

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**PAPER NUMBER:** LTR-13-0160 **LOGGING DATE:** 02/22/2013  
**ACTION OFFICE:** OGCED

**AUTHOR:** Councilmember Toni Iseman (City of Laguna Beach)  
**AFFILIATION:** CA  
**ADDRESSEE:** CHRM Allison Macfarlane, et al.  
**SUBJECT:** Concerns San Onofre Nuclear Generating Station, Unit 2 restart

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF, SECY to Ack.

**LETTER DATE:** 02/15/2013  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** Commission Correspondence  
Lead office to publicly release 24 hours after SECY's assignment, via SECY/OGC/DPC.

**NOTES:** cc: Senator Barbara Boxer on response.

**FILE LOCATION:** ADAMS

**DATE DUE:** 03/15/2013 **DATE SIGNED:**

February 15, 2013

Allison M. Macfarlane, Chair  
Kristine L. Svinicki, Commissioner  
George Apostolakis, Commissioner  
William D. Magwood, IV, Commissioner  
William C. Ostendorff, Commissioner  
UNITED STATES NUCLEAR REGULATORY COMMISSION  
One White Flint North  
11555 Rockville Pike, Sixteenth Floor  
Rockville, MD 20852

Dear Chairman Macfarlane and Commissioners,

I write to request your immediate and urgent attention in the matter of Southern California Edison's proposed restart of the San Onofre Unit 2 nuclear reactor. Due to the severe and rapid wear of the replacement steam generator tubes and the potential catastrophic impact on NAME OF CITY and its neighbors, this matter requires the upmost scrutiny, full transparency, and meaningful public participation.

In a letter sent on October 12, 2012 to Environment and Public Works (EPW) Chair Barbara Boxer, Chairman Macfarlane stated, ". . . I reaffirm the Commission's commitment that the agency will not allow a restart at SONGS until the investigation is completed and the facility is safe to operate."

This investigation is not yet complete. I expect all unresolved issues to be fully understood, addressed, and closed prior to any restart decision, as Chairman Macfarlane has committed.

Further, I was troubled to learn that it appears that the restart proposal does not meet the technical specification for tube integrity of Southern California Edison's current operating license. This apparent failure was raised by the NRC in Request for Additional Information #32, sent to the licensee on December 26, 2012. This technical specification of the operating license requires that Edison demonstrate tube integrity over the full range of normal operating conditions, including at 100% power. However, the restart plan and the

supporting operational assessments rely on the assumption that safety can only be demonstrated at 70% operating power. This is clearly not in compliance with the terms of the license.

If Edison wishes to operate outside of the terms of their license, then they must get a license for the changed operation. For this, they must submit to a thorough, deliberate license amendment process, in order to vet the safety of their proposed changes. This process will afford the public the opportunity for a full adjudicatory public hearing with independent expert testimony and cross-examination.

I understand that the Commission may be considering a Confirmatory Order to address Edison's noncompliance, which would limit hearing rights and allow Edison to continue to sidestep critical, transparent public review. I urge the Commission to refrain from exercising this executive liberty, as a Confirmatory Order for either such damaged reactor would both fail to address underlying safety issues that may jeopardize the operation of the reactor and would effectively strip the public of the meaningful public hearing that citizens and Southern California elected officials, including Laguna Beach, have requested.

Given the gravity of any decision to restart either San Onofre reactor, it is of utmost importance that the restart proposal be subject to deliberate, thorough scrutiny that fully resolves any uncertainties and ensures the safety of the reactor's operation. It is also incumbent upon the Commission to uphold the right of the citizens to meaningful participation and an adjudicatory hearing where appropriate.

I look forward to your prompt response to my concerns.

Sincerely,

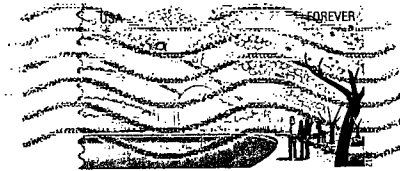


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