

August 22, 2011

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
NextEra Energy Seabrook, LLC)	Docket No. 50-443-LR
)	ASLBP No. 10-906-02-LR
(Seabrook Station, Unit 1))	

**NextEra Energy Seabrook LLC’s Objection to Filing of Rulemaking Petition
and Suspension Request Before the Atomic Safety and Licensing Board**

On August 11, 2011, Friends of the Coast and the New England Coalition (“Friends/NEC”) filed before both the Secretary and the Atomic Safety and Licensing Board (“Board”) a Rulemaking Petition to Rescind Prohibition Against Consideration of Environmental Impacts of Severe Accidents and Spent Fuel Pool Accidents and Request to Suspend Licensing Decisions (“Petition”).¹ The Petition requests that the NRC rescind regulations in 10 C.F.R. Part 51 that make generic conclusions about the environmental impacts of severe reactor and spent fuel pool accidents, and also requests that the NRC suspend the Seabrook license renewal proceeding while the NRC considers this petition and the environmental issues raised in a proposed new contention alleging a requirement to address the implications of the Fukushima Task Force Report. Petition at 1.

To the extent that this Petition seeks any action by the Board, NextEra Energy Seabrook, LLC (“NextEra”) objects to Friends/NEC’s placing the Petition before the Board, because the Board has no authority to grant it. 10 C.F.R. § 2.802(a) provides that a rulemaking petition should be addressed to the Secretary, and the Board has been

delegated no authority to rescind the NRC's rules. Further, 10 C.F.R. § 2.802(a) provides that a petitioner for rulemaking may request the *Commission* (not the presiding officer) to suspend a proceeding to which the petitioner is a party pending disposition of the rulemaking petition. In addition, Friends/NEC and other entities have already submitted a request to the Commission to suspend all licensing proceedings proceeding pending consideration of the environmental implications of the Fukushima Daiichi accident,² so any attempt to put a duplicative request before the Board is inappropriate. For all these reasons, Friends/NEC's Petition is not properly before the Board,³ and NextEra will address its opposition to the Commission.

Respectfully Submitted,

/Signed electronically by Steven Hamrick/

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Counsel for NextEra Energy Seabrook, LLC

Dated: August 22, 2011

¹ Beyond Nuclear filed a similar petition on the same date, but addressed it only to the Secretary.

² Emergency Petition to Suspend All Pending Reactor Licensing Decisions and Related Rulemaking Decisions Pending Investigation of Lessons Learned From Fukushima Daiichi Nuclear Power Station Accident (April 18, 2011).

³ NextEra does not object to the suspension request being submitted on the docket of this license renewal proceeding. NextEra only objects to its being filed as a request before the Board.

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CERTIFICATE OF SERVICE

I hereby certify that “NextEra Energy Seabrook LLC’s Objection to Filing of Rulemaking Petition and Suspension Request Before the Atomic Safety and Licensing Board,” dated August 22, 2011, was provided to the Electronic Information Exchange for service on the individuals listed below, this 22nd day of August, 2011.

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/Signed electronically by Steven Hamrick /

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