

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

Before Administrative Judges:

Ronald M. Spritzer, Chairman  
Nicholas G. Trikouros  
Dr. Sekazi Mtingwa

In the Matter of

NEXTERA ENERGY SEABROOK, LLC

(Seabrook Station, Unit One)

Docket No. 50-443-LA2

ASLBP No. 17-953-02-LA-BD01

May 26, 2017

ORDER

(Granting NextEra's Motion to File a Reply)

In this proceeding, the C-10 Research and Education Foundation, Inc. (C-10) has filed a Petition challenging a license amendment request submitted by NextEra Energy Seabrook LLC (NextEra), for Seabrook Station, Unit 1, located in Seabrook, New Hampshire. Both NextEra and the NRC Staff filed answers to the Petition on May 5, 2017. On May 12, NextEra filed a motion seeking leave to reply to the NRC Staff's Answer to the Petition, claiming that the Staff had impermissibly proposed that the Board admit a "New/Amended Contention" consisting of various contentions or parts thereof from C-10's petition that are not independently admissible.<sup>1</sup> In it, NextEra states that neither the Staff nor C-10 opposes its Motion.<sup>2</sup> NextEra also filed its Reply at the same time.<sup>3</sup>

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<sup>1</sup> NextEra's Motion for Leave to File a Reply to NRC Staff's Answer to C-10's Petition for Leave to Intervene (May 12, 2017) at 1-2.

<sup>2</sup> Id. at 5 (Consultation Certification).

<sup>3</sup> NextEra's Reply to NRC Staff's Answer to C-10's Petition for Leave to Intervene (May 12, 2017).

In general, only the participant who filed a hearing request under 10 C.F.R. § 2.309 may file a reply to an answer unless otherwise ordered by the Commission, the presiding officer, or the Board.<sup>4</sup> The Board, like the Commission, may permit the filing of an otherwise unauthorized reply “where necessity or fairness dictates.”<sup>5</sup> In this instance, given that NextEra was not aware of the reformulated contention set forth in the Staff’s Answer until the Answer was filed and that neither the Staff nor C-10 objects to the filing of NextEra’s Reply, the Board will grant NextEra’s Motion.

Should either the Staff or C-10 desire to submit a response to any new arguments raised in NextEra’s Reply, such a response should be filed no later than ten days from the date of this Order, together with a brief motion seeking leave to file the response. No further filings on the issues raised in NextEra’s Reply will be permitted.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

***/RA/***

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Ronald M. Spritzer, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
May 26, 2017

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<sup>4</sup> 10 C.F.R. §§ 2.309(i)(2)–(3).

<sup>5</sup> U.S. Dep’t of Energy (High-Level Waste Repository), CLI-08-12, 67 NRC 386, 393 (2008).

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NEXTERA ENERGY SEABROOK, LLC ) Docket No. 50-443-LA-2  
(Seabrook Station, Unit 1) )  
 )  
(License Amendment) )

CERTIFICATE OF SERVICE

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

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NEXTERA ENERGY SEABROOK, LLC (Seabrook Station Unit 1) – Docket No. 50-443-LA-2  
**ORDER (Granting NextEra’s Motion to File a Reply)**

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[Original signed by Brian Newell \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 26<sup>th</sup> day of May, 2017