

May 20, 2013

The Honorable Terry Sinnott
Mayor, City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014-2698

Dear Mayor Sinnott:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter to Senator Barbara Boxer and Representative Henry Waxman dated April 2, 2013. Your letter expressed concern regarding Southern California Edison's (SCE's) license amendment request and associated no significant hazards considerations analysis. You also expressed concerns about the April 3, 2013, public meeting and its location.

As you know, San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, are currently shut down to review the causes of excessive steam generator tube wear on their replacement steam generators. The NRC staff has been closely following the licensee's actions to evaluate the causes of the excessive tube wear and to develop corrective actions to prevent further tube degradation. The NRC's actions have included initiating an augmented inspection on March 15, 2012; issuing a Confirmatory Action Letter (CAL) to SCE on March 27, 2012, identifying the specific actions the licensee has committed to take prior to returning the units to power operation; and completing a follow-up inspection on September 28, 2012, to address unresolved items from the March 2012 inspection.

Regarding SCE's license amendment request, on April 16, 2013, the NRC published in the *Federal Register* a notice of this request. The issuance of an amendment is governed by Section 189a of the Atomic Energy Act of 1954, as amended, which allows members of the public to request a hearing. Section 189a(2)(A) permits the NRC to make immediately effective any amendment to an operating license approved by the agency upon a determination by the Commission that such amendment involves "no significant hazards consideration," notwithstanding a request for a hearing or a hearing pending before the Commission. This determination does not prejudice the NRC's final public health and safety decision to grant or deny an amendment request. The public may request a hearing on the proposed amendment and submit comments concerning the proposed "no significant hazards consideration" analysis and determination. The NRC will not approve an amendment unless it concludes there is reasonable assurance that the public health and safety will not be endangered and that such approval will not be inimical to the common defense and security. Because SCE must still meet the terms of the CAL before returning SONGS Units 2 or 3 to service, issuance of a license amendment itself will not allow restart of SONGS Unit 2.

The NRC will consider all public comments received within 30 days after the publication of the April 16, 2013, notice before making any final determination. The public has 60 days after the publication of the April 16, 2013, notice to request a public hearing on SCE's amendment request. In this matter, the NRC will not make a determination regarding approval of the license

amendment, nor issue a final “no significant hazards” determination, until at least 60 days after publication of the notice.

The NRC has heard the safety concerns of the citizens in your community and others located near SONGS, and has committed itself to ensuring the public is informed about the condition of the plant and our work to assure its safety. Toward that end, the NRC has held several meetings with SCE and the public. The NRC intends to have public meetings as near to the site as possible, so that the individuals who are most affected can attend. However, for public meetings to discuss specific technical issues between the technical staff of the NRC and SCE, these meetings are normally held at headquarters in Rockville, Maryland, to ensure that the meetings fulfill their intended purpose. Nevertheless, at the public meeting held on April 3, 2013, members of the public were able to ask questions on SCE’s plans to submit the license amendment for more than 90 minutes. Additionally, since the October 2012 public meeting, the NRC has and will continue to webcast the SONGS public meetings so all interested parties, no matter their locations, can observe the public meetings. All public meetings are announced on the NRC’s Web site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

I want to reassure you that the NRC will continue its independent, in-depth inspections and detailed reviews of the issues at SONGS, and will not permit SONGS, Unit 2 to restart until we are satisfied that it is safe to operate and is in compliance with its license. The NRC will take the time needed to determine the appropriate actions to ensure the safety of the public, and will communicate its determinations to the public regarding the restart of SONGS, Unit 2. The NRC has a public Web site dedicated to the oversight of SONGS. The Web site can be found at <http://www.nrc.gov/info-finder/reactor/songs/tube-degradation.html>.

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

Sincerely,

/RA/

Allison M. Macfarlane