

August 16, 2017

Administrative Judge  
Ronald M. Spritzer, Chair  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, DC 20555-0001

Administrative Judge  
Nicholas G. Trikourous  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, DC 20555-0001

Administrative Judge  
Dr. Sekazi K. Mtingwa  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, DC 20555-0001

In the Matter of  
NEXTERA ENERGY SEABROOK LLC  
(Seabrook Station, Unit 1)  
Docket No. 50-443-LA2

Dear Administrative Judges:

A letter from the C-10 Research and Education Foundation ("C-10") was forwarded to Commission adjudicatory employees that is potentially related to a disputed issue in the above-captioned proceeding. Therefore, pursuant to 10 C.F.R. § 2.348(c), the U.S. Nuclear Regulatory Commission ("NRC") staff ("Staff") is serving this letter on the parties to the above-captioned proceeding. The letter is attached below and is also available under Agencywide Documents Access and Management System ("ADAMS") Accession No. ML17227A538.

Respectfully submitted,

**/Signed (electronically) by/**

Anita Ghosh  
Counsel for NRC Staff

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-LA2  
 )  
(Seabrook Station, Unit 1) )  
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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the foregoing notification, dated August 16, 2017, have been filed through the Electronic Information Exchange, the NRC's E-Filing System, in the above-captioned proceeding, this 16th day of August, 2017.

**/Signed (electronically) by/**

Anita Ghosh  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
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Washington, DC 20555  
Telephone: (301) 287-9175  
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Dated at Rockville, Maryland  
this 16th day of August, 2017



# RESEARCH & EDUCATION FOUNDATION

*Towards a clean, safe energy future for the seacoast region*

May 12, 2017

Via electronic submission: [OPA.resource@NRC.gov](mailto:OPA.resource@NRC.gov)

**Subject: 10 CFR 2.204 Demand For Information (DFI)**

Mr. Victor McCree  
Executive Director for Operations  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. McCree:

On behalf of the C-10 Research and Education Foundation (hereinafter C-10), 44 Merrimac Street, Newburyport, Massachusetts, 01950, I submit this petition pursuant to Ch. 2.206, Title 10, of the Code of Federal Regulations (hereafter 10 CFR).

## **Demand for Information requested**

C-10 petitions the NRC to issue demands for information pursuant to 10 CFR 2.204, and to then issue an order under 10 CFR 2.202 to licensee NextEra, owner of Seabrook Station who is the entity seeking approval of its LAR 16-03 License Amendment Request (Seabrook Station License Amendment Request 16-03; Revise Current Licensing Basis to Adopt a Methodology for the Analysis of Seismic Category 1 Structures with Concrete Affected by Alkali-Silica Reaction, August 1, 2016, 10 CFR 50.90, Docket No. 5-443, SBK-L-16071.). This DFI applies to the August 1, 2016, LAR 16-03 and any and all amendments, attachments and revisions.

## **Justification for Enforcement Action Requested**

In its response to C-10's filed contentions to this LAR, NextEra (Docket No. 50-443-LA-2, May 5, 2017, before the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission), Next Era makes a number of statements that purport to demonstrate that the LAR 16-03 should be approved by the NRC and that the contentions submitted by C-10 should be rejected. A significant number of their statements in support of those positions refer to the technical data submitted in LAR 16-03.

However, because virtually all of the statistics in the technical data are redacted, it is impossible for C-10 to assess the validity of NextEra's statements.

Therefore, C-10 herewith requests the NRC to approve via this Demand For Information that the LAR 16-03 documents be released to C-10 with no portions redacted.

C-10 understands that at least some of this information it is seeking is proprietary, and C-10 is willing to sign a confidentiality agreement. C-10 maintains regular, secure office space in which these documents would be kept in a locked filing closet and would be available only to C-10's staff and members of the Board of Directors, to be accessed and used only on the premises.

**Examples of sections of NextEra's response to C-10's contentions that cannot be adequately assessed due to the extensive redaction in LAR 16-03**

1. para. 1, page 4: "ASR-induced expansion in reinforced concrete has an effect, similar in some ways to 'prestressing', that mitigates the loss of structural capacity that would be assumed based on the change in material properties, up to a point." Without the redacted data to support this assertion, it is not possible for C-10 to assess its validity.
2. para. 2, page 7: "The overall conclusion from analyses of structural limit states is that limit state capacity is not degraded when small amounts of ASR expansion are present in structures. Presently, the ASR expansion levels in Seabrook structures are below the levels at which limit state capacities are reduced." (LAR evaluation Section 3.2.1.) Without having access to what "small amounts" numbers are and "the levels at which limit state capacities are reduced", C-10 cannot assess the validity of the claims of LAR 16-03.
3. para. 2, page 16: "The LAR explicitly calls for core sample testing as an integral part of its ASR monitoring methodology, and the results of the first campaign of tests are included in a technical document submitted as part of the LAR." The statistical results of the testing are redacted; therefore, again, C-10 is prevented from being able to actually review and assess the results.
4. para. 2, page 17: "As explained throughout the technical documents underlying the LAR, the mechanical effect of ASR does not necessarily result in an adverse impact to structural capacity, at least up to the point of expansion that was observed in the program." Because the statistical data is redacted, C-10 cannot review or assess it; therefore, C-10 cannot know up to what point expansion due to ASR was tested. Since the point of LAR 16-03 is to establish a valid testing methodology for the effect of ASR on the structures at Seabrook Station, having these statistics is vital for adequate review of the LAR.
5. para. 2, page 22: "MPR-4153 even provides the results of those tests." These results, which state the outcome of tests on the material properties of concrete tested in the University of Texas FSEL by the company MPR are redacted. (MPR-4153 Section 4.1; Id. At App'x D ("Through-thickness expansion To-Date for the First Campaign of Extensometers").
6. para. 1, page 36: "The first campaign to examine out-of-plane expansion has been completed and involved testing of cores. The results of those tests are available in the LAR." The results are redacted.
7. para 1, page 43: "This testing examines the current elastic modulus of the concrete, which in turn requires compressive strength testing. The first campaign to examine out-of-plane expansion involved testing of cores. The results of those tests are available in the LAR. Petitioner neither references nor challenges the tests conducted to date." The Petitioner (C-10) cannot reference nor challenge the test results, because they are redacted. This is a classical circular argument advanced by Seabrook Station's owner NextEra.

**Petition Logistics**

C-10 is willing to sign and commit fully to a confidentiality agreement. C-10 requests via this DFI that such an agreement be prepared and communicated to C-10 and that following its execution LAR 16-03 with all its amendments, attachments and revisions be released to C-10 for review and assessment.

Sincerely,

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