



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

May 12, 1989

The Honorable Jim Bates
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Bates:

We have reviewed your letter of May 10, 1989, regarding the March 2, 1989, Federal Register notice concerning an amendment to the San Onofre operating license. That notice sets forth the subject of the proposed license amendment and the means by which the licensee or any other interested person could request a hearing with respect to the amendment. The text as forwarded to the Federal Register stated that a request for a hearing must be filed by April 3, 1989. However, in publishing the notice, the Office of the Federal Register misprinted that date as April 3, 1988.

This error does not, however, make the notice in question defective. It is clear from the remainder of the notice that any requests for hearing were to be filed by April 3, 1989. In addition, given the publication date of March 2, 1989, the error was readily apparent, as you acknowledge in your letter. Therefore, the notice was effective in providing the opportunity to request a hearing as required by our regulations in 10 CFR 2.105. No such requests were received. In these circumstances, the Commission sees no need to provide any further opportunity for requesting a hearing, and your request is denied.

The Staff has completed its review of the proposed license amendment and intends to issue the requested amendment shortly. Also, we have just received your correspondence dated May 11, and we will respond to it as soon as possible.

Sincerely,

Lando W. Zech Jr.
Lando W. Zech Jr.

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Congress of the United States
House of Representatives

May 10, 1989

Lando W. Zech, Jr., Chairman
Nuclear Regulatory Commission
1717 H Street, NW
Washington, D.C. 20555

Dear Chairman Zech:

I am writing to followup on my two previous letters regarding the Nuclear Regulatory Commission's decision to not delay start-up operations at San Onofre's Unit 1 reactor despite the fact that there are cracked bolts on a thermal shield inside the reactor.

I respectfully request the comment period be re-opened and a hearing held prior to you granting the Provisional Operating License No. DPR-13 to Southern California Edison Company for operating Unit 1 reactor.

On March 2, 1989, the Federal Register published your agency's intention to consider the issuance of an amendment to Southern California Edison Company for operating Unit No. 1. As you know, comment period regarding the Federal Register notice has ended. However, I am requesting the comment period be re-opened and a hearing be held as soon as possible on the grounds that members of the community and I were not given enough opportunity to comment on the proposal. In addition, the Federal Register notice was irrational.

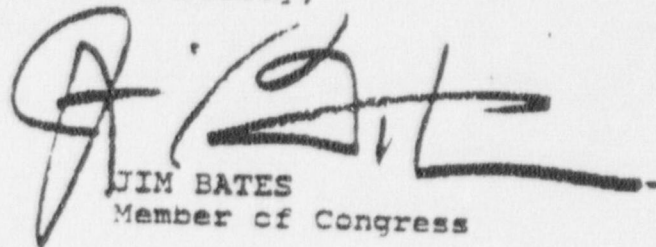
I was never notified of the proposal until May 2, 1989 when my staff received a call from staff with the City of San Diego. In addition, I understand that Southern California Edison's public relations department told members of the community that Unit 1 was not in operation due to refueling the reactor. I have been advised that the reactor was completely refueled at the time. Finally, the Federal Register notice states, "By April 3, 1988, the licensee may file a request for hearing..." This date was impossible to satisfy and appears to be in error.

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Lando W. Zech, Jr.
May 10, 1989
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Your timely consideration of this request will be most appreciated.

Sincerely,



JIM BATES
Member of Congress

JB:jh

cc: Mayor Maureen O'Connor
San Diego City Council