

THE COMMONWEALTH OF MASSACHUSETTS  
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March 10, 2019

**VIA ELECTRONIC MAIL**

The Honorable Kristine L. Svinicki  
Chairman, U.S. Nuclear Regulatory Commission  
Mail Stop O-16B33  
Washington, DC 20555-0001

**RE: Seabrook Nuclear Power Station License Amendment and License Extension Requests**

Dear Chairman Svinicki:

I am writing to urge the U.S. Nuclear Regulatory Commission (NRC or Commission) to preclude NRC Staff from acting on NextEra Energy Seabrook's (NextEra) requests for a license amendment and twenty-year extension of its existing operating license prior to issuance of a final decision in the upcoming adjudicatory hearing before the Atomic Safety and Licensing Board (Licensing Board) on concrete degradation at the plant. A decision to act on either request prior to a final adjudication of that matter would constitute an affront to the public interest and undermine public trust in the NRC's ability to protect public health and safety.

Documented concrete degradation at the Seabrook Nuclear Power Station due to an alkali silica reaction (ASR) is the source of significant justified and understandable public concern. To that end, on October 6, 2017, the Licensing Board granted a petition by C-10 Research & Education Foundation, Inc. (C-10) for a hearing on issues related to the concrete degradation in the license amendment proceeding and admitted five of C-10's contentions. *In re NextEra Energy Seabrook, L.L.C.*, LBP-17-7, 86 N.R.C. 59, 67-68 (2017) (Adams Accession No. ML17279A968). The Commission affirmed that decision on April 12, 2018 (Adams Accession No. ML18102A097). Not only has there been no final decision rendered on the matter by the Licensing Board, no adjudicatory hearing has yet occurred. Neither the NRC Staff nor NextEra has offered a meritorious reason why either request should be granted with this live issue still pending before the Licensing Board.

The Commission and the public would benefit greatly from allowing the adjudication to proceed before acting on either the amendment or the extension requests. C-10 has retained one of the world's leading experts on ASR. That expert is also the same person whom the NRC itself

Chairman Kristine L. Svinicki  
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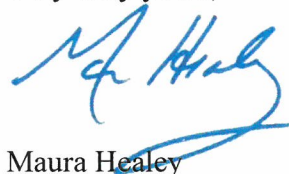
previously retained to study this issue. In his declaration supporting the organization's February 13, 2019 Emergency Petition, C-10's expert raises a series of serious and legitimate concerns about NextEra's analysis of the ASR issue at Seabrook. The Licensing Board is poised to hold an adjudicatory hearing during which the parties can test those expert opinions and render a final decision following the hearing to which C-10 is now entitled.

There is simply no reason for the NRC Staff to act on the amendment or license extension requests at this time. NextEra's existing license does not expire until March 15, 2030—*eleven* years from today. Yet, despite the pendency of that adjudicatory hearing, NRC Staff have informed the Commission that they plan to act on the license amendment request on Monday, March 11, 2019, and grant a twenty-year license extension the following day—again, on a license that does not expire until eleven years from now. Given the public interest in the unsettled safety issues at the plant, the Staff recommendation is bewildering.

I respectfully ask that you delay any action on either NextEra's license amendment or license extension requests until at least after a final decision in the pending adjudicatory hearing has issued.

Please contact Seth Schofield, Assistant Attorney General in my Energy and Environment Bureau, by e-mail ([seth.schofield@mass.gov](mailto:seth.schofield@mass.gov)) or by telephone ((617)-963-2436) if you have any questions or would like to discuss the subject of this letter further.

Very truly yours,



Maura Healey

Cc: NRC Commissioners Jeff Baran, Stephen G. Burns, Annie Caputo, David A. Wright  
Annette L. Vietti-Cook, Secretary of the Commission  
David C. Lew, NRC Regional Administrator, Region I  
Douglas Tiffit, NRC Regional State Liaison Officer  
The Honorable Elizabeth Warren  
The Honorable Edward Markey  
The Honorable Seth Moulton  
The Honorable Bruce Tarr  
The Honorable Diana DiZoglio  
The Honorable James Kelcourse  
The Honorable Leonard Mirra

## **NRCExecSec Resource**

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**From:** Schofield, Seth (AGO) <seth.schofield@state.ma.us>  
**Sent:** Sunday, March 10, 2019 9:41 PM  
**To:** cmrsvinicki@nrc.gov  
**Cc:** CMRBARAN Resource; CMRBurns Resource; CMRCaputo Resource; CMRWright Resource; NRCExecSec Resource; Lew, David; Tiff, Doug  
**Subject:** [External\_Sender] Seabrook Nuclear Power Station License Amendment and License Extension Requests  
**Attachments:** 19-03.10 [3] - MassAG Letter to NRC re Seabrook LAR & License Ext [fnl].pdf  
**Importance:** High

Dear Chairman Svinicki:

Please find attached correspondence from Massachusetts Attorney General Maura Healey regarding the Seabrook Nuclear Power Station. As described more fully in the attached letter, we are urging the Commission to preclude NRC Staff from acting on NextEra's requests for a license amendment and twenty-year extension of its existing operating license prior to issuance of a final decision in the upcoming adjudicatory hearing before the Atomic Safety and Licensing Board on concrete degradation at the plant.

Please do not hesitate to contact us if you have any questions or would like to discuss this matter further.

Sincerely,  
Seth Schofield

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