



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 30, 2013

Richard Ayres, Esquire
Ayres Law Group
1707 L St., NW, Suite 850
Washington, D.C. 20036

Dear Mr. Ayres:

Friends of the Earth's (FOE's) petition addressed to the U.S. Nuclear Regulatory Commission (NRC), dated June 18, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12171A409), has been referred to me pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) of the Commission's regulations. FOE supplemented its petition on November 16, 2012 (ADAMS Accession No. ML12325A748), and February 6, 2013 (ADAMS Accession No. ML13109A075). The Petition Review Board (PRB) will also consider the safety significance and complexity of information you submitted on April 4, 2013 (ADAMS Accession No. ML13116A266 and ML13116A267), and determine if the information should be consolidated with the existing petition or if it will be treated as a new petition. FOE requests that the NRC order Southern California Edison (SCE) to submit a license amendment application for the design and installation of the San Onofre Nuclear Generating Station, Units 2 and 3, replacement steam generators. FOE also requests that the NRC suspend SCE's licenses until they are amended. In short, as the basis for the petition request, FOE states that SCE violated 10 CFR 50.59 when it replaced its steam generators in 2010 and 2011 without first obtaining NRC approval of the design changes via a license amendment.

I would like to express my appreciation for FOE's effort in bringing these matters to the attention of the NRC. I have assigned Brian Benney, of my staff, to serve as the petition manager for the petition. You can reach Mr. Benney at 301-415-2767.

You met with our PRB on January 16, 2013, to discuss FOE's petition. Subsequently, FOE supplemented its petition on February 6, 2013. On February 12, 2013 (ADAMS Accession No. ML13116A265), FOE requested that Mitsubishi Heavy Industries' Report entitled *Root Cause Analysis Report for tube wear identified in the Unit 2 and Unit 3 Steam Generators at San Onofre Generating Station* and other specified documents be considered in the PRB's evaluation of the petition.

The petition manager initially informed you of the PRB's recommendation to accept the petition for review on April 9, 2013. The petition is under review by a team comprised of individuals from several divisions within the Office of Nuclear Reactor Regulation.

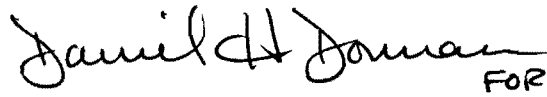
Enclosed for your information is a copy of the notice that the NRC will file with the Office of the Federal Register for publication. I also refer you to the brochure, NUREG/BR-0200, Revision 5, "Public Petition Process," issued February 2003 (ADAMS Accession No. ML050900248).

R. Ayres

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You may visit the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/> to obtain updates on the status of 10 CFR 2.206 petitions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Leeds". The signature is written in a cursive style. Below the signature, the letters "FOR" are printed in a small, bold, sans-serif font.

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc: Listserv

ENCLOSURE

Federal Register Notice

ADAMS Accession No. ML13106A195

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-361 and 362; NRC-20YY-XXXX]

<Southern California Edison, San Onofre Nuclear Generating Station, Units 2 and 3>

Request for Action

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for Action; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is giving notice that by petition dated June 18, 2012, Friends of the Earth (FOE, the petitioner) has requested that the NRC take action with regard to San Onofre Nuclear Generating Station. The petitioner's requests are included in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID <NRC-20YY-XXXX> when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID <NRC-20YY-XXXX>. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; e-mail: Carol.Gallagher@nrc.gov.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public

Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

On June 18, 2012 (ADAMS Accession No. ML12171A409), the petitioner requested that the NRC take action with regard to San Onofre Nuclear Generating Station, Units 2 and 3. The petitioner supplemented its petition on November 16, 2012 (ADAMS Accession No. ML12325A748). The petitioner met with the Petition Review Board (PRB) on January 16, 2013, to discuss the petition, and supplemented its petition on February 6, 2013 (ADAMS Accession No. ML13109A075). On February 12, 2013 (ADAMS Accession No. ML13116A265), FOE requested that Mitsubishi Heavy Industries' Report entitled *Root Cause Analysis Report for tube wear identified in the Unit 2 and Unit 3 Steam Generators at San Onofre Generating Station* and other specified documents be considered in the PRB's evaluation of the petition. The petitioner requests that the NRC order Southern California Edison (SCE) to submit a license amendment application for the design and installation of the replacement steam generators. The petitioner also requests that the NRC suspend the licenses for Units 2 and 3, until they are amended.

As the basis for this request, the petitioner states that SCE violated Title 10 of the *Code of Federal Regulations* (10 CFR) 50.59 when it replaced its steam generators in 2010 and 2011 without first obtaining NRC approval of the design changes via a license amendment.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time.

Further, FOE submitted on April 4, 2013, a cover letter and technical review entitled *Review of Tube Wear Identified in the San Onofre Replacement Steam Generators - Mitsubishi Reports UES-20120254 Rev.0 (3/64) and L5-04GA588(0) together with Other Relevant Information* conducted by Large & Associates, Consulting Engineers retained by FOE (ADAMS Accession No. ML13116A266 and ML13116A267, respectively). The PRB will also consider the safety significance and complexity of this information and determine if the information should be consolidated with the existing petition, or if it will be treated as a new petition.

A copy of the transcript of the January 16, 2013, meeting is available at ADAMS Accession No. ML13029A643.

Dated at Rockville, Maryland, this 30th day of April 2013.

For the Nuclear Regulatory Commission.



Daniel H. Dorman, Deputy Director,
for Engineering and Corporate Support,
Office of Nuclear Reactor Regulation.

R. Ayres

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You may visit the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2-206/> to obtain updates on the status of 10 CFR 2.206 petitions.

Sincerely,

/RA by Daniel H. Dorman for/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

cc: Listserv

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TMensah, NRR
MBanic, NRR

**ADAMS Accession Nos. Package ML13119A509 Incoming ML12325A478
LTR ML13106A193 2.206 FRN ML13106A195 *via email**

OFFICE	NRR/DORL/LPSO/PM	NRR/DORL/LPSO/LA	Tech Editor*
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DATE	04/29/13	04/26/13	04/29/13
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DATE	04/29/13	04/29/13	04/30/13

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