

October 6, 2023
via electronic mail

To: Justin C. Poole
Project Manager, Seabrook Station
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Cc: Travis Daun, Senior Resident Inspector
Seamus Flanagan, Resident Inspector
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SUBJECT: Communication from C-10 Research & Education Foundation regarding NextEra Common Emergency Fleet Plan License Amendment Request ([ML22278A031](#)) and Related Documents Subsequently Published

Greetings:

This letter is regarding the action taken by NextEra, as the owner of Seabrook Station in NH, parent company Florida Light and Power, in their formal request to the Nuclear Regulatory Commission (NRC) [Common Emergency Plan LAR \(ML22278A031\)](#), which seeks to implement a “Common Emergency Plan” impacting seven (7) reactors at four (4) nuclear power plants located across 3 states (NH, WI, FL). Four (4) of the seven (7) reactors are over fifty (50) years old and operating beyond their originally designed lifespan. One (1) reactor at Seabrook Station is operating within concrete structures that are severely degraded by Alkali-Silica Reaction (ASR).

The application states clearly that these changes may result in forty-nine (49) potential Reductions in Effectiveness (RIEs). This is alarming to us at C-10, as we consider the 180,000 people residing within Seabrook Station’s 10-mile EPZ, and furthermore the additional millions more who live near the other three (3) nuclear power plants owned by NextEra and implicated in this LAR.

Key resources referred to by the C-10 team are the NRC requirements for emergency planning and response in [10 CFR 50](#), as well as the published NRC guidance on how plants are expected to comply with those requirements in [NUREG 0654 - Rev 2](#). We are concerned that this request from NextEra seeks to enact an emergency plan that does not comply with either of these regulatory documents.

Many of the changes proposed by NextEra relocate certain Emergency Response Organization (ERO) roles to a single, off-site, corporate building in Juno Beach, FL. NextEra explained the

intentions and overarching impacts of this LAR to the NRC in two meetings in 2022 prior to their formal submission ([ML22144A002](#)). The PowerPoint slides that NextEra presented at those meetings clearly state some of the RIEs such as an increase in response times from emergency response staff from 60 minutes to 90 minutes. Also stated in these preliminary meetings was that the purpose of these changes is to increase efficiency in order to “ease operator burden.” C-10 interprets this to mean that the purpose is solely to reduce costs and increase profits, with the consequences being increased risk to the nearby public and environment who may suffer more injury in a radiological event due to these increased response times.

The public is allowed involvement during the formal rulemaking process per the Administrative Procedures Act, and so it does not sit well with C-10 that a licensee such as NextEra can simply make a separate one-off agreement with the NRC to severely deviate from formal rules, such in this case pertaining to emergency planning.

Since the original October 4, 2022 submission of this [Common Emergency Plan LAR ML22278A031](#), the NRC has solicited additional information from NextEra multiple times resulting in thousands more pages of information on the detailed intentions and consequences of this LAR. It is worth noting that even though leaders of the MA and NH State emergency management agencies may have acknowledged in writing their understanding of this LAR prior to NextEra’s October 4, 2022 initial submittal, they did not at that time have all of the subsequently revealed information available to them. Among those subsequent communications, C-10 took particular note of the fifty-four (54) Requests for Additional Information (RAIs) resulting from the initial reviews by FEMA and the NRC ([ML23173A152](#)). The key theme was that NextEra had provided no objective evidence that the changes they seek to make would continue to provide sufficient assurance of public safety in an emergency at their plants. Under the scientific method, it is not advisable to retroactively find your evidence after you have already arrived at a conclusion.

We would also ask the NRC to consider recent tangible, non-hypothetical, examples of the emergency response record at Seabrook Station. We do not believe it is rational to accept NextEra’s assertion that they can maintain the minimum safety levels required with fewer resources, when they have proven in recent examples that they can’t meet the safety bar with the level of resources they have right now.

1. July 12, 2022 a NextEra technician at Seabrook Station inadvertently activated ten (10) evacuation sirens across New Hampshire beaches creating panic and confusion. The NRC cited two violations ([ML22270A233](#)) and a [NH Department of Homeland Security and Emergency Management \(HSEM\) report](#) criticized NextEra for its severe mishandling of communication during that event. Communication is the cornerstone of the emergency response plan for any incident that may occur at a nuclear power plant.
2. In the time period of 1/1/21 through 6/30/23, the NRC has issued five (5) violations related to fire safety at Seabrook Station, with some of those violations being a single citation for five or more individual noncompliant actions by plant staff during the

inspection timeframe. Many of these violations are identical or closely related, revealing a concerning pattern not only of failure to comply with regulations but an inability to improve.

Information from the NRC obtained through MA Senator Ed Markey’s office shows that across all of Region I the average issuance of fire-safety violations was 2.4 per plant during that same timeframe. Seabrook Station, which is also only a single reactor plant, is therefore receiving more than 2x the average in fire-safety related violations (their record is worse if you consider an average per reactor). We commend the NRC inspectors who are properly documenting these issues as they observe them.

NextEra also asserts that there is precedent found in a “similar” request from Duke Energy ([ML16120A076](#)) that was approved by the NRC. However, NextEra fails to note that they are comparing a 184 mile maximum distance between Duke Energy’s off-site Emergency Response facility to their farthest plant, to the 1,300 mile distance between NextEra and their furthest plant (Seabrook Station is 1,200 miles away). C-10 asks the NRC to make a rational comparison of these situations, which are clearly fundamentally very different.

DUKE ENERGY:

Reactor Site	Distance to EOF (Approximate Air Miles)	
	Existing	Proposed
Brunswick Steam Electric Plant	Onsite	184
Shearon Harris Nuclear Power Plant	2	110
H. B. Robinson Steam Electric Plant	Onsite	69

VERSUS NEXTERA:

Reactor Site	Distance to proposed location of EOF Juno Beach, FL (Approximate Air Miles)	
	Existing Distance	Proposed Distance
Seabrook Station (Seabrook, NH)	Onsite	1,200 Miles
Point Beach (Two Rivers, WI)	Onsite	1,300 Miles
Turkey Point (Homestead, FL)	Onsite	100 Miles
St. Lucie (Jensen Beach, FL)	Onsite	34 Miles

NextEra further supports their LAR with a claim that during the Covid-19 pandemic many NextEra plant staff were able to work remotely in an effective way, unless they experienced a loss of internet. We also know that many plant staff were absolutely not allowed to work

remotely during COVID-19 because their job function was such that they must be present at the plant. C-10 believes that most of the ERO functions need to be performed on-site in order to be effective enough to actually mitigate an emergency should one occur.

For example, consider if there is weather severe enough to compromise power or internet to residential buildings in the area, we must presume that the plant is also experiencing that external stressor and could be at a higher risk of experiencing an emergency. In these situations, it is crucial to have ERO staff already on-site or, if working remotely, nearby so they can quickly and easily report on-site in order to be fully capable of mitigating the plant's emergency.

This request from NextEra openly states that they are making this request to "ease operator burden" in exchange for reducing emergency response resources at each plant. It is a stark deviation from current regulations, and should the NRC grant NextEra permission to avoid those rules simply for NextEra to save money, it would be in direct conflict with the NRC's stated mission to "ensure the safe use of radioactive materials for beneficial civilian purposes **while protecting people and the environment.**"

The following are specific follow up questions and comments, to which we respectfully request a response from the Nuclear Regulatory Commission:

1. Background: Ultimately the public will receive their guidance from local and state authorities in the event of an emergency at the plant. That guidance might be for evacuation, and if so, in what directions to go. That guidance might be for sheltering in place, as evacuating could put people in greater harm driving into a plume.

Question: How will NRC/FEMA assess whether relocating Seabrook's public information component of the Emergency Response Organization from the community to Florida diminishes communications effectiveness between NextEra representatives and local and state officials so that they can properly alert the public in a timely manner?

2. Background: In the Common Emergency Plan LAR ([ML22278A031](#)) NextEra states that these requested changes will result in 49 potential reductions in effectiveness.

Question: Can the biennial emergency plan exercises enable NRC/FEMA to assess whether each of the dozens of reductions in effectivenesses does or does not impair the public's protection? If so, how will the many potential effectiveness reductions be checked?

3. Background: Following FEMA and NRC review, the NRC issued a letter to NextEra with fifty-four (54) Requests for Additional Information (RAIs) ([ML23173A152](#)). In the response letter from NextEra, they opted not to provide a publicly available response in 21 of those cases ([ML23219A102](#)) citing that a response will only be provided to the NRC in the closed-door setting of the regulatory audit that took place August 10, 2023 to November 30, 2023 ([ML23201A087](#)).

Question 1: How can C-10 or any member of the public participate in the license amendment process in a meaningful way when NextEra fails to respond to NRC's questions about the license amendment request in an open and public manner? On a related note, will the NRC provide a public accounting of NextEra's non-public audit responses before it reaches a decision on the request?

Question 2: How can the NRC be sure that any evidence supplied or study commissioned by NextEra is not skewed by their own confirmation bias which seeks to prove in any way possible that these deviations from current Emergency Planning regulations should be approved?

4. Background: NextEra's license amendment request cites a previous consolidation by Duke Energy, which C-10 has already asserted in this letter is not comparable enough to be a relevant or meaningful precedent.

Question 1: Did Duke Energy's consolidation entail as many potential reductions in effectiveness and deviations from standard practices as in NextEra's case? How many potential reductions and deviations were involved in the Duke Energy case?

Question 2: Have biennial emergency plan exercises been conducted for Duke Energy's nuclear plants since the consolidations? If so, what are the ADAMS accession numbers for the NRC's inspection reports and FEMA's exercise reports?

5. Background: NextEra's license amendment request seeks to consolidate emergency response organizations for nuclear plants in New Hampshire (NRC Region I), Wisconsin (NRC Region III), and Florida (NRC Region II).

Question: Has the NRC experience with a joint or consolidated emergency response center such as the one proposed by NextEra involving plants in more than one NRC region? If so, which plants and regions?

6. Background: The NRC assesses emergency planning preparedness via routine inspections and by a biennial emergency exercise for each operating plant.

Question: How will the NRC inspect emergency plan adequacy for a nuclear plant in Region I and an ERO in Region II?

We at C-10 empathize with your work burden, while at the same time feeling strongly that the above questions and the further information that your answers will provide are vital in keeping the public informed on this extremely significant and worrisome License Amendment Request impacting Seabrook Station. Thank you for your anticipated responses.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Abramson".

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