

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman
Dr. Michael F. Kennedy
Dr. Richard E. Wardwell

In the Matter of:

NEXTERA ENERGY SEABROOK, LLC

(Seabrook Station, Unit 1)

Docket No. 50-443-LR

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

July 30, 2013

MEMORANDUM AND ORDER

(Granting NextEra's Motion to File Reply and Directing Additional Briefing)

On July 22, 2013, NextEra Energy Seabrook, LLC (NextEra) submitted a reply¹ to the answers of the NRC Staff and of Friends of the Coast and the New England Coalition (collectively, Friends/NEC) to NextEra's pending motion for summary disposition of Contention 4D, accompanied by an unopposed motion for leave to file.² Friends/NEC reserved its right to respond and the NRC Staff requested the opportunity to respond to NextEra's reply.³

For good cause shown, NextEra's unopposed motion is granted. Additionally, in lieu of responses by the NRC Staff and Friends/NEC, the Board directs the parties to provide additional briefing on the following issues:

¹ See NextEra's Reply to Answers to NextEra's Motion for Summary Disposition of Contention 4D (July 22, 2013) [NextEra's Reply].

² See NextEra's Unopposed Motion for Leave to file a Reply to Answers to NextEra's Motion for Summary Disposition of Contention 4D (July 22, 2013).

³ Id. at 1.

- (1) Whether cost/benefit comparisons in SAMA analyses must take into account an uncertainty factor as a matter of law; and
- (2) Whether the Applicant's alleged failure to take into account an uncertainty factor is an issue presented by Contention 4D in light of Friends/NEC's factual admissions.

The NRC Staff and Friends/NEC shall have until August 19, 2013 to submit memoranda addressing these issues.⁴ NextEra shall have until August 26, 2013 to respond to the NRC Staff's and Friends/NEC's memoranda.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 30, 2013

⁴ The Board deems NextEra's Reply to be a sufficient initial statement of its position as to why uncertainty is not an issue.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
NEXTERA ENERGY SEABROOK, LLC) DOCKET NO. 50-443-LR
(Seabrook Station, Unit 1))
)
(License Renewal))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Granting NextEra's Motion to File Reply and Directing Additional Briefing)** have been served upon the following persons by the Electronic Information Exchange.

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[Original signed by Clara Sola]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 30th day of July 2013