

May 8, 2013

The Honorable Scott Peters
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Peters:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 21, 2013, expressing concern regarding possible restart of the San Onofre Nuclear Generating Station (SONGS).

The Commission shares your perspective that safety at SONGS is of the highest priority. The NRC will take the time necessary to ensure that the plant is safe, and we will not allow the plant to restart until we are satisfied that the licensee can operate without undue risk to public health and safety. The NRC staff is using a variety of regulatory actions, such as inspections, licensing, enforcement, and investigations, to ensure that the steam generator issues that have arisen at SONGS are comprehensively addressed. Among its activities, the agency continues to assess Southern California Edison's (SCE's) response to the NRC's March 27, 2012, Confirmatory Action Letter and subsequent NRC requests for additional information. We also have established SONGS Special Project organizations within the NRC Region IV office and NRC headquarters to ensure focused oversight and coordination of agency resources. In addition, the NRC's Office of Investigations has a comprehensive investigation under way, looking at the completeness and accuracy of information that SCE provided to the NRC regarding the steam generators during the SONGS Augmented Inspection Team inspection. Additional inspections are examining information associated with the design decisions made regarding the replacement steam generators, including information in Mitsubishi Heavy Industries' root cause analysis.

The NRC has listened to the safety concerns of the citizens in your community and other public stakeholders regarding SONGS, and is committed to ensuring that the public is informed about the condition of the plant and our work to ensure its safety. The agency has held numerous meetings with SCE and the public, both in the local communities near SONGS and at our headquarters in Rockville, Maryland. While it is not always possible to hold these meetings near the plant, all interested members of the public have been provided an opportunity to participate in these meetings via webcast and toll-free audio teleconference. Video archives of the meetings are available on the NRC's public website at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>. At the most recent meeting, held on April 3, 2013, SCE discussed with the NRC staff its plans to submit a license amendment request. Members of the public, both in person and by phone, were able to ask questions of the NRC staff for more than 90 minutes following the discussions between SCE and the NRC.

Subsequent to that meeting, on April 5, SCE submitted a license amendment request to the NRC that is currently under review. The proposed license amendment would restrict Unit 2 operation to no more than 70 percent of the maximum authorized power level. The NRC has accepted SCE's amendment request for review, and proposed a no significant hazards consideration determination. The *Federal Register* notice describes the process for the public to comment on the proposed no significant hazards consideration determination, and provides an opportunity to request a hearing on the merits of the amendment¹.

The NRC will not issue an amendment unless it concludes that reasonable assurance has been provided that the public health and safety will be adequately protected and that the action will not be inimical to the common defense and security. The staff's review of the amendment request is a separate action from the ongoing review of the CAL response. Issuance of the requested license amendment will not allow SCE to restart SONGS Unit 2. SCE must still meet the terms of the CAL before returning SONGS Units 2 or 3 to service.

The staff plans to hold at least one additional public meeting near the plant in the near future. Specific information on that meeting will be made available on the NRC's website once it is scheduled.

In addition, the NRC also established a public webpage dedicated to the oversight of SONGS to increase public access to, and awareness of, these activities. Postings include a summary of the issues, links to relevant documents, information on past and upcoming meetings, and a schedule of expected key milestone dates. The website can be found at <http://www.nrc.gov/info-finder/reactor/songs/tube-degradation.html>.

On March 22, 2013, the Commission's Atomic Safety and Licensing Board (ASLB) heard oral arguments on the Friends of the Earth request for a hearing. The Commission referred this hearing request to the ASLB by Order dated November 8, 2012. The Commission cannot comment on issues that relate to matters currently pending before the ASLB since the Commission may have to review these issues in its adjudicatory capacity. However, information concerning issues before the ASLB is publicly available on the NRC's public website at <http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html>.

¹ 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 the amendment request.

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Please be assured that the NRC is fully and fairly examining all the safety issues that have arisen at SONGS, and is committed to communicating transparently with local communities and elected officials and listening to their concerns. If you need additional information, please contact me or Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Allison M. Macfarlane