



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 22, 2019

SECRETARY

The Honorable Edward Markey
United States Senate
Washington, DC 20510

The Honorable Elizabeth Warren
United States Senate
Washington, DC 20510

The Honorable Seth Moulton
United States House of Representatives
Washington, DC 20515

Dear Senator Markey, Senator Warren, and Congressman Moulton:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of January 18, 2019, to Chairman Svinicki regarding the pending applications to amend and renew the operating license for Seabrook Station nuclear power plant. Your letter references C-10 Research and Education Foundation standing as a party in a license amendment proceeding pending before the Atomic Safety and Licensing Board (the Board). 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 has 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 L. Vietti-Cook".

Annette L. Vietti-Cook

Congress of the United States
Washington, DC 20515

January 18, 2019

The Honorable Kristine L. Svinicki
Chairman
Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001

Dear Chairman Svinicki,


We write regarding the recent announcement that the Nuclear Regulatory Commission (NRC) will issue a license amendment to the Seabrook Nuclear Power Station (“Seabrook”) on or around January 22, 2019 and a license renewal on or around January 30, 2019. This timeline means that the license amendment to Seabrook will be issued to the plant operator, NextEra, before a key evidentiary hearing occurs in summer 2019. This timeline will effectively silence local stakeholders and minimize their critical role in the amendment review process. Structural degradation linked to the alkali-silica reaction (ASR) has caused Seabrook to operate outside of its design basis, driving the need for a license amendment. We request that the license amendment and renewal be delayed until after the evidentiary hearing takes place, so that concerns over the plant’s safety can be properly heard and reflected.

There is no reason why the Seabrook license amendment should be approved before the hearing occurs. The Atomic Safety and Licensing Board determined that the C-10 Research & Education Foundation (“C-10”) had standing to intervene on the license amendment request, and as such, granted the request for a hearing on contentions that C-10 made against the decision to approve the amendment. These contentions detail safety concerns regarding NextEra’s management of damage caused by ASR to reinforced concrete structures at the Seabrook plant. As those contentions have not yet been heard and properly assessed, public safety could be threatened by a premature approval of the license amendment.

The ASR causes cracking in concrete and is exacerbated when concrete is exposed to water. Because Seabrook sits on a marsh, the concrete continually comes into contact with water, and the operator identified degradation in the concrete as early as 2009. In 2013, a group of Massachusetts members of Congress expressed concerns about the importance of addressing ASR safety issues before renewing the Seabrook license for 2030-2050. More than five years later, the community is still working for a comprehensive plan for inspection, testing, management, and modeling of how ASR affects the integrity of this operational nuclear power plant.

Even if the license amendment can be changed retroactively following the hearing, it is unacceptable that the NRC plans to approve the license amendment and grant a 20-year license renewal before the community publicly shares its concerns on how NextEra will measure, monitor, and address ASR-related structural degradation at Seabrook. We urge you to reconsider this timeline and appropriately weigh the issues raised by stakeholders at the upcoming public meeting.

Sincerely,


Edward J. Markey
United States Senator


Elizabeth Warren
United States Senator


Seth Moulton
Member of Congress

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 Edward Markey, 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 Edward Markey, 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