

May 13, 2011

The Honorable Bob Huff
California State Senate
District 29
State Capitol
Sacramento, CA 95814

Dear Mr. Huff:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of April 14, 2011, to Chairman Gregory Jaczko that expressed your concerns about seismic hazards at the Diablo Canyon and San Onofre nuclear power plants. In light of the recent events in Japan, you asked the NRC if the scope of review for relicensing includes seismicity and whether seismic safety standards for relicensing an existing power plant are lower than the seismic safety standards for licensing a new nuclear power plant. You also asked if a licensee must continue to meet all conditions established during the previous licensing process in order to continue to operate under the license and whether the Commission has the authority to suspend or terminate a nuclear power plant's license at any time based purely on the seismic threat. Finally, you asked if the ongoing seismic programs mandated by the NRC are sufficient to support decision making related to the process of relicensing a nuclear power plant (or if additional information is required or desirable).

Regarding the NRC's license renewal process, we consider seismic hazards to be an ongoing regulatory concern. The NRC reviews seismic safety standards during the initial licensing process and then continues to address them as part of our continuous oversight of operating reactors. Therefore, the NRC does not separately reanalyze seismic hazards as part of the license renewal process. The license renewal review focuses on managing the effects of aging on plant structures and equipment and is not a re-review of the current licensing basis. Should the NRC become aware at any time of information calling into question the continued safe operation of any plant, including Diablo Canyon or San Onofre, the NRC will take the appropriate actions as part of the agency's ongoing safety oversight, regardless of whether the NRC is performing a license renewal review for that facility. In short, with respect to safety concerns, the NRC does not wait for the license renewal process to evaluate and address new information associated with seismic issues. Although the licensing basis may differ slightly from plant to plant, a licensee must meet all conditions of its current license at all times. Further, the NRC does have the authority to take action up to and including ordering plant shutdown, based on the safety significance of conditions at the plant.

In response to the recent events in Japan, the NRC has established a senior-level agency task force to conduct a methodical and systematic review of our processes and regulations to make recommendations to the Commission about whether the agency should make additional enhancements to our regulatory system. This review will include an assessment of regulatory issues associated with seismic hazards. This activity will have both near-term and longer-term objectives. As appropriate, we are also pursuing additional activities that appear to be prudent, including inspection activities and NRC generic communications, to look at the readiness of plants to deal with both design-basis and beyond-design-basis accidents.

The NRC staff will continue to monitor seismic issues for Diablo Canyon and San Onofre and ensure that the power plants' safety systems remain capable of safely shutting down the plants in case of a seismic event. Specific, recent NRC actions related to seismic issues for the California plants include an ongoing, independent NRC staff review of the Pacific Gas and Electric Company's (PG&E's) Shoreline Fault Zone report, public meetings with PG&E near the site to discuss that report and at NRC Headquarters to discuss seismic evaluation methods, a public workshop on seismology, and the issuance of an NRC generic communication on the use of probabilistic seismic hazards methods for reviewing the safety of existing plants.

The NRC staff is also aware of recent correspondence between the utilities and the State of California, which will be considered in the staff's continuing evaluations as part of the ongoing safety oversight and licensing processes for Diablo Canyon and San Onofre. This correspondence includes Southern California Edison Company's (SCE's) evaluation of the recommendations in the California Energy Commission's AB 1632 Report; PG&E's request for the NRC to defer issuance of the Diablo Canyon renewed operating license until completion and reporting of the results of the three-dimensional seismic studies approved and funded by the California Public Utilities Commission (CPUC); and SCE's pending rate case before CPUC, which includes a request for funding for enhanced seismic studies for San Onofre. An integral part of the NRC's licensing processes includes requesting additional information from the licensee when needed.

While the NRC continues to assist the Japanese government, I want to assure you that the agency continues to make its domestic responsibilities for the licensing and oversight of U.S. licensees its top priority and that U.S. nuclear power plants continue to operate safely. As the NRC conducts the near-term evaluation of the relevance of recent events to the U.S. fleet, the agency is continuing to gather the information needed for us to take a longer, more thorough look at the events in Japan and their lessons for the NRC. Based on these efforts, the agency will take all appropriate actions necessary to ensure the continuing safety of the American public.

Sincerely,

/RA Tim McGinty for/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

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/RA Tim McGinty for/
 Eric J. Leeds, Director
 Office of Nuclear Reactor Regulation

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Letter to B. Huff from E. Leeds dated May 13, 2011

SUBJECT: Response to State Senator Huff

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