

Gallagher, Carol

From: Leandra Beaver <leandra.serena@gmail.com>
Sent: Thursday, May 16, 2013 5:32 PM
To: Gallagher, Carol
Subject: Docket ID NRC-2013-0070
Attachments: SanOnofre2012.pdf; San Onofre Safety Record.pdf

Out of concern with the character limitation on the comments section of the regulation.gov site, I am submitting my comments to you in addition to submitting them as attachments on the site.

Subject: Application and Amendment to Facility Operating License Involving Proposed

No Significant Hazards Consideration Determination; San Onofre Nuclear Generating Station, Unit 2

Docket ID NRC-2013-0070

4/16/2013
78FR22576
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To: Nuclear Regulatory Commission

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The reasons why the requested license amendment and associated no significant hazards consideration (NHSC) determination should be denied are many. At the very basis of this amendment is the consequential problem that it is necessary for allowing Southern California Edison (SCE) the right to operate the San Onofre Nuclear Generating Station (SONGS) with seriously damaged steam generators that have been neither repaired nor replaced. Running a nuclear power plant with damaged equipment is simply unfathomable considering the extreme dangers associated with nuclear disasters.

According to Nuclear Regulatory Commission (NRC) data the San Onofre Nuclear Generating Station has “the worst safety complaint record of all U.S. nuclear reactors”[1] and “the highest number of safety and discrimination allegations (complaints) compared to all other U.S. nuclear power plants”[2]. In addition, there are roughly 8.5 million people living within 50 miles of the plant, there are major seismic fault lines within a few miles of the plant, there are multiple inside sources who have stated that restarting the plant would be risky, and a report has surfaced that shows that Edison knew about design problems with the replacement steam generators prior to their installation, and these are the same steam generators that they are now pushing to have running at “70 percent of the maximum authorized power level” because they are not fit to run at 100 percent due to degradation. This is barely scratching the surface as to why it would be inconceivable for the NRC to grant the amendment.

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In a video message about San Onofre Edison's president, Ron Litzinger stated, "Our No. 1 priority is, and always has been, the health and safety of the public and our employees"[3]. This public relations position is directly contradicted by both the poor safety record of the San Onofre Nuclear Generating Station and the high instances of "complaints from employees, contractors, or subcontractors of harassment, intimidation, or discrimination for raising NRC-related safety or regulatory concerns"[4].

In order to have safe and secure operations at a nuclear power plant there needs to be a culture of safety that encourages employees to speak up to their supervisors when they see problems. This is integral to the operations of all nuclear power plants. The San Onofre plant has consistently done just the opposite and has put the "health and safety of the public" and employees at a grave risk. A culture of intimidation has emerged whereby employees have begun to go directly to the NRC rather than to their own supervisors to raise issues. Why would you permit an already damaged nuclear power plant to run when the history of this plant points to the fact that employees will likely be harassed if they come forward to call attention to mechanical failure?

Following the fatal shooting of two Southern California Edison supervisors, and the wounding of two others by an employee at Southern California Edison's Rivergrade location an internal report entitled "Workplace Culture and Climate Assessment" was produced by Incident Management Team (IMT). The report included an assessment of group and individual meetings, policies and procedures, supervisor notes, statistical data, complaints and concerns, and many other documents and included San Onofre in their study. Within that report it states that, "Many employees don't trust their managers and leadership to be honest, accountable or provide leadership. They don't trust in the systems arranged for their benefit to help them, and instead expect negative consequences for utilizing them. They don't trust in policies, practices, information or communication"[5]. In the words of nuclear power expert David Lochbaum of the Union of Concerned Scientists, "The workers are basically the canaries in the coal mine. They're the first ones who see the problems. Their voices need to be heard, not ignored." Clearly this is not a workplace that is conducive to working with toxic materials because the workers are not being heard. In addition, because San Onofre sits on federal land leased to Southern California Edison back in the 1960s they claim that California's whistle-blower laws which among the strongest in the nation are not applicable to San Onofre. The workers are not being protected due to a loophole that Edison found between federal and state jurisdictions. Thus the workers have even less protections and incentives to raise relevant issues. Why should the public trust Edison to make decisions in their best interest when even their own employees can't?

There are 8.5 million people living within 50 miles of the plant. There are five counties within 50 miles: Los Angeles, Riverside, Orange, San Bernardino, and San Diego. Cities that have passed resolutions or sent letters of concern to the NRC include Del Mar, Encinitas, Los Angeles, Irvine, Laguna Beach, Mission Viejo, San Clemente, Santa Monica, Solana Beach, Vista, Berkley and Fairfax. The concern over the re-start of the San Onofre plant is real and needs to be treated as such. A hearing prior to the re-start of the crippled plant is necessary in order to allow all evidence to be presented that pertains to the San Onofre Nuclear Generating Station operations. The license amendment with a "no significant hazard" provision requested by Edison would allow a restart with the public hearing to be held only after the fact. This blatantly ignores the fact that this

would be in direct violation of the No Significant Hazards Consideration (NSHC) determination. Looking at the questions for the NSHC that need to be satisfied it is obvious that this determination should not be granted to the San Onofre Nuclear Generating Station. The questions are as follows:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?
2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?
3. Does the proposed change involve a significant reduction in the margin of safety?

Each of these questions can be answered “yes” when evaluating San Onofre. The glaring question is the third. The proposed change is in fact a “significant reduction in the margin of safety” exactly. The margin of safety is currently established by requiring that the steam generators be capable of operating without risk of tube burst at 100 percent power. Edison cannot meet that requirement and it asks, via this license amendment, that that safety requirement and safety margin be eliminated. They now want to no longer have to show compliance with that 100% standard, and want it reduced to 70 percent. That constitutes a 30 percent reduction, therefore the determination is not satisfied.

Furthermore, the purpose of the license amendment is to make possible the operation of San Onofre with steam generators with large design defects that have not been corrected. NRC staff has made clear that restart cannot be approved in the absence of such a license amendment. Therefore the proposed amendment is designed to enable operation with steam generators that are not operating the way they are supposed to in the licensing basis. It is incontrovertible that operating with damaged steam generators reduces safety margin and increases the likelihood and consequences of an accident, and that this license amendment is necessary to make such operation possible. The fact that other steps may also be required is irrelevant. The purpose of the license amendment is to remove an impediment to operation with damaged steam generators, and that operation markedly would reduce safety margins and increase risks. The NSHC standards cannot be met.

Considering that many months of NRC analysis have been employed, and more than 70 Requests for Additional Information submitted, regarding SCE’s claim that 70 percent would be safe, then the answer to question number two is also “yes”. There certainly may be new possibilities of accidents because running in this capacity; that is part of the technical controversy surrounding the proposal, with detailed reports and declarations by independent experts; so it is not possible for NRC to say there are no significant safety issues, i.e., no considerations that have significant hazards implications. The question is not where NRC staff ends up at the end of its analysis as to resolving these controversies; it is whether there are technical controversies and uncertainties that require such analysis. If so, NSHC standards cannot be met, and they indeed cannot.

Edison has a poor record. Their nuclear “experts” promised the replacement steam generators in San Onofre would last decades. Instead, after only a couple of short years, extremely rapid deterioration of an important

radiation barrier at the plant occurred, with hundreds of defective tubes needed plugging. Although Edison has skirted the issue it appears that the deterioration may stem from design flaws that Edison was aware of as early as 2005, yet did not address. This merely adds to the proof that Edison does not have safety as a central goal.

Assessing the license amendment request in the broader context, one must look to the culture of safety within San Onofre, their records of compliance and safety, and the overall security for the millions that live only miles from what could easily be a disaster. A more thorough delving into San Onofre is necessary because of their terrible track record. Operating a crippled nuclear power plant on a major fault line with millions living nearby needs to be thought out. The consequence of this decision is self-evident and should not be taken lightly.

So, in sum, this is not a trivial amendment for which there are no considerations of significant hazards, the standards for which a post-amendment hearing can be authorized. Here there are significant issues that, depending on how a licensing board resolved them, could result in a finding that the proposal represented a significant hazard and should be denied or amended. Any hearing, therefore, must precede a licensing decision, not occur after the fact.

The license amendment request should be denied. In any case, the no significant hazards consideration determination cannot be affirmatively made, and an opportunity for a prior adjudicatory hearing must be provided to the interested public.

[1] <http://sanonofresafety.org/safety-allegations-8/>

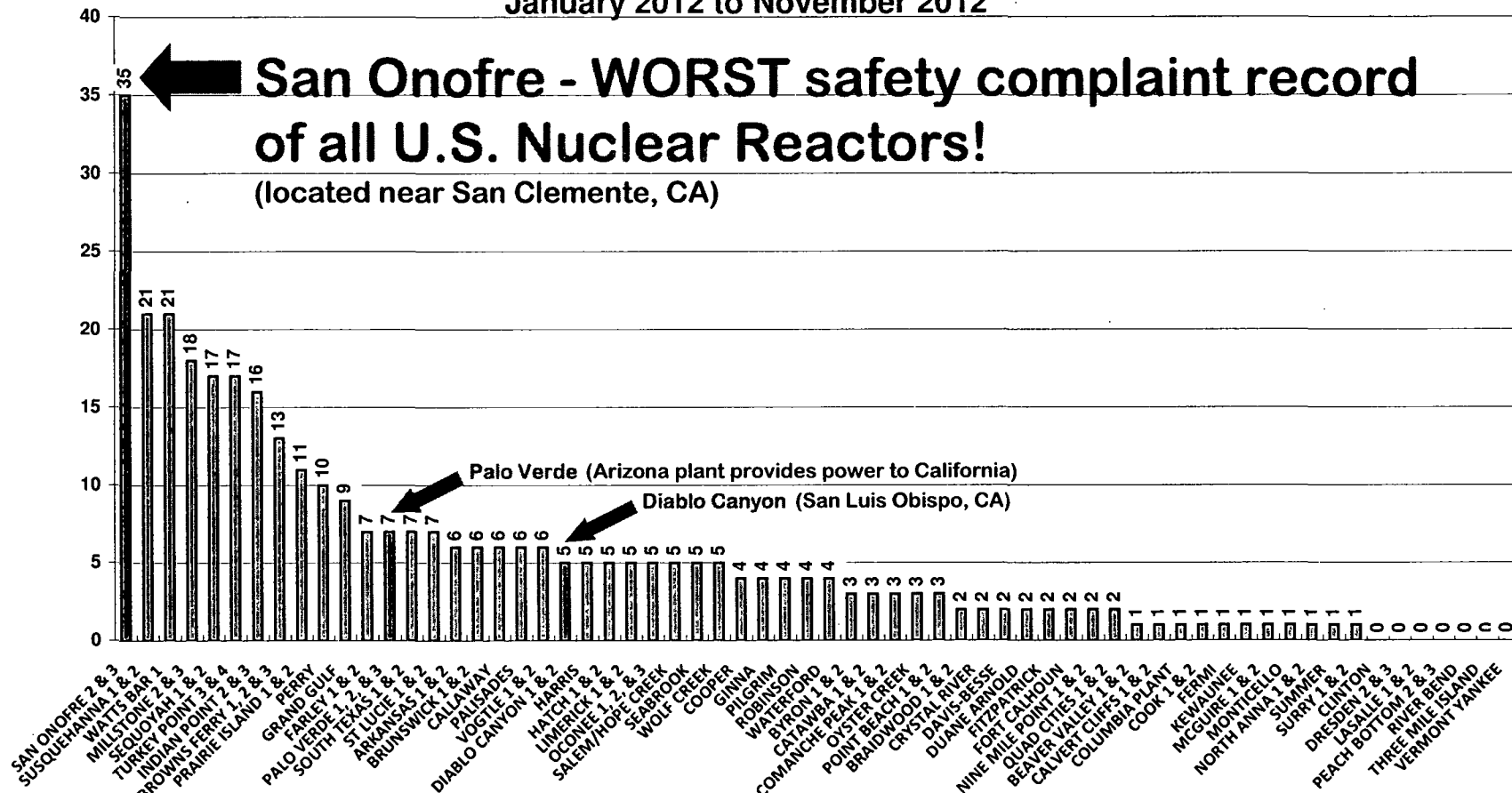
[2] <http://sanonofresafety.org/safety-allegations-8/>

[3] http://www.voiceofoc.org/oc_coast/article_0d87a1f0-88c7-11e1-9b63-001a4bcf887a.html

[4] <http://sanonofresafety.org/safety-allegations-8/>

[5] <http://sanonofresafety.org/safety-allegations-8/>

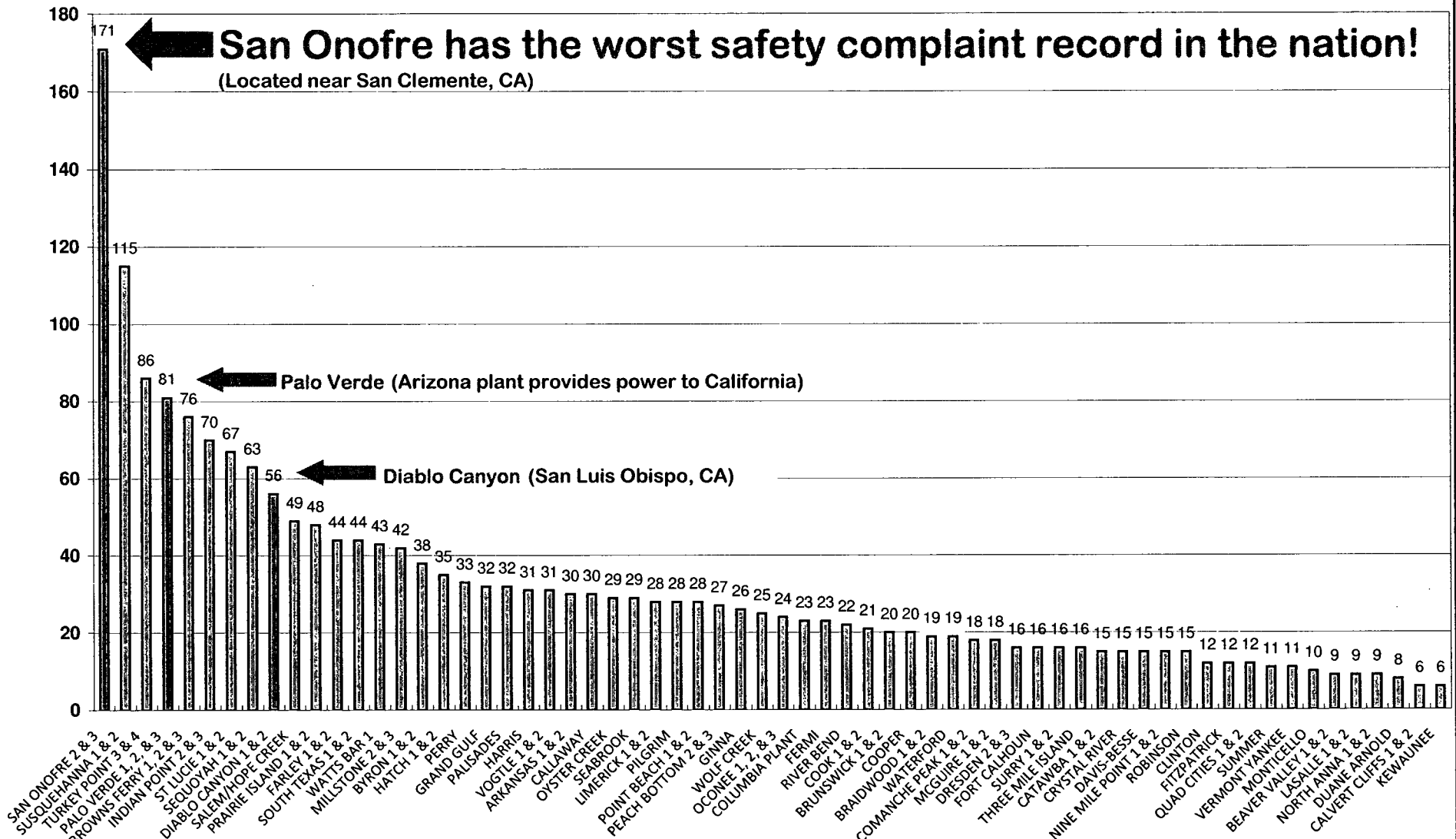
**Complaints to NRC of Safety Problems at all U.S. Nuclear Power Plants
from On-Site Employees & Contractors*
January 2012 to November 2012**



Source: Nuclear Regulatory Commission (NRC) allegation statistics www.nrc.gov/about-nrc/regulatory/allegations/statistics.html

*The NRC refers to these complaints as "Allegations from On-Site Sources" (current/former power plant employees/contractors and anonymous allegers). These are reports of impropriety or inadequacy of NRC-related safety or regulatory concerns. One allegation report may contain multiple allegations; however, the NRC counts it as one allegation in these statistics (Note: A concern about a safety-conscious work environment (SCWE) problem at a facility is an important allegation. However, a Notice of Violation cannot be issued, because there is no applicable NRC regulation.) There are 64 U.S. nuclear power plants & 104 reactors. Plants with multiple reactors are noted.

Safety Complaints from On-Site Employees & Contractors U.S. Nuclear Power Plants 2007 to 2012 (6 years)

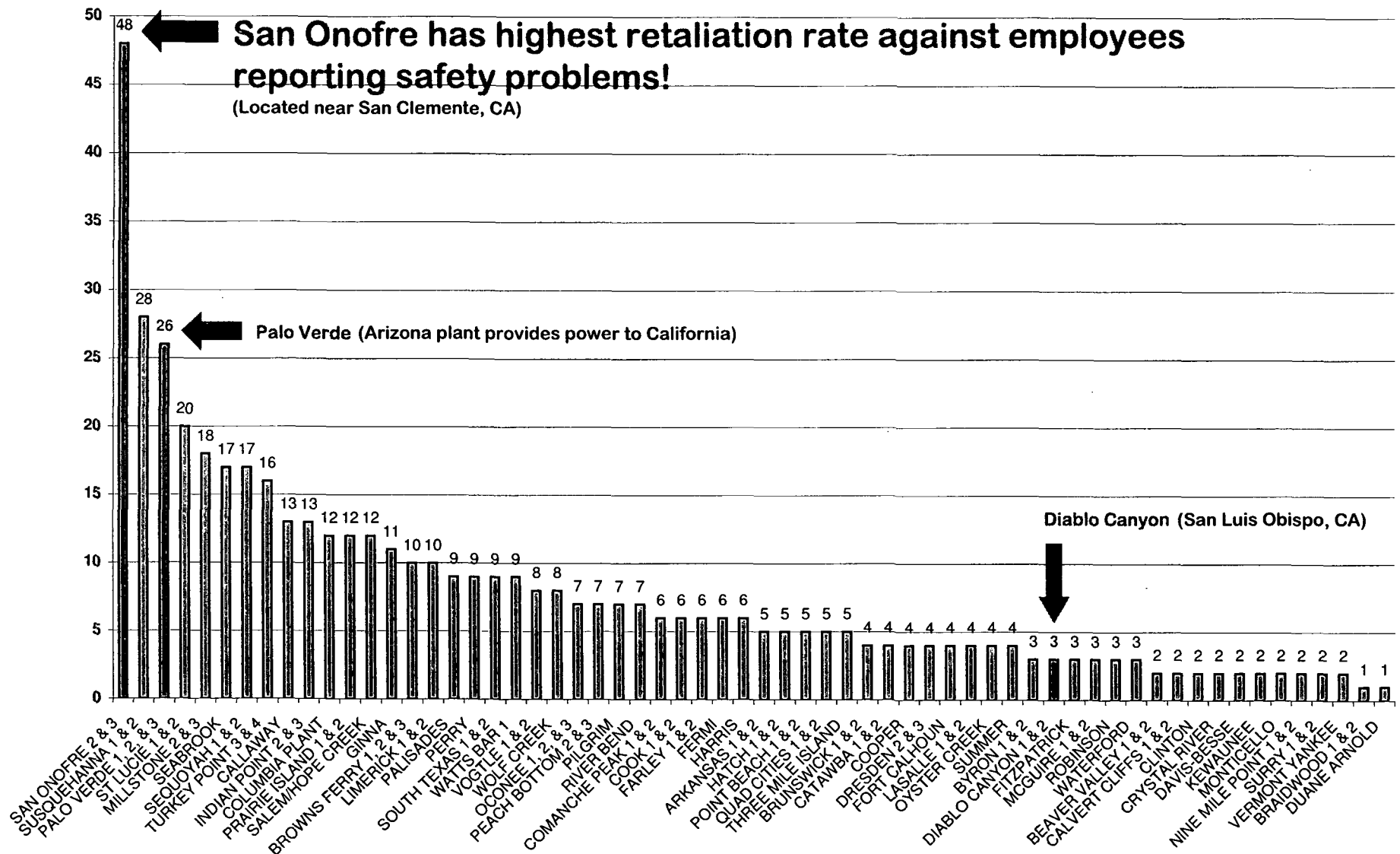


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Source: www.nrc.gov/about-nrc/regulatory/allegations/statistics.htm

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Employee Harassment and Retaliation Complaints U.S. Nuclear Power Plants 2007 to 2012 (6 years)

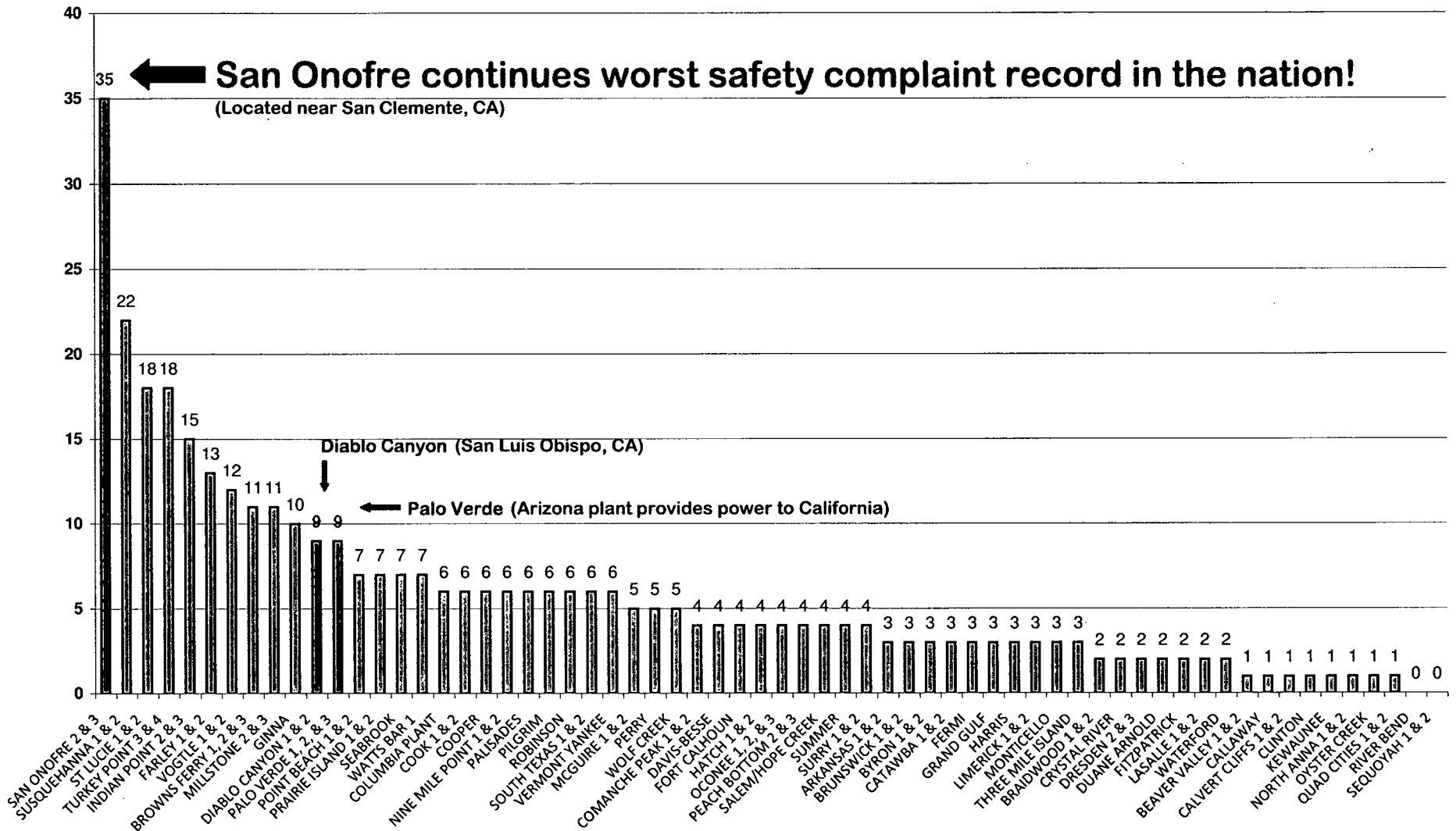


The Nuclear Regulatory Commission (NRC) refers to these reports as "Discrimination Allegations" from employees, contractors, or subcontractors of harassment, intimidation, or discrimination for raising NRC-related safety or regulatory concerns. One allegation report may contain multiple allegations. However, the NRC counts it as one allegation in these statistics. "Discrimination Allegations Received" is a subset of all "Allegations Received." There are 64 operating U.S. nuclear power plants & 104 reactors. Plants with multiple reactors are noted.

Source: www.nrc.gov/about-nrc/regulatory/allegations/statistics.html

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Safety Complaints from All Sources External to the NRC U.S. Nuclear Power Plants January 2012 to December 2012

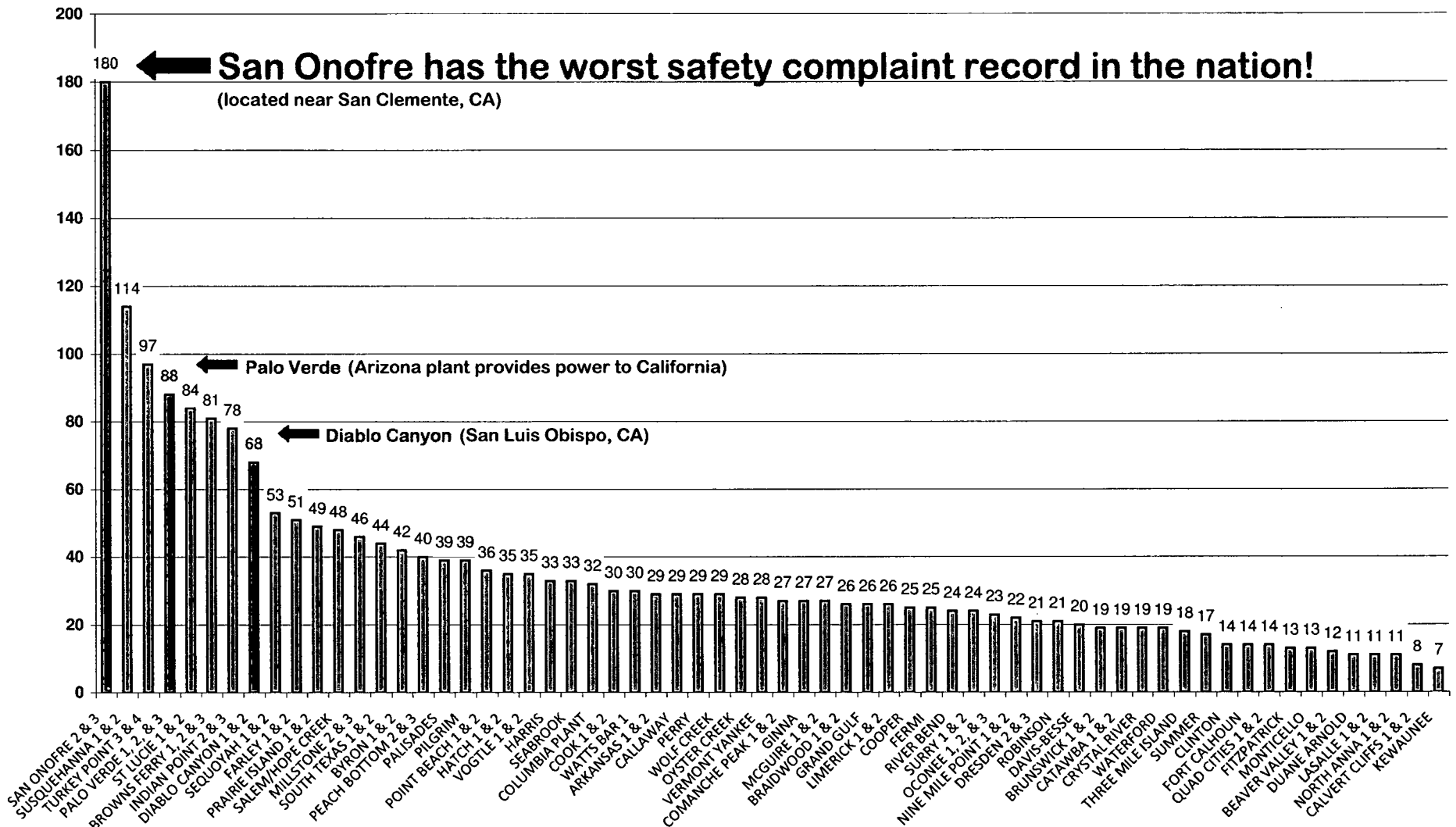


The Nuclear Regulatory Commission (NRC) refers to these complaints as "Allegations from External Sources" (all sources external to the NRC). Majority of complaints are from employees and other on-site sources. These are reports of impropriety or inadequacy of NRC-related safety or regulatory concerns. Includes all 64 U.S. operating nuclear power plants & 104 reactors. One allegation report may contain multiple allegations. However, the NRC counts it as one allegation in these statistics. A complaint about a safety-conscious work environment (SCWE) problem is important. However, a Notice of Violation cannot be issued, because there is no applicable NRC regulation.

Source: www.nrc.gov/about-nrc/regulatory/allegations/statistics.html

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Safety Complaints from All Sources External to the NRC U.S. Nuclear Power Plants 2007 to 2012 (6 years)



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