

Congress of the United States
Washington, DC 20515

April 20, 2020

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

Dear Chairman Svinicki:

We write regarding the Nuclear Regulatory Commission's (NRC) oversight of the refueling process at the Seabrook Nuclear Power Plant ("Seabrook") during the ongoing coronavirus outbreak, and with concern that the NRC has advised licensees such as Seabrook that they may seek broad regulatory relief in response to it. We understand the NRC may need to modify regulatory requirements in order to ensure the functionality of the U.S. nuclear fleet during the pandemic. But we worry that these changes could put at risk the NRC's ability to maintain the safety of essential workers and proper refueling protocols at Seabrook.

On April 1, 2020, Seabrook began a month-long refueling process. As part of that process, hundreds of specialized contract workers from around the country will be temporarily employed at Seabrook. This large influx of workers into the confines of Seabrook portends dangerous conditions conducive to the spread of the coronavirus — not only among the contract workers, but among the permanent employees and surrounding communities that provide food, housing, and other essential services to the entire Seabrook workforce. Refueling workers at another nuclear power plant have already tested positive for the coronavirus, demonstrating the importance of a proactive and conscientious independent regulator to oversee refueling and other essential operations.¹

Unfortunately, the NRC has already taken steps that could weaken its oversight standards during this dangerous time. On April 7, 2020, the NRC notified licensees that they may seek exemptions from regulatory requirements during the pandemic.² But the notification failed to identify the

¹ Carl Hessler, Jr., *5 coronavirus cases confirmed at Limerick nuclear plant; 38 employees quarantined*, The Mercury (Apr. 7, 2020), https://www.pottsmmerc.com/news/coronavirus/5-coronavirus-cases-confirmed-at-limerick-nuclear-plant-38-employees-quarantined/article_3be6dd62-78d4-11ea-9ddb-3fb3f8ed6c25.html.

² Letter from John W. Lubinski, Dir, Office of Nuclear Material Safety and Safeguard, to All U.S. Nuclear Regulatory Commission Licensees. (Apr. 7, 2020), <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20094G166>.

regulations subject to exemptions or describe the criteria for their approval. The notification thus appears to offer the prospect of broad relief from regulatory requirements — including critical health and safety regulations — engendering confusion about how and why plants such as Seabrook could qualify.

The NRC also announced it would allow licensees to apply for temporary exemptions from requirements for work hour controls, which limit the number of hours an employee can work within a certain period.³ On April 14, 2020, the NRC granted a work schedule exemption to Seabrook, which will allow for more refueling work-schedule flexibility at the plant, but may require heightened oversight to ensure safe operations as a result of longer shifts.

The NRC has also granted Seabrook other inspection-activity exemptions, postponing regular inspections of reactor vessel internal items and pressurizer vessel welds. Across the nuclear fleet, the NRC has directed resident inspectors to shift to remote monitoring of plant operations, while continuing to do some on-site visits as needed.⁴ While this move makes sense in order to protect staff from the coronavirus, it will be important to maintain strong plant oversight — particularly during the refueling process — as inspectors transition to remote work.

In light of the exemptions already granted to Seabrook, and in order to better understand how the NRC will ensure plant, worker, and surrounding community safety there and at other nuclear power plants during this pandemic, please provide answers to the following questions by April 27, 2020:

1. Please elaborate on the process by which the NRC is deciding to extend regulatory exemptions, including identifying the regulations subject to exemption and describing the criteria on which exemption requests will be evaluated.
2. Given the reduction in staff physically present at Seabrook, please explain how the NRC will ensure the necessary frequency and quality of inspections.
 - a. How often will NRC resident inspectors be expected to visit Seabrook during the refueling process?
3. Please explain how the NRC will ensure that the extended work-hour order does not compromise worker health and safety.

³ Ho K. Nieh, *U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Work Hour Controls During the Coronavirus Disease 2019 Public Health Emergency*, U.S. Nuclear Regulatory Commission (Mar. 28, 2020), <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20087P237>; NRC Regulations, 10 CFR § 26.205 Work hours (2011), <https://www.nrc.gov/reading-rm/doc-collections/cfr/part026/part026-0205.html>.

⁴ U.S. Nuclear Regulatory Commission, *NRC Covid-19 Update* (Apr. 9, 2020), <https://www.nrc.gov/reading-rm/doc-collections/faq/coronavirus.html>.

The Honorable Kristine L. Svinicki
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Page 3 of 3

Thank you for your attention to this important issue. Should you have any questions about this request, please contact Hannah Vogel in Senator Markey's office at Hannah_vogel@markey.senate.gov.

Sincerely,

Edward J. Markey
United States Senator

Elizabeth Warren
United States Senator

Seth Moulton
Member of Congress