

April 11, 2013

Mr. Erich Pica, President
Friends of the Earth
1100 15th Street, NW, 11th Floor
Washington, D.C. 20005

Dear Mr. Pica:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of February 7, 2013, in which you referenced a statement from Senator Barbara Boxer and Representative Edward Markey urging the NRC to undertake an investigation concerning information in a Mitsubishi Heavy Industries (MHI) document entitled, "Root Cause Analysis Report for Tube Wear Identified in the Unit 2 and Unit 3 Steam Generators of San Onofre Nuclear Generating Station." By letter dated February 8, 2013, I responded on behalf of the Commission to Senator Boxer and Representative Markey. In that letter, I stated that the NRC's Office of Investigations had initiated an investigation on September 28, 2012, regarding the completeness and accuracy of information that Southern California Edison (SCE) provided to the NRC regarding the steam generators at San Onofre Nuclear Generating Station (SONGS). This NRC investigation is ongoing, and includes examination of the MHI document.

Your letter requested that the NRC release the MHI document, and other related documents, to the public. Also, you requested an explanation of why the MHI document has not been released to the public or disclosed in the course of the ongoing Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, "Requests for Action under this Subpart," petition review process or the Atomic Safety and Licensing Board (ASLB, the Board) proceeding in which Friends of the Earth is currently a party.

A redacted, non-proprietary version of the MHI document was made publicly available on March 8, 2013, in the NRC's Agencywide Documents Access and Management System at Accession No. ML13065A097. A link to the report has been added to the NRC SONGS Web page at <http://www.nrc.gov/info-finder/reactor/songs/tube-degradation.html>.

The NRC makes every effort to conduct its regulatory oversight role in an open manner, and to make agency records of its decisions and final deliberations available to the public. In accordance with the Trade Secrets Act (18 U.S.C. § 1905) and the agency's policy concerning sensitive unclassified non-safeguards information, documents that contain proprietary information are not made public in unredacted form to ensure appropriate protection of the proprietary information. Regarding the timing of the document's release, the redacted document was not released until the staff completed its formal determination review of the proprietary information.

At this time, the Commission cannot comment on your specific concerns regarding the release of particular documents in the pending Atomic Safety and Licensing Board proceeding in which Friends of the Earth is currently a party. Because the Commission may have to review such issues in its adjudicatory capacity, the Commission cannot comment on or discuss your specific concerns outside of the adjudicatory context.

On behalf of the NRC, I want to thank you for your interest in matters related to nuclear safety. You and your organization's interest and feedback help us to fulfill our public health and safety mission in an open and transparent manner.

Sincerely,

/RA/

Allison M. Macfarlane