

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)

NEXTERA ENERGY SEABROOK, LLC)

(Seabrook Station Unit 1))

Docket No. 50-443-LA-2

April 15, 2019

**NEXTERA’S ANSWER OPPOSING C-10’S MOTION REGARDING
SEABROOK STATION SITE TOUR**

Pursuant to 10 C.F.R. § 2.323(c), NextEra Energy Seabrook, LLC (“NextEra”) hereby timely files this answer to C-10 Research and Education Foundation’s (“C-10”) Motion regarding a site tour of Seabrook Station (“Motion”).¹ During the parties’ recent pre-hearing conference call (“Call”),² the Atomic Safety and Licensing Board (“Board”) stated that a site tour would be helpful to the Board, and that the Board would provide further guidance to the Parties on this topic in the coming weeks. NextEra looks forward to hosting such a tour for the Board. However, because C-10 did not wait for the Board’s guidance—which is a necessary prerequisite for responding to the issues raised in the Motion—NextEra respectfully opposes the Motion.

First, C-10 seeks “to establish June 26 or 27 as the date for a tour.”³ NextEra believes that it would be imprudent to establish a fixed date before the Board and other parties have had a chance to consider the various factors that would lead to an informed decision regarding the tour

¹ C-10 Research and Education Foundation’s Motion Regarding Seabrook Station Site Tour (Apr. 11, 2019).

² The call involved C-10, NextEra, and the U.S. Nuclear Regulatory Commission (“NRC”) Staff (collectively, “Parties”) and the Board, and occurred on April 4, 2019; the transcript is not yet available.

³ Motion at 1.

date. For example, the Board stated that it intends to circulate an itemized list of areas, equipment, etc., that it wishes to see on the tour by the end of April. That information will help inform the selection of an appropriate date for the tour, as matters such as ongoing safety-related work and personnel scheduling in certain areas of the plant must be taken into consideration. C-10's Motion simply puts the cart before the horse.

Second, C-10's request to have four representatives attend the site tour—one of them being its "primary expert witness"—misapprehends the purpose of the site tour. As the Board noted on the Call, the purpose of the tour is primarily for the *Board's* benefit; it is not an opportunity for testifying witnesses to gather evidence to inform their testimony. Indeed, as opposed to other types of proceedings, 10 C.F.R. Part 2, Subpart L proceedings do not provide for "entry on land" discovery by experts.⁴

Likewise, the appropriate size of the tour group is a determination best left until after the Board has provided guidance on the areas of the plant to be visited. This will allow NextEra and the Board to make an informed decision on group size after considering all relevant information, including:

- the primary purpose and permissible scope of the tour;
- the escort-to-visitor ratios imposed by site procedures;
- the time required to visit all tour areas;
- the potential for impacts to pre-planned plant operations from large groups of visitors;
- the desire to avoid unnecessary industrial safety risks involved with possible activities such as ladder climbing; and
- the regulatory objective of keeping radiological doses to persons "as low as reasonably achievable" (assuming the tour includes radiological areas).

⁴ Compare 10 C.F.R. §§ 2.707(a)(2), 2.1020 (permitting "entry on land" discovery in proceedings under Subparts G and J) with 10 C.F.R. Part 2, Subpart L (excluding a similar provision).

NextEra looks forward to working with the Board and the Parties regarding the requested tour. But, for the reasons stated above, C-10's Motion is simply premature and should be rejected.

Respectfully submitted,

Executed in Accord with 10 C.F.R. § 2.304(d)

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Dated in Washington, DC
This 15th day of April 2019

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that, on this date, the foregoing “NEXTERA’S ANSWER OPPOSING C-10’S MOTION REGARDING SEABROOK STATION SITE TOUR” was served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding.

Signed (electronically) by Ryan K. Lighty

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