

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 1)

Docket No. 50-443-LA-2

ASLBP No. 17-953-LA-BD01

February 15, 2018

MEMORANDUM AND ORDER
(Revised Scheduling Order)

This proceeding concerns the pending application of NextEra Energy Seabrook, LLC (NextEra) for an amendment to its existing license to operate Seabrook Station Unit 1. On November 29, 2017, the Board issued an Initial Scheduling Order establishing deadlines for the parties and the NRC Staff to make initial mandatory disclosures pursuant to 10 C.F.R. § 2.336, and for the NRC Staff to produce the hearing file pursuant to 10 C.F.R. § 2.1203(a).¹ The Initial Scheduling Order also established deadlines for filing new or amended contentions and dispositive motions.² These deadlines were established in part based on the Staff's estimates concerning the timing of its Safety Evaluation (SE).³

On January 31, 2018, the NRC Staff advised the Licensing Board that the Advisory Committee on Reactor Safeguards has requested the opportunity to review the SE.⁴ The Staff

¹ Initial Scheduling Order (Nov. 29, 2017) (unpublished).

² Id. at 2–5.

³ Id. at 3, 5.

⁴ Letter from Brian G. Harris, NRC Staff Counsel, to Licensing Board (Jan. 31, 2018) at 2.

now anticipates that, rather than publishing only a final SE in August 2018 as previously planned, it will publish a draft SE in August 2018 and the final SE in December 2018.⁵

The publication of a draft SE will provide the parties with an additional opportunity to file new or amended contentions that could not have been filed based on the application. In order for any new or amended contention to be timely, our rules of practice “require contentions to be raised at the earliest possible opportunity,”⁶ and so “[p]etitioners who choose to wait to raise contentions that could have been raised earlier do so at their own peril.”⁷ For example, if a contention could be filed on the basis of the draft SE, a petitioner may not wait until the final SE is published to file that contention.⁸

Given the addition of a draft SE, in accord with 10 C.F.R. § 2.332(d), the general schedule for this proceeding is revised as set forth below in Tables 1 and 2.⁹ DSE is the date on which the draft Safety Evaluation becomes available for public review. FSE is the date on which the final Safety Evaluation becomes available for public review.

⁵ Id.

⁶ DTE Electric Co. (Fermi Nuclear Power Plant, Unit 3), CLI-15-1, 81 NRC 1, 7 (2015).

⁷ Id.

⁸ See 10 C.F.R. § 2.309(c) (establishing the rules for the filing of new or amended contentions).

⁹ The remainder of the Initial Scheduling Order continues to be in effect.

TABLE 1

If new or amended contentions are filed, the following deadlines apply:

DSE+30	Deadline for new or amended contentions based on the draft Safety Evaluation (D)
D+25	Answers to new or amended contentions based on the draft Safety Evaluation
D+32	Replies to answers to new or amended contentions based on the draft Safety Evaluation
D+77	Board Order on admission of new or amended contentions (if oral argument is not required) (45 days after replies are due)
FSE+30	Deadline for new or amended contentions based on the final Safety Evaluation
FSE+55	Answers to new or amended contentions based on the final Safety Evaluation
FSE+62	Replies to answers to new or amended contentions based on the final Safety Evaluation
FSE+107	Board Order (O) on admission of new or amended contentions (if oral argument is not required) (45 days after replies are due)
O+14	Complete mandatory disclosures
O+30	Summary disposition motions
O+60	C-10 written direct testimony, statements of position, and exhibits
O+105	NRC Staff & NextEra written direct testimony, statement of position, and exhibits
O+135	C-10 written rebuttal testimony, statements of position, and exhibits
O+150	Evidentiary Hearing (Hrg)
Hrg+90	Initial decision

TABLE 2

If no new or amended contentions are filed on the FSE, the following deadlines apply:

FSE+44	Complete mandatory disclosures
FSE+60	Summary disposition motions
FSE+90	C-10 written direct testimony, statements of position, and exhibits
FSE+135	NRC Staff and NextEra written testimony, statements of position, and exhibits
FSE+165	C-10 written rebuttal testimony, statement of position, and exhibits
FSE+180	Evidentiary Hearing (Hrg)
Hrg+90	Initial decision

Any party's objections or suggestions regarding the revised schedule shall be filed on or before February 28, 2018.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 15, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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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 **MEMORANDUM AND ORDER (Revised Scheduling Order)** 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 AND ORDER (Revised Scheduling Order)

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[Original signed by Herald M. Speiser _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 15th day of February, 2018