

**Congress of the United States**  
**Washington, DC 20510**

January 16, 2019

The Honorable Kristine Svinicki  
Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop O14-F2  
Washington, D.C. 20555

Dear Chairman Svinicki:

We write regarding the License Renewal Application (LRA; Docket No. 50-443) and License Amendment Request (LAR 16-03; Docket No. 50-443) for the Seabrook Station nuclear power plant and request that the Nuclear Regulatory Commission (NRC) provide New Hampshire residents and interested stakeholders a meaningful opportunity to participate in the license review process. Specifically, we respectfully request that the NRC hold a round of public information sessions in potentially affected communities and ensure that interested parties are allowed to present their concerns to the Commission prior to the issuance of your final actions.

The discovery of the first instance of alkali-silica reaction at a nuclear power plant in the United States at Seabrook has drawn much public interest. We have heard from our constituents who are wary of the possible impacts of the concrete degradation at Seabrook Station. We have also received the enclosed letter from the C-10 Research and Education Foundation expressing concern that the license review process prevents the full participation of the public and intervening stakeholders prior to the issuance of the license amendment and renewed license. In order to address these concerns, we encourage the NRC to make a concerted effort to increase public participation throughout the remainder of the license renewal and license amendment process.

As you are aware, NRC's license renewal and license amendment review process for Seabrook Station has currently provided only two opportunities for the public to contribute comments to the Commission, both of which are required under the National Environmental Policy Act (NEPA). The first was in 2011 when the NRC issued its draft supplemental environmental impact statement (SEIS) and the second was in 2013 when the NRC issued its draft supplement to the draft SEIS. Outside of the required NEPA review, there have been no formal opportunities for public comment and the NRC's Advisory Committee on Reactor Safeguards (ACRS) has held only three public meetings on this topic in the past five years.

In that time, the ACRS issued an inspection report that did not identify any major findings or violations and issued a final safety evaluation report, concluding that the plant meets the necessary requirements and is safe for continued operation. Although these reports are available to the public, the NRC has made limited attempts to educate the public and interveners on the findings of these reports.

We acknowledge that the NRC's Atomic Safety and Licensing Board (ASLB) will hold a hearing later this year regarding the LAR, and we support the ASLB's decision to hold a hearing at the request of the C-10 Research and Education Foundation. However, we remain concerned that this hearing will occur months after NRC makes its decision on whether to grant the LRA and LAR for Seabrook. While we recognize that ASLB rulings can be retroactively enforced, given the few opportunities for public comment on the license renewal, we believe the timeliness of stakeholder engagement on the LAR is critical and the hearing should be held prior to the review of the license renewal.

It is imperative that New Hampshire residents have ample time to review, understand and weigh decisions that will impact their lives. We urge NRC to take the necessary steps to hear and address the concerns of Granite Staters before issuing its decision on Seabrook Station's renewed operating license and amendment, and we welcome the opportunity to work with you to promote an open and transparent licensing decision.

Thank you for your attention to this request and for all of your work to ensure the safety and security of our nuclear energy sources.

Sincerely,



Jeanne Shaheen  
United States Senator



Margaret Wood Hassan  
United States Senator



Chris Pappas  
Member of Congress

Enclosures (1): Letter from C-10 Education and Research Foundation

CC: Peter Riccardella, Chairman, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission  
Jeff Baran, Commissioner, U.S. Nuclear Regulatory Commission  
Stephen Burns, Commissioner, U.S. Nuclear Regulatory Commission  
David Wright, Commissioner, U.S. Nuclear Regulatory Commission  
Annie Caputo, Commissioner, U.S. Nuclear Regulatory Commission



December 15, 2018

Senator Jeanne Shaheen  
506 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Shaheen,

I am reaching out to you as a board member of the C-10 Research and Education Foundation (C-10), to ask that you intercede on our behalf with the Nuclear Regulatory Commission (NRC), over an issue crucial to our intervention in a License Amendment Request (LAR) filed by the owners of Seabrook Station. Please see the attached (11/26/18) letter to NRC Chair Katharine Svinicki, wherein these concerns are delineated—including an NRC graphic timeline that highlights the disadvantage to which C-10 believes our standing in the adjudicatory process is placed.

As you know, C-10 has worked for the last 23 years, through our contract with the Commonwealth of Massachusetts (for the six Massachusetts towns), and through the contributions of our members, to monitor airborne radiological releases for the towns that lie within the Emergency Planning Zone (10-mile radius) of the Seabrook Station reactor. Because we also follow safety issues that affect Seabrook's operation, we became aware of the degradation of Seabrook's concrete due to a chemical process known as Alkali-Silica Reaction (ASR). After more than five years of research on this issue, C-10 has been granted standing before the Atomic Safety and Licensing Board (ASLB) of the NRC, that will allow us in mid-2019 to present our arguments in opposition to NextEra Energy Seabrook, LLC's (NextEra) License Amendment Request 16-03 (LAR). This LAR outlines NextEra's methodology for managing ASR.

Please know that the LAR's proposed methodology is an unprecedented approach that has been protected from any independent peer review by the "proprietary" status granted by the NRC. Because of this arrangement, it has fallen to C-10 to provide the only independent peer review through the testimony of our expert witnesses. It is important to note that C-10 is the only party, private or governmental, who has challenged the validity of NextEra's LAR within the adjudicatory framework of the NRC. Furthermore, should LAR 16-03 be adopted by the NRC, it becomes the regulatory precedent for ASR management at any other US commercial reactors found to have ASR.

Only halfway through their current 40-year operating license, NextEra in 2010 applied for a 20-year extension—their License Renewal Application (LRA)—which would allow continuous operation to 2050. This fact is important for C-10 because we have serious doubts about the safety of Seabrook's operation even to the end of its current license, due to the compromising presence of ASR—and since ASR cannot be stopped once initiated, a license extension seems an unnecessary gamble with the public's safety. At the very least, C-10 believes that no decision on Seabrook Station's qualification for an extra 20 years'

operation should be made by the NRC, until we are able to present our arguments in opposition to NextEra's LAR.

Through the succession of events and deadlines concerning the LAR, C-10 has become aware of a crucial discrepancy in the timetables for the license extension and license amendment—one that puts our opposition to the LAR at a critical disadvantage. The Advisory Committee on Reactor Safeguards (ACRS) met on October 31, to review the LAR in the context of NextEra's License Renewal Application, and is due to publish its Final Safety Evaluation Report (FSER) this December. As noted, the FSER is a crucial milestone in the LRA timeline. However, the testimony of our experts before the ASLB will take place fully eight months after the ACRS heard testimony on the LAR from NextEra, their contractors and NRC staff. Because C-10 does not have standing within the license renewal process, we are very concerned the NRC will rule on Seabrook's qualification for license renewal before C-10 presents its scientific evidence for opposing the LAR—which should have a direct bearing on the question of license renewal.

Senator Shaheen, C-10 hopes you write to NRC Chair Svinicki, to advocate that no ruling on the NextEra's License Renewal Application for Seabrook Station should be made, until the complete adjudication of C-10's opposition to LAR 16-03. Because NextEra's current operating license runs for another twelve years, there is no practical reason to rush a decision on extending the license—and there are very good reasons to wait until C-10's concerns are fully addressed.

We are sending similar letters to other members of our New Hampshire and Massachusetts congressional delegation. We are very grateful to you for your leadership on energy and safety issues. A member of C-10's Board will follow up this mailing with a call to your office. Thank you for giving this matter your attention.

Sincerely, Sarah Doenmez  
Board Member, C-10 LAR Task Group  
*(electronically signed)*



Via electronic mail

November 26, 2018

Kristine L. Svinicki, Chair  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Madam Chair:

Thank you for accepting these comments on behalf of the C-10 Research & Education Foundation (C-10). We have worked under contract with the Commonwealth of Massachusetts since 1995 to operate a real-time airborne radiological monitoring network in the state's communities within Seabrook Station's 10-mile emergency planning zone. We also advocate for upgraded safety and security at Seabrook, and serve as an educational resource for our members and the public, and a partner to local and state governments.

On October 6, 2017, the Atomic Safety and Licensing Board (ASLB) granted standing to C-10<sup>i</sup> in the docket regarding NextEra Energy Seabrook, LLC's License Amendment Request 16-03 (LAR), concerning their proposed management of the serious concrete degradation problem, known as alkali-silica reaction (ASR), that affects all major structures at Seabrook Station.

Since that ruling, C-10's board of directors and other volunteers have invested many hundreds of volunteer hours to: research discovery documents in support of our case; seek out and interview prospective expert witnesses; and raise needed funds to pursue this case. We bring this to your attention simply to underscore the serious effort our organization continues to make, in order to give the best possible presentation of our objections to the LAR during the adjudicatory hearing expected to be held in our region next summer.

Through C-10's standing as a *pro se* party to the LAR docket, we learned that issuance of the draft Safety Evaluation for the LAR<sup>ii</sup> triggered the hearing on October 31, 2018, bringing NextEra before the Advisory Committee on Reactor Safeguards (ACRS). The committee's purpose was to review the LAR prior to the ACRS issuance of their final Safety Evaluation, a milestone in the process of the ASLB's ruling on NextEra's License Renewal Application (LRA). On behalf of C-10, I traveled to Rockville, Md. to participate in the hearing. C-10's written testimony can be found [here](#).

**It became apparent during the course of the hearing that a glaring discrepancy exists between the timeline that leads to a decision on Seabrook's license extension, and the timeline that leads to a decision on the LAR itself**—which, because it falls within the parameters of the current operating license, has been consigned to a separate “track.” As shown in figure 1 below,<sup>iii</sup> the final Safety

Evaluation is scheduled to be issued in December 2018, subsequent to the ACRS committee review in November 2018.

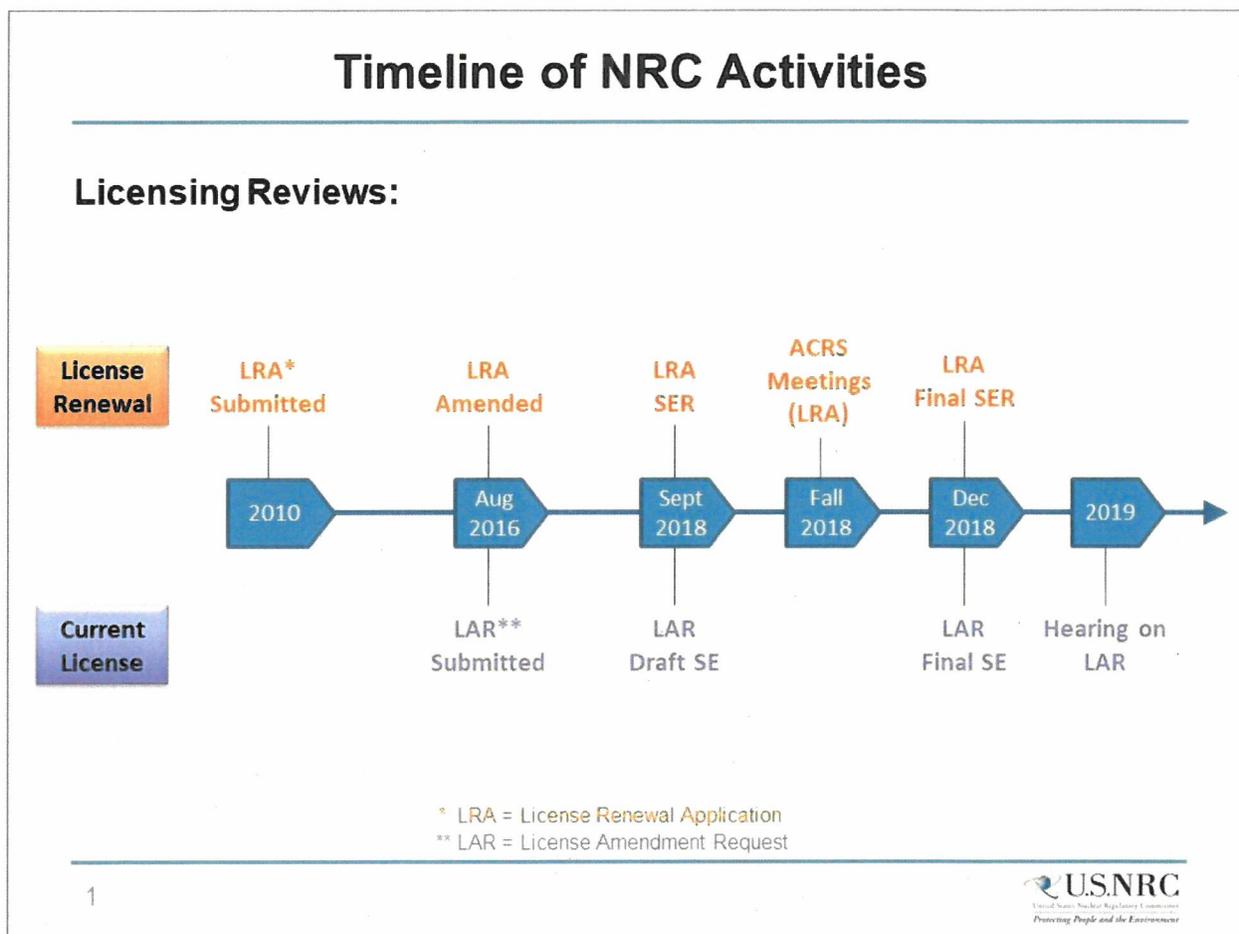


Figure 1: Slide from the ACRS presentation, 10/31/18

Following the “Current License” timeline, it appears that C-10 may not have the opportunity to provide expert testimony to support our opposition to the LAR until early next summer—fully *eight months* after the ACRS hearing, and six months after the Safety Evaluation is finalized.

From C-10’s perspective, this discrepancy is important for a number of reasons. The requested twenty-year license extension for Seabrook depends on the resolution of a methodology for dealing with the ASR problem there—and the proposed resolution offered by NextEra is the LAR—for which C-10 opposes adoption by the ASLB. Therefore, the ACRS is compelled to make a judgment on the efficacy of the LAR without the benefit of the expert testimony provided by C-10, which challenges the technical underpinnings of NextEra’s LAR—based on not having met crucial standards for “representativeness.” Of course, this is made more difficult because the methodology underpinning the LAR is unprecedented, since there are no NRC regulations for how to manage ASR at nuclear plants.

Due to the lack of precedent for the LAR's methodology, it would be not only crucial, but conventional, that prior to adoption by NRC, the LAR be subjected to a truly independent peer review—just as any such methodology would normally be scientifically and skeptically appraised before being implemented in the field. Because this kind of review has been blocked by NextEra's LAR having been granted proprietary status, the only opportunity for an independent peer review has fallen to C-10 to provide.

Unfortunately, we have not been given a place to provide this review until our adjudicatory hearing next year—much too late for our experts to shed any light on the shortcomings of the LAR for the benefit of the ACRS.

C-10 believes that no meaningful judgment on the suitability of Seabrook Station for a license extension can be made until our opposition to the LAR is presented before the ASLB, for the reasons stated:

- The approval of the license extension depends on approval of the License Amendment Request, for dealing with ASR at Seabrook;
- The License Renewal timeline did not allow the ACRS access to C-10's expert testimony before their Final Safety Evaluation is due; and,
- The only opportunity for a truly independent peer review will not be provided until C-10's expert witnesses can give their testimony during the adjudicatory hearing.

Thank you for considering our serious concerns with the License Amendment and License Renewal timelines. C-10 hopes that the NRC Commissioners will ensure the adjudication of our contentions its rightful place in a fair process, on which Seabrook's License Renewal Application must depend.

Sincerely,

Christopher Nord  
Chairman, C-10 LAR Task Group  
Resident of Newbury, Mass.

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<sup>i</sup> ASLB No. 17-953-02-LA-BD01, 10/06/2017

<sup>ii</sup> ADAMS Accession No.: ML182226A205, NRC, "Seabrook Station, Unit No. 1—Submission of Alkali-Silica Reaction License Amendment Request Draft Safety Evaluation to Support the Advisory Committee on Reactor Safeguard's Review of Seabrook License Renewal," 9/28/2018

<sup>iii</sup> USNRC, "Timeline of NRC Activities", 2018



SECRETARY

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

November 28, 2018

Mr. Christopher Nord  
Chairman, C-10 LAR Task Group  
44 Merrimac Street  
Newburyport, MA 01950

Dear Mr. Nord:

This is to acknowledge receipt of your letter of November 26, 2018, regarding the Seabrook licensing timeline. A copy of your letter and this response will be placed on the *Seabrook* adjudicatory docket and served on the parties to the proceeding.

Sincerely,

  
Annette Vietti-Cook