
San Diego Regional Water Quality Control Board

October 2, 2015

Mr. Andrew Persinko, Deputy Director
U.S. Nuclear Regulatory Commission
11545 Rockville Pike, Mail Stop T-8F5
Rockville, MD 20852

In reply refer to:
257702: bneill

**SUBJECT: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT FOR SAN ONOFRE NUCLEAR GENERATING STATION (SONGS),
SAN DIEGO COUNTY, CA**

Mr. Persinko,

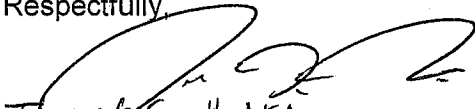
The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) requests that staff from the U.S. Nuclear Regulatory Commission (NRC) attend a public workshop and board meeting on the SONGS' NPDES permit issued pursuant to Section 402 of the Clean Water Act (CWA). The public workshop is tentatively scheduled for October 15, 2015 at 1PM in the City of San Juan Capistrano's Community Center, 25925 Camino Del Avion, San Juan Capistrano, CA. The NPDES permit will be considered at San Diego's Water Board's regular December 16, 2015 meeting. The Board meeting will begin at 9 AM in our Board Meeting Room, 2375 Northside Drive, San Diego, California. We request the NRC staff to attend the workshop and meeting in support of the permit.

By a decision of the U.S. Supreme Court, licensed nuclear material is regulated by the Atomic Energy Act (AEA) and not by the CWA. Therefore, the NPDES permit does not regulate the discharge of radioactive materials to the extent that such materials are the responsibility of the NRC, pursuant to the AEA. All radioactive materials associated with the fuel source of a nuclear powered electrical generating station, such as SONGS, are source material, special nuclear material, or byproduct material, as defined by the AEA, and therefore, not subject to regulation by the NPDES permit.

We anticipate that this regulatory delineation will be a source of confusion and generate questions from our Board Members and the public. We ask that NRC staff also be available at the December Board meeting to answer any questions and give a brief presentation about the regulation of licensed nuclear material discharged to surface waters of the United States. Please contact Mr. Ben Neill to confirm your staff's attendance at the December 16, 2015 Board meeting. Thank you for your consideration.

In the subject line of any response, please include the reference number 257702: bneill. For questions or comments please contact Mr. Ben Neill by phone at (619) 521-3376, or by email at bneill@waterboards.ca.gov.

Respectfully,


for James G. Smith, AEO
David Gibson
Executive Officer

cc by email only:

Marlayna Vaaler, U.S. Nuclear Regulatory Commission, Marlayna.vaaler@nrc.gov
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Tech Staff Info & Use	
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