



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 22, 2019

SECRETARY

The Honorable Jeanne Shaheen
United States Senate
Washington, DC 20510

The Honorable Margaret Wood Hassan
United States Senate
Washington, DC 20510

The Honorable Chris Pappas
United States House of Representatives
Washington, DC 20515

Dear Senator Shaheen, Senator Hassan, and Congressman Pappas:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of January 16, 2019, to Chairman Svinicki regarding the pending applications to amend and renew the operating license for Seabrook Station nuclear power plant. Your letter forwarded a letter you received from C-10 Research and Education Foundation asking you to intercede in a license amendment proceeding pending before the Atomic Safety and Licensing Board (the Board), in which C-10 is a party. The license amendment would revise Seabrook's license to add methods for analyzing certain structures that are impacted by alkali-silica reaction. You requested that the hearing before the Board relating to the license amendment application be held before the NRC takes any action on the license applications.

Under agency regulations, the Commission has an appellate role in adjudications pending before the Board. Because the license amendment application for the Seabrook Station is the subject of a current adjudication, the Commission must remain impartial during the pendency of the proceeding. Accordingly, your letter and C-10's letter have been referred to the NRC staff. The NRC staff plans to meet with the public.

A copy of your letter and this response will be served on the participants in the *Seabrook* license amendment proceeding.

Sincerely,

A handwritten signature in blue ink that reads "Annette Vietti-Cook".

Annette L. Vietti-Cook

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.

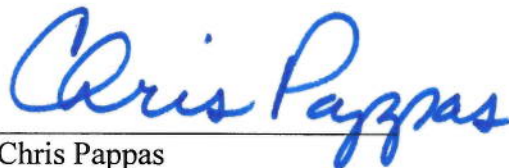
Sincerely,



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



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)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
NEXTERA ENERGY SEABROOK, LLC) Docket No. 50-443-LA-2
(Seabrook Station, Unit 1))
)
(License Amendment))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Letter from Commission Secretary Annette Vietti-Cook to Senator Jeanne Shaheen, et al.** have been served upon the following persons by Electronic Information Exchange.

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NEXTERA ENERGY SEABROOK, LLC (Seabrook Station Unit 1) – Docket No. 50-443-LA-2
Letter from Commission Secretary Annette Vietti-Cook to Senator Jeanne Shaheen, et al.

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[Original signed by Clara Sola _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 22nd day of January, 2019