



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 11, 2017

Ms. Patricia Lang Skibbee  
President of the Board of Directors  
and  
Ms. Natalie Hildt Treat  
Executive Director  
C-10 Research & Education Foundation  
44 Merrimac Street  
Newburyport, MA 01950

Dear Ms. Skibbee and Ms. Treat:

I am responding to your letter addressed to Mr. Victor McCree dated May 12, 2017, petitioning the U.S. Nuclear Regulatory Commission (NRC) on behalf of C-10 Research & Education Foundation (C-10) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206, "Request for action under this subpart." You requested that the NRC issue demands for information pursuant to 10 CFR 2.204, and to then issue an order under 10 CFR 2.202 to licensee NextEra Energy Seabrook, LLC (NextEra), owner of Seabrook Station (Seabrook), Unit No. 1, who is the entity seeking approval of its licensing amendment request (LAR) 16-03 (LAR 16-03) (Seabrook LAR 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. 50-443; SBK-L-16071). You stated that your requests relate to the August 1, 2016; LAR 16-03; and any and all amendments, attachments, and revisions.

Your justification for this action is that NextEra's response to C-10's petition to intervene in the Seabrook LAR Atomic Safety and Licensing Board (ASLB) proceeding (Docket No. 50-443-LA-2, May 5, 2017) asserted that the LAR 16-03 should be approved by the NRC and that C-10's contentions should be rejected. You further stated that a significant number of NextEra's supporting statements refer to the technical data submitted in LAR 16-03. In addition, you claim that 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.

The NRC staff evaluated your requests under Management Directive (MD) 8.11, "Review Process for 10 CFR-2.206 Petitions," to determine whether the requests meet the criteria for review under 10 CFR 2.206. Based on our evaluation, we have determined that your requests do not meet the following criterion (III)(C)(1) of MD 8.11:

There is no NRC proceeding available in which the petitioner is or could be a party and through which the petitioner's concerns could be addressed. If there is a proceeding available, for example, if a petitioner raises an issue that he or she has raised or could raise in an ongoing licensing proceeding, the staff will inform the petitioner of the ongoing proceeding and will not treat the request under 10 CFR 2.206.

As noted above, there is an ongoing adjudicatory proceeding before the ASLB in which C-10 has intervened and has raised an identical concern. Indeed, C-10 was initially provided an opportunity to request the redacted information during the NRC's noticing of the application in the *Federal Register* but failed to do so. The notice that was published on February 7, 2017 (82 FR 9601), provided that "[a]ny potential party as defined in [Section] 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI [sensitive unclassified non-safeguards information] is necessary to respond to this notice must request document access by February 17, 2017." Subsequently, C-10 filed its petition for leave to intervene regarding LAR 16-03 by letter dated April 10, 2017. In C-10's petition, Contention E (described in further detail in Section III of C-10's petition) requested the ASLB to make the redacted information available to C-10. This contention is currently under review by the ASLB and – to the extent the ASLB issues a ruling granting a hearing in the Seabrook LAR proceeding – the ASLB will govern the parties' access to information, including information currently withheld as proprietary. In sum, because another ongoing proceeding is already addressing your concern, the NRC staff is declining your request for action under 10 CFR 2.206.

Thank you for sharing your concerns and engaging in the regulatory process.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Broaddus", with a stylized flourish at the end.

Douglas A. Broaddus, Chief  
Special Projects and Process Branch  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

cc: Listserv

**SUBJECT:** OEDO-17-00529 – RESPONSE LETTER TO PATRICIA LANG SKIBBEE AND NATALIE HILDT TREAT, C-10 RESEARCH & EDUCATION FOUNDATION, RE: 2.206 PETITION – DEMANDS FOR INFORMATION FOR SEABROOK STATION, UNIT NO. 1, DATED MAY 12, 2017 (CAC NO. TM3058) DATED SEPTEMBER 11, 2017

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MBanic, NRR

**ADAMS Accession Nos.:**

**PKG ML17227A527**

**Incoming ML17227A538**

**Response Letter ML17248A295**

**\*via e-mail**

OFFICE	NRR/DORL/LSPB/PM	NRR/DORL/LSPB/LAiT	NRR/DORL/LSPB/LA*
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