

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

August 12, 2013

MEMORANDUM AND ORDER
(Approving Settlement of Contention 4D)

On August 8, 2013, NextEra Energy Seabrook, LLC (“NextEra”), Friends of the Coast and the New England Coalition (“FOTC/NEC”), and the NRC Staff (collectively, the “Parties”) moved for an order approving settlement of Contention 4D, and for a second Order, to be issued seven days after publication of the FSEIS without further motion dismissing Contention 4D. In accordance with 10 C.F.R. § 2.338(g), the Parties forwarded the settlement agreement¹ and proposed orders to this Board.

Consistent with Commission policy to encourage resolution of contested issues in licensing proceedings through settlement, we find the settlement and eventual dismissal of Contention 4D in the public interest. Pursuant to our authority under 10 C.F.R. § 2.338(i), we grant the Joint Motion approving the settlement agreement. Pursuant to that Settlement

¹ See Joint Motion for Approval of Settlement and Dismissal of FOTC/NEC Contention 4D at Ex. A, Settlement Agreement Among Friends of the Coast/The New England Coalition, NextEra Energy Seabrook, LLC, and the Staff of the US Nuclear Regulatory Commission Regarding Contention 4D (Aug. 8, 2013).

Agreement, upon issuance of the Final Supplemental Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Seabrook Station (NUREG-1437, Supplement 46), the NRC Staff will submit a letter to the Board, identifying the portions of the FSEIS in which it analyzes the CALMET sensitivity, the treatment of uncertainty and off-setting conservatisms in NextEra's analysis. Seven days after receipt of this letter, the Board will issue a further order dismissing Contention 4D without further motion.

Based on this settlement of Contention 4D, the Parties are hereby relieved of the obligation to submit memoranda pursuant to this Board's Memorandum and Order of July 30, 2013 (Granting NextEra's Motion to File Reply and Directing Additional Briefing). In addition, the obligation of Parties to update their disclosures regarding Contention 4D, pursuant to 10 C.F.R. 2.336(d) and the Initial Scheduling Order in this proceeding is hereby terminated.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

/RA/

Dr. Michael F. Kennedy
ADMINISTRATIVE JUDGE

/RA/

Dr. Richard E. Wardwell
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 12, 2013

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 (Approving Settlement of Contention 4D)** have been served upon the following persons by the Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001

Administrative Judge
Paul S. Ryerson, Chair
paul.ryerson@nrc.gov

Administrative Judge
Michael F. Kennedy
michael.kennedy@nrc.gov

Administrative Judge
Richard E. Wardwell
richard.wardwell@nrc.gov

Anthony C. Eitrem, Esq.
Chief Counsel
anthony.eitrem@nrc.gov

Carter Thurman, Law Clerk
carter.thurman@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
Hearing Docket
hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15D21
Washington, DC 20555-0001
Catherine Kanatas, Esq.
catherine.kanatas@nrc.gov
David Roth, Esq.
david.roth@nrc.gov
Mary Spencer, Esq.
mary.spencer@nrc.gov
Anita Ghosh, Esq.
anita.ghosh@nrc.gov
David Cylkowski, Esq.
david.cylkowski@nrc.gov
Esther Houseman, Esq.
esther.houseman@nrc.gov
Edward Williamson, Esq.
edward.williamson@nrc.gov
John Tibbetts, Paralegal
john.tibbetts@nrc.gov

OGC Mail Center
OGCMailCenter@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16C1
Washington, DC 20555-0001
ocaamail@nrc.gov

NEXTERA ENERGY SEABROOK, LLC (Seabrook Station Unit 1) – Docket No. 50-443-LR
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NextEra Energy Seabrook, LLC
801 Pennsylvania Avenue, N.W., #220
Washington, DC 20004
Steven C. Hamrick, Esq.
steven.hamrick@fpl.com

NextEra Energy Seabrook, LLC
700 Universe Boulevard
Juno Beach, FL 33408
William Blair, Esq.
william.blair@fpl.com
James Petro, Esq.
james.petro@fpl.com
Kim Bartels, Sr. Paralegal
kim.bartels@fpl.com

Counsel for the Applicant
Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, N.W.
Washington, DC 20037-1122
David R. Lewis, Esq.
david.lewis@pillsburylaw.com

Friends of the Coast and
New England Coalition (NEC)
Post Office Box 98
Edgecomb, ME 04556
Raymond Shadis, Pro Se Representative
Debbie Grinnell
debbie@c-10.org
shadis@prexar.com

Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912
Paul Gunter, Director, Reactor Oversight Project
paul@beyondnuclear.org

New Hampshire Sierra Club
40 N. Main Street
Concord, NH 03870
Kurt Ehrenberg, Field Organizer
kurtehrenberg@gmail.com

Seacoast Anti-Pollution League
P.O. Box 1136
Portsmouth, NH 03802
Doug Bogen, Executive Director
dbogen@metrocast.net

State of New Hampshire
Office of the Attorney General
33 Capitol Street
Concord, NH 03301
K. Allen Brooks, Assistant Attorney General
k.allen.brooks@doj.nh.gov
Michael A. Delaney, Attorney General
michael.a.delaney@doj.nh.gov
Peter Roth, Assistant Attorney General
peter.roth@doj.nh.gov

State of Massachusetts
Office of the Attorney General
Environmental Protection Division
One Ashburton Place, 18th Floor
Boston, MA 02108
Matthew Brock, Assistant Attorney General
matthew.brock@state.ma.us
Jillian Riley, Legal Analyst
jillian.riley@state.ma.us

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

Dated at Rockville, Maryland,
this 12th day of August 2013