

July 6, 2012

The Honorable John F. Kerry
United States Senate
Washington, D.C. 20510

Dear Senator Kerry:

On behalf of the U. S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 23, 2012, regarding concrete degradation at Seabrook Station.

The NRC is thoroughly evaluating the concrete degradation issue at Seabrook Station using an established regulatory and oversight program. Specifically, Title 10 of the *Code of Federal Regulations* (10 CFR) 50.65, "Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants" (commonly referred to as the Maintenance Rule), requires that licensees monitor the performance and condition of structures in order to provide reasonable assurance that the structures remain capable of performing their intended functions. For concrete structures, this usually translates into periodic visual inspections. The Maintenance Rule further states that "[w]hen the performance or condition of a structure, system, or component does not meet established goals, appropriate corrective action shall be taken." NRC Regulatory Guide (RG) 1.160, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," explains that an acceptable structural monitoring program should evaluate the results of periodic assessments to determine the extent and rate of any degradation of the structure. It further notes that such a program should correct deficiencies in a timely manner, commensurate with their safety significance. In addition, the quality assurance criteria in 10 CFR Part 50, Appendix B, require licensees to implement a corrective action program to assure that conditions adverse to quality in nuclear power plant structures, systems, and components are promptly identified and corrected. As a part of its routine inspection of all nuclear power plants, the NRC verifies that licensees are properly implementing the requirements of these regulations.

At this time, we have no immediate safety concern as a result of the concrete degradation at Seabrook Station. NRC engineering reviews conducted to date indicate that the structure in question (i.e., the control building, which includes the tunnel mentioned in your letter) continues to be seismically qualified and able to carry out its safety function. NRC inspectors have, however, identified a regulatory violation resulting from NextEra Energy Seabrook's failure to adequately monitor the condition of the structure under the Maintenance Rule. The NRC determined the regulatory violation was "Green" due to its very low safety significance. Specifically, the finding was not a design or qualification deficiency, did not result in an actual loss of safety function, and was not risk significant. The licensee is engaged in further technical investigations and evaluations to address and manage the concrete degradation issue.

On April 23, 2012, NRC staff held a public meeting on this topic with NextEra Energy Seabrook. In addition, concrete degradation was one of the topics discussed at the Seabrook Station annual assessment meeting held in Hampton, New Hampshire on April 26, 2012.

During the April 23 meeting, the staff posed questions to NextEra regarding the condition of the concrete, continued operability, monitoring/managing plans, and schedule for submittal of a corrective action plan to address the issue. NextEra indicated that additional information, including its engineering evaluation, plans, and milestones to address the issue, will be provided in May 2012. The staff is planning an additional public meeting near the facility after the NRC has reviewed and evaluated this additional information. Please be assured that the NRC is fully evaluating concrete degradation at Seabrook Station.

Thank you for your interest in this matter. Please contact me or Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776 if you have questions or would like to discuss this further.

Sincerely,

/RA/

Gregory B. Jaczko