

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman  
Dr. Michael F. Kennedy  
Dr. Richard E. Wardwell

In the Matter of:

NEXTERA ENERGY SEABROOK, LLC

(Seabrook Station, Unit 1)

Docket No. 50-443-LR

ASLBP No. 10-906-02-LR-BD01

September 9, 2014

MEMORANDUM AND ORDER

(Denying Motion to File a New Contention Concerning Nuclear Waste)

The background of this proceeding is set forth in earlier orders of the Board<sup>1</sup> and of the Commission.<sup>2</sup> On July 9, 2012, Intervenor moved for leave to file a new contention concerning temporary storage and ultimate disposal of nuclear waste.<sup>3</sup> In accordance with the Commission's direction in CLI-12-16, on August 15, 2012 the Board ordered the motion held in abeyance.<sup>4</sup>

On August 26, 2014, in view of its adoption of a revised rule codifying the NRC's generic determinations regarding the pertinent environmental impacts associated with continued storage

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<sup>1</sup> See LBP-11-02, 73 NRC 28, 35–37 (2011); Initial Scheduling Order (Apr. 4, 2011) (unpublished).

<sup>2</sup> CLI-12-05, 75 NRC 301, 301–07 (2012).

<sup>3</sup> Intervenor's Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Seabrook Station, Unit 1 (July 9, 2012).

<sup>4</sup> Licensing Board Order (Holding Intervenor's Motion for Leave to File a New Contention in Abeyance) (Aug. 15, 2012) (unpublished).

of spent nuclear fuel, the Commission issued a memorandum and order (CLI-14-08) directing this Board (among others) to reject pending contentions on this issue.<sup>5</sup> Accordingly, Intervenor's motion for leave to file a new contention is denied.

Today's order does not terminate the proceeding. On August 12, 2013, the Board granted the applicant's request for summary disposition of part of the remaining admitted contention in this proceeding, and approved a conditional settlement of the remainder of the contention, to become effective upon the NRC Staff's issuance of the Final Supplemental Environmental Impact Statement.<sup>6</sup> That event has not yet occurred.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

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Paul S. Ryerson, Chairman  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Michael F. Kennedy  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Richard E. Wardwell  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 9, 2014

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<sup>5</sup> CLI-14-08, 80 NRC \_\_, \_\_ (slip op. at 10) (Aug. 26, 2014).

<sup>6</sup> See Memorandum and Order (Granting Summary Disposition of Contention 4B) (Aug. 12, 2013) (unpublished); Memorandum and Order (Approving Settlement of Contention 4D) (Aug. 12, 2013) (unpublished).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
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NEXTERA ENERGY SEABROOK, LLC	)	Docket No. 50-443-LR
(Seabrook Station, Unit 1)	)	
	)	
(License Renewal)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Denying Motion to File a New Contention Concerning Nuclear Waste)** have been served upon the following persons by Electronic Information Exchange or by electronic mail where indicated an asterisk.

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Rockville, Maryland  
September 9, 2014