answer”); Friends of the Coast and New England Coalition’s Answer to NextEra’s Motion for Summary Disposition of Contention 4B (SAMA Source Terms) and Contention 4D (SAMA Analysis Atmospheric Modeling) (July 15, 2013) (“FOTC/NEC Answer”).

² NextEra’s Motion for Summary Disposition of Friends of the Coast/New England Coalition Contention 4D (SAMA Analysis Atmospheric Modeling) (May 10, 2013) (“Motion”).

accident mitigation alternatives (“SAMA”) should be based on upper bound estimates derived from an uncertainty analysis using the 95th percentile core damage frequency. As discussed in the attached reply, this position appears inconsistent with substantial Commission precedent and guidance, and therefore could not reasonably have been anticipated by NextEra. Further, NextEra could not have anticipated that FOTC/NEC would admit the reasonableness of the atmospheric dispersion model used in NextEra’s SAMA analysis, abandon every claim set forth in Contention 4D challenging the reasonableness of that model, and yet still argue that NextEra must nevertheless base its cost-benefit determinations on the results of a sensitivity analysis performed in order to demonstrate the now-stipulated reasonableness of the original model. For these reasons, the Board should grant this unopposed Motion.

CERTIFICATION

In accordance with 10 C.F.R. §2.323(b), counsel for NextEra conferred with the representatives of the other parties in a sincere effort to resolve the matters at issue in the instant Motion prior to the filing of the Motion, as reflected by the parties’ consent and comments reflected above.

Respectfully Submitted,

/Signed electronically by David R. Lewis /

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Dated: July 22, 2013

Counsel for NextEra Energy Seabrook, LLC

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing NextEra’s Unopposed Motion for Leave to File A Reply to Answers to NextEra’s Motion for Summary Disposition of Contention 4D has been served through the E-Filing system on the participants in the above-captioned proceeding, this 22nd day of July 2013.

/Signed electronically by David R. Lewis/

David R. Lewis