

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

June 21, 2017

MEMORANDUM

(Identifying Questions for Oral Argument)

Before the Board is the petition of the C-10 Research and Education Foundation, Inc. (C-10) challenging a license amendment request submitted by NextEra Energy Seabrook LLC (NextEra) for Seabrook Station, Unit 1, located in Seabrook, New Hampshire. By order dated June 5, 2017, the Board scheduled argument on standing and contention admissibility on Thursday, June 29, 2017, beginning at 10:00 a.m. EDT.¹

The Board has identified the following questions to assist the participants in preparing for oral argument. The list is not intended to be exclusive; the Board may ask questions on other issues, and the participants may discuss issues other than those listed that are relevant to petitioners' standing or the admissibility of its contentions.

¹ Licensing Board Order (Scheduling Oral Argument and Providing Instructions) (June 5, 2017) at 1 (unpublished).

Standing

1. Given the allegations in the Petition regarding concrete degradation and its effects on the Seabrook Plant structures, how would an organization with an office located within 10 miles of the Plant not have standing under the NRC's proximity presumption?

2. If the Board may consider all of the facts related to standing alleged by C-10, including the additional facts alleged in its Reply, is it still the position of the Staff or NextEra that C-10 lacks standing?

3. Several Commission decisions allow a petitioner to provide additional facts and/or argument related to standing in its reply. South Carolina Elec. & Gas Co. and South Carolina Pub. Serv. Auth. (Virgil C. Summer Nuclear Station, Units 2 and 3), CLI-10-1, 71 NRC 1, 7 (2010); PPL Bell Bend, LLC (Bell Bend Nuclear Power Plant), CLI-10-7, 71 NRC 133, 139-40 (2010). Why are those Commission decisions not controlling in this case?

Contention Admissibility

1. Explain how the MPR/FSEL Large-Scale Test Program (LSTP) results bound -- or fail to bound -- the Seabrook Unit 1 concrete expansion?

2. What would satisfy C-10 or the Staff that the limits derived from the LSTP results are bounding of the Seabrook Unit 1 concrete?

3. How is using the LSTP results to calibrate ACI 318-71 and ASME Code equations, and then using those equations to predict Unit 1 concrete performance, not the same as assuming that the LSTP test samples are representative of the Unit 1 plant structures?

4. C-10 states that the monitoring program involving visual inspections, crack width indexing, and extensometer deployment proposed in the LAR must be replaced by a program of in-situ sampling of the Seabrook concrete. Can C-10 describe such an in-situ sampling program?

5. What is the controlling regulatory standard that the Staff will apply to approve the LAR? What are the findings that the Staff must make to grant the LAR? Are those findings set forth in specific NRC regulations, guidance, or other documents?

6. NextEra and C-10 should explain what they mean by the term "Petrographic Analysis" and how it relates to the ASR monitoring program at Seabrook.

7. C-10 should explain its statement that NextEra plans to discontinue core sample testing or is attempting to avoid such testing, and NextEra should explain why C-10's statement is incorrect.

8. Contention D appears to provide specific reasons for its claim that the test specimens are not representative of the Seabrook structures. NextEra should explain its reasons for arguing that the contention is "devoid of support." NextEra Ans. at 41-42.

9. Why does the Staff think Contention D cannot stand alone?

10. What specific parts of Contentions A-D and G-H is the Staff incorporating into its reformulated contention? Is it necessary to include all of those specific parts for the reformulated contention to be admissible?

11. C-10 made its arguments based on non-proprietary versions of NextEra's documents. Has C-10 requested access to the proprietary versions of those documents, and, if so, what is the status of its request?

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 21, 2017

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM (Identifying Questions for Oral Argument)** 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
MEMORANDUM (Identifying Questions for Oral Argument)

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

Dated at Rockville, Maryland,
this 21st day of June, 2017