

## CALIFORNIA ENERGY COMMISSION

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May 15, 2013

Cindy Bladely, Chief  
 Rules, Announcements, and Directives Branch (RADB)  
 Office of Administration  
 Mail Stop: TWB-05-BO1M  
 U.S. Nuclear Regulatory Commission  
 Washington, DC 20555-0001

**RE: U.S. Nuclear Regulatory Commission (NRC) Notice - Application and Amendment to Facility Operating License No. NPF-10 Involving Proposed No Significant Hazards Consideration Determination; San Onofre Nuclear Generating Station, Unit 2 (Docket ID NRC-2013-0070)**

Dear Chief Bladely:

The California Energy Commission (Energy Commission) has reviewed the Notice for the proposed Amendment to the Facility Operating License No. NPF-10 (Amendment), issued to Southern California Edison (SCE), for operation of San Onofre Nuclear Generating Station (SONGS), Unit 2, in San Diego County, California.

The Notice states that the NRC is seeking comments on its proposed determination that the Amendment request involves no significant hazards. In my capacity as California's State Liaison Officer to the NRC and on behalf of the Energy Commission, I have prepared these comments for NRC consideration prior to issuance of a final "no significant hazards consideration" determination.

**1. Regulatory Oversight of SONGS Steam Generator Tube Degradation**

Since the January 2012 discovery of steam generator tube degradation in SONGS Units 2 and 3, the Energy Commission has followed closely the NRC's evaluation of the cause(s) of unexpected tube degradation. The Energy Commission urges the NRC not to allow the restart of SONGS until it is satisfied that SCE can operate the plant without undue risk to public health and safety. Before making a decision on the SCE's proposed operation of Unit 2, NRC staff must complete the following actions:

1. All inspection activities related to the licensee's corrective actions for Unit 2, as specified in the Confirmatory Action Letter;
2. Technical review of the safety bases for Unit 2 steam generator tube integrity provided in the licensee's October 3, 2012, Confirmatory Action Letter (CAL) response and return to service report, as supplemented; and

**SUNSI Review Complete**  
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3. Review of SCE's April 5, 2013, license amendment request for Unit 2, as supplemented.

## 2. **Safety, Security and an Independent, Open Public Process**

The Energy Commission urges the NRC to adhere to the principles of strong regulation — independence, openness, efficiency, clarity, and reliability — focused on ensuring safety and security while appropriately balancing the interests of the NRC's stakeholders, including the public.

These principles are of the utmost importance to California as was recently expressed in a letter from Senator Barbara Boxer and Representative Edward Markey<sup>1</sup> requesting that the NRC complete its safety evaluation and provide a full opportunity for public participation before making any decisions regarding a license amendment that could enable a restart of San Onofre.

The Energy Commission requests that the NRC guide this decision-making process with a special focus on 1) independence, with final decisions based on objective, unbiased assessments of all information, and 2) openness, with regulatory business transacted through open channels allowing the public to be informed and giving all stakeholders the opportunity to participate.

Thank you for the opportunity to comment on the proposed Amendment. Please direct any inquiries to Joan Walter, Senior Nuclear Policy Advisor, 1516 Ninth Street, Sacramento, CA 95814-5512 or via email at [joan.walter@energy.ca.gov](mailto:joan.walter@energy.ca.gov).

Sincerely,



ROBERT B. WEISENMILLER  
Chair and State Liaison Officer to the NRC

cc:

Rob Oglesby, Executive Director, California Energy Commission  
Joan Walter, California Energy Commission  
Kevin Bell, California Energy Commission  
Brian Hembacher, California Department of Justice  
Steven Hsu, California Department of Public Health-Radiologic Health Branch

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<sup>1</sup> [http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=63086e5d-85d1-4dad-8bcb-68589825aac2](http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=63086e5d-85d1-4dad-8bcb-68589825aac2)