

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  
(Granting Summary Disposition of Contention 4B)

On May 10, 2013, NextEra Energy Seabrook, LLC (NextEra) moved<sup>1</sup> for summary disposition of Contention 4B, asserting that no genuine issue of material fact exists and NextEra is entitled to a decision as a matter of law.<sup>2</sup> The NRC Staff agrees that NextEra's motion should be granted and that Contention 4B should be dismissed.<sup>3</sup> Friends of the Coast and the New England Coalition (FOTC/NEC) "offers no objection to the summary disposition of Contention 4B"<sup>4</sup> and agrees that "the Board should grant NextEra's motion . . . ."<sup>5</sup>

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<sup>1</sup> See NextEra's Motion for Summary Disposition of Friends of the Coast/New England Coalition Contention 4B (SAMA Analysis Source Terms) (May 10, 2013).

<sup>2</sup> Id. at 1.

<sup>3</sup> See NRC Staff's Answer to NextEra's Motion for Summary Disposition of Friends of the Coast/New England Coalition Contention 4B (SAMA Analysis Source Terms) (July 15, 2013).

<sup>4</sup> Friends of the Coast and New England Coalition's Answer to NextEra's Motion for Summary Disposition of Contentions 4B (SAMA Source Terms) and 4D (SAMA Atmospheric Modeling) (July 16, 2013) at 1.

The standard for summary disposition is set forth in 10 C.F.R. § 2.710. Based on the parties' agreement and the Board's review of the parties' filings concerning Contention 4B, the Board grants NextEra's motion. Accordingly, Contention 4B is dismissed.

Although this Order and today's Consent Order regarding Contention 4D appear to resolve all admitted contentions, this proceeding remains open. A motion<sup>6</sup> to admit one other contention, concerning the vacatur of the NRC's Waste Confidence Rule, is currently being held in abeyance, at the Commission's direction, pending further order of the Commission.<sup>7</sup>

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

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Paul S. Ryerson, Chairman  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Michael F. Kennedy  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Richard E. Wardwell  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 12, 2013

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<sup>5</sup> Id. at 5.

<sup>6</sup> Intervenor's Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Seabrook Station, Unit 1 (July 9, 2012).

<sup>7</sup> See Licensing Board Order (Holding Intervenor's Motion for Leave to File a New Contention in Abeyance) (Aug. 15, 2012); Calvert Cliffs Nuclear Project, L.L.C. (Calvert Cliffs Nuclear Power Plant, Unit 3), et al., CLI-12-16, 76 NRC 63, 68–69 (2012).

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NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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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 Summary Disposition of Contention 4B)** have been served upon the following persons by the Electronic Information Exchange.

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[Original signed by Clara Sola]  
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Dated at Rockville, Maryland,  
this 12<sup>th</sup> day of August 2013