

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

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In the Matter of: )

NEXTERA ENERGY SEABROOK, LLC )

(Seabrook Station Unit 1) )

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Docket No. 50-443-LA-2

December 13, 2019

**NEXTERA ENERGY SEABROOK LLC’S MOTION FOR LEAVE TO FILE  
RESPONSIVE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On November 21, 2019, NextEra Energy Seabrook, LLC (“NextEra”), C-10 Research and Education Foundation (“C-10”), and the U.S. Nuclear Regulatory Commission (“NRC”) Staff filed their respective Proposed Findings of Fact and Conclusions of Law (“Proposed Findings”), under 10 C.F.R. § 2.1209.<sup>1</sup> At the evidentiary hearing, the Atomic Safety and Licensing Board (“Board”) instructed that the parties should seek leave to submit any Responsive Proposed Findings.<sup>2</sup> On December 2, 2019, the Board established December 13, 2019, as the deadline for motions seeking leave to submit Responsive Proposed Findings.<sup>3</sup> Accordingly, pursuant to 10 C.F.R. § 2.323 and the Board’s December 2, 2019 Order, NextEra files this motion for leave to submit Responsive Proposed Findings.<sup>4</sup> NextEra’s Responsive Proposed Findings are attached hereto.

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<sup>1</sup> NextEra Energy Seabrook, LLC’s Proposed Findings of Fact and Conclusions of Law (Nov. 21, 2019) (“NextEra FOF”); NRC Staff Proposed Findings of Fact and Conclusions of Law for the Admitted Contention (Nov. 21, 2019); C-10 Research and Education Foundation’s Proposed Findings of Fact and Conclusions of Law (Nov. 21, 2019) (“C-10 FOF”).

<sup>2</sup> Tr. at 1181.

<sup>3</sup> Board Order (Granting Time Extension to File Motions for Leave to Submit Responsive Proposed Findings of Fact and Conclusions of Law) at 2 (Dec. 2, 2019).

<sup>4</sup> As required by 10 C.F.R. § 2.323(b), NextEra consulted the other parties in this proceeding regarding this Motion. C-10 and the NRC Staff take no position on the Motion and reserve the right to respond.

Good cause exists for the Board to grant this Motion because C-10's Proposed Findings contain certain factual and legal misrepresentations and inaccurate descriptions of the evidentiary record in this proceeding.<sup>5</sup> Further, many of the findings of concern lack "exact citations to the transcript of record and exhibits in support of each proposed finding," as explicitly required by 10 C.F.R. §§ 2.1209 and 2.712(c). Accordingly, the interests of a complete and accurate record are best served by permitting NextEra to submit brief, targeted Responsive Proposed Findings that (1) address C-10's most significant errors and inaccuracies, and (2) provide corresponding "exact citations" to the evidence in this proceeding.

Thus, good cause exists for the Board to grant this Motion and to entertain NextEra's Proposed Responsive Findings, attached hereto.

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

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Dated in Washington, DC  
this 13th day of December 2019

Respectfully submitted,

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

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<sup>5</sup> See *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC 18, 21 (1998) (noting the Commission's goal of developing "an informed adjudicatory record that supports agency decision making").

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**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 2.305, I certify that, on this date, the foregoing “NextEra Energy Seabrook LLC’s Motion for Leave to File Responsive Proposed Findings of Fact and Conclusions of Law” 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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